

EAST LYME INLAND WETLANDS AGENCY
MEETING OF MONDAY 12 JUNE 2017

FILED IN EAST LYME
CONNECTICUT
June 20, 2017 AT 2:30 AM
Jessy Blair
EAST LYME TOWN CLERK

PRESENT

Members: Cheryl Lozanov, Vice Chairwomen, Phyllis Berger, Secretary, Harold Clarke, Kim Kalajainen, David Pazzaglia and Jessie Baldwin

Absent: Keith Hall, Chairman

Staff: Gary Goeschel II, Director of Planning/Inland Wetlands Agent and Ex-officio – Paul Dagle

CALL TO ORDER: Cheryl Lozanov called the East Lyme Inland Wetlands Agency Meeting of June 12, 2017, to order at 7:03 p.m.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was observed.

C. Lozanov introduced the members of the Commission, Recording Secretary, and Staff.

I. EXECUTIVE SESSION

- A. Pending Litigation (Mattison vs. Kalal)
- B. Agency Personnel Matters

MOTION (1): C. Lozanov made a motion to move into executive session and to invite our Enforcement Officer Gary Goeschel, our Town Attorney Mark Zemarca, and Paul Dagle our Ex-Officio - seconded by H. Clarke - passed (6-0-0) unanimous.

MOTION (2): C. Lozanov made a motion to return to the regular meeting at 7:26 pm - seconded by P. Berger - passed (6-0-0) unanimous.

II. ADDITIONS TO THE AGENDA – Item B, Agency Personnel Matters, was added to the agenda as new business and will be addressed at the next meeting.

III. SHOW CAUSE HEARING

A. Cease, Desist, and Restore Order: 301 Chesterfield Road, Aces High R.V. Park; 301 Chesterfield, LLC, Owner, c/o Pat Quinn; Clearing, grubbing, grading, and filling on the land within 100-feet of a watercourse without an Inland Wetlands Permit.

- G. Goeschel addressed the people in the audience that P. Quinn could not attend this evening and we are working with him to resolve the matter. Everyone should have copies of the order and the pictures. This was cleared in the last two months. The violation will remain on the commission's agenda until it is addressed. The public can comment during public delegations once the item is removed from the agenda.
- G. Goeschel was asked how the public would know the status of the cease and desist and G. Goeschel said that anyone could sign up on the public registry to receive Agendas or contact G. Goeschel on a monthly basis to get the updated status. A formal letter can also be submitted to G. Goeschel regarding any issues or concerns.

IV. PUBLIC HEARING

A. **Giants Neck Road, Giants Neck Improvement Club, Inc. Owner, Coastline Consulting & Development, LLC Applicant; Application to conduct regulated activities within a wetlands and watercourse associated with the hydro-raking of the Lower Nehantic Pond.**

- G. Goeschel listed the records of Exhibits A. through T. (see attached exhibits)
- J. Westermeyer of Coastline Consulting & Development.
 - The project proposes the hydromining removal of cumulative organic matter of two feet in the lower Nehantic Pond.
 - Dewatering sealed containers will be transported to Lombardi Site or Hunchbrook Farm for eventual disposal. Revision to proposed work timeframes –. There are now two separate periods February 20th to– April 30th of any given year and September 15th to November 15th. This will give more flexibility to the contractor.
 - C. Lozanov asked with this new plan will it now go into 2018.
J. Westermeyer answered that it would go into 2018 if they don't complete it during the September to November 2017 timeframe.
 - P. Berger asked how long will the benefits last. She had read on the website it would last 2-3 years.
J. Westermeyer answered that going down and removing two feet of organic matter and it will be replaced with two feet of water depth. The environmental conditions will decide how long it will last. The pond has never been dredged, and it's been in existence for the past 120 years.
 - P. Berger asked if fragmites or cottontails come back in two years – will you come back and remove them.
J. Westermeyer said they would be treated with a pesticide before they are removed so that they don't come back.
 - P. Berger asked how big the pond is.
J. Westermeyer answered that it is about three acres.
 - P. Berger asked about the noise the machine will make and what kind of disturbance to the neighborhood.
J. Westermeyer answered that is the noise is not that bad even with it being a diesel and it muffles like a vehicle.
 - P. Berger asked about the disturbance of the aquatic life during the February – April timeframe.
J. Westermeyer said they would be working on it section by section and the movement of the paddles will make aquatic life move out of the way.
 - H. Clarke said in past meetings you have talked about using two hydro-rakes – it that still the case.
J. Westermeyer said by lengthening the period they want the option to do that if it is necessary to get it done quicker. They would be working in the same area, not on opposite sides of the pond.
 - J. Westermeyer said there would be 2-3 containers on-site at any time daily and at the most, there would be 4, but they would be swapped out daily for new ones.
 - H. Clarke noted that on Page 7 – 1st paragraph - the narrative has the old dates. It needs to be updated with the additional timeframe of February 20th to– April 30th.

