

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
Claire Tiernan, Planning Liaison
Jeffrey Lovelace, Conservation
Liaison Jim Hill, Zoning Liaison

Alternate Members
Steve Knauth
Jim Leo

Unapproved

Minutes - Regular Meeting
Tuesday, October 8, 2013 at 7:30 P.M.
Town Hall, 29 West Avenue

Call to Order and Seating of Members

The regularly scheduled meeting of the Essex IWWC was conducted on October 8, 2013 in Conference Room A, of the Essex Town Hall at 7:30 p.m.

Attending Members:

Dan Lapman Chair
Chuck Corson, Vice Chair
Jeffrey Lovelace, Conservation Liaison
Jim Hill, Zoning Liaison
Jim Leo, Alternate seated for N. Arnold
Steve Knauth, Alternate, seated for F. Szufnarowski

Absent Members:

Fred Szufnarowski
Nancy Arnold
Claire Tiernan

Staff:

Joseph Budrow, Zoning Enforcement Officer
Stella Beaudoin, Recording Secretary

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

Approval of Minutes – Regular Meeting September 10, 2013

Page 2 under New Business, Application #13-13: “Mr. Budrow stated that there are 202 feet between the wetlands to the east and the wetlands to the west, which leaves a total of two feet of encroachment into the wetlands *review area*.”

Page 3, Permit #13-13 condition 2: “The trees in buffer zone on both sides of the wetlands will have the IWWC “wetland review no disturbance beyond this point” plaques affixed to the trees which will limit the disturbance *on* the site.”

Page 3, Permit #13-13 condition 4: “In accordance with the Commissions 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.”

MOTION made by Chuck Corson to approve Minutes of the September 10, 2013 meeting as amended; **SECONDED** by Steve Knauth; **Voting In Favor:** D. Lapman, C. Corson, J. Lovelace, J. Leo, J. Hill, S. Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Old Business - There was no old business.

New Business

Application #13-14 on behalf of Norman Needleman and Jacqueline Hubbard, property located at 3 Lookout Hill Road, Essex, CT, Assessor’s Map 1, Lot 4, District RRR. This is an application to construct a single family home, install a septic system and driveway.

Jeffrey A. Gebrian, site planner and landscape architect presented on behalf of this application. Mr. Gebrian is seeking an IWW Permit to replace and to relocate a driveway within 100’ of a man-made drainage watercourse and to lengthen the grading

Mr. Corson expressed a concern regarding the runoff from the proposed driveway onto Lookout Hill Road and suggested the placement of a curb along the south side of the driveway, closer to the street in order to guide the runoff to the swale leading to the catch basin.

Mr. Knauth expressed a concern about the tilt of the land and the runoff that could possibly encroach on the existing stream as shown below the curve of the new driveway.

MOTION made by C. Corson to approve a Permit for **Application #13-14** on behalf of **Norman Needleman and Jacqueline Hubbard, property located at 3 Lookout Hill Road, Essex, CT, Assessor’s Map 1, Lot 4, RRR District.** This is an application to construct a single family home, install a septic system and driveway. Based on the documents presented and on the testimony given at this meeting, Commission finds that the proposed activity is a regulated activity not involving any significant or major effect upon the inlands 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. Curbing is to be installed on the south side of the drive so as to direct the runoff to the end of the driveway where it meets Lookout Road.
2. The trees as shown in the vicinity of the wetlands shall not be disturbed.
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 and will occur between March 15th and October 15th of the year of initiation.
4. Should the applicant determine that the permitted activity will not be completed between March 14th and October 15th of the year of initiation, 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 Steve Knauth; **Voting In Favor:** D. Lapman, C. Corson, J. Lovelace, J. Leo, J. Hill, S. Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Application #13-15 on behalf of Main Street Park, Essex Village, Town of Essex Park and Recreation Department, property located at Assessor's Map 47, Lot 72, EV Zone.
This is an application to remove buried concrete and to reestablish the bank with a landscaped area along Middle Cove.

