

TOWN OF ESSEX
Inland Wetlands and Watercourses Commission

Executive Board
Daniel Lapman, Chairman
Charles Corson, Vice Chairman

29 West Avenue • Essex, Connecticut 06426
Telephone (860) 767-4340 • FAX (860) 767-8509

Regular Members
Nancy Arnold
Fred Szufnarowski
John Ackerman, Planning
Jeffrey Lovelace, Conservation
Jim Hill, Zoning Liaison

Alternate Members
Steve Knauth
Jim Leo

Unapproved

Minutes - Regular Meeting
Tuesday, October 14, 2014

Call to Order and Seating of Members

The regularly scheduled meeting of the Essex IWWC was conducted on October 15, 2014 in Conference Room A, of the Essex Town Hall at 7:30 p.m.

Attending Members:

Daniel Lapman
Chuck Corson
Fred Szufnarowski
Jeffrey Lovelace
Jim Hill
Jim Leo

Absent Members:

John Ackerman
Nancy Arnold
Steve Knauth

Staff:

Joe Budrow, Wetlands Enforcement Agent
Stella Beaudoin, Recording Clerk

Mr. Lapman called the meeting to order at 7:30 p.m.

MOTION made by D. Lapman to seat Jim Leo for Nancy Arnold; **SECONDED** by C. Corson;
Voting In Favor: C. Corson, J. Hill, J. Leo, J. Lovelace, F. Szufnarowski, D. Lapman; **Opposed:**
one; **Abstaining:** None; **Approved:** 6/0/0.

Approval of September 9, 2014 Minutes – Regular meeting

MOTION made by C. Corson to approve the September 9, 2014 Minutes as presented;
SECONDED by J. Leo; **Voting In Favor:** C. Corson, J. Hill, J. Leo, J. Lovelace, F. Szufnarowski, D. Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Approval of September 13, 2014 Site Walk Minutes for Property at 203 Westbrook Rd.

MOTION made by C. Corson to approve Minutes of the September 13, 2014 Site Walk Minutes for Property at 203 Westbrook Rd as presented; **SECONDED** by J. Leo; **Voting In Favor:** C. Corson, J. Hill, J. Leo, J. Lovelace, F. Szufnarowski, D. Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Old Business

No old business.

New Business

Application 14-6 – Robert and Pamela Kolp, 24 Cove Rest Pentway, Essex. This is an application to relocate an existing storm drain to outflow onto the applicant's property and to replace existing stairs and walkway that lead to a dock. This application is continued from the IWWC August 12, 2014 regularly scheduled meeting.

Attorney John Casey, Robinson and Cole, LLC and Matthew White, P.E. from Angus McDonald Gary Sharpe Associates representing the applicant.

Mr. White stated that there is a 4.5 acre area of drainage that outlets into Cove Rest Pentway. There is a 6" pipe along with a few catch basins in place that capture the run-off which then drains to the eastern portion of Kolp property and flows and discharges onto property owned by Michael Picard, and then into South Cove.

Attorney Casey stated that there has historically been a pipe situated on this property. At some point in time the applicant recreated the pipe along the boundary line of their property and the Picard property. The pipe previously discharged into the Cove and during a recent renovation, due to the placement of the septic tank and location of the leaching field, the sanitarian requested that the pipe be moved to the property boundary line so it did not interfere with the septic system. At that time the land was undeveloped and the location of the pipe had no impact on the abutting property.

Mr. Picard installed a pipe which he connected to the existing pipe on the applicant's property. At some point in the recent past there was litigation between the Mr. Kolp and Mr. Picard and an offer was presented by Mr. Picard's attorney for Mr. Kolp to relocate the pipe which would settle the litigation.

Mr. White stated that the outlet of the eastern most catch basin flows into the existing pipe and outlets onto the Picard property. The plan before the Commission is to excavate down and cut and cap the pipe to the Picard property and install a 6" PVC pipe between the fencing and the stone wall, which will come just behind the retaining walls on the Kolp property.

