



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- September 13, 2022 Regular Meeting

1. Call to Order and Seating of Members

Essex Inland Wetlands and Watercourses Commission (EIWWC) conducted their regularly scheduled meeting on Tuesday September 13, 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 Chairman Fred Szufnarowski welcomed members of the public to the September 13, 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:

Fred Szufnarowski, Chairman
Michael Furgueson, Vice Chairman
Noreen Brennan-Rowe, Alternate
Carolyn Field, Alternate
David Kirsch

Absent Members:

Andre Roussel

Staff:

Danielle Schumacher, Recording Clerk
Carey Duques, Land Use Official
Robert Doane Jr., PE, Wetlands Enforcement Officer

Audience:

Aron Schumacher, PE, Doane Engineering
Sylvia Rutkowska, Commission Attorney (Via Zoom)
Sean Thomas, property owner 7 Pond Meadow (Via Zoom)
Jeff Jacobson, PE, Jacobson Engineering
Jeff Lovelace, resident
Robert Surdam, resident
Joe Wren, PE, Indigo Engineering

The meeting was called to order at 7:00 PM by Chairman Fred Szufnarowski.

Seated members were Chairman Fred Szufnarowski, Vice Chairman Michael Furgueson, David Kirsch, Carolyn Field (Alternate), Noreen Brennan-Rowe (Alternate).

2. Approval of Minutes

a. August 9, 2022 Regular Meeting Minutes

MOTION made by D Kirsch to approve the August 9, 2022 meeting minutes with the following amendments;

- **Page 2:**
 - **Section 3**
 - change second line “growth of Japanese Knotweed”
 - change her and to “she and”
 - strike commission and change to IWWC Officials
- **Page 3:**
 - **Section 7a-** change “her and R Doane” to “R Doane and she”
- **Page 4:**
 - **Second paragraph up from bottom-** change “her and” to “she and”
- **Page 5:**
 - **Second motion-** strike N Brennan-Rowe from abstaining
 - **Third motion-** add N Brennan-Rowe to abstaining
 - **Section b, 2nd paragraph up from bottom-** add “the dry well” and remove “this” at the beginning of the second sentence
- **Page 6:**
 - **First motion-** change “our Wetlands Agent” to “the Wetlands Agent”
 - **Second motion-** change “our Wetlands Agent” to “the Wetlands Agent”
 - **Last paragraph-** change to lowercase r in regarding
- **Page 7:**
 - **Second motion-** change “our Wetlands Agent” to “the Wetlands Agent”

SECONDED by N Brennan-Rowe; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, C Field, N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

b. August 17, 2022 Site Walk Meeting Minutes

MOTION made by M Furgueson to approve the minutes from the August 17, 2022 site walk; **SECONDED** by N Brennan-Rowe; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, C Field, N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

3. Public Comment

No public comment

4. Update from Attorney Regarding Pending Litigation

MOTION made by M Furgueson to move item number four to after item 11 to be able to go into Executive Session; **SECONDED** by D Kirsch; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, C Field, N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.
Discussion: No Discussion

5. Public Hearings

- a. **IWWC Application No. 22-11 20 River Road, Essex.** Proposal to construct a barn, restore and rejuvenate the pond, and construct an inground swimming pool along with regrading the lawn all which is located within the 100-foot upland review area. *Applicant/Owner: Matthew and Jean Walston*

Robert Doane Jr., PE and Aron Schumacher, PE were present from Doane Engineering to represent the applicant.

R Doane described the site as 5.5 acres on the Falls River. The northern portion of the property has a stream that enters from Book Hill and traverses the property through a polyethylene pipe.

Dredging of the pond will include removing between 500 and 800 cubic yards of organic material and sediment. They anticipate dewatering the pond as J Jacobson had suggested, which will allow them to move the material away faster. This will involve pumping the water into a silt sack surrounded by hay bales. Material from the dredging will be stockpiled in the area on the east side of the property shown on the plan. Once the material is dried it will be moved either off site or to a permanent stockpile area as shown on the plan. The property owners will be able to use the material as topsoil for various projects throughout the property.