Bob Russo, certified soil scientist presented on behalf of the Town of Essex and the Essex Park and Recreation Commission. Mr. Russo stated that there are concrete chunks that were once used for bank stabilization which need to be removed and erosion has occurred on site and some of the soil has slumped into Middle Cove. Mr. Russo proposes to cut a bank to a more level grade and to landscape with plantings Mr. Russo stated that the State of CT DEEP has issued an order to remove the concrete and because Middle Cove is a tidal body of water, Mr. Russo is working closely with the DEEP in conjunction with this plan.

Mr. Russo presented a stabilization plan which was designed by Joe Wrenn, P.E. Vegetation will be installed at the end of the park and the concrete chunks will be removed by hand as well as with the assistance of an excavator. Once removed, a coconut fiber erosion blanket

will be installed and Mr. Russo will run a fiber log along the edge of the coastal jurisdiction area and install vegetation with species as provided in the planting plan. All of the vegetation will be adapted to tidal flow and the upland area will also include plantings with a good root systems which will assist in locking the soil in place. The slope from the coastal jurisdictional line will be cut back so it is no more than a 3/1 slope.

Mr. Corson suggested the use of a permanent fiber mat at the bottom section where there is an overlap.

Mr. Knauth stated that the plantings listed on the plan that are designated in the area of the flats would be good choices for the habitat as well.

MOTION made by Chuck Corson to approve a Permit for **Application #13-15 on behalf of Main Street Park, Essex Village, Town of Essex Park and Recreation Department, property located at Assessor's Map 47, Lot 72, EV Zone.** This is an application to remove buried concrete and to reestablish the bank with a landscaped area along Middle Cove. Based on the documents presented and on the testimony given at this meeting, 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. The DEEP will be made aware that it is the preference of the Essex IWWC that the lower mat be a permanent turf enforcing mat, however this is not a condition of approval of the Essex IWW Permit if DEEP does not allow it.
2. 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 and will occur between March 15th and October 15th of the year of initiation.
3. Should the applicant determine that the permitted activity will not be completed between March 14th and October 15th of the year of initiation, 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.

4. 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.
5. 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 Steve Knauth; **Voting In Favor:** D. Lapman, C. Corson, J. Lovelace, J. Leo, J. Hill, S. Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Application #13-16 on behalf of Elsewhere LLC, property located at 34 Plains Road, Essex, CT, Assessor's Map 52, Lot 004-01, Zone District LI. This is an application to locate an 11,301 s/f addition with associated parking, grading, storm water management and bio-retention basin within 100 feet of a wetland area. This is a restoration and sedimentation erosion control project.

Mike McNeil, General Manager for Bell Power Systems presented. Mr. McNeil stated that the current engines take up twice as much storage on site and he proposes to enlarge the building. Mr. McNeil stated that there are engines on the south end of the site which will be placed indoors. Mr. McNeil has added a gallery to take the roof drainage which connects with sediment trap.

Mr. Corson suggested the supervision of the rain garden during the construction process. Mr. Corson stated that he did not receive a copy of the drainage computations and that he would like to see the drainage calculations prior to making a decision on this proposal.

MOTION made by Chuck Corson to table a Permit for **Application #13-16 on behalf of Elsewhere LLC, property located at 34 Plains Road, Essex, CT, Assessor's Map 52, Lot 004-01, Zone District LI.** This is an application to locate an 11,301 s/f addition with associated parking, grading, stormwater management and bio-retention basin within 100 feet of a wetland area.

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

Application #13 – 17 – on behalf of the Town of Essex, The Essex Foundation, Inc. property located at Clark's Pond, Town Park and Main Street, Ivoryton, CT., Assessor's Map 58 Lot 46, District RU. This is an application for a community improvement project to raise the existing access road by two feet and to establish a new gravel base for an existing parking area.

James Clark and Bruce Glowac presented on behalf of the Essex Foundation. The Essex Foundation has funds which are earmarked for improvements in the town of Ivoryton. Mr.

