

**EAST LYME INLAND WETLANDS AGENCY
REGULAR MEETING
Monday, MAY 5th, 2014
MINUTES**

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

ALSO PRESENT: Don Fortunato, Soil Scientist
Victor Benni, Town Engineer
Kevin Seery, Ex-Officio - Board of Selectmen
Gary Goeschel, Inland Wetlands Agent
Kim Barber Bradley, Alternate
Karen Zmitruk, Recording Secretary

ABSENT: No One

FILED IN EAST LYME
CONNECTICUT
MAY 12 2014 AT 10:00 AM/PM
CATHY B. M. A. R.
EAST LYME TOWN CLERK

Call to Order

Ms. Lozanov called the May 5, 2014 Regular Meeting of the East Lyme Inland Wetlands Agency to order at 8:35 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 observed.

I. Additions to the Agenda

Ms. Lozanov said that she wanted to add Public Delegations to the agenda as Item Ia.

****MOTION (1)**

Mr. Mingo moved to add Public Delegations to the agenda as Item Ia.

Mr. Bender seconded the motion.

Vote: 7 – 0 – 0. Motion passed.

Ia. Public Delegations

Ms. Lozanov called for Public Delegations.

Mark Christiansen, 66 Grassy Hill Road, East Lyme said that he wanted to speak regarding the rain storm last week Wednesday and Thursday. On Thursday some 3-4" of rain fell and he drove around to see what the effects were of it. The rain flooded the hay lot and the water ran clear there; going down through Walnut Hill Road, Cranberry Brook was clear but the water at the junction under Rocco Drive was brown. He said that there had to be a lot of material running into it to make it brown. Water runs down hill and carries dirt with it.

III. Acceptance of Minutes

- Show Cause Hearing Minutes of April 7, 2014

Ms. Lozanov called for any discussion or corrections to the Show Cause Hearing Minutes of April 7, 2014.

****MOTION (2)**

Mr. Mingo moved to accept the Inland Wetlands Agency Show Cause Hearing Minutes of April 7, 2014 as presented.

Mr. Reluga seconded the motion.

Vote: 5 – 0 – 2. Motion passed.

Abstained: Ms. Berger, Mr. Hall

▪ **Regular Meeting Minutes of March 10, 2014**

Ms. Lozanov called for any discussion or corrections to the Regular Meeting Minutes of March 10, 2014.

Mr. Clarke asked that the 'e' be added to the end of his name.

Mr. Reluga asked that on Page 2 under Item V. in the third paragraph that paced be changed to 'paved'.

****MOTION (3)**

Mr. Hall moved to accept the Inland Wetlands Agency Regular Meeting Minutes of March 10, 2014 as amended.

Mr. Bender seconded the motion.

Vote: 6 – 0 – 1. Motion passed.

Abstained: Ms. Berger

▪ **Regular Meeting Minutes of April 7, 2014**

Ms. Lozanov called for any discussion or corrections to the Regular Meeting Minutes of April 7, 2014.

****MOTION (4)**

Mr. Mingo moved to accept the Inland Wetlands Agency Special Meeting Minutes of April 7, 2014 as presented.

Mr. Reluga seconded the motion.

Vote: 5 – 0 – 2. Motion passed.

Abstained: Ms. Berger, Mr. Hall

IV. Ex-Officio Report

Mr. Seery reported that the Annual Town Meeting for the budget will be held next Monday evening, May 12, 2014 at 7 PM at the High School Auditorium and that they would set the referendum date there. There is a little over .5% increase in the grand list which comes to about \$20,000 - \$300,000 more in revenue. The referendum date proposed is May 22, 2014 with voting at the Community Center.

V. Pending Applications

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

Ms. Lozanov called upon Mr. Benni, Town Engineer to explain this.

Mr. Benni said that the plan/proposal is to do a pipe upgrade from Little Indian Pond to LI Sound. The pipe that is currently there is a 15" corrugated pipe that has historically been clogged by vegetation, silt and debris. It also has angle points in it that allow debris to be trapped and it may also have breaks due to the age of it. The new pipe will be 24" and will be fitted with a rash rack that will prevent debris from entering and clogging the storm drainage system and help with the removal of sand and silt. It will not be able to stop any of the flooding from LI sound but they do hope that it will allow the area to drain out much faster from the flooding. The project is for 25' of pipe replacement and 116' of pipe following the pre-existing pipe. He said that the permit review for the outlet point at LI sound will be considered by the CT DEEP through a LI Sound application and the Army Corps of Engineer will also provide comment in that application process.

Ms. Lozanov asked the time frame for the work to be done.

Mr. Benni said that they would probably do it in late August to fall but it also depends upon the work being done at #22 Atlantic as they want them to finish as they have to work in that area.

Ms. Lozanov asked how long it would take to do the work.

Mr. Benni said that it would probably take a couple of days but they are hoping to remain connected to the existing pipe as they are working on the new one.

Mr. Mingo said that he does not think that they have jurisdiction here.

Mr. Goeschel said that he thinks that they do down from the pond – however they have already issued a permit for work in that pond area previously.

Mr. Hall said that he thought that they should get approval from the DEEP first and then come here – as he was concerned about what would happen if they should not approve their permit.

****MOTION (5)**

Mr. Clarke moved to approve the Application of the Town of East Lyme, for Atlantic Street Culvert/Drainage Improvements in the area of Little Indian Pond, as presented.

Mr. Mingo seconded the motion.

Vote: 6 – 1 – 0. Motion passed.

Against: Mr. Hall.

VI. Old Business

There was none.

VII. New Business

A. Application for Determination of Permitted/Non-Regulated Activity at 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, Plants Dam Road, East Lyme recalled that at their last meeting that Mr. Mingo had said that what they are proposing was an 'as of right' use. They plan to get rid of the phragmites, dig out the mucky soil and plant with a wetland mix. The area is 3200 sq. ft. and they will provide a report on the area for five years. Machnik would be doing the work and they will provide a letter regarding NOT re-using the material that is removed here as top soil in some other location.

Mr. Mingo said that he still thinks that this is an 'as of right' use and not a big deal. He added that if they do it during the summer that they would probably have to irrigate it to get it going.

Mr. Goeschel said that his assessment previously was that it needed a permit – but there is a section in the regulations that does relate to if it is 'significant' or not.

Mr. Mingo said that 3200 sq. ft. is not significant.

Mr. Fortunato said that the material is coming out but wetland material is going back in.

Ms. Lozanov asked if they think that this is significant or not.

Mr. Clarke said that he would not see it as significant and that he would see it as a landscaping maintenance item.

****MOTION (6)**

Mr. Mingo moved regarding the property at 249 Old Black Point Road for wetlands restoration/enhancement that the work being done is 'insignificant' in nature and falls under landscaping maintenance and is an 'as of right' use not requiring a permit.

Mr. Clarke seconded the motion.

Mr. Fortunato said that he would update them on this with yearly reports for five years.

Vote: 6 – 0 – 1. Motion passed.

Abstained: Mr. Bender

VIII. Chairman's Report

Ms. Lozanov said that she did not have anything to report but reminded Mr. Goeschel that he had promised them a listing of the administrative permits that he had issued and that it was not in their packets.

Mr. Goeschel said that he would have it for them for their next meeting.

IX. Wetland Enforcement Officer Report

▪ Gateway Development

Mr. Goeschel reported that they have been faring better with rain issues and that they have stabilized the area with hay bales. He added that CL & P has also done some work there. He was out on the site today and

took pictures of the area which he passed around to the Commissioners for them to see. He also passed out some pictures for the members to see of the Solar Farm.

- **Administrative Permits Issued**

Mr. Goeschel said that he would have these for them for their June meeting.

- **Enforcements**

Mr. Goeschel reported on the following enforcements:

- **336 Boston Post Road** – Unresolved – he has reached out to Attorney O’Connell who has indicated that there may be another way to move forward on this. This can be discussed at their next meeting.
- **Boston Post Road/Scacciaferro Pond** – Unresolved – Attorney O’Connell has indicated that there may be another way to move forward on this.
- **21 Ridge Trail** – Gravel area under deck adjacent to wetland turned into concrete patio.

Ms. Lozanov asked that they do another site walk of the Solar Farm prior to their June meeting.

ADJOURNMENT

****MOTION (7)**

Mr. Bender moved to adjourn this Regular Meeting of the East Lyme Inland Wetland Agency at 9:54 PM.

Ms. Berger seconded the motion.

Vote: 7 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary