



TOWN OF ESSEX  
Inland Wetlands and Watercourses Commission

**Officers**  
*Michael Furgueson, Chairman*  
*David Kirsch, Vice Chair*

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

**Regular Members**  
*Ernest Cook*  
*Noreen Brennan-Rowe*  
*Carolyn Field*

**Alternate Members**  
*Lisa Krall*  
*Kathleen Sullivan Sealey*

**April 9, 2024 Regular Meeting Minutes**

<b>Attending Members:</b>	<b>Absent Members:</b>
Michael Furgueson, Chairman	Noreen Brennan-Rowe
David Kirsch, Vice Chairman	Carolyn Field
Ernest Cook	Kathleen Sullivan Sealey, Alternate
Lisa Krall, Alternate	

<b>Staff:</b>	Danielle Schumacher, Recording Clerk
	Sylvia Rutkowska, Commission Council

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

The meeting was called to order at 7:00 PM by Chairman Michael Furgueson.

Seated for the meeting were Chairman Michael Furgueson, Vice Chairman David Kirsch, Ernest Cook, and Lisa Krall (alternate).

**2. Approval of Minutes**

**a. March 12, 2024 Regular Meeting Minutes**

**MOTION** made by E Cook to approve the minutes from the March 12, 2024 regular meeting as submitted; **SECONDED** by L Krall; **Voting in Favor:** M Furgueson, D Kirsch, E Cook, L Krall; **Abstaining:** None; **Approved:** 4/0/0; **Discussion:** No Discussion

**3. Public Comment**

None

**4. Public Hearings**

None

**5. Unfinished Business/Action Items**

**Cease and Desist 1 Teal Lane, Essex-** construction of a temporary access road within 100 feet of a wetlands without a permit. *Applicant: Bruce Lawrence, Bluewater Construction; Property Owner: Carter and Carla Gowrie*

M Furgueson said that there is a staff report written by C Duques in the packet regarding the fee that should be applied to this application.

S Rutkowska said that this is not an application, it is a response to a cease and desist.

M Furgueson said that we are looking to deter after-the-fact applications.

S Rutkowska said that the question is the commission's structure of enforcement fees. The commission can order fees associated with the work done under the cease and desist.

**MOTION** made by E Cook to include a fee of \$130 under the cease and desist issued for 1 Teal Lane Essex; **SECONDED** by M Furgueson; **Voting in Favor:** M Furgueson, D Kirsch, E Cook, L Krall; **Abstaining:** None; **Approved:** 4/0/0; **Discussion:** No Discussion

**6. Receipt of Applications/New Business**

None

**7. Section 12 Action by Duly Authorized Agent**

- a. **IWWC Application No. 24-3** Proposal to add approx. 43 sf addition, 42 sf expansion of the front porch deck, and addition of a chimney on an existing patio located within 100-feet of a wetlands at **159 River Road, Essex.** *Applicant/Owner: Norman and Sarah Livingston* **Approved by Agent**

*Information on the application is included in the packet.*

**MOTION** made by D Kirsch that the Essex Inland Wetlands and Watercourses Commission concurs with the decision of the wetland's agent regarding Application No. 24-3; **SECONDED** by E Cook; **Voting in Favor:** M Furgueson, D Kirsch, E Cook, L Krall; **Abstaining:** None; **Approved:** 4/0/0; **Discussion:** No Discussion

- b. **IWWC Application No. 24-4** Proposal to build a 10' X 12' shed within 100-feet of a wetlands at **28 South Winds Drive, Essex.** *Applicant/Owner: Randolph Saitta* **Approved by Agent**

**MOTION** made by D Kirsch that the Essex Inland Wetlands and Watercourses Commission concurs with the decision of the wetland's agent regarding Application No. 24-4; **SECONDED** by L Krall; **Voting in Favor:** M Furgueson, D Kirsch, E Cook, L Krall; **Abstaining:** None; **Approved:** 4/0/0; **Discussion:** No Discussion

**8. Other Business**

- a. **Update on GIS wetlands mapping/internship.**

Intern approved by Norm cannot start until July 1<sup>st</sup> in the new fiscal year. Kathleen assisted with writing up the internship description.

- b. **ZBA Section 140L Referral- 10 Collins Lane Essex: patio, pool and spa within 100 feet of the coastal jurisdiction line. Modifications have been made to the original proposal after receiving a denial from ZBA.**

M Furgueson said that the commission spoke about this application 2 meetings ago. It was denied by ZBA and they have come back with a new proposal. He said that they will reiterate that it is important to use erosion and sedimentation controls.

**c. ZBA Section 140L Referral- 9 South Cove Lane Essex: Conversion of a preexisting non-conforming structure to an accessory dwelling unit.**

No proposed changes to the structure. Sanitarian has approved.

**9. Correspondence and Invoices**

None

**10. Reports:**

a. **Wetlands Official**

i. **Update on Open Permits**

M Furgueson read from C Duques' report saying that there have been no changes at the Copper Beach Inn project. She recommended possibly removing the haybales.

ii. **Educational flyer**

No Updates

b. **Chairperson**

M Furgueson said that the commission needs to have a discussion regarding when an application is submitted and approved and then the applicant makes changes. The agent is able to approve on site modifications ; larger changes should come back to the commission for review.

**11. Update from Attorney Regarding Pending Litigation**

S Rutkowska said that there should be an executive session to discuss the options that the commission has going forward.

S Rutkowska summarized the judgement.

Fred Decresentis spoke to the commission. He started by thanking S Rutkowska, M Furgueson, R Doane, and C Duques. This began in September 2020, and everyone has been wonderful to work with and very helpful to the association.

M Furgueson said that if there is any work on the property that they should notify C Duques.

F Decresentis said that they have developed a plan to have a separate survey completed to establish the property line so that they can install signs. He said it wouldn't surprise him in the least if people from the association volunteered to remove the wall themselves.

M Furgueson said that it is best for the association to submit an application and come before the commission to go through the proper channels.

George Sexton, current Southwinds Association president, asked if everything on association land is up to them to remove.

S Rutkowska said that the property owner has until October 1<sup>st</sup> to remove the lower patio which includes the flat portion. The court does not specify this includes the retaining wall and stairs.

M Furgueson asked if we have a process to start reminding the property owner of their obligation.

S Rutkowska said that if there is communication happening, we need to be very thorough with documenting everything.

**MOTION** made by D Kirsch to go into executive session at 8:15 PM; **SECONDED** by E Cook; **Voting in Favor:** M Furgueson, D Kirsch, E Cook, L Krall; **Abstaining:** None; **Approved:** 4/0/0; **Discussion:** No Discussion

**MOTION** made by D Kirsch to end executive session at 9:00 PM; **SECONDED** by E Cook; **Voting in Favor:** M Furgueson, D Kirsch, E Cook, L Krall; **Abstaining:** None; **Approved:** 4/0/0; **Discussion:** No Discussion

## 12. **Adjournment**

**MOTION** made by D Kirsch to adjourn at 9:01 PM; **SECONDED** by E Cook; **Voting in Favor:** M Furgueson, D Kirsch, E Cook, L Krall; **Abstaining:** None; **Approved:** 4/0/0; **Discussion:** No Discussion