C. Lozanov asked if anyone in the audience had any questions. No one came forward.

MOTION (3): C. Lozanov made a motion to close the public hearing at 7:51 pm - seconded by P. Berger - passed (6-0-0) unanimous.

C. Lozanov announced that the application for Giants Neck Road, Giants Neck Improvement Club, Inc. Owner, Coastline Consulting & Development, LLC Applicant is now closed at 7:51 pm.

B. Twin Valley 25-Lot CDD Re-subdivision at Green Valley Roads & Spring Rock Road; Frank & Rajko Maric Owners, Real Estate Service of CT, Inc. c/o Bob Fusari Jr. Applicant. Application to conduct regulated activities within the 100-foot upland review area from wetlands and watercourses associated with the construction of a proposed subdivision road.

- G. Goeschel listed the records of Exhibits A. through V. (**see attached exhibits**)
- G. Goeschel: Note for the record that because we received so many of the same letter after briefly talking with council, the letter should be read aloud. (**see attached letter**).

Attorney Jason Westcott asked the Commission if he could file his petition at this time. Ted Harris said he had not seen this petition before now. G. Goeschel let him submit the petition, and it will be marked as Exhibit W. A copy was handed to each member. Also, comments from Ledge Light need to be entered into the record as Exhibit X.

Exhibit W – Request for Intervenor Status Pursuant to C.G.S. 22a.19 verified petition enter into record. Jason Westcott is representing Brian Lepkowski of 27 Green Valley Lakes Road, East Lyme, CT 06357.

Exhibit X – Ledge Light comments regarding the revised plans.

- Ted Harris is representing Twin Valley 25-Lot CDD Re-subdivision at Green Valley Roads & Spring Rock Road; Frank & Rajko Maric Owners, Real Estate Service of CT, Inc. c/o Bob Fusari Jr. Applicant. Application to conduct regulated activities within the 100-foot upland review area from wetlands and watercourses associated with the construction of a proposed subdivision road.
 - Application for wetland activities related to a proposed 25-lot subdivision. This is the last portion of the green valley lakes subdivision that was started in the early 1970's believe it or not, and it consisted of several phases. What we are proposing is only related to upland review area. There are no direct wetlands impacts proposed. The design of subdivision specifically took into account the existing wetlands and to design an alternative has managed to locate the lots in either the upland. We are not requesting to permit each individual lot. Whoever does purchase the lots will have to come back with a final site plan to G. Goeschel and/or to the Commission for approval.
 - T. Harris read from the basic law with respect to permitting reviews in the upland. In summary, activities within an upland review are allowed unless there is a direct adverse impact on wetlands. The upland review, in essence, is really an area of higher scrutiny – one in which the commission looks at and if in effect to regulate them. Standards that would apply to an upland review area were read by T. Harris

in the case of Carchina versus the Town of Darian. In that case, the upland review process does not forbid that an activity based solely on proximity to wetlands, rather the upland review process really provides a basis for determining if it has an adverse effect on the adjacent wetlands or watercourses and if necessary to regulate them. If the Commission is to deny the application for the permit to conduct a regulated activity in an upland review area it must determine that the proposed activity will have a likely adverse impact on a wetland or watercourse. In that such determination must be supported by substantial evidence. The court then went on to discuss such impact. A finding that there is a significant potential for an impact is insufficient to deny an application for a permit to conduct a regulated activity. The impact on the wetlands must be adverse and must be likely.

- T. Harris said they are focusing on the road and drainage for the road. They are not designing each lot, not knowing what type of house would be built and where it would be located on the lot. H. Clarke asked if each lot is buildable. T. Harris said every lot is set up for a house and septic.
H. Clarke questioned if he had done a subdivision before. If so, what had he done in the past as far as subdivisions and wanted some examples on how they were completed. T. Harris said he has demonstrated that most of the lots will not need an upland review. H. Clarke was not satisfied with what was presented.
- Joe Wren, P.E. - Professional Engineer. I live in East Lyme, but I work out of Old Saybrook, CT. Bob Fusari is the applicant; Bob Russo is the environmentalist (soil specialist), and Shamus Moore (works with Joe Wren as an engineer). Mr. Wren wanted to clarify the details about the subdivision. When proposing a subdivision - all we are doing is building a road and creating lots and any infrastructure improvements (i.e., utilities, drainage, and basins). We have to demonstrate to the Town Engineer and Ledge Light and Health District that these meet the public health code and town engineer standards which we are in the process of doing. Both comments we have received back from Ledge Light and the Town Engineer are very minor, and we will go over them at the end of the presentation. I believe we are 95% complete with a few modifications needed.
- As you will see the presentation shows no wetlands involved. No buildings are within 100 feet of the wetland. We are required to have 30% of open space and we are showing 60%. Within that 98% of the wetlands are preserved.
- The plans that were submitted have been revised as of 6/5/17. The proposed road has a cul-de-sac at the end. J. Wren shows and speaks to the presentation slides. The proposed conditions show that the gray is wetlands. There are two water quality containments. Grades are very gentle along the road and are about 1 ½ - percent. The width of the road was reduced to 24 feet (less than the normal width which is normally 26-28 feet). There is an emergency access driveway. Each lot has a rain garden. The back side of the house slopes down for water run off of the roof with drainage from a high point. There is one water containment that all water drainage from all sites will go to. All catch basins have 2-foot sumps (some are 4-foot sumps). Outlet hoods (snouts) will separate oil from water or anything floatable will be caught in the catch basin.
- Exhibit Z – Open Space – Overall site rendering (does not have it electronically to view on the projector screen). The dark green is the wetlands. Half of the acreage is proposed as open space with a total of 97 acres (which is part of protected wetlands) with 68 acres are being proposed as open space. The town requires 30% of open space we are providing double that.
- Conservation Design Development (CDD) is the best layout and preserves more

wetlands. J. Wren spoke to the conventional layout/diagram – showing that they could have built 28-29 lots and kept more land to develop on.

C. Lozanov asked about Sheet 14 – Inland wetland boundary: 1) not proposed anything (it's a disturbed area), 2) clearing limit line – upland review east of it, and 3) drainage and utilities are done.

H. Clarke – Erosion Sheets: proposed construction

J. Wren - make a road and clear some land. Anyone can purchase these lots and do what they want. Property lines are proposed. Have emergency access roads.

J. Wren will add another table if the commission would like.

- H. Clarke - How did you come up with 25 lots?
J. Wren - Conventional Layout determines lot yield - sizes divided up.
H. Clarke - What is the depth of properties?
J. Wren – Just randomly picking Lots 14-15 are 200 feet; Lots 3-6 are 220 feet, Lots 8-9 are 300 feet, Lots 17-18 are 220 feet, Lots 20-21 are 230 feet.
C. Lozanov asked if they would consider lessening the depth to stay away from wetlands.
H. Clarke mentioned that lot 25 should be added to the table because it's not included.
- J. Wren read the comments from DEEP (**attached exhibit**).
- J. Wren said that Ledge Light (Kim White) reviewed all 25 lots and had nine minor comments (**attached exhibit**). K. White will review again when she receives the updated sheets.
- J. Wren said that the Town Engineer had six comments (**attached exhibit**).
- Bob Russo (Environmentalist/Certified Soil Scientist) spoke of all of his credentials as a credible source for this project. He spoke to the survey and the diagram of where the wetlands are located. He said that the soils mapping is included in the information provided which is one source used. There were four or five egg masses of all types of aquatic life in the wooded swamp area, some amphibian but it's not densely populated. There are no drinking water aquifers on the site. In the upland area, there are several types of trees: cedar, hickory, black birch and common trees. The sand and gravel are the main predominant soils on site. In the appendix is a functional assessment – covering ground water recharge, flood flow regulation, fish and shellfish toxins, nutrient removal, bio-mass, recreation, wildlife, and amphibians. There are no nutrients or sediments, no flowing body of water, has some production export, shallow ground water, some wooded migration area.
- Impacts – no activity proposed within wetland areas, roads, basins, and proposed septic areas are in the uplands. The area is to be cleared for the concept in the evaluation.
- Minimize work in proximity of wetlands. Below is what has been done, so there are no issues with the wetlands.
 - Stormwater Management – uses the 2004 DEEP Standard – INDIGO
 - Stormwater Volume of water has to be treated
 - 100 foot upland review area – work is being done – DEEP recommends
 - Vegetative buffer and aquatic habitats – provide shade, cooler water, nuts, reduces the velocity of flood waters. These will continue on this site.

- Using the Cape Cod curbs so habitat can still function, these curbs are low to the ground.
- 24-foot wide road – means less water runoff.
- Catch basins with deep sumps.
- Outlets in uplands before it get to wetlands.
- Plant vegetation - plans to make a better buffer.
- H. Clarke – Lot 10 – Sheet 30 – based on Soil type listed on the lot, if a septic system is installed where it is proposed – when it rains where does the gray water go? NRCS defines poor filtering ground water pollution.
B. Russo – Mapping for NRCS is broad – it is not as site specific.
H. Clarke - Lot 11 or 12 on the upper basin releasing to the west. More flow is coming down. The soil appears to be overly saturated.
- J. Wren – Got the data from ground water monitoring this past spring and last year since we had heavy rain. This system shows code complying data.
- G. Goeschel asked about operation maintenance plan.
- J. Wren read a letter from Victor Benni (Town Engineer) about Wood Road - Pipe under the road that drains water south. The benefit to removing pipe? No, it's been there so long it could cause issues with wetlands.
- J. Baldwin – Lots 14-19 are kind of sandy above the wetland. Does leeching from septic reaching wetlands?
- B. Russo - No, based on his experience and the soils testing it doesn't appear to be a problem. Nutrient loading should not be a problem here.

PUBLIC

- Steve Danzer from Steven Danzer, PhD & Associates, LLC, Wetlands and Environmental Consulting. At the request of interested neighboring parties and other East Lyme residents, an independent environment review was conducted of the application materials submitted to date of this report to the Town of East Lyme Inland Wetlands Agency, for activities proposed at the area of Green Valley Lakes Road and Spring Rock Road (“the site”).
 - Impact to Vernal Pools on Lots 11 and 12.
 - Significant 20-50 vegetation near wetland to be removed. The proposed plan will remove shade and water will evaporate, amphibian reproduction will be impacted, hydrological effects – 13.2 acres in size.
 - Two major watershed changes
 - Withdrawal from watershed
 - Additions to catch basins will make its way to wetland
 - The theory is that eventually pollutants will go through outflows and go into wetlands.
 - Cape Cod curbs are salamander traps as is the cul de sac catch basins.
 - Major defects in application
 - Additional vernal pool on eastern wetland – wasn't disclosed where they are.

