

TOWN OF ESSEX
Inland Wetlands and Watercourses Commission

Executive Board
Daniel Lapman, Chairman
Fred Szufnarowski, Vice Chair

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

Regular Members
Jim Leo
Steve Knauth
Jeffrey Lovelace, Conservation Liaison
Jim Hill, Zoning Liaison
Vacancy, Planning Liaison

Alternate Members
Bill Cook
Andre Roussel

Unapproved

Minutes - Regular Meeting
Tuesday, May 10, 2016

Call to Order and Seating of Members

The regularly scheduled meeting of the Essex IWWC was conducted on May 10, 2016 in Conference Room A, of the Essex Town Hall at 7:00 p.m.

Attending Members:

Fred Szufnarowski
Steve Knauth
Bill Cook seated for Dan Lapman
Andre Roussel seated for Jim Leo

Absent Members:

Dan Lapman
Jim Hill, Zoning liaison
Jim Leo
Jeff Lovelace

Staff:

Stella Beaudoin, Recording Clerk
Joe Budrow, Zoning Enforcement Officer

Mr. Szufnarowski called the meeting to order at 7:00 p.m.

MOTION made by F. Szufnarowski to seat B Cook for D. Lapman; **SECONDED** by S. Knauth; **Voting In Favor:** F. Szufnarowski, S. Knauth, A. Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 3/0/0.

MOTION made by F. Szufnarowski to seat A. Roussel for J. Leo; **SECONDED** by S. Knauth; **Voting In Favor:** F. Szufnarowski, S. Knauth, B. Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 3/0/0.

Seated for this evening's meeting were F. Szufnarowski, S. Knauth, B. Cook, A. Roussel.

Approval of April 12, 2016 Regular Meeting Minutes and Site Walk Minutes

MOTION made by B. Cook to approve the April 12, 2016 Minutes with following amendments; Page 4, 3rd paragraph from bottom liter vs *leader*; Page 4, second paragraph from top, omit “*with slab on bottom*”; **SECONDED** by S. Knauth; **Voting In Favor:** F. Szufnarowski, S. Knauth, B. Cook, A. Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0.

MOTION made by S. Knauth to approve site walk Minutes for **Application 16-6**, as presented: **SECONDED** by A. Roussel; **Voting In Favor:** F. Szufnarowski, S. Knauth, B. Cook, A. Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0.

MOTION made by S. Knauth to approve site walk Minutes for **Application 16-7**, as presented: **SECONDED** by A. Roussel; **Voting In Favor:** F. Szufnarowski, S. Knauth, B. Cook, A. Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0.

REGULAR MEETING

- **Application No. 16-04 – James Harris, 5 Pine Lake Road.** This is an after-the-fact application for which the IWWC will render a decision as to whether the grading that has taken place is detrimental to the Pond.

James Harris presented on behalf of this application. J. Harris stated that it was indicated in the April 2016 Minutes that he was proposing the construction of a gazebo, and he stated that this was inaccurate as there is no proposal for a gazebo.

J. Harris stated that he would like add a center stairway which would take foot traffic off the side scape soft slope and place it on a firmer foundation. This stairway will be multi-tiered making it more stable, and geo textile fabric will be added behind it.

S. Knauth stated the plans presented at this evening's meeting are well thought out and J. Harris did a good job presenting his intention to the Commission. S. Knauth stated that because so much of the proposed construction is so close to the water line, he suggested that the applicant work with J. Budrow during the course of construction to insure proper measures are taken to protect the wetlands.

J Harris stated that he will bring in additional mulch and landscape the area.

J. Budrow suggested blue stone in the seating area.

J. Budrow suggested that a 2-year time limit to be placed on this IWWC Permit.

MOTION made by S. Knauth to approve a Permit for **Application No. 16-04 – James Harris, 5 Pine Lake Road.** This is an after-the-fact application for which the IWWC will render a decision as to whether the grading that has taken place is detrimental to the Pond. Based on the testimony given at this meeting, the site walk, and the accompanying documents, the Commission finds that the proposed activity is a regulated activity not involving any significant or major effect upon the inlands wetlands or watercourse which occur on the property as defined in Section 2.2 of the regulations and that no

reasonable or prudent alternative exists to the proposed plans. The Commission members feel that the proposed activities are well suited to the area.

