

**EAST LYME INLAND WETLANDS AGENCY
REGULAR MEETING
Monday, MAY 2nd, 2016
MINUTES**

The East Lyme Inland Wetlands Agency held a Special Meeting on May 2, 2016 at Town Hall, 108 Pennsylvania Ave., Niantic, CT. Chairman Lozanov opened the Regular Meeting and called it to order at 7:45 PM.

PRESENT: Cheryl Lozanov, Chairperson, Chuck Reluga, Vice-Chair, Norm Bender, Phyllis Berger, Harry Clarke, Kim Kalajainen, Alternate

ALSO PRESENT: Attorney Theodore Harris, Representing Centerplan
Gary Goeschel, Inland Wetlands Agent
Karen Zmitruk, Recording Secretary

ABSENT: Keith Hall, David Pazzaglia

FILED IN EAST LYME
CONNECTICUT
May 6, 2016 AT 10:00 AM/PM
Karen Zmitruk, AR
EAST LYME TOWN CLERK

Call to Order

Ms. Lozanov called this Regular Meeting to order at 7:45 PM immediately following the previously scheduled Public Hearing. She introduced the members seated, Inland Wetlands Agent and Recording Secretary.

Pledge of Allegiance

The Pledge was observed was previously observed.

I. Additions to the Agenda

There were no additions to the agenda.

II. Public Delegations

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

There were no delegations.

III. Acceptance of Minutes

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

This was missing from the packets – action tabled to next meeting of the Commission.

****MOTION (1)**

Mr. Clarke moved to add the Cease & Desist Hearing Minutes of April 11, 2016 to the Acceptance of Minutes on the agenda.

Mr. Bender seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

▪ **Cease & Desist Hearing Minutes of April 11, 2016**

Ms. Lozanov called for any discussion or corrections to the Cease & Desist Hearing Minutes of April 11, 2016.

Mr. Goeschel asked that on Page 2 in the next to the last paragraph on the page that Jim Callahan be changed to read: Jim Cowan and –

On the top of Page 3 that Mr. Clarke be changed to read: Mr. Cowan.

****MOTION (2)**

Mr. Bender moved to accept the Cease & Desist Hearing Minutes of April 11, 2016 as amended.

Ms. Berger seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

▪ **Public Hearing Minutes of April 11, 2016**

Ms. Lozanov called for any discussion or corrections to the Public Hearing Minutes of April 11, 2016.

Ms. Lozanov asked that on Page 3 in the first paragraph that Mr. Lozanov be changed to read: Ms. Lozanov; in the second paragraph that carcinogens be changed to read: contaminants and in the fourth paragraph that the words 'a revised' be added before Exhibit BB.

Mr. Goeschel asked that on Page 2 in the next to the last paragraph on the page that the sentence: He was informed it was not required.; be changed to read: 'He stated it was not required.'

****MOTION (3)**

Mr. Clarke moved to accept the Public Hearing Minutes of April 11, 2016 as amended.

Ms. Berger seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

▪ **Regular Meeting Minutes of April 11, 2016**

Ms. Lozanov called for any discussion or corrections to the Regular Meeting Minutes of April 11, 2016.

Mr. Goeschel asked that on Page 1 after Public Delegations that the words: Mr. Goeschel entered the following exhibits be deleted.

Mr. Bender said that on Page 3 that he had not seconded the motion as he had made it.

Ms. Berger said that she had seconded it and asked that Mr. Bender be changed to read: Seconded by Ms. Berger.

Ms. Kalajainen asked that on Page 2 in the first paragraph that Clairlady be changed to read: Chairlady and in the third paragraph that the spelling of her name is changed to read: Kalajainen.

****MOTION (4)**

Ms. Berger moved to accept the IWA Regular Meeting Minutes of April 11, 2016 as amended.

Mr. Clarke seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

IV. Ex-Officio Report

There was no report.

V. Pending Applications

- **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 said that this mirrors the previous application of Mr. Miller.

Ms. Berger asked if the same contractor is being used.

Mr. Goeschel said yes. He added that the hope is that the contractor will mobilize once and that he cleans up a large area.

Mr. Clarke asked that it be required that a licensed contractor do the work and that the spoils be legally disposed of if they cannot be placed on the adjacent property.

Mr. Goeschel said that they could request that information be provided from whoever does the work. He reminded the Commissioners that this is for a permit for hydro-raking.

Ms. Lozanov asked that best management practices be followed and included in the decision.