- Eastern boundary of uplands was not surveyed by soil scientist – don't know what the boundaries are.
 - All requirements are based on open space calculation. Table on page 7 is wrong since it depicts boundary.
 - Drainage Report – ECP-1 – demarcated drain basins based all calculations on that map.
 - Drainage divide goes through basin – it's not accurate.
 - Impact analysis is illogical because it's conceptual.
- Jason Westcott spoke about the cumulative impact on wetlands, driveways, roofs, and impact to storm drain runoff
 - Would like to see the February 17, 2017 letter to DEEP.
 - Ledge Light letter was not in the list of exhibit items. G. Goeschel had a copy in his office on 5/17/17, but it wasn't put into the list of exhibits until this evening.
 - The impact of cutting out 50-foot swath to put in the road.
- J. Wren (Response to Intervenor Comments-S. Danzer and J. Westcott)
 - Soil scientist – vernal pool – open space to compensate for this.
 - Lots of existing trees will not be removed.
 - Drainage area – drainage map/report were submitted to the Town Engineer. Water supply for vernal pool.
 - There will be no wetland disturbance.
 - 40 x 60 footprints (for example a two story colonial at 2800 square feet). The house will be 58 feet from the road and 25 feet from the street line.
 - Town wetlands map was used for the eastern wetland boundary as no work was being proposed along the eastern wetlands boundary which was being proposed as part of the open space.
 - The proposal far exceeds open space requirement.
 - Ledge Light letter was received by the town on 5/17/17.
 - The archeological report was submitted with the application. There was not a 50-foot cut.
- B. Russo (Response to Public S. Danzer and J. Westcott)
 - Expected intervenors to bring a technical backup of findings not to attack another professional in the field.
 - Stormwater basins would be a trap for amphibians – they wouldn't choose this area to breed. However, they sometimes lay eggs in unsuitable spots.
 - Doesn't believe another vernal pool exists on the site.

PUBLIC

- Kristen Chantrell, EIT - 13 Green Valley Lakes Road. Her property abuts the development. Has a B.S. in Environmental Engineering. Used to work in Department of Environmental Management in Water Resources Department. Has been reading up on the Towns Official Plan which recognizes that wetlands are valuable water storage

areas. One of my concerns is the wetland protection for the existing homes in the neighborhood.

- Harvey Beeman - 11 Green Valley Lakes Road. His property abuts the development. Prepared and submitted a letter to the town via US Mail seven days in advance of the meeting and didn't hear anything back.

G. Goeschel indicated he did not receive the letter and requested he resend the letter or provide a copy to his office.

- Marie St Onge - 41 Spring Rock Road – Bought house 20 years ago. There was an issue back in 1974 with the developer when the bridge went out, and it was in litigation for years. Question about the road they are proposing will it be wide enough. The 100-year storm happens more often now and how will we deal with the water levels.
- Steven & Tina Conlin - 75 Spring Rock Road. Just heard that on 5/17/17 percolation tests were done? Can we rely on them? As of 4/25/17, this area was identified as dry as in drought conditions, but so much of this testing was done in a dry period. Having just gone through a very stressful home buying process, would there be a stipulation for potential home buyers. Will they know what they are getting into since the developer won't be available? What is the process?
- John Seguin - 27 Green Valley Lake Road. Their property abuts the development. Went on the 4/29/17 public site walk. Have been working independently with DEEP. Sending pictures of salamanders, turtles, and based on what they have seen they have said a vernal pool does exist.

C. Lozanov mentioned for the record that there was a site-walk on 4/29/17 which members of the public and the Commission did attend. C. Lozanov requested from the applicant an extension of time to continue the Public Hearing which was agreed to. The public hearing is not finished so it was asked to continue it to next month as a special meeting separate from the regularly scheduled meeting. The date mentioned was Tuesday, July 11, 2017. However, at 11:59PM the Agency agreed to continue the Public Hearing to June 26, 2017.

V. PUBLIC DELEGATIONS – None Heard.

ADJOURNMENT –

K. Kalajainen moved to adjourn the meeting. Seconded by Phyllis Berger. Unanimous (6-0-0) Motion Carried.

Respectfully Submitted:

Mary Jane Gaudio
Recording Secretary

Handwritten signature of Mary Jane Gaudio in cursive script, followed by a forward slash and the initials 'JG'.

