



TOWN OF ESSEX
Inland Wetlands and Watercourses Commission

Officers
Michael Furgueson, Chairman
David Kirsch, Vice Chair

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Regular Members
Ernest Cook
Noreen Brennan-Rowe
Carolyn Field

Alternate Members
Lisa Krall
Kathleen Sullivan Sealey

March 12, 2024 Regular Meeting Minutes

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

Staff:	
	Danielle Schumacher, Recording Clerk
	Carey Duques, Land Use Official
	Sylvia Rutkowska, Attorney

Audience:	
	Terry Stewart, Chairman of Harbor Management Commission
	Bruce Lawrence, Bluewater Construction
	Carter Gowrie, 1 Teal Lane Essex

1. Call to Order and Seating of Members

The meeting was called to order at 7:00 PM by Vice Chairman David Kirsch.

Seated for the meeting were Vice Chairman David Kirsch, Noreen Brennan-Rowe, Carolyn Field, Lisa Krall (alternate), and Kathleen Sullivan Sealey (alternate).

2. Approval of Minutes

a. February 13, 2024 Regular Meeting Minutes

MOTION made by N Brennan-Rowe to approve the minutes from the February 13, 2024 Regular Meeting Minutes with the following amendments;

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SECONDED by C Field; **Voting in Favor:** D Kirsch, N Brennan-Rowe, C Field, L Krall, K Sullivan Sealey; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

3. Public Comment

None

4. Public Hearings

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

C Duques gave a brief summary of the Cease and Desist dated March 7th 2024. An observation was made on March 4th after she had received a call on the previous Friday asking about a temporary access road. The road was not included in the scope of work outlined on the original permit for the project. She met with Bruce Lawrence, and he said that the temporary access road came about during construction. A silt fence was installed as part of the original plan and has held up well.

Bruce Lawrence of Bluewater Construction spoke to the Commission. He said that they created the access road during the building of the patio for ease of access for a skid steer and mini excavator. The grass was pulled up Geotec fabric and gravel was put down. They would like to use the road to bring in the bluestone for the patio before taking it out and putting the topsoil back down. He said that no plantings were taken out and that the area was all lawn. He said he thought it was acceptable to access from the town property at the end of Bushnell Street.

Property owner Carter Gowrie said that the road is temporary and the lawn will be restored to the way it was before.

K Sullivan Sealey said that she looked at the map and said that she understands the rational and thinks it is better to put the Geotec fabric and gravel down than drive on the grass. She said it is important to consider the intent of what they wanted to do. The only issue is the proximity to the wetlands.

D Kirsch said that the Commission's responsibility is to decide if the Cease and Desist Order remains in effect, is changed, or removed. The Commission needs to decide if no work can continue or if it should be halted until the restoration plan is submitted.

Terry Stewart, Chairman of the Harbor Management Commission, spoke to the Commission. He said that he was surprised and disappointed when he saw the activity. There was no communication with Ryan Welch, the Director of Public Works or the Town crew.

B Lawrence said that he believed it was similar to accessing a road and didn't see the boat ramp as anything different from driving off of North Main Street.

S Rutkowska said that it sounds like there is going to be some future planning. She recommended that the Commission upholds the Cease and Desist and sets a deadline for the restoration plan to be submitted. She also recommended that the Cease and Desist be modified to include that the area should be restored to its original state and that the

property owners must receive authorization from the Town to do the restoration on Town property.

B Lawrence said that they would like to remove the road when the weather permits them to grow grass. He thinks that removing it now without being able to grow grass would cause more damage to the wetlands.

L Krall agreed with what B Lawrence had to say.

S Rutkowska said that it is up to the Commission on whether or not they want to say that the work needs to cease until a restoration plan is received. If the property owner is saying that it will be removed by a certain date then we can modify the cease and desist to include this.

B Lawrence said that they could have it out and everything planted by the end of April.

T Stewart said that the Harbor Management Commission would like any trees removed, replaced and the area leveled out.

B Lawrence offered to install the gravel pad for the rack as a gesture of goodwill.

MOTION made by N Brennan-Rowe to modify the Cease-and-Desist Order to include the submission of a restoration plan no later than March 29, 2024. The applicant will obtain permission from the Harbor Management Commission and the Town of Essex for restoration of adjacent properties. Pending Commission approval, the temporary access road will be removed no later than May 15, 2024 (weather permitting). Any work included in prior permit can continue; **SECONDED** by K Sullivan-Sealey; **Voting in Favor:** D Kirsch, N Brennan-Rowe, C Field, L Krall, K Sullivan Sealey; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

MOTION made by C Field to close the public hearing for 1 Teal Lane, Essex; **SECONDED** by D Kirsch, **Voting in Favor:** D Kirsch, N Brennan-Rowe, C Field, L Krall, K Sullivan Sealey; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

5. **Unfinished Business/Action Items**
None
6. **Receipt of Applications/New Business**
None
7. **Section 12 Action by Duly Authorized Agent**
None
8. **Other Business**
 - a. **Update on GIS wetlands mapping/internship**

C Duques said that she had worked with K Sullivan Sealey to create a description for a GIS wetland mapping internship. She emailed this to commission members as well as Selectman Norman Needleman. They are looking for a stipend of around \$2,000.

9. Correspondence and Invoices

None

10. Reports:

a. **Wetlands Official**

i. **Update on Open Permits**

C Duques said that activity can start as of March 15th.

N Brennan-Rowe mentioned the sidewalk project on River Road and that she had seen erosion going into the Falls River. The soil that the town public works department is dumping is just eroding away and plantings or even mulch might help to stop this.

ii. **Educational Flyer**

C Duques passed around two brochures; one that had been designed by D Schumacher and the other by C Field.

b. **Chairperson**

None

11. Update from Attorney Regarding Pending Litigation

S Rutkowska said that they are awaiting a decision, and that the deadline is April 15th (120 days).

12. Adjournment

MOTION made by L Krall to adjourn the meeting at 8:14 PM; **SECONDED** by N Brennan-Rowe; **Voting in Favor:** D Kirsch, N Brennan-Rowe, C Field, L Krall, K Sullivan Sealey; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion