



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

Minutes- June 14, 2022 Regular Meeting

1. Call to Order and Seating of Members

The Essex Inland Wetlands and Watercourses Commission (EIWWC) conducted their regularly scheduled meeting on Tuesday June 14, 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 Michael Furgueson, acting Chairman, welcomed members of the public to the June 14, 2022 EIWWC 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:
Michael Furgueson- Acting Chairman	Fred Szufnarowski
Andre Roussel	
Carolyn Field	
Ernest Cook-Secretary	
Noreen Brennan-Rowe-Alternate	
David Kirsch- Alternate	

Staff:	Danielle Sanso- Recording Clerk
	Carey Duques- Land Use Official
	Robert Doane Jr., P.E.- Wetlands Enforcement Officer
	Sylvia Rutkowska- Commission Attorney (via Zoom)

Audience:	None
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The meeting was called to order at 7:00 PM by Vice Chairman Michael Furgueson. Seated members were Vice Chairman Michael Furgueson, Carolyn Field, Andre Roussel, Secretary Ernest Cook, and David Kirsch (Alternate).

2. Approval of Minutes

a. May 10, 2022 Regular Meeting Minutes

MOTION made by A Roussel to approve the May 10, 2022 regular meeting minutes with the following amendments:

- **Page 3:**
 - 5th paragraph- A pre-construction conference would make sure that everything was done correctly
- **Page 4:**
 - R Doane- During a dry week NOT dryer
- **Page 5:**
 - Peter Decker- Representative for McBeth Ventures
- **Page 6:**
 - Paved apron with gravel parking lot
 - Motion to schedule Application 22-06 6 Main Street Centerbrook for the June 14, 2022 regular meeting.

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

3. Public Comment

No public comment

4. Update from Attorney Regarding Pending Litigation

Sylvia Rutkowska said that the property owner has been served and there has been no progress from the property owner. A status conference was scheduled several weeks ago but there was a scheduling conflict with the court.

5. Public Hearings

No Public Hearings

6. Unfinished Business/Action Items

- a. **Application No. 22-06- 6 Main Street Centerbrook** Witch Hazel Factory
Proposal to dredge sediment in a portion of the wetlands on the property and replant.
Applicant: Peter J Decker Owner: Macbeth Ventures LLC (Application received May 10, 2022)

No representative for the application was present.

C Duques said that we have answers to the questions from the last meeting in a letter from R Snarski.

MOTION made by A Roussel 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 inlands 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
5. A one year follow up inspection will be completed by the wetlands official to assess the outcome of the activity.

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

b. **Application No. 22-07- Millrace, Ivoryton** Proposal to construct parking area adjacent to intersection of Walnut Street and Main Street in Ivoryton to enable cars to park off the street and access the Millrace Land Trust property. Proposed work would be within 100 feet of the Falls River. *Applicant: Town of Essex Owner: Essex Land Trust (Application received May 10, 2022)* **APPLICATION CONTINUED**

C Duques reported that the application is being tabled for the time being. R Doane formally requested that the application be withdrawn.

7. Receipt of Applications/New Business

None

8. Section 12 Action by Duly Authorized Agent

a. Declaratory Ruling/ Uses as of Right Application- Removal of invasive species and replanting within wetlands and upland review area at 8 and 10 Benson Lane, Essex.

Attorney Sylvia Rutkowska recommended that the Commission issue a written ruling specifically stating what the activity is and what activity is exempt.

M Furgueson said that work in a wetland is specific to the scope of that work and the manner in which it is conducted. The benefits of removing invasives could be offset by impact to the wetlands if it is not done properly. He said that he agrees that the work falls within section 4.2a, permitted non-regulated use. Restricted to the actions that are described

MOTION made by M Furgueson to accept the application as a notice of a proposed permitted operation and use or a nonregulated operation and use at **8 and 10 Benson Lane** pursuant to Section 4.4, and that the proposed activity as specifically described and limited in said application is ruled as a nonregulated use pursuant to Section 4.2a. C Duques and S Rutkowska will craft the appropriate documentation to send to the property owner. **Voting in Favor:** M Furgueson, C Field, A Roussel, E Cook, D Kirsch; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

9. Other Business

a. Land Use Official and Darcy Winther, DEEP (invited) to discuss possible enforcement fee schedule

C Duques spoke with the DEEP municipal liaison for wetlands and watercourses, Darcy Winther, regarding after the fact permits. She said that we need to remove the phrase “after-the-fact” permit.

This past December the regulations were updated along with an updated fee schedule. The Board of Selectman ultimately has to approve the fee schedule and was not in favor.

C Duques explained that the proposed enforcement fees would be broken into 3 buckets:

- Revocation/suspension of permits (\$100)
- Issuance of cease and desist or cease and correct (2xs activity fee)
- Corrective order/monitoring compliance (150% of the cost of engineering or other professional review)

M Furgueson said he recommended S Rutkowska and C Duques have a discussion with D Winther and come back to the Commission at the next meeting.

10. Correspondence and Invoices

None

11. Reports:

a. Wetlands Official

i. Update on Open Permits

R Doane reported that it has been a slow month

R Snarski applied herbicide and waiting for plants to die out at 95 Plains Road. They are trying to get them to water more for the seed that was planted.

b. Chairperson

No report

12. Adjournment

MOTION made by E Cook to adjourn the meeting at 8:22 PM until the next regularly scheduled EIWWC meeting to be held on Tuesday July 12, 2022 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue (alternate location via teleconference); **SECONDED** by M Furgueson; **Voting in Favor:** M Furgueson, C Field, A Roussel, E Cook, D Kirsch; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

Respectfully Submitted,

A handwritten signature in cursive script that reads "Danielle Sanso".

Recording Clerk