

**EAST LYME INLAND WETLANDS AGENCY  
REGULAR MEETING OF APRIL 11, 2016**

**Present: Cheryl Lozanov, Chair; Chuck Reluga, Vice-Chair; Harry Clarke, Norm Bender, Phyllis Berger and David Pazzoglia**

**Absent: Keith Hall, Secretary**

**Also Present: Gary Goeschel, Inland Wetlands Agent  
Marc Salerno, Ex Officio, Board of Selectmen**

FILED IN EAST LYME  
CONNECTICUT  
APR 15 2016 AT 2:15 AM PM  
EAST LYME TOWN CLERK  
*Cheryl Lozanov*

**CALL TO ORDER.** Ms. Lozanov called the meeting to order at 8:44 p.m.

**PLEDGE OF ALLEGIANCE.** The Pledge was previously observed.

**I. ADDITIONS TO THE AGENDA.** Ms. Lozanov asked for any additions to the Agenda. There were none.

**II. PUBLIC DELEGATIONS.** Mr. Goeschel entered the following exhibits:

**III. ACCEPTANCE OF MINUTES.**

**A. Site Walk Minutes of March 12, 2016.** Chairlady Lozanov asked for additions, deletions or corrections to the Site Walk Minutes of March 12, 2016.

**MOTION (1): Mr. Clarke moved to accept the Site Walk Minutes of March 12, 2016, as presented. Seconded by Mr. Reluga. Ms. Berger and Mr. Pazzoglia abstained from voting. (4-0-2) Motion carried.**

**B. Public Hearing Minutes of March 14, 2016.** Chairlady Lozanov asked for additions, deletions or corrections to the Public Hearing Minutes of March 14, 2016.

The following corrections were noted: On page 4, add Exhibit U Memo from Gary Goeschel, Inland Wetlands Agent, dated March 14, 2016; Exhibit B Flood Compensation Plan dated March 14, 2016 and Exhibit W copy of power point presentation.

On page 7 the first sentence to be revised as follows: "Mr. Clarke stated the original plan showed less square footage of retail area and no square footage for the fuel station."

**MOTION (2): Mr. Clarke moved to accept the Public Hearing Minutes of March 14, 2016, as amended. Seconded by Mr. Bender. (6-0) Unanimous.**

**C. Regular Meeting Minutes of March 14, 2016.** Clairlady Lozanov asked for additions, deletions or corrections to the Regular Meeting Minutes of March 14, 2016.

The following corrections were noted: On page 3, the eleventh sentence to be revised as follows: "A commission member asked will wood chips be used?"

**MOTION (3): Mr. Clarke moved to accept the Regular Meeting Minutes of March 14, 2016, as amended. Seconded by Mr. Reluga. (6-0) Unanimous.**

**IV. EX-OFFICIO REPORT.** Mr. Salerno reported at the last Selectmen's meeting we went over the Town's Five Year Plan. We will have a meeting tomorrow night to discuss the Town's budget cuts of \$275,000. We appointed Kim Kallajainon as an alternate to this Commission. The Board of Education passed its school plan. The Boardwalk is now open.

**V. PENDING APPLICATIONS.**

**A. 172 Upper Pattagansett Road, Application of Paul Miller; to perform hydro-raking in the portion of Lake Pattagansett immediately behind property located at 172 Upper Pattagansett Road, Niantic, Assessor's Map 35.0, Lot 12, East Lyme, Connecticut.**

**MOTION (4): Mr. Bender moved to grant a permit for 172 Upper Pattagansett Road, Application of Paul Miller; to perform hydro-raking in the portion of Lake Pattagansett immediately behind property located at 172 Upper Pattagansett Road, Niantic, Assessor's Map 35.0, Lot 12, East Lyme, Connecticut, with the following conditions:**

- 1. Notify Wetlands Enforcement Officer at least two (2) days prior to construction to inspect erosion controls.**
- 2. Notify Wetlands Enforcement Officer at completion of work for final inspection and sign off of permit compliance.**
- 3. Changes to the plan shall require additional approval, a new plan will be submitted prior to construction.**
- 4. Additional work beyond this permit in the wetlands or watercourse or its 100' regulated area will require approval from the Inland Wetland Agency or its certified agent.**
- 5. Provide Wetlands Enforcement Officer with the name and contact number of the person responsible for compliance.**
- 6. A note will be placed on the plan that additional activity in the wetlands or upland review area requires approval by the Inland Wetlands Agency.**

**This approval is specific to the application submitted as 172 Upper Pattagansett Rd, East Lyme, Assessor's Map# 35.0, Lot# 12, dated January 16, 2016. Any significant change in the plan, other than those identified herein, and any modifications of this approval or change in the site development plan layout other than those identified herein shall constitute a new application unless prior approval from the Agency or its Agent is granted and authorized.**

**The owner/applicant shall be bound by the provisions of this Application and Approval.**

**Seconded by Mr. Bender (6-0) Unanimous.**

**B. 0, 282, 284 and 286 Flanders Road, Gateway Development/East Lyme, LLC, Costco Wholesale Corporation, Application of Theodore A. Harris, Esq., for Gateway Development/East Lyme LLC; to conduct regulated activities in conjunction with a proposal to construct a commercial retail store at the Gateway commons District, 0, 282, 284 and 286 Flanders Road, East Lyme Assessor's Map 31.0, Lot 1, Map 31.3, Lot 2, Map 31.3, Lot 1, and Map 26.0, Lot 2.**

Chairlady Lozanov thanked Costco for a nice design and being respectful of the environment.

**MOTION (5): Mr. Pazzaglia moved to approve the Application known as 0 and 286 Flanders Road, Gateway Development/East Lyme LLC., Costco Wholesale Corporation, Application of Theodore A Harris, Esq., for Gateway Development/East Lyme LLC, to construct a commercial space at the Gateway Commons District, 0 and 286 Flanders Road, East Lyme Assessor's Map 31.0, Lot 1 and Map 26.0, Lot 2 and plans entitled "Submission to Inland and Wetlands Agency, Costco at Gateway Commons, for the proposed Retail Development for Costco, Located at Flanders Road, East Lyme, Connecticut; Prepared for Gateway Development/East Lyme, LLC in care of KGI, Flanders Road, East Lyme, Connecticut 06333, by Michelle M. Carlson of BL Companies of Meriden, Connecticut; dated 2/4/2016, revised through 3/23/2016", based on the findings in the Exhibit "DD" memorandum from Gary Goeschel, Director of Planning/Inland Wetlands Agent to the Inland Wetlands Agency dated April 11, 2016 and the record before the Agency, which application was further subject to the following administrative requirements and required modifications to the site plan and other materials submitted in support of this application:**

- 1. The Erosion and Sedimentation Control Plan and recommended Construction Sequence shall be followed.**
- 2. Pursuant to the Erosion and Sedimentation Control Plan and construction sequence, notify conservation officer at least 2 days prior to construction to inspect erosion controls.**

- 3. Silt fence and other erosion controls should including the temporary sediment traps and diversion swales be installed and inspected by the Inland Wetlands Agent and the Town Engineer prior to any site construction, land clearing or other associated construction activities.**
- 4. In areas proposed to be loamed and seeded, a low maintenance lawn such as fescue, which requires minimal application of fertilizers and pesticides, shall be planted.**
- 5. Forested cover within the upland review areas shall be maintained to the extent practicable. The propose Limits of Disturbance (LOD) shall be strictly adhered to though out all phases of lot build out and construction.**
- 6. As indicated in Exhibit "Y", memorandum from Victor Benni P.E., Town Engineer an Erosion and Sedimentation Control Bond in the amount of \$68,000.00 dollars in a form satisfactory to the Town of East Lyme and the Inland Wetlands Agency, its Agent, and Town Engineer shall be posted with the Town of East Lyme.**
- 7. As indicated in Exhibit "BB", the Operations and Maintenance Plan, the hydrodynamic separators shall be inspected every six (6) months in the months of April and October and said report shall be furnished to the East Lyme Inland Wetlands Agent.**
- 8. A copy of each inspection report for the Storm water Management Basins shall be furnished to the East Lyme Inland Wetlands Agent with 7-days of conducting said inspection.**
- 9. A Landscape Planting Bond in a form satisfactory to the Town of East Lyme and the Inland Wetland Agency in an amount of \$50,000.00, shall be posted with the Town of East Lyme Inland Wetlands Agency for the screening vegetation and conservation grass mix which is proposed on the slope between parking lot and the wetlands. Said bond shall be released upon the planting plan achieving an 80% survival rate after two (2) full growing seasons.**
- 10. Any proposed Additional work beyond this permit in the wetlands or watercourse or its 100-foot regulated area will require approval from the conservation commission or its certified agent.**
- 11. Any changes to the site plan listed on this permit require notification to the Inland Wetlands Agent and may require commission approval- a new plan will be given to agent before work begins.**
- 12. Inland Wetlands Conservation Tags provided by the Wetlands Agency, available in the Land Use Office, Department of Planning & Inland Wetlands, shall be posted along the inland wetlands boundary at 40-50-foot intervals satisfactory to the Inland Wetlands Agent.**
- 13. A copy of the proposed Conservation Easement for the area along the Pattagansett River, in a form satisfactory to the Inland Wetlands Agency and**