The plans include the installation of a sump on each end of the existing pipe (catch basin sump roughly 4X4) to gather sediment that comes down stream. This will help with maintaining the pond and reducing sediment from entering the pond.

They are also proposing the installation of a swimming pool. They have moved the location further north on the property and closer to the wetland line but further out of the 100-year flood zone. The flood zone elevation is 15.5 feet and is derived from the detailed FEMA flood map of Falls River.

Exhibit A- GIS image

Exhibit B- 11X17 compensatory storage plan

The plans also include a planting scheme by Rich Snarski for an aquatic shelf in the pond. They are hoping to reduce the emergent plant growth around the pond as much as possible and return it to a recreational pond.

R Doane represented that R Snarski said that he is not concerned about downstream when the pond is dewatered. The installation of a bypass when the pond is being dewatered will protect downstream.

The last item being proposed is a barn with garage (30'X40") which will be supported by piers. There will be a bathroom with a toilet and sink installed. The existing pump chamber will be moved to accommodate this.

Exhibit C- Before and After Photos

R Doane went on to say that the Walstons have been living on the property for almost a year. They cleared out the bittersweet, vines and trees on the hillside on the western side of the lawn area. The after photo shows the area that was cleared. A planting plan will be submitted. They will seed the area to stabilize the hillside and have a landscaper design something in the future.

The proposed phasing of construction is drain the pond, dredge the pond, install the pool and then construct the barn.

C Duques asked about plantings near the pool or barn. She commented that it would be nice to have a stronger buffer between the wetlands and the proposed built area.

R Doane said that there were none proposed but they would like to keep the limits of the current lawn. R Doane reported that R Snarski said that the wetland line he had established contained close to 24" of fill. If there is over 24" of fill it is no longer considered a wetland by state statute. This area functions as a lawn now.

J Jacobson said that he is comfortable saying that the proposed project is being done in an appropriate way and that R Doane has addressed all of his comments.

F Szufarnowski opened the floor to the public. He said that the Commission's authority is in activities that affect watercourses, ponds and wetlands. Our focus is on the resources and comments should be focused on that.

Robert Surdam said that he was curious about the dark blue area on the plan. He asked how close this is to the Falls River and how close it is to the deforestation that has already taken place.

R Doane said that the edge of the proposed excavated area is about 80 feet from Falls River.

MOTION made by M Furgueson to continue the public hearing for IWWC application number 22-11 to the October meeting; **SECONDED** by N Brennan-Rowe; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, C Field, N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

6. Unfinished Business/Action Items

- a. **IWWC Application No. 22-11 20 River Road, Essex.** Proposal to construct a barn, restore and rejuvenate the pond, and construct an inground swimming pool along with re-grading the lawn all which is located within the 100-foot upland review area. *Applicant/Owner: Matthew and Jean Walston*

Public hearing continued to the next meeting.

7. Receipt of Applications/New Business

- a. **IWWC Application No. 22-17**

Joe Wren, PE spoke briefly about the project. He said that the property is in the industrial park and that there is already a building at this location used by All Waste. Currently there is a building at the parcel closest to the road. They purchased property to the north which is partially in the Commercial zone and partially in the Industrial zone. They would like to expand into the 6 acre parcel which would require crossing a 14 foot man made ditch. They are proposing to use 1 acre of the property for a crushed stone lot that will be used to store clean empty roll off containers. The area was flagged as an intermittent watercourse which means it is dry most of the time. There is no fish population and really no functions and values.

