

EAST LYME INLAND WETLANDS AGENCY  
REGULAR MEETING  
MARCH 14, 2016

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CONNECTICUT  
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Seely, A.T.C.  
EAST LYME TOWN CLERK

The East Lyme Inland Wetlands Agency held its Regular Meeting on March 14, 2016 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut. Chairlady Lozanov opened the Regular Meeting and called it to order at 9:55 p.m.

Present: Cheryl Lozanov, Chairlady; Chuck Reluga, Vice Chair; Harry Clarke, David Pazzaglia, Norman Bender, Keith Hall.

Also Present: Gary Goeschel, Inland Wetlands Agent, Mark Salerno, ex officio Board of Selectman and William Mulholland, Zoning Enforcement Officer

Ms. Lozanov noted that Ms. Berger did not attend the Regular Meeting

I. Additions to the Agenda.

**MOTION (1): Mr. Hall moved to add the Site Walk February 6 Minutes to the Agenda as item 3 B. Seconded by Mr. Pazzaglia. (6-0) Unanimous.**

**MOTION (2): Mr. Hall moved to add the Special Meeting Minutes of February 22 to the Agenda as item 3C. Seconded by Mr. Reluga. (6-0) Unanimous.**

II. Public Delegations. Ms. Lozanov asked for public delegations.

Mr. Bialowans of 61 Walnut Hill Road, reported emails have been received by various individuals in Town giving thoughts on the subject of what he is doing.

III. Acceptance Minutes

**A. Acceptance of January 11, 2016 Minutes:** Ms. Lozanov asked if there were any additions, deletions or corrections to the January 11, 2016 Minutes.

**MOTION (3): Mr. Reluga moved to approve the January 11, 2016 Regular Meeting Minutes, as presented. Seconded by Mr. Clarke. (6-0) Unanimous.**

**B. Acceptance of February 6, 2016 Site Walk Minutes:** Ms. Lozanov asked if there were any additions, deletions or corrections to the February 6, 2016 Site Walk Minutes.

The following correction was noted: On page 1, the last sentence of the second paragraph under 288 Damon Heights Road, East Lyme should be rewritten as follows: "The group briefly explained to Mrs. Lidestri why an application was necessary."

**MOTION (4): Mr. Hall moved to approve the February 6, 2016 Site Walk minutes, as amended. Seconded by Mr. Bender. (6-0) Unanimous.**

**C. Acceptance of the February 22, 2016:** Special Meeting Minutes: Ms. Lozanov asked if there were any additions, deletions or corrections to the February 22, 2016 Special Meeting Minutes.

The following correction was noted: On page 4, the fourth paragraph, first sentence to be revised as follows: "Mr. Clarke asked if there were any iterations considered for this master plan."

**MOTION (5): Mr. Pazzaglia moved to approve the February 22, Special Meeting Minutes, as amended. Seconded by Mr. Hall. Mr. Bender abstained from voting. (5-0-1) Motion carried.**

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

Mr. Salerno thanked all who attended the FOI Information Seminar. The Blight Ordinance was approved. The budget has been forwarded to the Board of Finance. A questionnaire has been sent to homeowners for reevaluation purposes and to update our records. The Boardwalk will be open in two weeks.

#### **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. This matter was tabled.

**B.** 0, 282, 284 and 286 Flanders Road, Gateway Development/East Lyme LLC, Costco Wholesale Corporation, Application of Theodore 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. This matter will be placed on the April 11 meeting agenda.

**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 wetlands and installing a vegetative buffer along same, East Lyme Assessor's Map 29.0, Lot 12-1 and 12-2.

Mr. Robert Pfanner reported the applicant would like to clear the area of the wetlands. He reviewed a map of the area with this Agency. A maple tree was added. A new buffer outside the wetlands was created. A barn/garage was constructed. He stated he proposed

a buffer with plantings and wood chips to stabilize the area until the area is established. A retaining wall was constructed, as well as a small level spreader. We will access the site off the existing driveway to the house and the entrance to the garage is on the back side. A septic system for the garage has been put in. Water and utilities will feed off the existing home. We will try to keep this low, put in a wall and to keep the slope natural. We will have a silt fence up to the wetlands line. Wood chips will act as additional filtration during construction. Details are on sheet 2 as well as notes for the septic system. It is designed for a one bedroom house. The original silt fence was put up in 1955. Mr. Pfanner referred to the map access to the barn. Mr. Goeschel asked how the exit side slope will be stabilized? Mr. Pfanner replied that is the slope that was there. Mr. Clarke asked will wood chips be used? Mr. Pfanner replied wood chips will be put in and we will let it establish. Ms. Lozanov asked how close is the stone driveway? He showed her on the map and stated it is 25'. She asked is the driveway sloped off the side? Mr. Pfanner replied we will have a retaining wall. Mr. Goeschel asked if the storm water will go off the driveway? Mr. Pfanner replied we have tried to create a buffer. Mr. Goeschel was concerned that it may not be sufficient and may jeopardize the wall. Mr. Pazzaglia asked how high is the wall? Mr. Pfanner replied 3 1/2 feet acting as a retaining wall.

It was determined no Public Hearing was necessary. It will be placed on the April 11, 2016 Agenda.

## **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, Connecticut, Assessor's Map #52.0, Lot #126, East Lyme, Connecticut. (Issued 4/7/2014; Reissued 6/10/15)

Ms. Lozanov reported we need to take action and determine how we want to handle this matter. David Pazzaglia reclused himself from this matter, because he was not here when the original application was received.

A letter was received from Theodore Harris requesting modification to the cease and desist order. He is requesting a hearing to explain why they feel a modification would be appropriate.

**MOTION (6):**      **Mr. Clarke moved to have a hearing between the Commission and the respondent prior to our next regularly scheduled meeting on the modification for 20 Meadow Road, East Lyme, CT, Assessor's Map #52.0, Lot 126, East Lyme, Ct. Seconded by Mr. Bender. (5-0) Unanimous.**

Mr. Pazzaglia returned to the meeting.

## **VII. New Business**

**A. Request of Tom Davis, 180 Upper Pattagansett Road, East Lyme,** for an extension of East Lyme Conservation Commission Permit 06-12 to perform hydro-raking at or around Pattagansett Lake, and deposit the spoils on adjacent properties.

Mr. Goeschel noted Mr. Davis' permit has expired and advised him to submit a new application.

### **B. Reports.**

**1. Chairlady's Report.** Ms. Lozanov is looking at our regulations and the state statutes which our regulations make reference to. She would like a subcommittee of this Commission to review, revise, update or correct them. She asked that any member of this Commission who is willing to be on the subcommittee let her know.

#### **2. Inland Wetlands Agent Report.**

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

b. Commission Issued Permit: Status Update. Mr. Goeschel will have a status update at the next meeting of this Commission.

**3. Enforcement.** Mr. Goeschel reported 170 Flanders Road had been resolved but is reoccurring. He has had discussion with the property management and they are trying to police the matter.

#### **4. Correspondence.** The following correspondence was received:

a. 60 day Public Notice from Army Corps of Engineers.

b. Notice of Determination received from DEEP regarding flood management exemption over the Pattagansett River at Rt. 1 in East Lyme.

c. Email from Carol Murcko regarding Mr. Bialowan's property.

**MOTION (7): Mr. Pazzaglia moved to adjourn the March 14, 2016 Inland Wetlands Agency Meeting at 10:49. Seconded by Mr. Reluga. (6-0) Unanimous.**

**Respectfully submitted,**

**Frances Gheri, Substitute Recording Secretary**