



TOWN OF ESSEX  
**Inland Wetlands and Watercourses Commission**

**Executive Committee**  
*Michael Furgueson, Chairman*  
*David Kirsch, Vice Chair*

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 Telephone (860) 767-4340 • FAX (860) 767-8509

**Regular Members**

*Ernest Cook*  
*Andre Roussel*  
*Fred Szufnarowski*

**Alternate Members**

*Noreen Brennan- Rowe*  
*Carolyn Field*

**January 10, 2023 Regular Meeting Minutes**

The Essex Inland Wetlands and Watercourses Commission (IWWC) conducted their regularly scheduled meeting on Tuesday January 10, 2023 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).

IWWC Chairman Michael Furgueson welcomed members of the public to the January 10, 2023 IWWC meeting. The IWWC members and attendees announced themselves. Attendees from the public were asked to please identify themselves for the record prior to making any comments.

<b>Attending Members:</b>	<b>Absent Members:</b>
Michael Furgueson, Chairman	
David Kirsch, Vice Chair	
Ernest Cook	
Fred Szufnarowski	
Andre Roussel	
Noreen Brennan-Rowe, Alternate	
Carolyn Field, Alternate	

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

<b>Audience:</b>	
	Aron Schumacher, PE- Doane Engineering
	Geoffrey Jacobson, PE- Nathan L. Jacobson & Associates
	James Clark- 42 Plains Road, Essex
	Robert Vitari- 51 Plains Road, Essex
	Brandon Macri- 60E Lynn Road, Ivoryton
	Gary Bombaci- 43 Plains Road, Essex

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

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

Members seated for the meeting were Chairman Michael Furgueson, Vice Chairman David Kirsch, Ernest Cook, Fred Szufnarowski, and Andre Roussel.

**MOTION** made by A Roussel to amend the agenda to include approval of the minutes from the December 16, 2022 site walk at 49 Plains Road; **SECONDED** by D Kirsch; **Voting in Favor:** M Furgueson, E Cook, A Roussel, D Kirsch, and F Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

## 2. Approval of Minutes

- **December 13, 2022 Regular Meeting Minutes**

**MOTION** made by E Cook to approve the December 13, 2022 meeting minutes with the following amendments.

- Change any use of EIWWC in the document to IWWC
- **Page 3-** Application 22-20
  - Add proposed after “They have also moved the”
  - Add “will” after “the applicant is also stipulating that a spill kit”
- **Page 4-**
  - Second paragraph down- change onto to “into”
  - Period at the end of paragraph
- **Page 5-**
  - 1<sup>st</sup> full paragraph- change second sentence to read “He said that adding any material above tree roots will have an adverse impact, particularly on the existing beech trees”.
  - Next paragraph- Change wording to “D Kirsch asked if the association would be able to remove what is on their land and S Rutkowska said yes. This would most likely happen through a cease and correct action from the IWWC.”
- **Page 6-**
  - Second paragraph- change “eat” to “east”

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

- **December 16, 2022 Site Walk Minutes 22-20 49 Plains Road**

**MOTION** made by E Cook to approve the minutes from the December 16, 2022 site walk at 49 Plains Road, Essex with the following amendments.

- Second paragraph- starting with A Schumacher. Changed wooded are to “wooded area”

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

## 3. Public Comment

No public comment

#### 4. Public Hearings

- **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* (Received November 10, 2022; Public hearing opened December 13, 2022; Public hearing continued to January 10, 2023)

Members seated for this application were Chairman Michael Furgueson, Vice Chairman David Kirsch, Ernest Cook, Carolyn Field, and Andre Roussel.

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

A Schumacher shared the plans with the Commission and gave an overview of the project. Since the last IWWC Meeting he said that there have been minor changes to the storm drainage including the addition of a yard drain at the back of the site. There have also been minor grading changes to the water quality basins in both the front and back of the site.