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

- a. In accordance with the Commission's Regulations, the activity pursuant to said permit shall be initiated within 2 years of the date of publication and shall be completed within one year of the date of initiation and will occur between March 15th and October 15th of the year of initiation.
- b. Should the applicant determine that the permitted activity will not be completed between March 14th and October 15th of the year of initiation, the applicant agrees to appear before the Commission and present a plan for the stabilization of the site during the non-permitted months.
- c. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes he deems necessary or may require for the protection of the inland wetlands and water course during the process.
- d. 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.
- e. A gravel driveway will be installed between the town right-of-way and the proposed barn structure.
- f. The seating area will have a blue stone base.
- g. All work during the construction period will be hand-work.
- g. This permit will carry a 2-year time limitation.
- h. There will be no gazebo.
- i. Hay bales will be installed at the water line.

MOTION SECONDED by B. Cook **Voting In Favor:** F. Szufnarowski, S Knauth, B. Cook and A. Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0.

- **Application No. 16-06 – Bokum One, LLC, Bokum Road, Essex.** This is an application to allow duplex style condominiums with property development and septic systems within 100 feet of a wetland area.

Presenting on behalf of this application were Seamus Moran, P.E., Indigo Land Design, Robert Russo, soil scientist and Joe Wrenn, Indigo Land Design.

A site walk was conducted on April 19, 2016 for the property at Bokum Road. The existing parcel is a 10-acre vacant lot. There are 1.44 acres of wetlands on site located in the southern portion of the

property and .1 acres of vernal pools. The applicant proposes to construct four duplex buildings on the northern portion of the property, 8 units total, with full foundation and basements. This is a RRC zoned, 55+ community.

There will be community access road each unit with their own driveway. There will be four code compliant septic systems and 65% of this land is proposed for open space along the southern portion of the property where the wetlands exist. There will be no disturbance to the wetlands. There will be a small amount of grading within the 100 foot area. The nearest point of the proposed clearing is 81.3 feet. The nearest septic is proposed to be situated 106.3 feet from the wetlands and the nearest structure is 120 feet from the nearest wetlands.

Also proposed are stormwater and utility improvements. A crescent driveway/parking area would be to the east of the buildings and four or five, code-compliant septic systems will be attached to the rear of the buildings. There will be a large back yard, which will be the common area. A portion of the development will be within 100' of a wetland area.

MOTION made by A. Roussel to approve a Permit for **Application No. 16-06 – Bokum One, LLC, Bokum Road, Essex;** This is an application to allow duplex style condominiums with property development and septic systems within 100 feet of a wetland area. Based on the testimony given at this meeting, the site inspection, and the accompanying documents, the Commission finds that the proposed activity is a regulated activity not involving any significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2 of the regulations and that no reasonable or prudent alternative exists to the proposed plans. The Commission members feel that the proposed activities are well suited to the area.

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

- a. In accordance with the Commission's Regulations, the activity pursuant to said permit shall be initiated within 5 years of the date of publication and shall be completed within one year of the date of initiation and will occur between March 15th and October 15th of the year of initiation.
- b. Should the applicant determine that the permitted activity will not be completed between March 14th and October 15th of the year of initiation, the applicant agrees to appear before the Commission and present a plan for the stabilization of the site during the non-permitted months.
- c. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes he deems necessary or may require for the protection of the inland wetlands and water course during the process.
- d. 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.
- e. A gravel driveway will be installed between the town right-of-way and the proposed barn structure.

MOTION SECONDED by S. Knauth; **Voting In Favor:** F. Szufnarowski, S. Knauth, B. Cook, A. Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0.

- **Application No. 16-07 – Jon and Margaret Morris, 5 Riverview Street, Essex.** This is an application to allow the demolition of an existing home and accessory building. Then to allow the construction of a new house and accessory building and driveway and septic system within 100 feet of North Cove.

