

**EAST LYME INLAND WETLANDS AGENCY
REGULAR MEETING
Monday, APRIL 7th, 2014
MINUTES**

PRESENT: Cheryl Lozanov, Chairperson, Chuck Reluga, Vice-Chair, Norm Bender,
Joe Mingo, Harry Clarke

ALSO PRESENT: Don Fortunato, Soil Scientist
Gary Goeschel, Inland Wetlands Agent
Karen Zmitruk, Recording Secretary, Pro-tem

FILED IN EAST LYME
CONNECTICUT
APR 15 20 14 AT 11:25 AM PM
Cauntoulbo, CT
EAST LYME TOWN CLERK

ABSENT: Phyllis Berger, Keith Hall, Secretary

Call to Order

Ms. Lozanov called the April 7, 2014 Regular Meeting of the East Lyme Inland Wetlands Agency to order at 7:33 PM after the previously scheduled Show Cause Hearing. She introduced the members of the Commission, Inland Wetlands Agent and Recording Secretary.

Pledge of Allegiance

The Pledge was previously observed.

I. Additions to the Agenda

Ms. Lozanov asked if there were any additions to the agenda.

Mr. Goeschel said that there were none.

II. Public Delegations

Ms. Lozanov called for Public Delegations.

There were none.

III. Acceptance of Minutes

▪ Regular Meeting Minutes of March 10, 2014

Ms. Lozanov asked that they table action on this item to their next meeting as they had just received the information this evening and she would like to read them.

IV. Ex-Officio Report

There was no report.

V. Pending Applications

There were none.

VI. Old Business

There was none.

VII. New Business

A. Request for Permit Extension of Application of Permit #09-18; Unjo Associates, LLC, c/o Stephen Harney; Application to construct a Single-Family Dwelling at 20 Islanda Court, East Lyme, CT Assessor's Map #30.1, Lot #66.

Mr. Goeschel said that Mr. Harney was unable to attend the meeting this evening. This permit expires in July of this year and no construction or activity has begun yet. They are asking for an additional five (5) years with no changes to the original permit.

Ms. Lozanov asked Mr. Goeschel if he had reviewed the original permit in relation to current standards. Mr. Goeschel said that the only thing that they could look at is the bond amount and if inflation plays any role or not. The current bond amount is \$2500 for plantings.

Mr. Bender said that inflation has not been a factor and things have been flat.

****MOTION (1)**

Mr. Mingo moved to extend Permit #09-18; for Unjo Associates, LLC, c/o Stephen Harney; Application to construct a Single-Family Dwelling at 20 Islanda Court, East Lyme, CT for five (5) years to July 6, 2019 and to increase the bond for plantings to \$5000.

Mr. Reluga seconded the motion.

Ms. Lozanov asked why they would increase the bond.

Mr. Bender said that inflation has been over the past five years – maybe 1%.

Mr. Mingo said that they would find that the plantings would cost more.

Mr. Clarke asked if they could change the bond from the original.

Mr. Goeschel said that he thought that they could.

Vote: 5 – 0 – 0. Motion passed.

B. Application of the Town of East Lyme, for Atlantic Street Culvert/Drainage Improvements in the area of Little Indian Pond

Mr. Goeschel said that they received this application this afternoon and that the Town Engineer, Victor Benni said that the pipe has bends and turns and that they would like to alleviate the blockage. He said that they would not act this evening and that the clock on this application starts today. Mr. Benni plans on being at the May 5, 2014 meeting. Tonight they are just to determine if this needs a Public Hearing or not.

Mr. Mingo asked if there was any way to prevent backflow from the sound.

Mr. Goeschel noted that the presence of phragmites is pretty flush so it would seem that the pond has 'cleaner' water than water from the sound.

****MOTION (2)**

Mr. Reluga moved in the Application of the Town of East Lyme, for Atlantic Street Culvert/Drainage Improvements in the area of Little Indian Pond that no Public Hearing is necessary.

Mr. Mingo seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

C. CGS Sec. 7-159b – Pre-application review of use of property at 249 Old Black Point Road for wetlands restoration/enhancement and site improvements including new buildings

Mr. Goeschel said that Mr. Fortunato is present this evening to explain this.

