



TOWN OF ESSEX
Inland Wetlands and Watercourses Commission

Officers
Michael Furgueson, Chairman
David Kirsch, Vice Chair

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

Regular Members
Ernest Cook
Fred Szufrnowski
Noreen Brennan-Rowe

Alternate Members
Carolyn Field
Lisa Krall

August 8, 2023 Regular Meeting Minutes

Attending Members:	Absent Members:
David Kirsch, Vice Chairman	Michael Furgueson, Chairman
Ernest Cook	
Noreen Brennan-Rowe	
Carolyn Field, Alternate	
Lisa Krall, Alternate	

Staff:	
	Danielle Schumacher, Recording Clerk

Audience:	
	Aron Schumacher, PE-Doane Engineering
	Frank Perotti- 46 Main Street Ivoryton
	Michael D’Occhio- 1 Johnnycake Lane
	Tim Reynolds- Plant Service Director, Essex Meadows
	Lawrence Athay- 92 Ingham Hill Road Essex
	Sherri Athay- 92 Ingham Hill Road Essex

1. Call to Order and Seating of Members

The meeting was called to order at 6:59 PM by Vice Chairman David Kirsch. Seated for the meeting were David Kirsch, Ernest Cook, Noreen Brennan-Rowe, Carolyn Field (alternate), and Lisa Krall (alternate).

2. Approval of Minutes

a. July 11, 2023 Regular Meeting Minutes

MOTION made by E Cook to approve the minutes from the July 11, 2023 Regular Meeting with the following amendments:

- Page 2
 - Change spelling from “Kirsh” to “Kirsch”
 - Change motion second to E Cook
- Page 5
 - Strike “Annie Kingston and Steven Schneider via Zoom”

SECONDED by C Field; **Voting in Favor:** D Kirsch, E Cook, N Brennan-Rowe, C Field, and L Krall; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

3. Public Comment

D Kirsch spoke briefly, saying that former Chairman Fred Szufnarowski passed away about 2 weeks ago. He was a very outstanding member and good mentor to all of us. We will miss him deeply.

4. Public Hearings

- a. **Cease and Desist Show Cause Hearing 46 Main Street and 1 Johnnycake Lane, Ivoryton** Cutting of vegetation in a wetlands and filling of a stream with soil and removal of vegetation within 100 feet of a wetlands without a permit. *Property Owner: Spartan Associates, LLC and Michael and Kalyn D'Occhio (Continued from June 13 and July 11, 2023)*

Frank Perrotti, owner of 46 Main Street, was present at the meeting.

F Perrotti said that the matter being discussed is ongoing and there is no change in the status as of this meeting. He is waiting for the surveyors to come out (MacDonald and Sharpe). The area is being monitored very regularly by both C Duques and R Doane and all measures put into place are working effectively.

He went on to say that MacDonald and Sharpe Associates have done previous survey work at the site and hiring another surveyor to come in would be an extensive process.

D Kirsch commented that this is month 4 of stabilized material getting into the Falls River.

F Perrotti said that he is trying to get the schedule expedited and he understands how critical this matter is. He has checked with other firms in the area and they are 4-6 weeks out.

N Brennan-Rowe asked if they were able to restore the erosion and sedimentation controls that had been breached.

F Perrotti responded that it was corrected the next day and C Duques and R Doane were both out to witness and verify that it was completed.

MOTION made by C Field to continue reviewing the application for 46 Main Street and 1 Johnnycake Lane, Ivoryton at the September 13, 2023 IWWC meeting;

SECONDED by N Brennan-Rowe. **Voting in Favor:** D Kirsch, E Cook, N Brennan-Rowe, C Field, and L Krall; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

5. Unfinished Business/Action Items

- a. **Cease and Desist Show Cause Hearing 46 Main Street and 1 Johnnycake Lane, Ivoryton** Cutting of vegetation in a wetlands and filling of a stream with soil and removal of vegetation within 100 feet of a wetlands without a permit. *Property Owner: Spartan Associates, LLC and Michael and Kalyn D'Occhio (Continued from June 13 and July 11, 2023)*

Discussed above.

- b. **IWWC Application 23-11 9 River Road Essex** Proposal to remove and treat the invasive plant Japanese Knotweed located within a wetlands *Property Owner: Anne Kingston and Steven Schneider (Continued from July 11, 2023)*

No one present for the application.