Glowac stated that he would like to utilize those funds for improvements to Clark's pond. The Clark's pond originally extended to the road on Main Street, Ivoryton and when the '82 flood occurred and the dams were breached, the area was filled-in with flood debris and the smaller pond was developed in the upper park. Mr. Glowac stated that in the springtime water overflows from the pond and floods over the road.

Mr. Glowac proposes the installation of a laneway affect with the planting of trees and he noted that he will first correct the road conditions by bringing up the elevation so that the water cascading over the road will be eliminated. Once the road is raised it will be 12-13 feet constant. The effort will be coordinated with the Park and Recreation Department and the Town Engineer. The piping will be installed by a contractor.

Mr. Glowac stated that Red Sunset Maples will be installed along the laneway and Pin Oaks will be installed in the picnic and parking area. This project will be coordinated with the Essex Tree Warden and the Tree Committee. The area is currently comprised of natural vegetation and the area in which the trees will be planted will remain a natural habitat. A weed control was performed in the pond this year. A historical marker will be placed in the park displaying a picture of the park and a brief description of the history of the pond. Mr. Glowac stated that an extension time to complete work in the regulated area is necessary as the trees must be planted when they go dormant, which will be around the beginning of November. The road surface will be $\frac{3}{4}$ processed aggregate. The entire project will take three days at best to complete and Mr. Glowac stated that the work will be completed by December 1, 2013.

Mr. Corson stated that there is no absorption in the aggregate and the water will runoff.

MOTION made by Jeff Lovelace to approve a Permit for **Application #13 – 17, on behalf of the Town of Essex, The Essex Foundation, Inc. property located at Clark's Pond, Town Park and Main Street, Ivoryton, CT., Assessor's Map 58 Lot 46, District RU.**

This is an application for a community improvement project to raise the existing access road by two feet and to establish a new gravel base for an existing parking area.

Based on the documents presented and on the testimony given at this meeting, Commission finds that the proposed activity is a regulated activity not involving any significant or major effect upon the inlands 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. The Commission will allow an extension to the applicant to December 1, 2013 to conduct activity within the regulated area working closely in the field with the wetlands enforcement officer to ensure greater protection of any disturbed areas. Additional protection against sediment and erosion will be installed as per the instruction of the Wetlands Enforcement agent.

2. 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.
3. Should the applicant determine that the permitted activity will not be completed by December 1, 2013, 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.
4. 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.
5. 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 S. Knauth; **Voting In Favor:** C. Corson, F. Szufnarowski, C. Tiernan and N. Arnold, S. Knauth, J. Leo; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Other Business – At the April 9, 2013 IWWC meeting a Permit was granted to Application #13-8 on behalf of Charles N. Doane, Plains Road, Assessor's Map 53 Lot 18. Essex. This is an application to demo an existing barn and to build a new 28' x 50' barn on the property to a point 45 feet from a wetland area.

Richard Riggio presented at this evening's meeting on behalf of Charles Doane who is seeking an extension of time in order to complete the work to the previously granted IWW Permit for Application #13-8. Mr. Riggio presented a revised map which was prepared by Doane-Collins Engineering reflecting a new silt fence that is set approximately 20-25' from the right and rear side of the building. The new silt fencing allows Mr. Riggio to continue the building finishes creating no disturbance to the wetland review area.

MOTION made by Jeff Lovelace to approve an extension to December 1, 2013 of the Inland Wetlands and Watercourses Permit **Application #13-8** in order to fill in the old foundation, to place topsoil, seed and establish the final grades on **behalf of Charles N. Doane, Plains Road, Assessor's Map 53 Lot 18. Essex.** This is an application to demo an existing barn and to build a new 28' x 50' barn on the property to a point 45 feet from a wetland area. **SECONDED** by Steve Knauth; **Voting In Favor:** D. Lapman, C. Corson, J. Lovelace, J. Leo, J. Hill, S. Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

At the May 8, 2012 IWWC meeting a Permit was granted to **Application #12 – 9, Assessor's Map 53 Lot 5-1 LI Zone. Property located at 99 Westbrook Road, Applicant, Greg Peterson.** This property is 1.86 acres and is zoned industrial and has a small single family dwelling on it. In order for the applicant to have attain an industrial use

and building on the site, the dwelling was to be removed as a limited industrially-zoned property and it was further required that the building has to be vacant for an initial industrial use to be located there.