This property is a .63 acre, flat, man-made peninsula with a single family home to the east and an accessory garage structure to the west. The property projects into north cove. This proposal is to allow the removal and replacement of each of the structures. To the east would be a new single family dwelling that would conform to all FEMA standards and to section 103 Flood Plain District of the Essex zoning regulations. If approved, this proposal will also require approval for variances from the Zoning Board of appeals, from the Gateway Commission, from the Zoning Commission and from the State of CT OLISP.

Seamus Moran, P.E., Indigo Land Design and J. Wrenn presented on behalf of this application. The proposed work will be done within 100 feet of the CT River buffer, which encompasses the entire property. There are tidal wetlands to the north and to the south of the property. S. Moran stated that there are no inland wetlands onsite however the entire property is within 100-feet of the coastal jurisdiction line of the CT River.

S. Moran stated that there is a gravel driveway that enters the northern portion of the property. The boathouse is serviced by public water and located within the 100-foot review area. All buildings on the property will be demolished and the applicant proposes to construct a 24' x 36' garage and a new, 2-bedroom boathouse which will be a two-story structure with a first-floor living area; the first floor will be 1,300 s/f and the second floor will be 800 sf with a covered deck. There will be a crushed stone driveway which will be modified to offer uniformity to the parking area.

S. Moran stated that this proposal actually improves the proximity to coastal jurisdiction line, along eastern property line. The building on the eastern side of the property is proposed to be moved back to 23.8 feet which will increase the distance to the water line by 10 feet. The western building will move closer to the water line by 3.7 feet due to the proposed location of the septic system and there will be .4 acres of disturbance within the 50-foot area. The rear building is now conforming to the setbacks. S. Moran stated that this property cannot be built upon without encroaching within the 100-foot setback.

J. Wrenn stated that in terms of a sedimentation and erosion control, this lot is very flat and very grassed. There will be minimal excavation during the construction to the garage and some there will be some minor excavation for the septic system. On-site construction staging will work their way out of the site. Construction will begin at the boathouse, and while that is going up, the garage construction will be started, and the contractors will work their way out of the site. After garage is completed, the septic systems will be installed.

J. Budrow stated that the IWWC is assessing the location of a house, a garage and driveway and septic system, and he noted that the septic has not been approved as yet by the Health Department. The current residence is seasonal and the proposed residence will be a year-round residence

MOTION made by S. Knauth to approve a Permit for **Application No. 16-07 – Jon and Margaret Morris, 5 Riverview Street, Essex.** This is an application to allow the demolition of an existing home and accessory building. Then to allow the construction of a new house and accessory building and driveway and septic system within 100 feet of North Cove. Based on the testimony given at this meeting, the site walk and the accompanying documents, the Commission finds that the proposed activity is a regulated activity not involving any significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2 of the regulations and that no reasonable or prudent alternative exists to the proposed plans. The Commission members feel that the proposed activities are well suited to the area.

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

- a. In accordance with the Commission's Regulations, the activity pursuant to said permit shall be initiated within 5 years of the date of publication and shall be completed within one year of the date of initiation and will occur between March 15th and October 15th of the year of initiation.
- b. Should the applicant determine that the permitted activity will not be completed between March 14th and October 15th of the year of initiation, the applicant agrees to appear before the Commission and present a plan for the stabilization of the site during the non-permitted months.
- c. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes he deems necessary or may require for the protection of the inland wetlands and water course during the process.
- d. 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.
- e. A gravel driveway will be installed between the town right-of-way and the proposed barn structure.
- f. The construction adheres to the flood plain district section of the Essex zoning regulations.

MOTION SECONDED by A. Roussel; **Voting In Favor:** F. Szufnarowski, S. Knauth, B. Cook, A. Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0.

Correspondence and Invoices

There were no invoices.

Correspondence: A letter dated May 4, 2016 from John Bennet, Esq., on behalf of Michael Picard, 175 Saybrook Road, Essex. J. Budrow met J. Bennet on the property to assess the scope of the work and J. Budrow raised the issue of the stone wall along the north side of M. Picard's house above South Cove, and related work. This letter was submitted in follow up to J. Budrow's site visit and in this letter, J. Bennet offers explanation of the work completed at 175 Saybrook Road. J. Bennet stated that the work that was completed is appropriate for administrative approval through the ZEO.

