

**EAST LYME INLAND WETLANDS AGENCY
SPECIAL MEETING
Monday, AUGUST 1st, 2016
MINUTES**

The East Lyme Inland Wetlands Agency held a Special Meeting on August 1, 2016 at Town Hall, 108 Pennsylvania Ave., Niantic, CT. Chairman Lozanov opened the Special Meeting and called it to order at 7:06 PM.

PRESENT: Cheryl Lozanov, Chairperson, Norm Bender, Phyllis Berger, Harry Clarke, David Pazzaglia

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

ABSENT: Chuck Reluga, Vice-Chair, Keith Hall, Kim Kalajainen, Alternate

Call to Order

Ms. Lozanov called this Special Meeting to order at 7:06 PM. She introduced the members seated, Inland Wetlands Agent and Recording Secretary.

Pledge of Allegiance

The Pledge was observed.

FILED

I. Additions to the Agenda

Ms. Lozanov asked if there were any additions to the agenda.
Mr. Goeschel said that there were none.

aug 4 2016 AT 10:25 AM/PM
Wendy Galbo, etc
EAST LYME TOWN CLERK

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 proceeded to speak about the Town Engineer, the Inland Wetlands Agent and the grass and seeding and the bond for his property located at 57 Walnut Hill Road. He said that he is watching to see if others are treated the same and that the Inland Wetlands Agent should excuse himself.

Ms. Lozanov said to Mr. Bialowans that he could not speak on anything to do with that item as it is an item on the agenda and those items cannot be discussed during delegations.

III. Acceptance of Minutes

▪ **Site Walk Minutes of July 9, 2016**

Ms. Lozanov called for any discussion or corrections to the Site Walk Minutes of July 9, 2016.

****MOTION (1)**

Mr. Bender moved to accept the Site Walk Minutes of July 9, 2016 as presented.

Ms. Berger seconded the motion.

Vote: 5 – 0 –. Motion passed.

▪ **Regular Meeting Minutes of July 9, 2016**

Ms. Lozanov called for any discussion or corrections to the Regular Meeting Minutes of July 9, 2016.

Ms. Berger asked that in the middle of Page 3 that GNG be changed to read: GNB.

****MOTION (2)**

Ms. Berger moved to accept the Regular Meeting Minutes of July 9, 2016 as amended.

Mr. Bender seconded the motion.

Vote: 4 – 0 – 1. Motion passed.

Abstained: Mr. Clarke

IV. Ex-Officio Report

Mr. Nickerson filled in for Mr. Salerno as he was running a bit late. He thanked them for serving the Town and said that Costco has an upcoming application; there is a lot of construction on the local highways such as Society Road. The ridge near Ron's Guns on Boston Post Road will be repaired and that area will be down to one lane for the better part of a year while that work is being done. Two old Town buildings will be torn down in the Roxbury Rd/Romagna Rd area and that area cleaned up. They will also re-pave the entire Bush Hill area and they are moving along on a sewer study for the Saunders Pt. area.

Ms. Berger asked about a bond for the Costco gas tanks.

Mr. Nickerson said that Costco holds the liability on that and is insured in the millions. Also their history is that none of their tanks have ever leaked at any of their sites.

V. Pending Applications

There were no pending applications.

VI. Old Business

- **Mamacock Road, Giants Neck Beach, Niantic, CT – Jim Beaulieu for Giants Neck Beach Improvement Club – Application to maintain the area around Upper Nehantic Lake and Lower Nehantic Lake, East Lyme Assessor's Map 4.10, Lot 55**

Ms. Lozanov said that this is for the upper lake pond only and that tonight they are to approve or deny this application.

Ms. Berger asked about the letter regarding the debris and if it was sent out.

Mr. Goeschel said that it was sent and that the GNB Board has to address it.

Mr. Clarke asked Mr. Goeschel if he would be reviewing the work that would be done.

Mr. Goeschel said that typically they call him and he goes out to review it. He noted that their previous application that had expired had conditions of no cutting or removal in the upland review area and no work during the March 1 – June 30 breeding season. He said that they could add other conditions.

Mr. Clarke expressed concern that notification be made to the IWA Agent 48 hours prior to any activity being undertaken.

Mr. Goeschel said that could be added.

****MOTION (3)**

Mr. Bender moved to approve the Application of Jim Beaulieu for Giants Neck Beach Improvement Club to maintain the area around Upper Nehantic Lake and Lower Nehantic Lake with the following conditions:

- **There shall be no cutting and removal of brush or saplings within the upland review area. Only dead trees that pose a safety hazard may be removed. The East Lyme Tree Warden shall decide which trees pose safety hazards. All trees to be removed shall be properly tagged in accordance with established laws and procedures.**
- **Work in and around wetlands cannot be performed between March 1st and June 30th during the breeding season for amphibians.**
- **Notify the Inland Wetlands Agent 48 hours prior to the start of any of the permitted work or herbicide applications.**

Mr. Pazzaglia seconded the motion.

Vote: 4 – 0 – 1. Motion passed.

Abstained: Ms. Berger

▪ **57 Walnut Hill Road – Bond Release Request**

Ms. Lozanov asked if there was any updated information.

Mr. Goeschel said that he was unable to get in touch with the site surveyor who did the original work to obtain an estimate. He said that he would continue to pursue this. Additionally there is a plan proposed and the onus is on the applicant to provide an 'As-built' survey and that has not been done. They also indicated at their last meeting that they would like to see how well vegetated it is at the end of the second growing season which is coming up.

Mr. Goeschel noted that there is new case law that would have allowed them to enter the property in February to do the other work as the case law has changed.

Mr. Clarke said that his opinion is that the loam and seed is an important part of this and that without that he could not support releasing the bond. The wood chips are only a temporary measure. The other members expressed agreement.

Ms. Lozanov said that they would carry this over to their next meeting in September.

Mr. Goeschel noted that the applicant should request another bond release when the work is completed.

****MOTION (4)**

Mr. Clarke moved not to release the bond for 57 Walnut Hill Road due to the E & S conditions not being completed.

Mr. Bender seconded the motion.

Vote: 4 – 0 – 1. Motion passed.

Abstained: Mr. Pazzaglia

VII. New Business

▪ **297 Boston Post Road – Application of Alfred H Smith**

Mr. Goeschel explained that this was originally meant to be a request to extend the existing permit however it has reached its maximum length by Statute so this is a new application for the same activity. The original permit dates back to 1993.

Mr. Smith explained that he stores topsoil and some equipment on the site. The members expressed interest in a site walk for this property.

Mr. Goeschel said that they could do a site walk prior to their next meeting in September. Mr. Smith was not available previously for them to schedule the site walk. He noted that currently there is a pile of material in the center of the site.

Mr. Smith said that there is a maximum of 100 cubic yards of material with silt fence around it.

VIII. Reports

♦ **Chairperson's Report**

Ms. Lozanov reminded everyone that they are working on a review of their regulations one hour prior to their regular meetings and they can attend.

♦ **Inland Wetlands Agent Report**

♦ **Administrative Permits Issued**

Mr. Goeschel said that he had provided them with a listing at their last meeting and that they were up to date as he had not issued any other permits.

♦ **Commission Issued Permits: Status Update**

Mr. Goeschel said that he is working on what is open or unresolved and that he thinks that they only hold a couple of bonds.

♦ **Enforcement – See listing attached.**

Ms. Lozanov asked about this log and the number of unresolved issues – some of which are coming up on a year now. Also, 3 Coach Drive is missing from the log and that issue remains.

Mr. Goeschel said that he re-initiated the process and sent letters out again. He said that he gave them a week to contact him and that he has heard back from a couple of the people. He said that they could issue Cease & Desist actions or institute fines.

Ms. Lozanov and Ms. Berger expressed concern that these issues have gone on for so long and said that they need to do something to get them resolved.

Mr. Goeschel said that they could issue Cease & Desist orders. He said that he would update the log. (Copy attached)

♦ **Correspondence**

There was no correspondence.

ADJOURNMENT

****MOTION (5)**

Ms. Berger moved to adjourn this Regular Meeting of the East Lyme Inland Wetland Agency at 8:10 PM.

Mr. Clarke seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

Inland Wetlands Enforcement Log
 Updated as of 8/3/2016

Item #	Address	Activity	Date Enforcement Began	Date of Last Action	Notes	Resolution
1	West Society Road	Stockpile of Asphalt Millings	Apr-15			Unresolved
2	4 Colton Road	Filling of yard/landscape debris in a wetlands	Jul-15	15-Jul-16		Unresolved
3	15R Cotton Road	Filling/Clearing in a wetlands	Jul-15	15-Jul-16	Violation is being mitigated	Unresolved
4	16 Attawan Road	Filling and Storage of Equipment and various earth materials w/in	Jul-15			Unresolved
5	34 South Cobblers Court	Filling in a wetlands/upland review area	Jul-15	15-Jul-16	Contacted me 7/18/16	Unresolved
6	187 W Main St	Status of Permit Compliance	-			Unresolved
7	4 Herster	Filling of material in a wetlands and watercourse	Dec-15			Partially Resolved
8	Brocket Rd - Giants Neck Improvement Club	Clearing of Vegetation w/in upland review area	Jan-16	15-Jul-16	Irene Mcarris of GNB contacted me	Unresolved
9	2 Coach Drive	Clearing and grading w/in upland review area & Conserv. Easement	Jul-15	15-Jul-16		Unresolved
10						
11						

Enforcement Log

ICWA

8/1/16

Attachment