MOTION made by F Szufnarowski to table application 22-17 until the October meeting; **SECONDED** by C Field; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, C Field, N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

8. Section 12 Action by Duly Authorized Agent

- a. **IWWC Application No. 22-12- 70 Plains Road, Essex.** Proposal to install a drainage pipe from an existing low area to a proposed grass swale located within the 100 foot upland review area. *Applicant/Owner: Little Red Caboose LLC and Essex Fire Department Assoc., Inc* **APPROVED**

MOTION made by N Brennan-Rowe that the Essex Inland Wetlands and Watercourses Commission concurs with the decision of the Wetlands Agent with regard to Application No. 22-12 70 Plains Road, Essex; **SECONDED** by M Furgueson; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, C Field, N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

- b. **IWWC Application No. 22-13- 12 Rachel Lane, Ivoryton.** Proposal to construct a detached garage/pool house, an addition to the house and a new

sanitary system within the 100-foot upland review area. *Applicant/Owner: Carolee Cannata* APPROVED

MOTION made by D Kirsch that the Essex Inland Wetlands and Watercourses Commission concurs with the decision of the Wetlands Agent with regard to Application No. 22-13 12 Rachel Lane, Ivoryton; **SECONDED** by C Field; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, C Field, N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

- c. **IWWC Application No. 22-14- 143 River Road, Essex.** Proposal to install a new septic system and abandon the existing system within the 100-foot upland review area. *Applicant/Owner: Louise and John Madsen* APPROVED

MOTION made by D Kirsch that the Essex Inland Wetlands and Watercourses Commission concurs with the decision of the Wetlands Agent with regard to Application No. 22-14 143 River Road, Essex; **SECONDED** by C Field; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, C Field, N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

- d. **IWWC Application No. 22-15- 32 Ingham Hill Road, Essex.** Proposal to install a 90” X 90” X 36” hot tub on gravel pad adjacent to the house within the 100-foot upland review area. *Applicant/Owner: Philip Pactor* APPROVED WITH CONDITIONS

MOTION made by D Kirsch that the Essex Inland Wetlands and Watercourses Commission concurs with the decision of the Wetlands Agent with regard to Application No. 22-15 32 Ingham Hill Road, Essex; **SECONDED** by C Field; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, C Field, N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

- e. **IWWC Application No. 22-16- 7 Pond Meadow, Ivoryton.** Request for after-the-fact permit for a deck approx. 13’ X 22’ within the 100-foot upland review area. *Applicant/Owner: Sean Thomas* APPROVED

MOTION made by D Kirsch that the Essex Inland Wetlands and Watercourses Commission concurs with the decision of the Wetlands Agent with regard to Application No. 22-16 7 Pond Meadow, Ivoryton; **SECONDED** by C Field; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, C Field, N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

9. Other Business

- a. ZBA Section 140L Referral – 3 Andrews Road: patio within the 100 feet of the Coastal Jurisdiction Line (CJL)
No issue with this proposal.
- b. Discussion on enforcement fees
Creating memo to outline discussion with Darcy Winther, DEEP

10. Correspondence and Invoices

None

11. Reports:

a. Wetlands Official

R Doane spoke with the applicant from 2 Foster Lane because he hadn't heard anything. They have been paused for several months and hope to start back up again with getting soil testing done.

The project at the Witch Hazel Works has been completed. R Snarski has plants and will be putting them in soon. The outlet structure is leaking more than anticipated.

b. Chairperson

The Chairman reminded Commission members that by statute we are required to balance both the resource and the economic impact.

12. Adjournment

MOTION made by M Furgueson to go into executive session at 9:24 PM; **SECONDED** by N Brennan-Rowe; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, C Field, N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

MOTION made by D Kirsch to end the executive session at 10 pm; **SECONDED** by M Furgueson; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, C Field, N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

MOTION made by M Furgueson to adjourn the meeting at 10:01 pm until the next regularly scheduled EIWWC meeting to be held on Tuesday October 11, 2022 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue (alternate location via teleconference); **SECONDED** by D Kirsch; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, C Field, N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion

Respectfully Submitted,



Recording Clerk