

**EAST LYME INLAND WETLANDS AGENCY  
REGULAR MEETING  
Monday, SEPTEMBER 12th, 2016  
MINUTES**

The East Lyme Inland Wetlands Agency held a Special Meeting on September 12, 2016 at Town Hall, 108 Pennsylvania Ave., Niantic, CT. Chairperson Lozanov opened the Regular Meeting and called it to order at 7:02 PM.

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

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

**ABSENT:** Phyllis Berger, Kim Kalajainen, Alternate

**Call to Order**

Ms. Lozanov called this Regular Meeting to order at 7:02 PM. She introduced the members seated and Inland Wetlands Agent.

**FILED**

**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 said that there were none.

Sept 16 20 16 AT 11:30AM/PM  
William Mulvaney, Jr.  
**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.  
There were no delegations.

**III. Acceptance of Minutes**

▪ **Special Meeting Minutes of August 1, 2016**

Ms. Lozanov called for any discussion or corrections to the Special Meeting Minutes of August 1, 2016.

Mr. Reluga asked that the word ridge on page 2 in the first paragraph be changed to read: bridge.

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

**Mr. Bender moved to accept the Special Meeting Minutes of August 1, 2016 as amended.**

**Mr. Hall seconded the motion.**

**Vote: 5 – 0 – 1. Motion passed.**

**Abstained: Mr. Pazzaglia**

▪ **Special Meeting Minutes of August 31, 2016**

Ms. Lozanov called for any discussion or corrections to the Special Meeting Minutes of August 31, 2016.

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

**Mr. Clarke moved to accept the Special Meeting Minutes of August 31, 2016 as presented.**

**Mr. Reluga seconded the motion.**

**Vote: 3 – 0 – 3. Motion passed.**

**Abstained: Mr. Bender, Mr. Hall, Mr. Pazzaglia**

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

Mr. Salerno reported that they had approved the purchase of the grapple truck, the Samuel Smith House had obtained grants and the Town had received a \$200,000 Brownfield grant for the demolition and remediation of the 224 Main Street property that it had purchased.

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

There were no pending applications.

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

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

Mr. Goeschel said that the work has not been completed.

Mr. Clarke asked about the site plan requirement.

Mr. Goeschel explained that it is part of the condition of approval.

##### **▪ West Society Road – Discuss the repeated erosion of the unimproved gravel portion of the road in the Upland Review Area of West Society Road**

Mr. Goeschel said that they have an after-the-fact permit in front of them and that Mr. Bragaw was here to discuss this item this evening.

Joe Bragaw, Director of Public Works explained that this is a Town road and while there has been some talk about if it would continue to be so, it would still have to be a ROW. As such, they need to have it passable.

Ms. Lozanov said that since the millings are not working something new needs to be tried. She noted that Mr. Goeschel had suggested other methodology such as the water bars.

Mr. Goeschel said that the methodology that he had suggested is if this ceased to be a Town road.

Mr. Bragaw said that paving is not going to significantly help as it is a difficult road and the people would be flying through there.

Ms. Lozanov said that she does not think that the millings are the way to go.

Mr. Bragaw said that it was not an option to have it all rutted out and that he would keep them updated on what is done here.

##### **▪ 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 has had the permit for the past 15 years there and that what he is applying for now is the same operation that he has had there all along.

Mr. Goeschel said that he has walked the site twice, there is a silt fence there and no material is migrating off-site. The stockpile is very small and farthest from the wetland.

Ms. Lozanov noted that as this was on their last agenda that they could act on it.

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

**Mr. Bender moved to approve the application of Alfred H. Smith for 297 Boston Post road to stockpile up to 100 cubic years of topsoil within 100' of an inland wetlands watercourse.**

**Mr. Clarke seconded the motion.**

Mr. Hall asked about the equipment stored there and if there is an opportunity to move it farther away from the wetland area.

Mr. Smith said that he is working on the two older pieces and that he will move them.