M. Picard previously met with J. Budrow and presented a survey that revealed several trees situated on the front portion of the property, and he requested permission for removal of the same. J. Budrow previously stated that he approved this action noting that the trees were not located within the purview of the wetlands. However, since that activity, J. Budrow stated that a one-foot high stone wall has been constructed, which J. Budrow viewed from a Hemlock Drive property. The Inland Wetlands and Watercourse Commission regulates to 100 feet within the Connecticut River.

J. Budrow suggested that M. Picard present a formal application for Permit approval for after-the-fact construction of the existing stone wall and the conversion of the former staircase leading from the house and deck to the dock with bluestone steps and associated drainage ports.

MOTION made by S. Knauth to follow the guidance of the Zoning Enforcement Officer and require that an application be submitted on behalf of M. Picard, property located at 175 Saybrook Road, Essex, for Permit approval of the after-the-fact construction of the existing stone wall, the conversion of the former staircase leading from the house and deck to the dock with bluestone steps, and associated drainage ports; **SECONDED** by A. Roussel; **Voting In Favor:** F. Szufnarowski, S. Knauth, B. Cook, A. Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0.

J. Budrow will inform the IWWC legal counsel on this matter.

Other Business

Receipt of **Application 16-8 on behalf of Michael and Angela Halperin, 11 Foxboro Road, Assessor's Map 16, Lot 12-1**. J. Budrow stated that this application was received by the Land Use office on Monday May, 9, 2016.

J. Wrenn Indigo Land Design presented on behalf of this application. This property is the windmill lot in Foxboro Point. The windmill has been in place since the 1960's and has become an icon within the Town. This proposal is also within the purview to the Gateway Commission and Torrance Downes, CT River Gateway Commission, J. Wrenn and J. Budrow will meet on site on Friday, May 13, 2016 at 10:00 a.m. The 50-foot gateway buffer goes through the windmill and the 8-foot deck that surrounds the windmill. The applicant proposes to dismantle, relocate and rebuild the windmill and incorporate it into the house which is proposed to be a five-bedroom, year-round dwelling with a full basement and an attached 3 car garage, covered front porch and code compliant septic system. The windmill will be on the southwest side of the house. J Wrenn stated that a surveyor measured the exact elevation of the top of the windmill, so the top will be the same elevation as currently exists. From s wetlands standpoint, the windmill will be removed from the 100-foot buffer of the river. The other construction activity within 100-feet to the river is the installation of an 18' x 36' in-ground pool with hot tub and a portion of the proposed patio. J Wrenn will install silt fence surrounding the entire proposal and he noted that the grade is shallow around the house site. The floor level of the house is 20-elevation and the courtyard driveway descends from Foxboro Road so there will be some fill, however it will be outside of the wetlands review area. J. Wrenn stated that there will be very limited clearing and limited tree removal. There is a larger tree in the corner of the patio. There are several trees along the driveway that will need to come down for utility installation however they are situated outside of the wetlands.

MOTION made by S. Knauth to conduct a site walk on behalf of **Application 16-8, Michael and Angela Halperin, 11 Foxboro Road, Assessor's Map 16, Lot 12-1** on Friday May 13, 2016 at 10:00 am; **MOTION SECONDED** by A. Roussel; **Voting In Favor:** F. Szufnarowski, S. Knauth, B. Cook, A. Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0.

Wetlands Agent Report - Joseph Budrow

- J. Budrow reported that he will Joe will change the agenda template to reflect the addition of “New Applications”.
- **Chair Report – Daniel Lapman:** No report.
- **Planning Commission – Liaison Vacancy.** No report.
- **Conservation Commission – Jeffrey Lovelace, Liaison:** No report.
- **Zoning Commission – Jim Hill, Liaison:** No report

Other

S. Knauth requested that the IWWC member list to be updated to reflect his new phone number.

Adjournment

MOTION made by S. Knauth to adjourn at 8:30 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, June 14, 2016 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue; **MOTION SECONDED** by J. Hill; **Voting In Favor:** F. Szufnarowski, S. Knauth, B. Cook, A. Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary