



TOWN OF ESSEX
Inland Wetlands and Watercourses Commission

Executive Committee
Fred Szufnarowski, Chairman
Michael Furgueson, Vice Chair

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

Regular Members

Ernest Cook
Andre Roussel
David Kirsch

Alternate Members

Noreen Brennan-Rowe
Carolyn Field

December 13, 2022 Regular Meeting Minutes

The Essex Inland Wetlands and Watercourses Commission (EIWWC) conducted their regularly scheduled meeting on Tuesday December 13, 2022 at 7:00 p.m. The meeting was held both in person and via Zoom (link was provided to the public on the Town of Essex website).

EIWWC Vice Chairman Michael Furgueson welcomed members of the public to the December 13, 2022 EIWWC meeting. The EIWWC members and attendees announced themselves. Attendees from the public were asked to please identify themselves for the record prior to making any comments.

Attending Members:	Absent Members:
Michael Furgueson, Vice Chairman	Fred Szufnarowski, Chairman
Ernest Cook	
Andre Roussel	
David Kirsch	
Noreen Brennan-Rowe	
Carolyn Field	

Staff:	
	Danielle Schumacher, Recording Clerk
	Carey Duques, Land Use Official
	Robert Doane Jr., PE- Wetlands Enforcement Officer
	Sylvia Rutkowska, Commission Attorney

Audience:	
	Aron Schumacher, PE- Doane Engineering
	Fred DeCrescentis, Southwinds Association President
	Geoffrey Jacobson, PE- Nathan L. Jacobson & Associates
	James Clark- 42 Plains Road, Essex
	Robert Vitari- 51 Plains Road, Essex
	Ely Clark

1. Call to Order and Seating of Members

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

Members seated for the meeting were Michael Furgueson, Ernest Cook, Andre Roussel, David Kirsch, and Noreen Brennan-Rowe

2. Approval of Minutes

• November 10, 2022 Regular Meeting Minutes

MOTION made by Noreen Brennan-Rowe to accept the November 10, 2022 Regular Meeting Minutes as amended;

- **Page 2-** insert “in” after American Beech in the Page 6 section
- **Page 4- *Under Cease and Desist Show Cause Hearing***
 - Replace “pointed out” with “identified”
 - Replace “When they walked the site” to “During the site walk”
 - Replace “her” at the end of the paragraph with “C Duques”
 - Insert “He stated that” in front of “The watercourse in question”
- **Page 5- *Under IWWC Application 22-17***
 - 1st Paragraph
 - Insert “representing the applicant” after “J Wren, PE of Indigo Land Design”
 - Replace “They” with “The applicant”
 - Replace “with recommendations” with “as recommended by”
 - 2nd Paragraph from the bottom
 - Add 3 to 4 containers from time to time for up to 72 hours.
- **Page 6**
 - Add period at the end of items #3-9
 - Add “of” after “removal” under #6
 - Change “Prohibiting” to “Prohibit” under #9
- **Page 7- *Under IWWC Application No. 22-19***
 - 1st paragraph- Change “They are” to “The applicant is”

SECONDED by David Kirsch; **Voting in Favor:** M Furgueson, E Cook, A Roussel, D Kirsch, and N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

3. Public Comment

No public comment

4. Public Hearings

- **IWWC Application No. 22-18 32 Birch Mill Trail, Essex.** Proposal to remove an unpermitted existing stone patio and relocate it further from the pond, but within the 100-foot upland review area. The unpermitted stone walkway, stairs, and walls are proposed to remain within the upland review area. The proposal includes planting vegetation adjacent to the pond, located within the 100-foot upland review area. *Applicant/Owner: Terry Lynn McDonald* (Received September 28, 2022; Public hearing opened October 11, 2022; Public hearing continued to November 10, 2022 and continued to December 13, 2022)

No one was present at the meeting to represent the applicant.

C Duques said that the public hearing opened Oct 11, 2022. At the last meeting the applicant requested to extend to this month and if the applicant does not grant another extension a decision must be made tonight.

M Furgueson asked if anyone from the public would like to make any comments or statements regarding the application

C Duques said that she received a letter from Southwinds Association dated December 13, **Exhibit M**

MOTION made by A Roussel to close the public hearing for IWWC application 22-18 32 Birch Mill Trail, Essex; **SECONDED** by E Cook; **Voting in Favor:** M Furgueson, E Cook, A Roussel, D Kirsch, and N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

- **IWWC Application No. 22-20 49 Plains Road, Essex**- Proposal to construct a 10,125 sq ft building and associated site improvements, which include parking lot, sanitary system, site utilities, storm drainage, etc. *Applicant: Robert Piagentini Owner: Piage Management Corp*

Aron Schumacher, PE of Doane Engineering was in attendance to represent the applicant.