Hooded outlets have been added to all catch basins on site in response to Jeff Jacobson's comment about hydrocarbons on site. Snow storage has been added at both the front and back of the site in response to comments at the last IWWC meeting.

The existing total coverage of the site is 43% and the proposed total coverage is 64.9%.

Minor changes have been made to the peak flow calculations per J. Jacobson's suggestions.

A Schumacher also showed an overview of the property and surrounding area headed across Route 153 and towards the railroad tracks. He pointed out the drainage pipes that are under the train tracks. The pipe that was most recently installed is 18 inches in diameter but is set higher than the original pipe. It is also full of sediment which is impeding the flow of water.

James Clark of 42 Plains Road said that the pipe under the railroad is from the 1800s and has long since been abandoned. He was excited when the pipe was upgraded and said that Bob Doane, Town Engineer noticed the recently installed pipe was about 18" too high. R Doane contacted the train station. Employees from the train station said that the new pipe is just for emergencies.

J Clark went on to say that the 12-inch pipe was installed simply to drain the road. Water from multiple properties is now draining to that same 12-inch pipe.

M Furgueson stated that there has been quite a bit of development in the area over the past 20-30 years. To what extent is this applicant responsible?

S Rutkowska commented about the feasibility of the project. Is it overwhelming the wetland and making it nonfunctioning?

M Furgueson asked if there is something that could be done to increase the capacity/flow of the wetland. He also asked if it is the town's responsibility to replace the drainage under the road. He said that the applicant is not the sole contributor to this issue.

A Schumacher said that both basins on the site will infiltrate water back into the ground. If you add infiltration into the model the numbers will go down causing the peak and the total water leaving the site to be reduced.

A Schumacher said that they were originally proposing to build a large storm quality basin but decided not to because of the wetland. They could expand the basin into the wetlands to create a larger retention basin if permission were granted to work in the wetlands. He asked if they would need an extension to continue to work on the design.

C Duques said that the Commission would have to ask for an extension of 28 days until the next meeting.

Robert Vitari of 51 Plains Road spoke. He mentioned the driveway and asked if the green strip next to the driveway was included in the calculations for coverage. He said that eventually the green strip will have to be paved because two trucks can't fit down the driveway.

M Furgueson said that this is not the IWWC's jurisdiction.

Commission members agreed that they would be open to expand the basin into the wetland area.

Gary Bombaci spoke to the Commission. He said that his family's property is one of the primary ones that will be affected. If you go back from the road (Rt 153) 150 yards there is a land bridge that cuts the swale off.

When water comes up in the water retention swamp/swale it reaches a point where it overwhelms the pipe under the road. This causes water to back up resulting in water entering his basement. About a year and a half ago there was a really bad storm and there was 2.5 feet of water in his basement. He said that it took 8-10 hours for the water to go down.

J Clark commented that if you dig a hole on Plains Road it fills with water almost immediately. He said he is concerned if the calculations are even a little bit off. The pipe can't handle what is there now. He is in favor of more retention under the parking lot on site.

**MOTION** made by A Roussel to extend the public hearing for application 22-20 to the next regularly scheduled meeting; **SECONDED** by C Fields; **Voting in Favor:** M Furgueson, E Cook, A Roussel, D Kirsch, and C Fields; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

## 5. Unfinished Business/Action Items

- **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* (Received November 10, 2022; Public hearing opened December 13, 2022; Public hearing continued to January 10, 2023)

*Addressed above*

- **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* (Received December 13, 2022 and continued to January 10, 2023)

C Duques passed drawings and photos of the site around to the Commission members. She said that she had visited the property and that the plan shows the driveway coming in but does not show the stone wall (approximately where silt fence is on the plan). The topography drops off significantly where the silt fence is shown on the plan.

F Szufnarowski asked if there is there anything that can be done to handle the footing drains from the roof leaders.