Under the dock is a timber retaining wall and the coastal jurisdiction line runs along the retaining walls. Mr. White proposes to keep the discharge from the pipe, behind and above the coastal line. Mr. White proposes to install a riser pipe, fill with crushed stone and the walkway will be situated on top of that area. This structure will break velocity and disperse water through the crushed stone. The stairs and paver patio will be removed and relocated and designed to match the existing grade, providing a more convenient access to the house. Mr. White stated that the proposal before the Commission this evening is for the approval of the new drainage system and the relocation of the new steps and walkway. There is some vegetation where the new walkway will be installed.

Mr. White stated that the drain-off from the 4 acres runs down Mallard Point Road through several ravines. There is a 6" pipe and catch basins that pick up the runoff however the additional overflow runs overland and downward. There is no Town drainage system in place to pick up the water. Mr. White stated that the two-year storm contributory to the flow is 2.3 cfs and the hundred-year storm is 5.4 cfs.

Mr. Corson requested that Mr. White provide a detail of the structure with the outlet through the stone wall.

MOTION made by C. Corson to conduct a site walk on October 25, 2014 at 9:30 a.m. on behalf of **Application 14-6** – Robert and Pamela Kolp, 24 Cove Rest Pentway, Essex. This is an application to relocate an existing storm drain to outflow onto applicant's property and to replace existing stairs and walkway that lead to a dock; **SECONDED** by F. Szufnarowski; **Voting In Favor:** C. Corson, J. Hill, J. Leo, J. Lovelace, F. Szufnarowski, D. Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Application 14-11 – Theodore Vecchiarino, property located at 30 Main Street, Ivoryton. This is an application to allow a 16' x 30' in-ground pool and surrounding patio to a point 33 feet from the edge of the wetland and 41' from a brook. Theodore Vecchiarino presented on behalf of this application.

Mr. Vecchiarino stated that he wishes to install a 16' x 30' in-ground pool and surrounding patio 33 feet from the edge of the wetland. Mr. Vecchiarino stated that Richard Gates, land surveyor prepared the A-2 survey on this property five years ago and the wetlands were flagged.

Mr. Vecchiarino stated that the pool contractor wishes to install the pool as soon as possible so that the land surrounding the pool has ample opportunity to settle.

Mr. Corson stated that increased erosion protection reinforcing silt fence with hay bales is required during construction and the silt fence is to be extended and looped at the end so there will be no bi-pass.

MOTION made by F. Szufnarowski to approve a Permit for **Application 14-11 – Theodore Vecchiarino**, property located at 30 Main Street, Ivoryton. This is an application to allow a 16' x

30' inground pool and surrounding patio to a point 33 feet from the edge of the wetland and 41' from a brook. Based on the documents presented and on the testimony given at this meeting, and the accompanying documents, the Commission finds that the proposed activity is a regulated activity not involving any significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2 of the regulations and that no reasonable or prudent alternative exists to the proposed plans. The Commission members feel that the proposed activities are well suited to the area.

The Commission makes a Summary Ruling and grants a permit and permission for the applicant to proceed with proposed activity as stated on said application and as shown on plans accompanying the application, subject to the following conditions:

1. Thirty feet of additional silt fence will be installed, away from the brook and looped to prevent bi-pass around the end.
2. The lower two-thirds of the silt fence is to be reinforced with metal mesh or hay bales to give it more stability during the winter months.
3. In accordance with the Commission's Regulations, the activity pursuant to said permit shall be initiated within 5 years of the date of publication and shall be completed within one year of the date of initiation. Permission is hereby granted to begin work in November 2014. The applicant will speak with the Wetlands Agent to determine the start date based on the legal notice and appeal period.
4. The applicant agrees to work with the zoning enforcement officer and present a plan for the stabilization of the site during the non-permitted months.
5. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes he deems necessary or may require for the protection of the inland wetlands and water course during the process.
6. The Commission, through its Enforcement Officer, shall be notified in writing upon the initiation of the authorized activity and again upon completion of these activities.

SECONDED by Jim Leo; **Voting In Favor:** C. Corson, J. Hill, J. Leo, J. Lovelace, F. Szufnarowski, D. Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Other Business

Tamara Sutfin, President of the Middle Cove Condominium Association presented. Ms. Sutfin stated that the phragmite has taken over the property and Ms. Sutfin is looking for a long term, environmentally friendly plan to maintain the property. Ms. Sutfin requested that the Inland

Wetlands and Watercourse Commission conduct a site walk at Middle Cove condominiums on South Main Street for advice and direction on moving forward with vegetative clearing.