Following up with a question from the last meeting, A Schumacher said that there will be no cleaning in the building besides mopping of the floor. There are no floor drains in the proposed project and no processing besides taking packaged meats out of cardboard boxes and loading it onto trucks.

He went on to say that the storm drainage calculations have been revised per recommendations made by Jeff Jacobson. They have also moved the dumpster out of upland review area per the discussion at last month's meeting.

There is an existing fuel tank (located outside of the upland review area above ground) on site that is not currently up to code and the applicant would like to still be able to fuel trucks on site. The applicant is proposing the installation of a Convault tank. J Jacobson confirmed that this type of fuel tank meets industry standards.

Notes have been added to the plans regarding keeping the site clean along with a stormwater maintenance program (inspection, sweeping parking lot, cleaning out catch basins). The applicant is also stipulating that a spill kit be kept on site.

The applicant has received initial comments from the health department and is currently trying to get a better understanding of where the water line is located. Depending upon the location of this water line, it may change the location of the sanitary system.

James Clark of 40 Plains Road spoke. He asked if there is a requirement for a permit when discharging water into the area at the southeast corner of the lot.

A Schumacher responded that the project is not over the 5-acre requirement that would trigger the need for a permit. J Jacobson confirmed.

The site today drains into a wetland, water then runs down through another neighboring property, into a culvert under Plains Rd and then onto J Clark's property. The water outflow analysis from the applicant's site is based on the site characteristics and it will match or reduce the peak rates that are leaving the site currently (for a 1 in 100 year storm)

J Clark said that he is concerned about the pipe under the road being able to handle the water flow. He wants to be absolutely sure that there is no added water traveling through his and Bombaci's properties. He is against any more water. He asked if it is legal to change the flow of that water.

J Jacobson responded that based upon the plans and calculations there may be a larger volume over time, but it won't be at a higher peak rate than currently.

Robert Vitari of 51 Plains Road spoke. He commented that he is not sure how there will be enough room on such a small property for both the trucks and employee vehicles. He said that some water currently sheet flows onto his property.

A Schumacher responded saying that the plan for parking is that when a driver comes in their car sits in the spot and the truck leaves the property. The new site plan will reduce the water going onto Mr. Vitari's property, given the design. They are going to make changes, including curbing that will divert water toward the south east corner of the property. The only water that could come onto Mr Vitari's property would be from a grass strip.

A Schumacher suggested leaving the public hearing open so that an analysis could be performed including J Clark's property.

D Kirsch recommended having a site walk. The commission agreed to hold a site walk on Friday December 16, 2022 at 12:30 PM.

J Clark gave permission to go onto his property to view the drainage situation.

Two letters from Bombaci and Jim Clark were submitted into the record (Exhibit A and B).

MOTION made by A Roussel to continue the public hearing for IWWC application 22-20 49 Plains Road, Essex at the next schedule meeting on Tuesday January 10, 2022;

SECONDED by N Brennan-Rowe; **Voting in Favor:** M Fergusson, E Cook, A Roussel, D Kirsch, and N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0;

Discussion: No Discussion

5. Unfinished Business/Action Items

- **IWWC Application No. 22-18 32 Birch Mill Trail, Essex.** Proposal to remove an unpermitted existing stone patio and relocate it further from the pond, but within the 100-foot upland review area. The unpermitted stone walkway, stairs, and walls are proposed to remain within the upland review area. The proposal includes planting vegetation adjacent to

the pond, located within the 100-foot upland review area. *Applicant/Owner: Terry Lynn McDonald* (Received September 28, 2022; Public hearing opened October 11, 2022)

A Roussel said that based on the review from Michelle Ford as well as information presented in the application, he thinks that the lower patio and steps need to be removed and should not be relocated slightly up slope. He said that taking any material out above trees (any fill over 2 or 3 inches) will have an adverse impact, particularly on the existing beach trees. Given the slope of the site, having the trees fail will pose a serious problem for the wetland. He can't see approving the application without significant conditions attached.

D Kirsch asked if the association would be able to remove what is on their land and S Rutkowska said yes, most likely through a cease and correct action from the IWWC

M Furgueson said that he thought that the planting plan proposed by Mr. Wren was a good one and that he would support it in the absence of a new patio.