****MOTION (5)**

Ms. Berger moved to approve application of the Pattagansett Lake Association to perform hydro-raking at or around Pattagansett Lake and deposit the spoils on adjacent properties at or around Pattagansett Lake or legally dispose of the spoils off-site with the following conditions:

1. **Notify Wetlands Enforcement Officer at least two (2) days prior to hydro-raking 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 hydro-raking.**
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. **The contractor performing the work shall be licensed, insured and regularly engaged in hydro-raking.**
8. **Best Management Practices (BMPs) shall be used for the spoils including the use of hay bales and silt-fence.**

This approval is specific to the application submitted as Pattagansett Lake; Application of Tom Davis for Pattagansett Lake Association, Applicant; to perform hydro-raking at or around Pattagansett Lake, and deposit the spoils on adjacent properties at or around Pattagansett Lake, dated March 11, 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 applicant shall be bound by the provisions of this Application and Approval.

Mr. Bender seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

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 said that he had provided them with a memo from Mr. Klein regarding the completion of the remediation on Mr. Bialowans property.

Mr. Harris, representing Centerplan said that it is now complete. He thanked them for helping obtain Mr. Bialowans permission and is requesting that they lift the Cease, Desist & Correct Order.

Mr. Goeschel said that he did walk the site with Mr. Klein who was documenting the work and that he is happy with it.

****MOTION (6)**

Mr. Clarke moved to RELEASE the Cease, Desist and Restore (Correct) Order dated April 7, 2014 for the deposition of sedimentation within an onsite wetlands and watercourse as a result of stormwater management system failures and failures of erosion and sedimentation controls associated with the construction of a solar field/array on property located at 20 Farm Meadow Road, East Lyme, CT, Assessor's Map 52.0, Lot 126, East Lyme, CT.

Mr. Reluga seconded the motion.

Ms. Lozanov asked about the solar farm itself.

Mr. Goeschel said that Mr. Klein had noted that sediment is in the exact same area so measures upstream are working.

Mr. Goeschel noted to the Commissioners that the remediation work took a total of 3 hours time.

Vote: 6 – 0 – 0. Motion passed.

VII. New Business

There was none.

VIII. Reports

♦ Chairperson's Report

Ms. Lozanov said that the site walk was cancelled and that she was not notified of it. She asked that they notify her and text her if not by another method. She also said that she would like a subcommittee formed to review their regulations.

Mr. Goeschel said that he would be available to help with the subcommittee and would be a member. He suggested that they meet an hour prior to their regular meeting on the days of their regular meetings. Ms. Lozanov said that she wanted to be on the subcommittee and Ms. Kalajainen also volunteered.

Mr. Goeschel said that once they have made changes or suggestions that they would have to come before the full Commission for review and input.

♦ Inland Wetlands Agent Report

♦ Administrative Permits Issued

Mr. Goeschel said that there were none.

♦ Commission Issued Permits: Status Update

Mr. Goeschel said that there have been none.

♦ Enforcement – See listing attached.

Ms. Berger asked for an update on the enforcement and if letters have been sent. (See attached)

♦ Correspondence

Mr. Goeschel noted that he received notice from the State that they will be working on the Pattagansett River Bridge.

ADJOURNMENT

****MOTION (7)**

Ms. Berger moved to adjourn this Regular Meeting of the East Lyme Inland Wetland Agency at 9:00 PM.

Mr. Reluga seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

MEMO

TO: R. McNamara, T. Harris, M. Lombardi
FROM: Michael Klein
DATE: 4/29/2016
RE: Bialowans stream remediation

The stream remediation was completed on Wednesday, 4/27/16 by the crew from Centerplan. Don Fortunato and John Bialowans observed the work. The site conditions were very similar to those observed in 2015, which indicates that the completed stormwater management system at the Antares site is functioning as designed. All seven sites identified in 2015 were addressed by removing sediment and debris dams as specified. There was one field adjustment made from the remediation as previously identified. An additional debris dam was removed near the confluence with Cranberry Meadow Brook, because it was diverting the flow and a new channel was beginning to erode. The total volume of material removed at any one location was typically <1 c.f, the largest was approximately 3-4 c.f. Both Mr. Bialowans and Mr. Goeschel agreed that the work was completed as required.

Attachment IWA 5/2/16 Old Business Item A

Item #	Address		Resolution
1	4 Colton Road	Filling of yard/landscape debris in a wetlands	Unresolved <i>letter to go out</i>
2	15 Colton Road	Filling/Clearing in a wetlands	Unresolved
3	170 Flanders Road	Filling of debris adjacent to a watercourse	Resolved
4	1 West Society Road	Garbage/Yard Debris	Unresolved
5	42 Attawan Road	Clearing	Resolved
6	187 W Main St		Unresolved
7	166 Upper Pattagansett Rd	Filling within upland	Resolved
9	23 Brocket/Giants Neck Imp[rovement Club	Clearing	Unresolved
8	4 Herster	Filling in a wetlands and watercourse	Partially Resolved

Enforcement

*letter to
go out*

Attachment IWA 5/2/10