Greg Peterson presented on behalf of previously granted IW Permit #12-9. Mr. Peterson is seeking permission to continue the work on his property to December 1, 2013 which is past the IWW Permit deadline of October 15th. Mr. Peterson requires the additional time in order to install the foundation, to gravel the parking areas and to extend the length of the building an additional 20 feet. Also, to remove any remaining stockpiled materials. Mr. Peterson stated that he has installed the proper drainage and silt fencing is in place and he noted that once this portion of the work is completed he will do no more work until March 2014.

Mr. Corson asked the applicant to utilize hay bales for back up or to install a double row of sediment fence to protect the area in the upcoming winter months. Mr. Budrow will make sure the entire length of silt fencing has been properly installed.

MOTION made by Jeff Lovelace to allow an additional length of twenty feet to be added to the building and to approve and extension to December 1, 2013 of the Inland Wetlands and Watercourses Permit in order to install the foundation and gravel the parking areas on **Application #12 – 9, Assessor’s Map 53 Lot 5-1 LI Zone. Property located at 99 Westbrook Road, Applicant, Greg Peterson.** This property is 1.86 acres and is zoned industrial and has a small single family dwelling on it. In order for the applicant to attain an industrial use and building on the site, the dwelling was to be removed as a limited industrially-zoned property and it was further required that the building has to be vacant for an initial industrial use to be located there. **SECONDED** by Steve Knauth; **Voting In Favor:** D. Lapman, C. Corson, J. Lovelace, J. Leo, J. Hill, S. Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Correspondence and Invoices - No correspondence and no invoices.

Wetlands Agent Report:

Joseph Budrow reported that an engineer was hired to clean up the detention ponds at Essex Meadows. Mr. Budrow suggested that once the work is completed, the IWWC schedule a site walk to look over the area.

Mr. Budrow reported that there are two properties in Town which are owned by Richard and Joanne Faraci on which they have performed a good deal of landscaping and removed trees in areas within the wetlands. At the March 12, 2013 IWWC meeting, the Faraci’s were issued IWWC Permit #13-5 for the construction of a new single family dwelling to a point 42 feet from the wetlands and 85 feet from Ward Brook. The original house was lost in a fire and a new cape style house was proposed to be constructed on the same footprint. On this property located at 55 Deep River Road, the Faraci’s have removed all of the plantings and grass behind the house.

Mr. Budrow stated that the second violation is for property at 35 Comstock Avenue owned by Richard and Joanne Faraci where they cleared a brook. Mr. Budrow stated that the two rows of sediment fencing that were required by the IWWC have been removed. Mr. Budrow will contact the landscaper to find out if further work is proposed.

Mr. Budrow will issue a Cease and Desist and request that the Faraci's appear before the IWWC at their November 12, 2013 regularly scheduled meeting.

Chairman Report:

Mr. Lapman stated that terms are scheduled to expire for Mr. Corson and Mr. Knauth. Mr. Lapman will inform the First Selectman that both Mr. Knauth and Mr. Corson wish to seek reappointment for another 3-year term.

Planning Commission:

Claire Tiernan – No report.

Conservation Commission:

Jeff Lovelace reported that the Conservation Commission conducted their regularly scheduled meeting on October 3, 2013 and that there is nothing new to report.

Zoning Commission:

Jim Hill - No report.

Adjournment

MOTION made by D. Lapman to adjourn at 8:40 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, November 12, 2013 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue at 7:30 p.m.; **SECONDED** by Steve Knauth; **Voting In Favor:** D. Lapman, C. Corson, J. Lovelace, J. Leo, J. Hill, S. Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary