



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

September 28, 2022 Special Meeting Minutes

1. Call to Order and Seating of Members

The Essex Inland Wetlands and Watercourses Commission (EIWWC) conducted a special meeting on Wednesday September 28, 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 September 28, 2022 EIWWC special 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	
Michael Furgueson, Vice Chairman	
Ernest Cook	
Andre Roussel	
David Kirsch	
Noreen Brennan-Rowe (Alternate)	
Carolyn Field (Alternate)	

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

Audience:	
	Robert Doane Jr., P.E., L.S.- Doane Engineering
	Terry Lynn McDonald- Applicant 32 Birch Mill Trail
	Andrew R. Morin, Esq. – Attorney representing applicant
	Joseph Wren, P.E.- Indigo Land Design
	Fred DeCrescentis, Resident of Southwinds Association (Via Zoom)

	Suzanne Tweed, Resident of Southwinds Association (Via Zoom)
--	---

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, and David Kirsch.

2. Receipt of Applications/New Business

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*

Attorney Andrew Morin was in attendance along with Engineer Joseph Wren to represent the applicant.

A Morin said the intent of this meeting is to present a quick 5-minute overview of the application to the Commission. He said that the plan is to remove the existing patio and install sedimentation and erosion controls as well as move the patio back further. There is no secret that the patio was installed without a permit and that there is pending litigation. He then turned the floor over to J Wren.

J Wren thanked the Commission for their time. He said that the plans have the edge of the pond highlighted in blue and the edge of the wetland in green. Orange is the upland review area. The area where the patio currently is will be turned into a wildflower meadow per the recommendation of Rich Snarski (Wetland Scientist). The patio will then be constructed further up the slope away from the pond. They are also proposing the installation of a planted buffer which would include shrubs.

J Wren concluded by saying that the site plan and application completed by the Attorney had been submitted along with a copy of the survey. He believes that this is a good start.

F Szufnarowski addressed the Commission and said that by statute we are required to receive the application. He said that given the amount of activity completed without an application and the amount of public interest that it would be wise to have a public hearing.

A Roussel commented that there is enough interest from adjoining property owners.

MOTION made by A Roussel to schedule application 22-18 for a public hearing on Tuesday October 11, 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 for the following reasons (check all that apply):

1. The proposed activity involves a significant impact or major effect upon the inland wetlands or watercourse(s) which occur on the property; or
2. A petition signed by at least 25 qualified people, as defined in section 9.1.b of the Inland Wetlands and Watercourses Regulations, has been accepted by the Commission; or
3. The Commission finds that a public hearing regarding such application would be in the public interest.

SECONDED by M Furgueson; **Voting in Favor:** F Szufnarowski, M Furgueson, E Cook, A Roussel, and D Kirsch; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

3. Executive Session- Update from Attorney Regarding Pending Litigation

MOTION made by M Furgueson to go into Executive Session at 7:10 **SECONDED** by Andre Roussel ; **Voting in Favor:** F Szufnarowski, M Furgueson, E Cook, A Roussel, and D Kirsch; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

MOTION made by M Furgueson to end the Executive Session at 8:33 PM; **SECONDED** by A Roussel; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, C Field, N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

MOTION made by M Furgueson to go hold site walk for Application 22-18 for 32 Birch Mill Trail on October 4, 2022 at 4:30 pm; **SECONDED** by A Roussel; **Voting in Favor:** F Szufnarowski, M Furgueson, A Roussel, E Cook, D Kirsch; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

MOTION made by A Roussel to retain an expert Wetlands Scientist to review Application 22-18 for 32 Birch Mill Trail on behalf of the Town; **SECONDED** by B Cook; **Voting in Favor:** F Szufnarowski, M Furgueson, A Roussel, E Cook, D Kirsch; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

4. Adjournment

MOTION made by M Furgueson to adjourn the meeting at 8:40 PM until the next regularly scheduled EIWWC meeting to be held on Tuesday October 11, 2022 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue (alternate location via teleconference); **SECONDED** by D Kirsch; **Voting in Favor:** F Szufnarowski, M Furgueson, A Roussel, E Cook, D Kirsch; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

Respectfully Submitted,



Recording Clerk