Don Fortunato, Soil Scientist said that the house at 249 Old Black Point R is in disrepair and was newly purchased. The new owners want a general feel on how the Commission would like to proceed with a small patch of wetlands on the property that has gone from lawn to wetlands – back and forth over the years. Unfortunately it is all phragmites but with no standing water in it. The house is about 30 to 40 feet from this area with the deck off the house being the closest point to this area.

Mr. Goeschel said that he has advised that there is an opportunity for habitat mitigation – to remove the phragmites and to put other vegetation in.

Mr. Mingo said that he thinks that this is an 'as of right' item and that they can just mow it and throw some grass seed in and/or maybe make it a rain garden.

Mr. Fortunato said that they would have to dig the tubers out and put mucky wetland soil in and some sort of wetland plantings without phragmites. The area does not seem to pond – not even after the recent big rain storm event. He said that they are thinking of one application for this for next month and one for the house when they decide what they are going to do with it.

Mr. Mingo said that he would treat it as an 'as of right' situation as this is a homeowner that they are talking about and they are anxious to try to get this going and not have to wait for the house items. Further – they treated a similar situation also on Old Black Point Road as an 'as of right' item and had to reimburse the owner for the fees.

****MOTION (3)**

Mr. Mingo moved that the wetland restoration/enhancement for property at 249 Old Black Point Road is an 'as of right' activity and as such no permit is required.

No second

The Commissioners suggested that an application for determination of a non-regulated activity be submitted for this item.

D. CGS Sec. 7-159b – Pre-application review of use of property at 99-103 South Beechwood Road for construction of a single family dwelling and associated site improvements

Mr. Goeschel said that Mr. Fortunato was here to present this also.

Don Fortunato, Soil Scientist said that this represents three empty lots with a watercourse that has been piped a number of year ago and that has a lawn on top of it. He said that all three of the lots are up for sale.

Mr. Goeschel said that they may have to meet code compliance to tie into the public water and sewer system that are available there. They may only be able to put one house there.

Mr. Fortunato said that the person interested in the property may want to build three houses there although he is not sure. He said that there is no standing water on the property.

Mr. Goeschel asked what the proposal is here.

Mr. Fortunato said that they would like to re-channel it and have a nice planting area. If there is an issue and only one house could be built this may not go forward. At this time it is only to see what could be done.

VIII. Chairman's Report

Ms. Lozanov said that she did not have anything to report.

IX. Wetland Enforcement Officer Report

▪ **Gateway Development**

Mr. Goeschel reported that he was on site today and that the large detention basin area near East Society Road had a breach and he advised them to put back-up silt fencing and more hay bales there. The good news is that there is a natural rise and it is 50' from the wetland. They have Jim Tice on-site and he forwards reports to him. He noted that CL&P is using the crossing and has replaced three culverts and was concerned with it washing out. He asked that they put some stone in but the concern is that the Army Corps would then have to be involved. Sedimentation basins have been installed; the CL&P easement is behind the old Shack location.

Mr. Mingo said that he thinks that this should be treated the same as the solar farm as they are not complying with their permit.

Mr. Goeschel said that the breach was only in one area and to say that it compromised Gorton Pond would be something that he could not say. He said that he would go back and check on the bridge crossing. They are working to restore the area.

▪ **Administrative Permits Issued**

Mr. Goeschel said that he had issued two and that he would bring them the information for the next meeting.

▪ **Enforcements**

Mr. Goeschel reported on the following enforcements:

- **16 Attawan Road** – Encroachment/filling in of tidal marsh – He said that he has not had the opportunity to go out to the site to look at this or to get hold of the owner. He said that he could call the DEEP to see what is going on with the property.

Ms. Lozanov suggested sending a certified letter.

- **336 Boston Post Road** – Unresolved – he has reached out to Attorney O’Connell and has not heard back yet.
- **Boston Post Road/Scacciaferro Pond** – Unresolved – Attorney O’Connell is still working on this. It seems that things are perhaps moving forward with the Probate Court. He said that he has received additional complaints from the neighbor. This complaint is regarding the ATV track in the area of the pond. He said that he would go back out and check on it.
- **4 Winchester Street** – A letter has been sent.

ADJOURNMENT

****MOTION (4)**

Mr. Mingo moved to adjourn this Regular Meeting of the East Lyme Inland Wetland Agency at 8:53 PM.

Mr. Reluga seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary