



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 Szufnarowski*

**Alternate Members**  
*Carolyn Field*  
*Noreen Brennan- Rowe*

**March 14, 2023 Regular Meeting Minutes**

The Essex Inland Wetlands and Watercourses Commission (IWWC) conducted its regularly scheduled meeting on Tuesday March 14, 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 March 14, 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	Fred Szufnarowski
David Kirsch, Vice Chair	
Ernest Cook (Via Zoom)	
Noreen Brennan-Rowe, Alternate	
Carolyn Field, Alternate	
Andre Roussel	

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

<b>Audience:</b>	
	Travis Parker, 55 Pond Meadow Rd
	Michelle Annicelli , 55 Pond Meadow Rd
	Robert Doane, Town Engineer Doane Engineering

**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 (present via Zoom), Noreen Brennan-Rowe (alternate), and Andre Roussel.

2. **Approval of Minutes**

a. **February 14, 2023 Regular Meeting Minutes**

**MOTION** made by E Cook to approve the February 14, 2023 meeting minutes with the following amendments.

- Page 3:
  - Fifth paragraph, change word material to *soil*
- Page 4:
  - Voting members should not include F Szufnarowski and instead should have N. Brennan-Rowe
- Page 6:
  - 2<sup>nd</sup> paragraph third sentence should say *resolve*
  - 3<sup>rd</sup> paragraph should read C Duques distributed *to commission members* wording...

**SECONDED** by N Brennan-Rowe; **Voting in Favor:** M Furgueson, A Roussel, E Cook, D Kirsch, N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

3. **Public Comment**

None

4. **Public Hearings**

- a. **Cease and Correct Show Cause Hearing 55 Pond Meadow Road, Ivoryton.** Removal of trees and vegetation within the 100-foot upland review area of a wetlands without a permit.

C Duques spoke to the commission, giving them a brief summary of the work that was done without a permit. She said there was clearing of understory brush and removal of 1 pine tree within the upland review area. She had left her card at the door and the property owner contact her and her and R Doane went out to the property. The owner was very understanding and cooperative and did not know that they needed a permit. The wetlands have been flagged since they were at the property. They do not wish to do any additional work to the property.

Travis Parker and Michelle Annicelli of 55 Pond Meadow Road spoke to the commission. They said that they had cut limbs and brush not know that there was an upland review area. They were trying to gain access to their well that they have been having trouble with. They explained that the invasives such as bittersweet were actually killing the trees along the wetland. They stressed that they are both responsible citizens and have had no other issues.

M Furgueson spoke, saying that over 50% of applications that the commission sees are after the fact. They have done a lot of work publicizing the wetlands regulations in Town so that people have a better understanding. The upland review area and the regulations have been in place for a long time. He explained that the wetlands commission has been quite accommodating and understanding of people's ownership of land and their ability to use their land. He explained that there is nothing wrong with these activities but there is a process for approval in the Town that must be followed. Minimal activity often allows for administrative approval. Last month, fees were increased in hopes that people would follow the rules and regulations, but we do have an option to wave those fees.

M Furgueson asked S Rutkowska how she suggests that they proceed. She replied that the cease and desist could be upheld, modified, or if terms of the cease and desist were satisfied the cease and desist would no longer be in effect.

**MOTION** made by A Roussel to declare that terms of the cease and correct for 55 Pond Meadow Road in Ivoryton have been satisfied. The commission will wave all penalty fees associated; **SECONDED** by D Kirsch; **Voting in Favor:** M Furgueson, E Cook, D Kirsch, N Brennan-Rowe, and A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

**5. Unfinished Business/Action Items**  
None

**6. Receipt of Applications/New Business**

- 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 100 feet of a wetlands. *Applicant/Owner: Town of Essex*

Alternate member N. Brennan-Rowe recused herself from this project. Alternate member C Field was seated for this application.

R Doane, Town Engineer, was present to talk about the project. He explained the Town is proposing to construct a sidewalk starting adjacent to 5 River Road running along the eastern side of River Road to Heritage Cove. There will be 3,400 square feet of sidewalk with a pedestrian bridge on the downstream side of the bridge extending over Falls River. There will be a retaining wall of precast concrete blocks along the wetlands within the 100 foot upland review area after the bridge. The sidewalk will be mostly monolithic style which includes a curb as part of the sidewalk.

The existing vehicular bridge is slated to be replaced in the next couple of years. The original plan was the widen the existing bridge and incorporate the sidewalk. They were not able to get the grant to replace the bridge but have a STEAP grant for \$600k for this particular project (which includes the sidewalks and associated drainage, i.e. catch basins, etc).

**MOTION** made by A Roussel to schedule Application IWWC Application No. 23-02 River Road, Essex for a public hearing at the IWWC meeting on Tuesday April 11, 2023.

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):

- ✓ The proposed activity involves a significant impact or major effect upon the inland wetlands or watercourse(s) which occur on the property; or
- ✓ The Commission finds that a public hearing regarding such application would be in the public interest.

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

R Doane recommended a site walk.

Site walk scheduled for 3:30 pm on March 22<sup>nd</sup>.

**7. Section 12 Action by Duly Authorized Agent**

None

**8. Other Business**

M Furgueson said that he would like to thank A Roussel for his service to the commission. N Brennan-Rowe will be appointed as a regular member at tomorrow's town meeting. We also have a new commissioner joining us who is a retired soil scientist with the USDA.

A Roussel said that the commission has come a long way in the last 7 years and is really a high performing team.

**9. Correspondence and Invoices**

None

**10. Reports:**

a. Wetlands Official

i. **Update on Open Permits**

R Doane mentioned that tomorrow is the 15<sup>th</sup> which begins the active season. The next activity we will see is the pouring of the foundation at 83 Westbrook Road. They will also be starting the work at 20 River Road to raise the house.

b. Chairperson

None

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

**MOTION** made by D Kirsch to enter into Executive Session at 8:08 PM; **SECONDED** by A Roussel; **Voting in Favor:** M Furgueson, E Cook, D Kirsch, N Brennan-Rowe, and A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

**MOTION** made by D Kirsch to end the Executive Session at 8:57 PM; **SECONDED** by N Brennan-Rowe; **Voting in Favor:** M Furgueson, E Cook, D Kirsch, N Brennan-Rowe, and A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

**12. Adjournment**

**MOTION** made by A Roussel to adjourn the meeting at 8:58 PM until the next regularly scheduled IWWC meeting to be held on Tuesday April 11, 2023 at the Essex Town Hall (alternate location via teleconference); **SECONDED** by D Kirsch; **SECONDED** by N Brennan-Rowe; **Voting in Favor:** M Furgueson, E Cook, D Kirsch, N Brennan-Rowe, and A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

Respectfully Submitted,



Recording Clerk