MOTION made by D. Lapman to conduct a site walk on October 25, 2014 at 10:30 a.m. on behalf of 27 South Main Street, Middle Cove Condominium **SECONDED** by C. Corson; **Voting In Favor:** D. Lapman, C. Corson, J. Lovelace, J. Hill, J. Leo, F. Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Correspondence and Invoices

There was no correspondence

There were no invoices.

Wetlands Agent Report - Joseph Budrow

Mr. Budrow stated that it was observed that there was a recent removal of trees and vegetation around the perimeter of a parking lot and within 100 feet of a brook, and the discard of wood chips and other materials into a wetland area. Mr. Budrow issued a Notice of Violation. The property is located at 38 Fence Creek Drive, Centerbrook, CT.

Dan Carroll presented on behalf of Specialty Lighting. Mr. Carroll stated that he has owned the property at 38 Fence Creek Drive for fifteen years. There has been no tree work done over the years and the root system has caused damage to the parking lot. The intention was to clear out the edge of the parking lot to gain more parking access and eventually re-pave the lot in the next year or so. Mr. Carroll stated that he did not realize that he was infringing into the wetlands and that he will take measures to remediate the property.

Mr. Corson suggested the installation of Coir logs off the edge of the as a means of erosion protection.

MOTION made by D. Lapman for Mr. Budrow to issue an Administrative Permit for completion of this work, based on the member's recommendations made at this meeting. **SECONDED** by C. Corson; **Voting In Favor:** D. Lapman, C. Corson, J. Lovelace, J. Hill, J. Leo, F. Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

- Mr. Budrow reported on **Administrative Approval 14A-9, Theodore Vecchiarino**, 30 Main Street, Ivoryton, CT for tree removal.
- Mr. Budrow reported on **Administrative Approval 14A-10, Riggio and Sons, Inc.** for property owned by Wilcox at 18 Ivory Street, Ivoryton, CT for repair of a septic system in the area of the Falls River.
- Mr. Budrow reported on the CT Association of Conservation and Inland Wetlands Commissions (CACIWC) 37th Annual Meeting and Environmental Conference on Saturday,

November 15, 2014. Mr. Budrow encouraged members to attend noting that there is money in the budget for registration.

- Mr. Budrow reported on a Memorandum he crafted on behalf of the Essex Inland Wetlands and Watercourses Commission to the Zoning Board of Appeals and the Zoning Commission regarding regulating foundation placement.

In 2012 the Essex IWWC approved a Permit for an accessory structure referred to as a boat launch building to be located 50 feet from Middle Cove. At the time of inspection for the Certificate of Occupancy it was found that the building was 13 feet closer to Middle Cove than originally approved. Mr. Budrow stated in his memo that the IWWC is seeking comment from the Zoning Commission and the Zoning Board of Appeals on the issue.

MOTION made by C. Corson to approve the Memorandum related to Regulating Foundation Placement as drafted by Mr. Budrow; **SECONDED** by J. Leo; **Voting In Favor:** D. Lapman, C. Corson, J. Lovelace, J. Hill, J. Leo, F. Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Chairman Report – Daniel Lapman: No report.

Planning Commission – John Ackerman: No report.

Conservation Commission – Jeffrey Lovelace:

Mr. Lovelace reported that the three Preserves are all in good shape. Mr. Lovelace stated that the Conservation Commission will be present at the Middle Cove Condominium site walk on October 25, 2014.

Zoning Commission – Jim Hill: No report.

Adjournment

The Essex Town Hall will be closed on Tuesday, November 11, 2014 in observance of Veteran's day. The next regularly scheduled meeting of the Inland Wetlands and Watercourse Commission will be conducted on **Monday, November 10, 2014.**

MOTION made by D. Lapman to adjourn at 8:35 p.m. to the next regularly scheduled IWWC meeting to be held on Monday, November 10, 2014 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue at 7:30 p.m.; **SECONDED** by F. Szufnarowski; **Voting In Favor:** C. Corson, N. Arnold, J. Lovelace, J. Hill, J. Leo, F. Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary