



TOWN OF ESSEX
Inland Wetlands and Watercourses Commission

Executive Committee
Fred Szufnarowski, Chairman
Michael Furgueson, Vice Chair

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Regular Members
Ernest Cook
Andre Roussel
David Kirsch

Alternate Members
Noreen Brennan- Rowe
Carolyn Field

Minutes- August 9, 2022 Regular Meeting

1. Call to Order and Seating of Members

Essex Inland Wetlands and Watercourses Commission (EIWWC) conducted their regularly scheduled meeting on Tuesday August 9, 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 Chairman Fred Szufnarowski welcomed members of the public to the August 9, 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:
Fred Szufnarowski, Chairman	David Kirsch
Michael Furgueson, Vice Chairman	
Ernest Cook, Secretary	
Andre Roussel	
Noreen Brennan-Rowe, Alternate	
Carolyn Field, Alternate	

Staff:	Danielle Sanso, Recording Clerk
	Carey Duques, Land Use Official
	Sylvia Rutkowska, Commission Attorney (Via Zoom)

Audience:	Aron Schumacher, P.E., Doane Engineering
	Michael Whalen, 10 Fife Court
	Carolee Cannata- 12 Rachel Lane Applicant

The meeting was called to order at 7:00 PM by Chairman Fred Szufnarowski.

Seated members were Fred Szufnarowski, Michael Furgueson, Ernest Cook, Andre Roussel, Noreen Brennan-Rowe (alternate) and Carolyn Field (alternate).

2. Approval of Minutes- June 14, 2022 Regular Meeting

MOTION made by E Cook to approve the June 14, 2022 regular meeting minutes with the following amendments;

- **Page 1:** List Carolyn Field as alternate and David Kirsch as a regular member
- **Page 2:**
 - Section 4
 - Change Sylvia to S Rutkowska
 - add “with discovery requests and requests for admissions” after served
 - Reword last sentence “A status conference was scheduled for several weeks ago but had to be postponed due to a scheduling conflict with the court”
- **Page 3:**
 - Section 6b
 - Strike out “C Duques reported that the application is being tabled for the time being”
 - Add “as the town of Essex representative” after R Doane
- **Page 4:**
 - Second paragraph- strike “Restricted to the actions that are described”
 - Strike “proposed permitted operation and use” from motion made by M Furgueson
 - Section 9
 - Change “we need to remove the phrase after the fact permits” to “what was previously labeled as”
 - Add “the proposed fee schedule was not approved
 - Strike costs in parenthesis in bulleted list
- **Page 5:** Add section ii at top of page 5. Add “is” after and. Change last sentence to “he recommended watering the seeded area more often”

SECONDED by N Brennan-Rowe; **Voting in Favor:** F Szufnarowski, M Furgueson, E Cook, A Roussel, N Brennan-Rowe, C Field; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0. **Discussion:** No Discussion

3. Public Comment

Michael Whalen was present via Zoom with concerns about the project going on at 11 Fife Court. He said that he sees extensive growth going on. C Duques reported that her and R Doane had been out to the site in the Spring. There had also been a presentation to the commission about the invasive growth and how it was being address. The commission had decided that the remediation had been completed satisfactorily. The commission advised him to contact R Doane with any further questions.

4. Update from Attorney Regarding Pending Litigation

MOTION made by Michael Furgueson to move the update from attorney regarding pending litigation to the end of the meeting to go into executive session; **SECONDED** by A Roussel; **Voting in Favor:** F Szufnarowski, M Furgueson, E Cook, A Roussel, N Brennan-Rowe, C Field; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0. **Discussion:** No Discussion

5. Public Hearings

None

6. Unfinished Business/Action Items

None

7. Receipt of Applications/New Business

- a. **IWWC Application No. 22-11 20 River Road, Essex.** Proposal to construct a barn, restore and rejuvenate the pond, and construct an inground swimming pool along with re-grading the lawn all which is located within the 100-foot upland review area.
Applicant/Owner: Matthew and Jean Walston

Aron Schumacher, P.E. was present from Doane Engineering to give an overview of the project.

The proposal is to construct a barn, install a swimming pool and rejuvenate the pond.

A Roussel asked if there were any provisions in the plans for pool discharge.

A Schumacher replied that he is unsure but will check with R Doane and report back.

C Duques recommended a site visit. She said that her and R Doane had done a site walk the previous Thursday after reports of hearing chain saws and cutting of trees. 30 or so trees had been cut within the upland review area. Quite a bit of activity is being proposed within wetlands and the 100-foot upland review area. The property includes work within a FEMA flood zone. The plans show proposed locations for silt fence, area to be dredged in the pond, and stockpile locations.

A Roussel suggested bringing in a 3rd party engineer to review the project as R Doane is the agent, especially with the proximity to Falls River.

E Cook asked about the dewatering area and method that would be used.

A Schumacher said they will be pumping water from the pond into a dirt bag which will catch any sediment.

F Szufnarowski asked if there was a dredging plan.

A Schumacher said that they did not have a dredging plan at this time but that they could definitely put one together.

F Szufnarowski questioned when the work would be done and if the removal of material triggered US Army Corps of Engineers review and application.

A Schumacher replied that the work would be done during the dry season to minimize disturbances.

Discussion occurred regarding where the runoff from the wet material would go once it is removed from the pond and placed in the stockpile and if it would get into the Falls River.

There were questions about what the extent of the drainage area is and whether the existing weir is sized appropriately.

There was a request for more information regarding the proposed inground pool and if a drywell will be created and if it is needed.

Additional clarification was requested regarding the planting plan for the site as well as noting any additional tree cutting that may be proposed.

N Brennan-Rowe asked if boats with bottom paint had been in the pond historically. Also wondered if boats would be located in the pond going forward.

C Duques said that the dock will be used for swimming.

A Roussel mentioned asking R Snarski about the effects of dredging and having a deeper pond which could starve the stream downstream. Are there any habitats downstream that will be negatively impacted? What is the impact of interrupting stream flow? (for the time when the pond is refilling). He also asked about the proposal for regrading of the site.

A Schumacher said they would like to give the backyard some slope to allow for drainage.

The barn and storage are in close proximity to Falls River. What protections are being put in place if chemicals are being stored in the barn and could possibly leak?

C Duques said her and R Doane had talked about requiring a self-contained unit similar to the one for the Book Hill project. The barn is being proposed on piles because part of the barn is in the flood zone.

The construction access was discussed and located on the plan.

C Duques asked about a maintenance plan for the pond in the future and how they will get to the pond and around the barn.

MOTION made by M Furgueson to conduct a site walk at 20 Riverview Road at 4:30 PM on Wednesday August 17, 2022; **SECONDED** by E Cook; **Voting in Favor:** F Szufnarowski, M Furgueson, E Cook, A Roussel, N Brennan-Rowe, C Field; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0. **Discussion:** No Discussion

MOTION made by A Roussel to retain a 3rd party expert for paper review of application 22-11 and supporting documents; **SECONDED** by E Cook; **Voting in Favor:** F Szufnarowski, M Furgueson, E Cook, C Field; **Opposed:** None; **Abstaining:** N Brennan-Rowe; A Roussel **Approved:** 4/0/2. **Discussion:** No Discussion

MOTION made by A Roussel to schedule application 22-11 for public hearing on September 13, 2022. Based on the information presented in this application and the accompanying documents, and on the testimony given at this meeting, the Commission will schedule a public hearing because they find that a public hearing regarding such an application would be in the public interest; **SECONDED** by M Furgueson; **Voting in Favor:** F Szufnarowski, M Furgueson, E Cook, A Roussel, N Brennan-Rowe, C Field; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0. **Discussion:** No Discussion

- b. **IWWC Application No. 22-12- 70 Plains Road, Essex.** Proposal to install a drainage pipe from an existing low area to a proposed grass swale located within the 100-foot upland review area. *Applicant/Owner: Little Red Caboose LLC and Essex Fire Department Assoc., Inc*

Aron Schumacher, P.E. from Doane Engineering was present to give an overview of the project and answer any questions.

