

**EAST LYME INLAND WETLANDS AGENCY  
REGULAR MEETING  
Wednesday, DECEMBER 14th, 2015  
MINUTES**

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

**ALSO PRESENT:** Gary Goeschel, Inland Wetlands Agent  
Karen Zmitruk, Recording Secretary  
Marc Salerno, Ex-Officio, Board of Selectmen

**ABSENT:** Joe Mingo

FILED IN EAST LYME  
CONNECTICUT  
Dec 15, 2015 AT 6:40 AM/PM  
*[Signature]*  
EAST LYME TOWN CLERK

**Call to Order**

Ms. Lozanov called the December 14, 2015 Regular Meeting of the East Lyme Inland Wetlands Agency to order at 7:05 PM.

**Pledge of Allegiance**

The Pledge was observed.

**I. Additions to the Agenda**

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

Mr. Goeschel asked that the Amended Calendar be added to the agenda as Item b. under New Business and the IWA Budget be added as Item c. under his Agent report.

**\*\*MOTION (1)**

**Mr. Clarke moved to add the Amended Calendar to the agenda as Item b. under New Business and the IWA Budget as Item c. under the IWA Report.**

**Mr. Bender seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

**II. Public Delegations**

Ms. Lozanov called for Public Delegations noting that items on the Agenda could not be discussed at this time.

John Bialowans, 61 Walnut Hill Road said that he had some remarks to make but would not state all of them as some of the people are not present this evening. First, he received a bill for \$12 for copies from Mr. Goeschel and said that it was Mr. Goeschel who wanted them and that he went to the First Selectman about this and was told that it is Mr. Goeschel's department. He also told the First Selectman that he would sue the Town over the work not being completed on his property by Centerplan and that the word indemnity in the release is the word that bothers him and he did not like the response that he received. He said that he was told that it is dragging on because he won't sign the release papers. He said he has trouble with the word indemnity and has been talking with attorneys about filing suit against the Town. Don Fortunato went out and looked at the property and he will speak later on what he saw.

**III. Acceptance of Minutes**

▪ **Regular Meeting Minutes of November 9, 2015**

Ms. Lozanov called for any discussion or corrections to the Regular Meeting Minutes of November 9, 2015.

**\*\*MOTION (2)**

**Mr. Bender moved to accept the IWA Regular Meeting Minutes of November 9, 2015 as presented.**

**Mr. Reluga seconded the motion.**  
**Vote: 6 – 0 – 0. Motion passed.**

#### **IV. Ex-Officio Report**

Mr. Salerno reported on the following:

- The Reval statistical Review will be done by vision Appraisal and will start early next year. Everyone will receive a data sheet on their property and will be able to discuss it with Vision once the review is completed.
- They scheduled a Public Hearing for January 6, 2016 for a change to the Building Ordinance to charge the Town for Town projects over \$2M rather than allowing them to be 'no fee' as they do now.
- They authorized the First Selectman to sign a contract with Tanko Street Lighting to do a street light audit.
- He has been working on a Blight Ordinance with the Zoning Official to address the 5 to 6 properties in Town that have serious issues. They provided language to try to be sensitive to the elderly and those who are disabled. The Town Attorney is reviewing it at present.

#### **V. Pending Applications**

There were none.

#### **VI. Old Business**

- **Cease, Desist & Correct Order – 20 Farm Meadow Road, East Lyme, CT – Centerplan Construction Company and GRE 314 East Lyme, LLC, Owner; Antares Solar Field on property located at 20 Farm Meadow Road, East Lyme, CT, Assessor's Map 52.0, Lot 126, East Lyme, CT**

Mr. Goeschel reported that he did try to get Centerplan and Mr. Bialowans together to walk the property since the last meeting but that has not happened. They will hear from Mr. Fortunato this evening and forward that information to Centerplan for their review and comment.

Don Fortunato, Certified Soil Scientist, 61 Plants Dam Road said that he walked the area and that it looks pretty much the same as when they walked it in the Spring of this year – 2015. He said that he brought three sets of photos for them to see (submitted to Mr. Goeschel and the members). He said that Mr. Bialowans said that they could walk the property as long as they were with someone in case they fell – so Centerplan could walk it with him. He also noted the letter from the USDA and said that the area is pretty much the same as before.

Mr. Goeschel said that he would forward this information and the photos to Mr. Klein and a report could be formalized.

Mr. Clarke asked Mr. Fortunato if the area has or has not gotten worse.

Mr. Fortunato said that log jams seem to need to be cleared, noting that some of it is Mr. Bialowans old log stream crossing that is wider now. He said that the USDA letter has some technical things in it that go even beyond his own expertise.

Mr. Clarke said that they can always find more people to have an opinion as they continue to have the work dragged out by Mr. Bialowans refusal to allow them on his property to fix it. Further, he said that he does not see it as being fair to Centerplan to add items when they agreed to fix the agreed upon items in the spring and have not been allowed on the property to do so.

- **Cease, Desist & Correct Order – 286 Flanders Road, East Lyme, CT – Gateway Development, East Lyme LLC Owner, Assessor's Map 26.0, Lot 2, East Lyme, CT and –**
- **Cease, Desist & Correct Order – Flanders Road – Gateway Development East Lyme LLC Owner, Assessor's Map 31.0, Lot 1, East Lyme, CT**

Mr. Goeschel said that they did walk the site a month ago and that he understands that the small amount of work that needed to be done has been done. He said that the construction company had fixed the issues.

- **Jag Capital Drive LLC – request for extension of wetlands permit for construction of 69 single family townhouse units on 24 acres of land on property identified in the application as between Capitol Drive and Route 156, Assessor's Map 09.0, Lot 19, that was issued February 14, 2011.**

Ms. Lozanov said that she recalled that this land has some wetlands on it.