M Furgueson said he is comfortable with C Duques working with the applicant to make sure that the drainage is appropriate from the roof. He said that it does not seem that there is any impact upon the wetlands.

**MOTION** made by A Roussel for the Essex Inland Wetlands and Watercourses Commission to allow the Wetlands Agent to handle Application No. 22-21 60E Lynn Road, Ivoryton; **SECONDED** by E Cook; **Voting in Favor:** M Furgueson, E Cook, A Roussel, D Kirsch, and F Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

- **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; Closed public hearing on December 13, 2022)

S Rutkowska recommended going into Executive Session to discuss the application. She said that has had recent conversations with the property owner's counsel that has potential implications on enforcement actions. The Commission may want to consider

some logistical modifications. There is a potential for a resolution for the enforcement action.

**MOTION** made by D Kirsch to continue deliberation for application 22-18 32 Birch Mill Trail with consent from the property owner; **SECONDED** by E Cook; **Voting in Favor:** M Furgueson, E Cook, A Roussel, D Kirsch, and F Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

## 6. Receipt of Applications/New Business

- **IWWC Application No. 22-23 20 River Road, Essex.** Proposal to raise the height of the existing house to protect it from flooding. Equipment storage and access to the house will be located within the 100-foot upland review area. *Applicant/Owner: Matthew and Jean Walston*

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

A Schumacher said that the plans are almost the same as the ones that were approved as part of the previous application. The plans show the hillside that has been regraded and planted. The only item that has been removed is the wall addition and enclosure of the patio area.

The applicant is hoping to jack and raise the house to 1 foot above the flood plain elevation (15.5). The house will come up to 16.5 feet.

**MOTION** made by F Szufnarowski for the Essex Inland Wetlands and Watercourses Commission to allow the Wetlands Agent to handle Application No. 22-23 20 River Road, Essex; **SECONDED** by A Roussel; **Voting in Favor:** M Furgueson, E Cook, A Roussel, D Kirsch, and F Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

- **IWWC Application No. 22-22 29 Park Road, Ivoryton.** Proposal to install a 12' X 16' shed on crushed stone within the 100-foot upland review area. *Applicant/Owner: Joseph and Lauren Burns*

C Duques shared an aerial photo showing where the applicant would like to place the shed. She said that the wetlands on this property have not been flagged. She believes that the site is actually outside the review area and the DEEP layer is outdated.

**MOTION** made by A Roussel for the Essex Inland Wetlands and Watercourses Commission to allow the Wetlands Agent to handle Application No. 22-22 29 Park Road, Ivoryton; **SECONDED** by F Szufnarowski; **Voting in Favor:** M Furgueson, E Cook, A Roussel, D Kirsch, and F Szufnarowski; **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**

C Duques said that she would like to continue the discussion on enforcement fees to the February meeting. She and Sylvia will be drafting a memo and hope to meet with M Furgueson and Norm Needleman to discuss before they present to the Board of Selectmen.

**9. Correspondence and Invoices**

None

**10. Reports:**

- **Wetlands Official**

- **Update on Open Permits**

None

- **Chairperson**

None

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

**MOTION** made by A Roussel to enter into Executive Session at 9:30 pm; **SECONDED** by F Szufnarowski; **Voting in Favor:** M Furgueson, E Cook, A Roussel, D Kirsch, and F Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

**MOTION** made by D Kirsch to end the Executive Session at 10:08 pm; **SECONDED** by A Roussel; **Voting in Favor:** M Furgueson, E Cook, A Roussel, D Kirsch, and F Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

**12. Adjournment**

**MOTION** made by A Roussel to adjourn the meeting at 10:09 pm until the next regularly scheduled IWWC meeting to be held on Tuesday February 14, 2023 at the Essex Town Hall (alternate location via teleconference); **SECONDED** by D Kirsch; **Voting in Favor:** M Furgueson, E Cook, A Roussel, D Kirsch, and F Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

Respectfully Submitted,



Recording Clerk