Sylvia asked how the commission felt about the other measures that Michelle Ford proposed in her letter to correct the violations that occurred. She said that compromise is not necessary in this situation and that there is more than one way to correct the damage that was done.

M Furgueson said that he is inclined to include treating the invasive species in the pond as a condition.

S Rutkowska mentioned the outstanding application fees and fees to Michelle Ford and that they should be included as conditions.

MOTION made by A Roussel to continue the deliberations regarding IWWC application 22-18 32 Birch Mill Trail, Essex at the next scheduled meeting on Tuesday January 10, 2022; **SECONDED** by N Brennan-Rowe; **Voting in Favor:** M Furgueson, E Cook, A Roussel, D Kirsch, and N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

- **IWWC Application No. 22-20 49 Plains Road, Essex**- Proposal to construct a 10,125 sq ft building and associated site improvements, which include parking lot, sanitary system, site utilities, storm drainage, etc. *Applicant: Robert Piagentini Owner: Piage Management Corp*

Addressed above

6. Receipt of Applications/New Business

- **IWWC Application No. 22-21 60E Lynn Road, Ivoryton**- Proposal to build a 33' X 33' garage addition off the existing house; add a deck over the top of the garage addition; the existing 1,000 gal above ground propane tank will be moved to accommodate the addition. *Applicant/Owner: Brandon Macri*

Applicant Brandon Macri was in attendance to present the project to the commission.

B Macri said that they are looking to add an addition off the side of the existing house to create a garage space. The current garage is below the living room, and he is hoping to build off of that. The addition would have a flat roof/deck that ties into the living room.

B Macri provided C Duques with a rudimentary drawing. C Duques said the entire project would be in the upland review area. The wetland is a stream running east to west through a culvert under the driveway.

A Roussel asked about drainage coming from the flat roof.

B Macri said that he would add a gutter along the back and tie it in to the ground hub at the side of the building.

M Furgueson asked about storage for any excavated materials and recommended marking it on the plan for the next meeting.

MOTION made by A Roussel to schedule Application 22-21 60E Lynn Road, Ivoryton for the Tuesday January 10, 2022 regular meeting;

- Per section 7 of the Inland Wetlands and Watercourses regulations: based on the information presented in this application and the accompanying documents, and on the testimony given at this meeting, the Commission finds that the proposed activity is a regulated activity and does not appear to have a significant impact or major effect, as defined in Section 2.2 of the regulations on a wetlands or watercourse.

SECONDED by N Brennan-Rowe; **Voting in Favor:** M Furgueson, E Cook, A Roussel, D Kirsch, and N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

7. Section 12 Action by Duly Authorized Agent

None

8. Other Business

- **Discussion on enforcement fees**

Continue at the next meeting

- **Election of Officers**

N Brennan-Rowe said that she received an email from F Szufnarowski stating that he is not going to seek reelection as Chairman of the IWWC.. He has been working with both D Kirsch and M Furgueson to prepare them and recommends that M Furgueson be nominated as Chairman and D Kirsch as Vice Chairman.

MOTION made by N Brennan-Rowe to elect Michael Furgueson as the IWWC Chairman and David Kirsch as the IWWC Vice Chairman; **SECONDED** by A Roussel; **Voting in Favor:** M Furgueson, E Cook, A Roussel, D Kirsch, and N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

- **Approval of 2023 Meeting Schedule**

MOTION made by N Brennan-Rowe to approve the 2023 IWWC meeting schedule as proposed; **SECONDED** by E Cook; **Voting in Favor:** M Furgueson, E Cook, A Roussel, D Kirsch, and N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

9. Correspondence and Invoices

None

10. Reports:

- **Wetlands Official**

- **Update on Open Permits**

- No activity

- **Chairperson**

- None

11. Update from Attorney Regarding Pending Litigation

MOTION made by A Roussel to enter executive session at 9:16 PM; **SECONDED** by N Brennan-Rowe; **Voting in Favor:** M Furgueson, E Cook, A Roussel, D Kirsch, and N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

MOTION made by A Roussel to end the executive session at 9:54 PM; **SECONDED** by D Kirsch; **Voting in Favor:** M Furgueson, E Cook, A Roussel, D Kirsch, and N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

12. Adjournment

MOTION made by D Kirsch to adjourn the meeting at 9:55 PM until the next regularly scheduled EIWWC meeting to be held on Tuesday January 10, 2023 at the Essex Town Hall (alternate location via teleconference); **SECONDED** by A Roussel; **Voting in Favor:** M Furgueson, E Cook, A Roussel, D Kirsch, and N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

Respectfully Submitted,



Recording Clerk