



TOWN OF ESSEX  
Inland Wetlands and Watercourses Commission

**Officers**  
*Michael Fergusson, 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*

**December 12, 2023 Regular Meeting Minutes**

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

<b>Staff:</b>	
	Danielle Schumacher, Recording Clerk (Via Zoom)
	Carey Duques, Land Use Official

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

The meeting was called to order at 7:00 PM by Chairman Michael Fergusson. Members seated for the meeting were Chairman Michael Fergusson, Vice Chairman David Kirsch, Ernest Cook, Carolyn Field, and Lisa Krall (alternate).

**2. Approval of Minutes**

**a. November 14, 2023 Regular Meeting Minutes**

**MOTION** made by E Cook to approve the minutes from the November 14, 2023 minutes with the following amendments:

- **Page 2**
  - #10 Item A- should be “coir logs”
- **Page 3**
  - 2<sup>nd</sup> bullet item- remove “that”
  - Change “choir logs” to “coir logs”

**SECONDED** by L Krall; **Voting in Favor:** M Fergusson, D Kirsch, E Cook, C Field, L Krall; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

**b. November 29, 2023 Site Walk Meeting Minutes**

**MOTION** made by C Field to approve the minutes from the November 29, 2023 Site Walk as submitted; **SECONDED** by M Fergusson; **Voting in Favor:** M Fergusson, D Kirsch, E Cook, C Field, L Krall; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

**3. Public Comment**

None

**4. Public Hearings**

None

**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. Referral Section 140L- ZBA Application 23-19, 10 Benson Lane Essex**

C Duques said that this application will be heard by the ZBA next week. She shared site plans for 10 Benson Lane with commission members along with a printed PowerPoint presentation. The area on the plans in dark grey is what is being proposed (a new in ground pool, patio, and stone patio connected to the house). There is an existing kidney shaped in ground pool there today along with an associated patio and pergola. There is also an existing patio connected to the house with a stone chimney. The applicants are presenting improvements that are within 100 feet of the coastal jurisdiction line and are hoping to pull things back, so they are not within 50 feet. The in-ground pool would be within 50 to 100 feet. The zoning regulations do not allow for any improvements within 100 feet of the coastal jurisdiction line, which is why they will need a variance. They are also changing something that is non-conforming.

E Cook asked if there are other wetlands in the area.

C Duques replied that there are not, and the 100-foot buffer area is all associated with the river and coastal jurisdiction line.

M Furgeson said that the river is not our jurisdiction.

D Kirsch commented that they should check on how they will be backwashing the pool.

M Furgueson asked if they would need a dry well to backwash given its proximity to the coast.

C Duques said the property is on a well and pointed out existing yard drains on the plans.

M Furgueson said that he would recommend that a dry well be located as far from the river as possible for discharge. He said that the proposed patios are impermeable, so they are improving on what is already there.

D Kirsch asked about the fence.

C Duques said that they are proposing to remove the fence and that the building code does not require there to be a fence around a pool if the pool has an automatic cover. She said that the PowerPoint is very well done and there is a slide for each item they are proposing to change.

M Furgueson asked about a planting plan.

C Duques commented that they are proposing to reduce the impervious area by about 400 square feet.

M Furgueson asked if this still had to be approved by the Gateway Commission.

C Duques commented that they had already approved it.

M Furgueson said that it seems to be a pretty nice plan and it definitely improves on what is there.

**b. Update on GIS Wetlands Mapping**

C Duques said that there are no updates, but it is on her list.

**c. Election of Officers**

E Cook stated that M Furgueson is the current Chairman and D Kirsch is Vice Chairman.

**MOTION** made by K Sullivan-Sealy to have Chairman Michael Furgueson and Vice Chairman David Kirsch continue with their duties; **SECONDED** by E Cook; **Voting in Favor:** M Furgueson, D Kirsch, E Cook, C Field, L Krall; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

**9. Correspondence and Invoices**

None

**10. Reports:**

**a. Wetlands Official**

**i. Update on Open Permits**

C Duques reported that construction has pretty much ended for the sidewalk project. The pedestrian bridge will be arriving in the Spring.

**ii. Educational Flyer**

C Field that she has drafted an article about native plants in the wetlands. She said she is going to start out featuring the GIS mapping and end with some hints on what to look for when Spring rolls around.

**b. Chairperson**

None

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

M Furgueson said that S Rutkowska is not in attendance, but he could give an update. The final brief is due this Friday. The judge has 120 days to make a ruling once the brief is filed.

**12. Adjournment**

**MOTION** made by D Kirsch to adjourn the meeting at 7:47 PM; **SECONDED** by C Field;

**Voting in Favor:** M Furgueson, D Kirsch, E Cook, C Field, L Krall; **Opposed:** None;

**Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

Respectfully Submitted,

*Danielle Schumacher*