



TOWN OF ESSEX  
Inland Wetlands and Watercourses Commission

**Executive Board**  
*Fred Szufnarowski, Chairman*  
*Andre Roussel, Vice Chair*

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Telephone (860) 767-4340 • FAX (860) 767-8509

**Regular Members**  
*Daniel Lapman*  
*Ernest Cook*  
*Jim Leo*

**Alternate Members**  
*Beth Currie*  
*Michael Furgueson*

**Unapproved**

**Minutes - Special Meeting**  
Thursday, May 21, 2020 - 7:00pm  
(Virtual Special Meeting...meeting link is available at [www.essexct.gov](http://www.essexct.gov))

**1. Call to Order and Seating of Members**

The Essex IWWC conducted a special meeting on May 21, 2020 at 7:00 p.m. This meeting was made available to the public via Zoom at <https://us02web.zoom.us/j/84770675701?pwd=cENLVXc5dkIzM2syelBKdjZrZ2lyQT09>; Meeting ID: 847 7067 5701; Password: 113303

EIWWC Chairman Fred Szufnarowski welcomed everyone to the Essex Inland Wetlands and Watercourse Commission remote public access meeting, which was conducted remotely based on the Governor's suspension of the In Person Open Meeting Requirements. The Inland Wetlands and Watercourse Commission members and attendees announced themselves. The audio attendees were advised to mute themselves during the meeting except during public comment. Attendees were asked to please identify themselves for the record prior to making any comments.

**Attending Members:**

Fred Szufnarowski  
Andre Roussel  
Daniel Lapman  
Jim Leo  
Michael Furgueson, Alternate  
Beth Currie, Alternate

**Absent Members:**

Ernest Cook

**Staff** - Joseph Budrow, Wetlands Enforcement Officer  
Stella Caione, Recording Secretary



**Audience** – There were 4 audience members in attendance: Matthew Johnson, 11 Fife Court, Michael Whalen, 10 Fife Court, his counsel, Keith Ainsworth, Esq. and Gary Dayharsh.

**MOTION** made by J Leo to seat M Furgueson for E Cook; **SECONDED** by D Lapman; **Voting In Favor:** F Szufnarowski, A Roussel, D Lapman, J Leo; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0.  
**Discussion:** No further discussion.

## 2. Special Meeting

- **Cease and Desist Order Issued to 11 Fife Court** for tree cutting, and a shed and garage under construction without erosion and sediment controls in place.

J Budrow reported that on April 21, 2020 he received an email related to activity of felled trees over a brook, a shed under construction and the installation of a garage foundation that was larger than previously approved. J Budrow stated that this was a regulated activity taking place without the benefit of permit. It was decided at the May 12, IWWC meeting to issue a cease and desist order to the property owner at 11 Fife Court. J Budrow noted that there were no erosion and sedimentation control measures in place for the garage and the shed. On May 13<sup>th</sup> a cease and desist order was issued to Matt Johnson, 11 Fife Court. J Budrow hand delivered the cease and desist order and walked the property with Mr. Johnson who informed Mr. Budrow that he did not realize that this was a regulated activity. J Budrow reported that two small trees were cut along the brook with the intent of serving as a canopy to catch the fallen trees.

J Budrow received an email after 3pm today related to a request for intervenor status by 10 Fife Court. J Budrow stated that this petition allows the petitioner to partake in the proceedings this evening.

F Szufnarowski stated that the Town of Essex IWWC operates under delegated authority from the DEEP regulations, recognizes the right of a party to intervene, and the DEEP website outlines the process. Application must be filed in writing at least 5 days in advance. F Szufnarowski stated that this proceeding is a show cause hearing and fact finding for the IWWC to decide the next steps. If the request from 10 Fife Court was granted at this evening's meeting the show cause hearing would become a public hearing that has not been noticed to the public.

F Szufnarowski stated that the Commission will proceed with the show cause hearing and if there are no questions the next question before the Commission is, does this activity require an application. A garage is being constructed without proper erosion and sedimentation control. A shed is being installed and numerous trees are being cut in the upland review area of a watercourse. J Budrow recommended that the IWWC conduct a site walk before making any decisions.



F Szufnarowski stated that if audience members had further questions that they are to contact the IWWC legal counsel, Suzanna McCauley and he provided the audience with the phone number.

**MOTION** by M Furgueson to conduct a site walk for property at 11 Fife Court prior to the June 14, 2020 IWWC meeting; **SECONDED** by D Lapman; **Voting In Favor:** F Szufnarowski, A Roussel, D Lapman, J Leo, M Furgueson; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

**Discussion:** A site walk will be conducted on May 27, 2020 at 5:00 p.m. Members will meet at subject property, 11 Fife Court.

M Johnson stated that it was not his intent to break rules noting that he selectively took trees down that were leaning toward garage and the house, for safety purposes. M Johnson noted that since he had an approved permit to construct the garage he assumed the removal of trees were part of that approval. For the purpose of documentation, M Johnson provided J Budrow with video of the day he cut the trees, noting that the brook was unimpeded. Insofar as the shed, M Johnson spoke with J Budrow prior to installation and sought out information on distance from the wetlands and required permitting. M Johnson stated that had he known that he needed to obtain a permit he would have done so. Insofar as erosion and sedimentation measures, M Johnson stated that he installed E and S control measures and he had river stone brought in and placed under the processed stone, allowing water to percolate through, and upon completion he graded the area to insure proper pitch and no erosion. M Johnson stated that he is willing to do whatever is necessary in order to be in compliance, noting that this was not an intentional disregard of the regulations.

- **Application No. 20-3 – Retreat on the Pond, LLC. 57 Main Street, Ivoryton.** A request to change the location for an elevator shaft off rear of the building. An application to modify previously approved Application 20-1.

Gary Dayharsh submitted an application to modify previously approved **Application 20-1**, and provided an elevation drawing of the proposed addition, a final plan of the addition, a revised site map noting that the significant changes reflect property layout of the proposed elevator addition and grade of sidewalk up against the proposed addition, which is within a few inches of the original grade. G Dayharsh stated that he constructed the labyrinth patio, he cleaned up the east end of the site and he will move forward with the additional clean-up work on the site. Additional silt fence will be installed at the west end of the property along the pond where the gravel parking will be removed, and the area will be top-soiled, seeded and mulched.

A Roussel asked if G Dayharsh intends to do any additional work that is not reflected on the plan.

G Dayharsh stated that he is not contemplating any work that has not already been requested.

G Dayharsh stated that there was some discussion about the stone driveway entrance and gate but noted that when plans are firmer he will come back before the IWWC. G Dayharsh stated that



there is a possibility of future septic work on the east end of the building, however will come back before the IWWC when that plan is firmed-up.

A Roussel stated for the record that no work will be done on those mentioned activities until such time that Mr. Dayharsh presents a formal plan to the Commission.

There were no further questions from the Commission.

**MOTION** by M Furgueson to approve the amendment to permit issued for **Application 20-1** per the revised site plan. G Dayharsh will come before the Commission with any proposed work that has not already been approved; **SECONDED** by D Lapman; **Voting In Favor:** D Lapman, J Leo, F Szufnarowski, M Furgueson, A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. No further discussion.

J Budrow stated that the Intervention request is still open for 10 Fife Court.

### 3. Adjournment

**MOTION** made by D Lapman to adjourn the special meeting at 7:36 p.m.; **SECONDED** by M Furgueson; **Voting In Favor:** D Lapman, J Leo, F Szufnarowski, M Furgueson, A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. No further discussion.

Respectfully submitted,

*Stella A. Caione*

Stella A. Caione, Recording Clerk