**Vote: 5 – 0 – 1. Motion passed.**

**Abstained: Mr. Pazzaglia**

**VII. New Business**

- **24 Darrow's Ridge Rd, East Lyme – Jason Pazzaglia – Application for a one-lot re-subdivision, specifically for a residential driveway that existed prior to the purchase of the lot, the area of which is 400' in the upland review area.**

(Mr. Pazzaglia recused himself for this item and left the table.)

Robert Pfanner Jr. of J. Robert Pfanner Associates said that he was representing Mr. Pazzaglia this evening. This is lot 30 of Darrow's Ridge – Phase 5 – a piece that wraps around the pond. The area is 400' and the driveway was there – to be used as a driveway to one of the lots. The wetland crossing was done previously. They are creating 2 lots in the subdivision. One driveway comes across the upland review area.

Ms. Lozanov said that it appears to go down slope from the knoll area.

Mr. Pfanner said yes, there is a gentle slope that gets steeper near the pond. This was done by the previous developer and there is an existing gravel driveway.

Mr. Bender asked if they were talking about 400' – linear.

Mr. Pfanner said that it is a 400 sq. ft. area.

Mr. Hall noted that they have a septic system in the upland review area.

Mr. Pfanner said that is due to the ledge and is a separate permit that was granted in the past.

Ms. Lozanov asked if there is any alternative.

Mr. Pfanner said that this was there previously and that this is on the fringe.

Mr. Hall asked when it was previously approved.

Mr. Goeschel said that it was in 2014 and that it was an administrative permit as it is in the upland review area.

Ms. Lozanov said that they were here to determine if a public hearing was necessary or not.

Mr. Clarke said that it is a very small area and that he did not think that it required a public hearing.

The consensus of the members was that no public hearing was required.

(Mr. Pazzaglia rejoined the meeting.)

- **225 Flanders Road, East Lyme – Susan Sullivan Owner, James Brahm, Agent – Application for determination of permitted/non-regulated activity for construction of office space approximately 100' from the upland review area, with possibility for foot traffic within the upland review area.**

Jim Brahm, Agent explained that they are 104' off the edge of the wetland and that he is not sure that he should be there. He is here as there is the possibility of foot traffic in the area.

Mr. Goeschel noted that the construction area is significantly down from the wetlands area.

Mr. Brahm explained that they are leaving the back area undeveloped and that three houses and Mr. P's package store will be coming down.

Mr. Clarke asked how that would not affect the wetland.

Mr. Brahm said that the wetland is up at the top and it would be hard to get up there. Further, the area is dry 90% of the time and they are capturing all of the water on-site.

Mr. Reluga asked the square footage of the parking area.

Mr. Brahm said that maximum coverage is at 35% and that they are at 12.8%.

Mr. Goeschel said that 127 parking spaces are required and that they are proposing 173 spaces.

Mr. Brahm clarified that he has found with a previous development that he did that they can never have enough parking. This is similar to the Liberty Bank building but 40,000 sq. ft and two-stories.

Mr. Goeschel asked about the possibility of using pavers in some of the area.

Mr. Brahm said that he was looking at using porous concrete.

Mr. Goeschel suggested making 40 spaces non-impervious.

Mr. Clarke said that it would appear that the 50' cut would de-water the entire wetland area.  
Mr. Hall said that it would also affect the design of the wall and the pressure on it will have to be accounted for.  
Mr. Brahm said that the wetland is substantially higher than the area itself.  
Mr. Clarke said that he would like to see a statement on the impact from a soil scientist.

Ms. Lozanov questioned if they should have a public hearing as there is blasting involved.  
Mr. Goeschel said that with no permit necessary here that it would go to Zoning as administrative approval. They would just need the additional information regarding impact.

Mr. Hall asked about the elevation of the wetland.  
Mr. Brahm said that he believes it is at 112'; the fence is at 104'. He said that he would provide the information that they requested.

▪ **57 Walnut Hill Road, East Lyme, CT – John Bialowans Jr. – Application for determination of permitted/non-regulated activity for a timber harvest**

Mr. Goeschel said that he met with Ron Burgess on site and that he took some pictures which he had provided them with as Mr. Burgess was not able to attend the meeting this evening. While the harvest may be an as-of-right, there is a wetland crossing bridge 20' long.

Ms. Lozanov asked if it is a wood road.  
Mr. Goeschel explained that the skid road goes up over the knoll and that most of the work will remain to the south. They will have to clear a swath of land to put the bridge in and drive the wood out with the skidder.

Ms. Lozanov said that in the past they have been concerned about felling trees in the area of the stream as it changes the temperature of the stream.  
Mr. Goeschel said that they felt it would not alter it as they would be leaving some canopy.

Mr. Clarke asked if, as a non-regulated activity, they would notify him prior to doing the work.  
Mr. Goeschel said that typically Mr. Burgess has notified him prior to doing any work.

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

**Mr. Clarke moved that no permit was required of Mr. Burgess of Scotland Hardwoods, LLC for the property of John Bialowans Jr. at 57 Walnut Hill Road to conduct a timber harvest that includes a stream crossing on approximately 25 of 42.62 acres of land.**

**Mr. Bender seconded the motion.**

**Vote: 5 – 0 – 1. Motion passed.**

**Abstained: Mr. Pazzaglia**

**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 asked that they please attend.

♦ **Inland Wetlands Agent Report**

♦ **Administrative Permits Issued**

Mr. Goeschel said that he had not issued any permits since their last meeting.

♦ **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.**

Mr. Goeschel said that Mr. Stefanski of 2 Coach Drive was present and had presented them with a remediation plan for the pocket wetland prepared by Robert Russo of CLA Engineers. Wetland seed mix will be placed where the pocket wetland was.

Mr. Goeschel noted that he would continue to work with them on the remediation and had suggested that Mr. Stefanski submit a permit and that the work be done in tandem due to the opportune time of year for the planting/growing. He also could issue a Cease & Desist and the work could be done under that order.

Ms. Lozanov said that she would like to see a report from Mr. Russo of CLA when the work is done.

Mr. Stefanski noted that he had provided Mr. Russo of CLA with pictures of the property prior to his purchase and that the area was actually grass and once the restoration is done it will be a much better pocket wetland than what previously existed. He also noted that beyond the stone wall in the other wetland that there are a lot of invasives and that they would remove those to insure the health of that wetland.

Mr. Clarke said that his opinion is that there should be an application even with the Notice of Violation.

**\*\*MOTION (5)**

**Mr. Clarke moved in the matter of 2 Coach Drive to request an application for the corrective action being undertaken.**

**Mr. Bender seconded the motion.**

**Vote: 3 – 3 – 0. Motion fails.**

Mr. Goeschel said that he would move forward under the remediation activities for this property.

Ms. Lozanov asked about and expressed concern over items that have been on the list for over a year. Mr. Goeschel said that he would update the log. (Copy attached)

♦ **Correspondence**

Mr. Goeschel noted that they had a letter from Attorney O'Connell stating that the Mattison Appeal had come in too late.

**ADJOURNMENT**

**\*\*MOTION (6)**

**Mr. Hall moved to adjourn this Regular Meeting of the East Lyme Inland Wetland Agency at 8:55 PM.**

**Mr. Clarke seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary

Inland Wetlands Enforcement Log  
 Updated as of 9/12/16

Item #	Address	Activity	Date Enforcement Began	Date of Last Action	Notes	Resolution
1	4 Colton Road	Filling of yard/landscape debris in a wetlands	Jul-15	15-Jul-16	No Response/Issuing Cease and Desist Order	Unresolved
2	15R Colton Road	Filling/Clearing in a wetlands	Jul-15	15-Jul-16	Violation is being mitigated	Unresolved
3	16 Attawan Road	Filling and Storage of Equipment and various earthen materials w/in upland review area	Jul-15			Unresolved
4	187 W Main St	Status of Permit Compliance				Unresolved
5	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
6	2 Coach Drive	Clearing and grading w/in upland review area & Conserv. Easement	Jul-15	15-Jul-16		Unresolved
7						
8						

Attachment IWA 9/12/16 Updated Enforcement log