Mr. Goeschel said that at the last meeting they had asked about the bond amount and that he was working with Mr. Benni on it and due to some unforeseen things that required his absence from the office, he does not have that answer yet. He suggested that they could extend this up to five years conditioned upon the bond as suggested by Mr. Benni.

Mr. Clarke and Mr. Hall asked about the Statute changes that occurred in 2011 and if this permit fell under those changes and was made eligible for the nine year time frame making it expire in March of 2020 instead. Mr. Goeschel said that it certainly did fall under that time frame and that no action was necessary and that he would let them know via letter regarding the new expiration date.

## **VII. New Business**

- **East Society Road**

Mr. Goeschel said that he still has not been in touch with the people at the State DOT regarding this item.

Mr. Hall noted that the State has a right to put certain things in their road area and said that he would provide Mr. Goeschel with the information on whom to contact.

- **Amended IWA 2016 Meeting Calendar**

It was noted that the changes to the meeting schedule involved the May date as it could not be scheduled on the evening of the Annual Town Meeting. Therefore, the meeting date was changed to the first Monday – May 2, 2016 and the Site Walk moved back to Saturday April 30, 2016.

### **\*\*MOTION (3)**

**Mr. Hall moved to approve the Amended Inland Wetland Commission Meeting and Site Walk Calendar for 2016 as presented.**

**Mr. Bender seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

(Copy attached)

## **VIII. Reports**

- ♦ **Chairperson's Report**

Ms. Lozanov said that she did not have anything this evening.

- ♦ **Inland Wetlands Agent Report**

- ♦ **Administrative Permits Issued**

Mr. Goeschel said that he has not issued any permits recently.

- ♦ **Commission Issued Permits: Status Update**

Mr. Goeschel said that there have been none recently.

- ♦ **IWA Budget – 2016**

Mr. Goeschel said that he had to send this up to finance last week Friday and that they were asked to present a flat budget and one that also showed a 5% reduction. He said that the budget is lean to begin with so the 5% reduction was not really an option.

Ms. Berger asked what they bring in for revenues.

Mr. Goeschel synopsisized that in 2013 it was around \$4000; 2014 somewhat less and he has estimated \$3800 for this year and they are a bit over \$1000 currently. He said that he did not have copies for them.

Ms. Lozanov asked that he email it to them so that they could review it.

Mr. Goeschel noted that Transportation (mileage for when he uses his vehicle) is a little low and that he would advocate for more.

♦ **Permit #12-9: 187 W. Main Street – Maine-Hope Enterprises, LLC**

Mr. Goeschel noted that this was the subject of the Saturday site walk.

Ms. Berger asked if they had done anything out there as it was difficult to see with all the leaf debris.

Mr. Goeschel said that they had done some work.

Ms. Lozanov said that there ws a lot of leaf litter and debris there.

Mr. Goeschel said that it appears that they need field verification and that he will send correspondence and follow-up with the landowner.

♦ **Enforcement – 4 Colton Rd., 15 Colton Rd., 170 Flanders Rd., Midway Plaza and 166 Upper Pattagansett Road**

Mr. Goeschel reported that the above mentioned remain unresolved. He said that he needs to send letters to 4 Colton Road – debris in the wetlands and filling of the yard; and 15 Colton Road – filling – clearing in the wetlands.

170 Flanders Road – the filling of debris adjacent to a watercourse – correspondence has been sent.

Midway Plaza – the couch and TV and large items have been removed and he continues to work with them on removing the garbage that has been thrown in a path out behind the building.

166 Upper Pattagansett – debris, rocks and fill materials have been brought in and he is working with the landowner to see if this is a wetland area – it did not seem to be one however he will check the soils and make sure that they are way beyond the 100' upland review area.

Mr. Goeschel reported that regarding the millings dumped at West Society Road that Mr. Benni was going to coordinate with Public Works to get them removed.

Ms. Lozanov said that people still appear to be dumping their garbage there also.

♦ **Correspondence**

Mr. Goeschel noted that he received notice from the State DOT that the replacement of the bridge at US1 over the Niantic River is going forward.

He also noted that Mr. Mattison has filed suit with regard to the determination they made on the 80 Grassy Hill property. This is with the Town Attorney.

## **ADJOURNMENT**

### **\*\*MOTION (4)**

**Ms. Berger moved to adjourn this Regular Meeting of the East Lyme Inland Wetland Agency at 8:50 PM.**

**Mr. Hall seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary

**Town of East Lyme  
Inland Wetlands Agency  
Regular Meeting and  
Site Walk Schedule  
2016 Amended**

FILED IN EAST LYME  
CONNECTICUT  
12/15 2015 AT 10:00 AM/PM  
*Cerly A Blair*  
EAST LYME TOWN CLERK

Meetings are held at the Town Hall, on the following listed **Mondays at 7:00 PM** unless otherwise noted.

Regular Meetings

**January 11, 2016**

**February 8, 2016**

**March 14, 2016**

**April 11, 2016**

**May 2, 2016  
(First Monday)**

**June 13, 2016**

**July 11, 2016**

**August 8, 2016**

**September 12, 2016**

**October 17, 2016  
(Third Monday)**

**November 14, 2016**

**December 12, 2016**

Site Walk Saturdays

**January 9, 2016**

**February 6, 2016**

**March 12, 2016**

**April 9, 2016**

**April 30, 2016**

**June 11, 2016**

**July 9, 2016**

**August 6, 2016**

**September 10, 2016**

**October 15, 2016**

**November 12, 2016**

**December 10, 2016**

**\*\*Note: All Site Walks commence at 9 AM  
at the East Lyme Town Hall Parking Lot**

Approved at the IWA Regular Meeting of December 14, 2015

*Attachment*

*12/14/15*

*IWA*