**Town Council, shall be filed on the land record in the office of the East Lyme Town Clerk prior to any construction.**

- 14. No site work shall commence until all applicable conditions are satisfied.**
- 15. Notify Inland Wetlands Agent upon completion of all regulated activities for final inspection.**
- 16. During construction an on-site monitor certified as a PWS (Professional Wetlands Scientist) shall make routine weekly inspections as well as after each rain event and furnish said report to the Inland Wetlands Agent.**

**This approval is specific to the site development plan submitted as the application of 0 and 286 Flanders Road, Gateway Development/East Lyme LLC., Costco Wholesale Corporation, Application of Theodore A Harris, Esq., for Gateway Development/East Lyme LLC, to construct a commercial space at the Gateway Commons District, 0 and 286 Flanders Road, East Lyme Assessor's Map 31.0, Lot 1 and Map 26.0, Lot 2 and the plans entitled "Submission to Inland and Wetlands Agency, Costco at Gateway Commons, for the proposed Retail Development for Costco, Located at Flanders Road, East Lyme, Connecticut; Prepared for Gateway Development/East Lyme, LLC in care of KGI, Flanders Road, East Lyme, Connecticut 06333, by Michelle M. Carlson of BL Companies of Meriden, Connecticut; dated 2/4/2016, revised through 3/23/2016", and any modifications of this approval or change in the site development plan layout other than those identified herein shall constitute a new application unless prior approval from the Agency or its Agent is granted and authorized.**

**The owner/applicant shall be bound by the provisions of this Application and Approval.**

**Seconded by Mr. Bender. (6-0) Unanimous.**

**C. 46 Scott Road, Application of Lance Hall and Debra Palladino, to conduct regulated activities associated with the construction of a detached garage and installation of a subsurface sewage disposal system including re-vegetating a previously cleared area within a wetland and installing a vegetative buffer along same, East Lyme Assessor's Map 29.0, Lot 12-1 and 12-2.**

Mr. Goeschel recommended to Mr. Pfanner plantings for two full seasons. Mr. Pfanner informed Mr. Goeschel the total estimate for plantings is \$2,726 and \$600 for sedimentation control. Mr. Goeschel asked if the retail price includes installation. Mr. Pfanner replied it did.

**MOTION (6): Mr. Clarke moved after consideration of all relative factors the application does not have any adverse impacts to the wetlands. The impacts are mitigated by the use of erosion and control measures. The approved plan for 46 Scott Road, Application of Lance Hall and Debra Palladino, to conduct regulated activities associated with the construction of a detached garage and installation of a**

subsurface sewage disposal system including re-vegetating a previously cleared area within a wetland and installing a vegetative buffer along same, East Lyme Assessor's Map 29.0, Lot 12-1 and 12-2 by J. Pfanner Associates, P.C. dated February 11, 2016 is approved with the following conditions:

1. Notify Wetlands Enforcement Officer at least two (2) days prior to construction to inspect erosion controls.
2. Notify Wetlands Enforcement Officer at completion of work for final inspection and sign off of permit compliance.
3. Changes to the plan shall require additional approval, a new plan will be submitted prior to construction.
4. Additional work beyond this permit in the wetlands or watercourse or its 100' regulated area will require approval from the Inland Wetland Agency or its certified agent.
5. Provide Wetlands Enforcement Officer with the name and contact number of the person responsible for compliance.
6. A note will be placed on the plan that additional activity in the wetlands or upland review area requires approval by the Inland Wetlands Agency.
7. An erosion and sedimentation bond in the amount of \$600.00 to be held until the site is stabilized, and a planting bond of \$2,126.00 to be held for two growing seasons, shall be posted prior to the commencement of work.

This approval is specific to the application submitted as 46 Scott Road, East Lyme, Assessor's Map# 29.0, Lot# 12-1 and 12-2, dated February 2, 2016. Any significant change in the plan, other than those identified herein, and any modifications of this approval or change in the site development plan layout other than those identified herein shall constitute a new application unless prior approval from the Agency or its Agent is granted and authorized.

The owner/applicant shall be bound by the provisions of this Application and Approval.

Seconded by Ms. Berger. (6-0) Unanimous.

## **VI. OLD BUSINESS**

**A. Cease, Desist and 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. (Issued 4/7/2014; Reissued 6/10/15).**

An agreement between Mr. Bialowans of 61 Walnut Hill Rd and Centerplan has been reached and the Commission feels the work should be done by May 2. If the work is not completed by May 2, Mr. Goeschel will request counsel to file an injunction.

**B. 138 North Bride Brook Road, Request for Bond Release.** Mr. Goeschel reported his vehicle was prohibited from access. This matter was tabled until access is permitted.

## **VII. NEW BUSINESS**

**A. Pattagansett Lake, East Lyme, Pattagansett Lake Association c/o Tom Davis Applicant to perform hydro raking at or around Pattagansett Lake and deposit the spoils on adjacent properties.** Mr. Goeschel reported this includes various areas around the lake. The Commission reviewed a map of the area. It was felt a Public Hearing is needed.

Mr. Davis reported in the past we had the entire lake that wanted to participate in hydro raking. Mr. Reluga asked are the spoils placed in a specific location. Mr. Davis replied each property owner is required to get rid of its own spoils. Ms. Berger asked if there were invasive species and would you have to have a survey done to correct some of the problems? Mr. Davis replied we expect each property owner to manage their own property. This permit allows any property owner on the lake to take advantage of this contract. Mr. Davis replied seven are interested in having this done. Mr. Reluga felt siltation is coming in around the countryside. Mr. Davis there has been some discussion that erosion takes place in the lake.

**MOTION (7): Ms. Berger moved to hold a Public Hearing on May 2, 2016 for the Pattagansett Lake Association to perform hydro raking at or around Pattagansett Lake. Seconded by Mr. Clarke. (6-0) Unanimous.**

**B. 92 Lee Farm Road, Request of Rui Nascimento for an extension of the Agency's approval to construct a single family dwelling with associated drainage, public water, sewer and stormwater appurtenances.** Mr. Goeschel stated this permit expires on June 11, 2017. Ms. Lozanov suggested that he come before this Commission closer to his permit expiring. Mr. Goeschel agreed to send him a letter. No action was taken.

## **D. REPORTS**

**A. Chairlady's Report.** Ms. Lozanov would like a subcommittee of this Commission to review our statutes to be sure they are clear.

**B. Inland Wetlands Agent Report.** See attached Report.

**a. Administrative Permits Issued.** Mr. Goeschel reported there were no administrative permits issued.

**b. Commission Issued Permit: Status Report.** There was no discussion on Commission Issued Permits.

**C. Enforcement.** Ms. Lozanov asked for an update on the unimproved section of West Society Road. Mr. Goeschel replied this in an ongoing problem. Ms. Lozanov indicated there is a large trucks in the wetlands at the Farm Stand on the corner of Upper Pattagansett Road and Boston Post Road.

Ms. Lozanov reported she observed an individual on Dean Road who was taken down trees.

**D. Correspondence.** A notice of non-compliance was sent to the Attawan Beach Association. They did respond to DEEP. There was no other correspondence other than in the Commission's packets.

**MOTION (8): Ms. Berger moved to adjourn the April 11, 2016 Meeting of the East Lyme Inland Wetlands Commission Meeting at 9:50 p.m. Seconded by Mr. Bender. (6-0) Unanimous.**

**Respectfully submitted,**

**Frances Gheri, Substitute Recording Secretary**