A Schumacher started by describing the site as a boat storage facility with a large gravel lot at the back of the facility. He said that there is a low area in the back that pools water when it rains. The proposed plan is to put a dry well structure at the Little Red Caboose property with a pipe to a dry well on the fire department property and then drain into the wetlands.

A Roussel commented that they have been there many times for site walks and that the property is almost a seasonal wetland. This is about 10 feet outside the wetland and would not be touching the wetland at all. It is within the upland review area but there will be drainage into the wetlands.

E Cook asked about the boat storage facility and any chemicals that may spill.

A Schumacher said that the water will sit in dry wells before it is discharged.

A Roussel asked if there was a plan for cleanout and inspection.

A Schumacher said that they could make a note for yearly inspection by the property owner.

MOTION made by N Brennan-Rowe for the Essex Inland Wetlands and Watercourses Commission to allow our Wetlands Agent to handle Application No. 22-12 70 Plains Road, Essex; **SECONDED** by E Cook; **Voting in Favor:** F Szufnarowski, M Furgueson, E Cook, A Roussel, N Brennan-Rowe, C Field; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0. **Discussion:** No Discussion

- c. **IWWC Application No. 22-13- 12 Rachel Lane, Ivoryton.** Proposal to construct a detached garage/pool house, an addition to the house, and a new sanitary system within the 100-foot upland review area. *Applicant/Owner: Carolee Cannata*

Aron Schumacher, P.E. from Doane Engineering and the property owner were present

A Schumacher started by saying that the property owner is proposing to put an addition onto the existing house, construct a pool house/garage, and revising the sanitary system. The total disturbance is 0.09 acres in the upland review area. The wetlands were flagged by R Snarski in 1986.

N Brennan-Rowe asked if they had received approval from the Health Department.

A Schumacher said that they had submitted the plans to Don Mitchell for his review.

A Roussel asked about the impact on the cleared lawn area.

A Schumacher replied that there will be no change to the tree limit and that no clearing is proposed.

MOTION made by M Furgueson for the Essex Inland Wetlands and Watercourses Commission to allow our Wetlands Agent to handle Application No. 22-13 12 Rachel Lane, Ivoryton; **SECONDED** by E Cook; **Voting in Favor:** F Szufnarowski, M Furgueson, E Cook, A Roussel, N Brennan-Rowe, C Field; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0. **Discussion:** No Discussion

C Duques proposed to amend agenda to add application 22-14- 143 River Road. Regarding a septic system. She said that she had talked to both the Sanitarian and the homeowner.

MOTION made by M Furgueson to amend the agenda to include application 22-14 143 River Road, Essex; **SECONDED** by A Roussel; **Voting in Favor:** F Szufnarowski, M Furgueson, E Cook, A Roussel, N Brennan-Rowe, C Field; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0. **Discussion:** No Discussion

d. **IWWC Application No. 22-14- 143 River Road Essex.**

C Duques reported that she visited the property with the applicant's engineer.

The existing septic system that is serving the house is original to the house. She believes it was constructed in 1954 and is 1,000 gallons. It needs to be updated and brought up to code. The applicant's Engineer dug test pits and proposing the new system be installed to the south which is closer to wetlands. At some point it turns into tidal wetlands, property adjacent is the Great Meadow. Attached to application is a letter from the Town Sanitarian, supporting the installation of a new septic system and abandonment of the existing system.

Current system is within the 75 foot well arc so they couldn't put the new system in the same spot as the old one.

MOTION made by A Roussel for the Essex Inland Wetlands and Watercourses Commission to allow our wetlands agent to handle Application 22-14 for 143 River Road, Essex; **SECONDED** by N Brennan-Rowe; **Voting in Favor:** F Szufnarowski, M Furgueson, E Cook, A Roussel, N Brennan-Rowe, C Field; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0. **Discussion:** No Discussion

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

- a. **IWWC Application No. 22-09- 26 Gates Road, Essex.** Proposal to install 16' X 40' inground pool with paver patio 20' X 10' located within the 100-foot upland review area. *Applicant/Owner: Keith Kelley and Lisa Melnicsak* **Approved by the Agent with conditions.**

C Duques reported that she reviewed this application as the agent. A copy of the approval and plans was included in the meeting packet. The conditions are having best practices for erosion and sedimentation controls and following the direction of the Town Wetlands Enforcement Officer. The applicant will also need to notify the Town in writing upon start of work.

MOTION made by M Furgueson that the Essex Inland Wetlands and Watercourses Commission concurs with the decision of the Wetlands Agent with regard to Application No. 22-09 26 Gates Road, Essex; **SECONDED** by E Cook; **Voting in Favor:** F Szufnarowski, M Furgueson, E Cook, A Roussel, N Brennan-Rowe, C Field; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0. **Discussion:** No Discussion

- b. **IWWC Application No. 22-10- 17 and 19 Primrose Ledge, Essex.** Proposal to pull stump of fallen tree upright, which is located in the wetlands. Cut tree trunk to remain in place. *Applicant: Luigi Sasso Owners: Luigi and Julianne Sasso and Kevin and Kristen Joyce* **Approved by the Agent with conditions.**

C Duques said that she had talked with both F Szufnarowski and R Doane. The tree in question had fallen in 2018 and the property owner had cut trunk from stump. The stump was left standing. The property owner would like to use a tractor to pull the stump upright to fill in the hole and the trunk would remain in the woods with no disturbance.

F Szufnarowski commented that the work is maintenance. By pulling the stump upright they would be stabilizing the area.

MOTION made by N Brennan-Rowe that the Essex Inland Wetlands and Watercourses Commission concurs with the decision of the Wetlands Agent with regard to Application No. 22-10 17 and 19 Primrose Ledge, Essex; **SECONDED** by E Cook; **Voting in Favor:** F Szufnarowski, M Furgueson, E Cook, A Roussel, N Brennan-Rowe, C Field; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.
Discussion: No Discussion

9. Other Business

- a. **ZBA Section 140L Referral – 50 Crosstrees Hill Road: greenhouse and pergola**

Variance request to locate a greenhouse and pergola within 100 feet of the costal jurisdiction line. Regulation requires that this commission provides any input or oversight.

Pergola on pavers and greenhouse on existing foundation with small retaining wall (2.5-3 feet) around it

Still needs to go before ZBA. Not proposing any disturbance to the ground or nearby CT river.

- b. **Discussion on enforcement fees**

Attorney S Rutkowska summarized the memo that was distributed to the board regarding the use of enforcement fees. She recommended that she and C Duques meet with Darcy Winther from DEEP. At that point C Duques and S Rutkowska will speak with the Board of Selectman to understand their position on having wetland enforcement fees.

10. Correspondence and Invoices

None

11. Reports:

a. **Wetlands Official**

C Duques 28 Main Street Ivoryton. Dredging in stream work started last week. She drove by and everything is in good condition.

There are wildflowers growing at 95 Plains Road. They removed portion of woodchip berm and seeded the area.

21-12 Bokum Road they will be starting vegetation clearing. The property owner can do what is approved under wetlands, but they have not received approval from planning and zoning.

b. **Chairperson**

Noted that motions and conditions need to be clear and succinct.

12. Adjournment

MOTION made by M Furgueson to go into executive session at 9:24 PM; **SECONDED** by A Roussel; **Voting in Favor:** F Szufnarowski, M Furgueson, E Cook, A Roussel, N Brennan-Rowe, C Field; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0. **Discussion:** No Discussion

MOTION made by M Furgueson to leave executive session at 9:54 PM; **SECONDED** by F Szufnarowski; **Voting in Favor:** F Szufnarowski, M Furgueson, E Cook, A Roussel, N Brennan-Rowe, C Field; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0. **Discussion:** No Discussion

MOTION made by N. Brennan-Rowe to adjourn the meeting at 9:54 pm until the next regularly scheduled EIWWC meeting to be held on Tuesday September 13, 2022 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue (alternate location via teleconference); **SECONDED** E Cook; **Voting in Favor:** F Szufnarowski, M Furgueson, E Cook, A Roussel, N Brennan-Rowe, C Field; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0. **Discussion:** No Discussion

Respectfully Submitted,



Recording Clerk