MOTION made by C Field to table the discussion on IWWC Application 23-11 9 River Road until the September 13, 2023 meeting; **SECONDED** by N Brennan-Rowe; **Voting in Favor:** D Kirsch, E Cook, N Brennan-Rowe, C Field, and L Krall; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

- c. **IWWC Application 23-12 Heron Pond Road Essex** Proposal to construct a house with attached garage; activity includes clearing, grubbing, excavation, filling, grading, and planting located within 100 feet of a wetlands. *Property Owner: Robert J. and Lynn S. Keller (Continued from July 11, 2023)*

Property owner Robert Keller was in attendance along with Aron Schumacher, PE of Doane Engineering.

A Schumacher started by saying that they had revised the plans to address C Duques' concerns about the section of the rain garden. There have been no changes to the site, they just added clarification. He said there had also been a question about plantings for the rain garden. The homeowners have a lot of expertise in this area and would like to do the planting themselves once they are settled in the house.

A Schumacher went on to say that there was a question about removal of trees. R Keller said would like to remove 3 to 4 trees, all of which are partially dead or being overtaken by vines and invasives. They hope to keep as many as possible and none of this activity will be in the wetland.

A Schumacher said that they had also added a stockpile area to the plan. C Duques also questioned the trash and debris on the property, and they hope to coordinate with R Snarski for removal of that material.

MOTION made by N Brennan-Rowe for the Essex Inland Wetlands and Watercourses Commission to allow our wetlands agent to handle Application No. 23-12 Heron Pond Road Essex; **SECONDED** by C Field; **Voting in Favor:** D Kirsch, E Cook, N Brennan-Rowe, C Field, and L Krall; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

6. Receipt of Applications/New Business

- a. **IWWC Application 23-13 30 Bokum Road Essex** Proposal to install pond leveler to control water level and stop flooding from a beaver dam within a wetlands. *Property Owner: LCS Essex Meadows*

Tim Reynolds, Plant Service Director for Essex Meadows was present to discuss the application. He said that this will be the 3rd pond leveler installed on the property and they have had good luck working with Beaver Solutions. The leveler maintains the pond level but lets the water flow through the dam. They are hoping to complete the work on the Fall as it is easier when the water level goes down.

E Cook asked about a maintenance plan.

MOTION made by N Brennan-Rowe to schedule Application 23-13 30 Bokum Road Essex for the September 13, 2023 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 C Field; **Voting in Favor:** D Kirsch, E Cook, N Brennan-Rowe, C Field, and L Krall; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

- b. **IWWC Application 23-14 92 Ingham Hill Road Essex** Proposal to construct an addition on both sides of the home which is within 100 feet of a wetlands. *Property Owner: Lawrence and Sherri Athay*

Property owners Lawrence and Sherry Athay were in attendance.

L Athay said that they live in a house built in 1950 on a small lot. In the late 1960-70s there was a tiny brook that was dammed up and made into a pond. The house is about 91 feet from the pond (back of house). The proposed addition would come to 16 feet beyond the house (75 feet from the pond) within the 100-foot upland review area. They are not planning on cutting any trees.

E Cook asked about additional drawings and topographical maps of the property

D Kirsch said that we can accept the application and finalize next month. He advised the applicants to reach out to C Duques to ask what additional information is needed.

MOTION made by N Brennan-Rowe to schedule Application 23-14 92 Ingham Hill Road Essex for the September 13, 2023 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 C Field; **Voting in Favor:** D Kirsch, E Cook, N Brennan-Rowe, C Field, and L Krall; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

7. **Section 12 Action by Duly Authorized Agent**
None

8. **Other Business**

- a. **ZBA Section 140L Referral – 54 Main Street Essex: patio and seating walls within 100 feet of the coastal jurisdiction line.**

D Kirsch said ZBA is requesting that the commission review the application and provide comments. The proposed patio and seating walls are within 100 feet of the coastal jurisdiction line.

N Brennan-Rowe said that she is concerned about the fire bit on the bulkhead area. Is it gas or wood burning?

D Kirsch questioned how far into the river the patio goes. He said that it is important that the nonconformance doesn't get out of hand.

C Field expressed concern about if the area floods and if there will be a mitigation plan.

Commissioners agreed that native coastal plantings should be used.

9. Correspondence and Invoices

Done

10. Reports:

a. **Wetlands Official**

i. **Update on Open Permits**

Not present

b. **Chairperson**

No comment

11. Update from Attorney Regarding Pending Litigation

None

12. Adjournment

MOTION made by N Brennan-Rowe to adjourn the meeting at 7:48 PM; **SECONDED** by C Field; **Voting in Favor:** D Kirsch, E Cook, N Brennan-Rowe, C Field, and L Krall; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

Respectfully Submitted,

