



TOWN OF ESSEX
Inland Wetlands and Watercourses Commission

Officers
Michael Furgueson, Chairman
David Kirsch, Vice Chair

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Regular Members
Ernest Cook
Fred Szufnarowski
Noreen Brennan-Rowe

Alternate Members
Carolyn Field
Lisa Krall

April 11, 2023 Regular Meeting Minutes

Attending Members:	Absent Members:
Michael Furgueson, Chairman	Fred Szufnarowski
Ernest Cook	Carey Duques, Land Use Official
David Kirsch, Vice Chairman	Noreen Brennan-Rowe
Carolyn Field, Alternate	
Lisa Krall, Alternate	

Staff:	
	Danielle Schumacher, Recording Clerk
	Robert Doane Jr., PE- Wetlands Enforcement Officer
	Sylvia Rutkowska, Commission Attorney

Audience:	
	Bob Nussbaum, Essex Land Trust
	Leif Owens, Essex Land Trust

1. Call to Order and Seating of Members

The meeting was called to order at 7:01 PM by Chairman Michael Furgueson.

Members seated were Chairman Michael Furgueson, Vice President David Kirsch, Ernest Cook, Carolyn Field (alternate), and Lisa Krall (alternate).

2. Approval of Minutes

a. March 14, 2023 Regular Meeting Minutes

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

- **Page 2-**
 - **Section 4**
 - Capitalize “Commission”
 - Change “said” to “explained”

- Reword 3rd sentence to read: “This activity had been reported by a neighbor to C. Duques. C. Duques and R. Doane subsequently went to the property to meet the owner and review the activity that took place.”
- Insert “M Annicelli” after “The owner”
- Change 2nd paragraph from the bottom to “In response to M. Annicelli’s statement that in her opinion the Town and its officials could have handled this matter differently, M Furgueson stated, saying that over 50% of applications that the commission sees are “after the fact”. The IWWC and Town has expended much effort in a public awareness campaign about wetlands regulations. Yet, he stated that it is, nonetheless, property owners’ responsibility to be aware of and comply with the Town’s land use regulations. In addition, he stated that recently the Town of Essex increased fees for corrective applications, although they can be waived at the Commission’s discretion.”
- Change 2nd to last sentence in first full paragraph to “The property owner does not wish to do any additional work at the property within the upland review area.”

- **Page 3-**

- Remove “penalty” before “fees associated”

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

b. March 22, 2023 Site Walk Meeting Minutes

MOTION made by E Cook to approve the minutes from the March 22, 2023 Site Walk as submitted; **SECONDED** by C Field; **Voting in Favor:** M Furgueson, E Cook, D Kirsch, C Field, and L Krall; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

3. Public Comment

No public comment

4. Public Hearings

- a. IWWC Application No. 23-02 River Road, Essex-** Proposal to construct a pedestrian bridge over the Falls River and associated sidewalk along River Road located within the 100 feet of a wetlands. *Applicant/Owner: Town of Essex*

Robert Doane Jr., PE was in attendance on behalf of the Town of Essex.

R Doane started by giving a brief overview of the project. The proposed sidewalk will run from North Main Street (near Denison Road) to Heritage Cove on the southeast side of the roadway. As you approach the bridge, they will be using a monolithic sidewalk. The sidewalk will be supported on precast concrete retaining walls with the bridge abutment inside the existing wing wall. The bridge abutment will occupy 2 square feet of the wetland area, which cannot be moved due to the fact that it is right up against the bridge. They will be excavating around the sycamore tree with an air spade to minimize damage to the roots. They will also be

moving the roadway in the vicinity of the Book Hill Road intersection to the left and widening it along with redoing the drainage.

E Cook asked if the pedestrian bridge would interfere with the replacement of the car bridge. R Doane replied that a 6-foot section will be removed in order to place the new bridge. He anticipates that they will reuse the existing bridge abutments.

D Kirsch asked if there would be a fence going towards Heritage Cove to prevent people from falling off of the bridge. R Doane replied that there will be two railings on each side.

D Kirsch asked R Doane when he thinks that they will start the project. R Doane replied that they are hoping to start in June or July.

M Furgueson asked what sedimentation controls that they plan to use. R Doane replied that the sections will move along very quickly. As each section is put in, they will be filling in with crushed stone immediately. They will not do more work than they can backfill in a day. There will be a turbidity skirt at the bridge abutment. If they need to do work between the bridge and the sycamore tree, they will use a waddle that can be wrapped around the tree. He does not think that a silt fence is warranted as they would have to dig up tree roots to put it in.

C Field asked if there was a plan for snow removal. R Doane replied that the bridge will be able to support a 6,000-pound vehicle which is what they town uses for clearing sidewalks. He is unsure about the plan for salt and sand.

MOTION made by D Kirsch to close the public hearing for Application No. 23-02 River Road, Essex; **SECONDED** by E Cook; **Voting in Favor:** M Furgueson, E Cook, D Kirsch, C Field, and L Krall; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

5. Unfinished Business/Action Items

- a. **IWWC Application No. 23-02 River Road, Essex-** Proposal to construct a pedestrian bridge over the Falls River and associated sidewalk along River Road located within the 100 feet of a wetlands. *Applicant/Owner: Town of Essex*

MOTION made by D Kirsch based on the information presented in this application, the accompanying documents in the record, and on the testimony given at this meeting, the Commission finds that the proposed activity is a regulated activity not involving significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2., and that no reasonable or prudent alternative exists to the proposed plans.

The Commission makes a Summary Ruling and grants a permit and gives permission for the applicant to proceed with the proposed activity as stated on said application and as shown on plans accompanying the application, subject to the following conditions:

1. In accordance with the Commission's Regulations section 11.8, the activity pursuant to said permit shall be for a period of 2 years from the permit's effective date with allowed activity occurring between March 15th and October 15th of the year of initiation.

2. Should the applicant determine that the permitted activity will not be completed between March 15th and October 15th of the year of initiation, the applicant agrees to appear before the Commission prior to October 15th and present a plan for the stabilization of the site during the months of no activity.
3. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes she/he deems necessary or may require for the protection of the inland wetlands and water course during the process.
4. The Commission, through its Enforcement Officer, shall be notified in writing upon the initiation of the authorized activity and again upon completion of these activities

SECONDED by E Cook; **Voting in Favor:** M Furgueson, E Cook, D Kirsch, 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 No. 23-03 Kayak/Canoe launch between 15 and 19 Falls River Drive, Ivoryton-** Proposal to improve existing kayak/canoe launch including installation of a floating platform on the edge of Mill Pond located within 100 feet of a wetlands. *Applicant/Owner: Essex Land Trust*

Bob Nussbaum, Vice President of the Essex Land Trust, and Leif Owens, Stewardship Director were in attendance (L Owens via Zoom) to discuss the proposed project.

B Nussbaum presented to the commission. He said that the Land Trust has a big presence in the area and are the biggest single owner of shoreline at Mill Pond. The proposed site is the only public access to the pond. The Land Trust runs many programs and would be able to run more if they had a more user-friendly spot to work from. The proposal has minimal impact on the existing area that has been eroded because of its use without a stable structure.

E Cook asked what is existing there now.

B Nussbaum said that it is muddy gravel that is 11 to 12 feet wide. He went on to say that the proposed structure allows people to paddle on or push themselves off for dry exit and entry.

Leif Owens addressed the commission. He said that they have received comments and feedback from people who are frequent users. He went back to look at the area after questions were brought up and met someone who had a similar kayak to the one mentioned in the email they had received. They want to make sure that they position the structure so that all users can enjoy the access.

M Furgueson said that the commission is not allowed by regulation to grant an administrative approval if there is activity within the wetlands.

M Furgueson also acknowledged that correspondence on this application had been received and distributed to the Commission. B Nussbaum stated he was familiar with the correspondence and the concerns it raises. He stated that there is enough space at the site to

accommodate a kayak launch and the launch of fishing kayaks(the subject of the correspondence).

MOTION made by D Kirsch to schedule Application Number 23-03 Kayak/Canoe launch between 15 and 19 Falls River Drive, Ivoryton for the Tuesday May 9, 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 E Cook; **Voting in Favor:** M Furgueson, E Cook, D Kirsch, 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

None

9. Correspondence and Invoices

None

10. Reports:

a. Wetlands Official

i. Update on Open Permits

None

b. Chairperson

None

11. Update from Attorney Regarding Pending Litigation

MOTION made by D Kirsch to enter into executive session at 7:55 PM; **SECONDED** by C Field; **Voting in Favor:** M Furgueson, E Cook, D Kirsch, C Field, and L Krall; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

MOTION made by D Kirsch to end the executive session at 8:44 PM; **SECONDED** by C Field; **Voting in Favor:** M Furgueson, E Cook, D Kirsch, C Field, and L Krall; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

12. Adjournment

MOTION made by D Kirsch to adjourn the meeting at 8:45 PM until the next regularly scheduled IWWC meeting to be held on Tuesday May 9, 2023 at the Essex Town Hall (alternate location via Zoom); **SECONDED** by C Field; **Voting in Favor:** M Furgueson, E Cook, D Kirsch, C Field, and L Krall; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

Respectfully Submitted,

Danielle Schumacher

Recording Clerk