GNIC - Lower Pond Hydro Raking
Inland Wetlands June 12, 2017

Exhibit	Description	Date
A	Application, for East Lyme Inland Wetlands Agency Permit	6-Mar-17
B	Project Narrative (Attachement B) dated Feb 27, 2017	
C	Wetland Scientist Report (Attachement C) dated March 7, 2016 by R.Richard Snarski SS, PWS, CSECS	
D	NRCS Soil Mapping from WebSoilSurvey dated 2/27/17 (Attachement D)	
E	List of Abutters	
F	Statewide Inland Wetlands & Watercourse Activity Reporting Form	
G	Photos of Exisitng Conditions	
H	DEEP Correspondence from Robert Gilmore to Jeff Wetermeyer dated August 10, 2016 regardng proposed activities	
I	Site Plan entitled "Pond Dredging Project Lower Nehantic Pond, Prepared for: Giant's Neck Beach Impeovment Club, Inc. East Lyme, Connecticut" by Robert J. Grabarek, P.E. of Coastline Consulting & Development, LLC of Branford, Connecticut; dated 10/28/2016	
J	Legal Notice of Public Hearing, published in the April 19, and April 27th editions of the Day Paper	
K	Letter from G. Goeschel to Jim Beaulieu dated April 18, 2017 Re: scheduling of the public hearing	
L	Memo from V. Benni, P.E. Town Engineer to G. Goeschel II, Wetlands Officer, dated April 28, 2017 Re: Lower Nehantic Pond Wetlands Review, w/6 Comments	
M	Certificates of Mailing from the Applicant post marked April 27, 2017	
N	Notic of Public Hearing dated April 24,2017 received May 1, 2017	
O	Letter from David R. Provencher to G. Goeschel II, Dir. Planning Wetlands Agent dated April 24, 2017 Re: the Applicants consent to an extension of time within which to hold a public hearing.	
P	Revised Project Narrative dated Feb. 27, 2017 revised through May 30, 2017	
Q	Revised Project Narrative dated Feb. 27, 2017 revised through June 9, 2017	
R	Site Plan entitled "Pond Dredging Project Lower Nehantic Pond, Prepared for: Giant's Neck Beach Impeovment Club, Inc. East Lyme, Connecticut" by Robert J. Grabarek, P.E. of Coastline Consulting & Development, LLC of Branford, Connecticut; dated 10/28/2016 revised February 27, 2017.	

Twin Valley - 25 Lot Re-Sub
Inland Wetlands June 12, 2017

Exhibit	Description	Date
A	Application, for East Lyme Inland Wetlands Agency Permit which, includes the following documents:	3/31/2017
B	List of Abbutters	3/31/2017
C	Statewide Inland Wetlands & Watercourse Activity Reporting Form	3/31/2017
D	Letter from Nelson B. DeBarros, Botanist/Ecologist to Joe Wren, P.E., dated March 13, 2017 Re: NDDDB Determination	3/31/2017
E	Memo from Indigo Land Design, LLC Re: Twin Valley 25-Lot CDD Resubdivision dated March 31, 2017	3/31/2017
F	Phase 1a Archeological Assessment Survey by ACS dated February 2017	3/31/2017
G	Site Plan entitled "Twin Valley 25-Lot CDD Re-Subdivision, Prepared for Real Estate Services of Connecticut, Inc., Green Valley Lakes Road - Map 14.0 Lot 45, East Lyme, Connecticut" by Michael J. Bennett, L.S, of Bennett & Smilas Associates of Higganum, Connecticut and Joe Wren, P.E. of Indigo Land Design, LLC of Old Saybrook, Connecticut; dated 3/31/17.	3/31/2017
H	E-mail correspondence from V. Benni, PE, Town Engineer to G. Goeschel, Dir. of Planning/IWA dated 12/6/16 Re: Pre-Development meeting.	
I	Memo from V. Benni, P.E. Town Engineer to G. Goeschel II, Wetlands Officer, dated April 28, 2017 Re: Twin Valley 25-Lot CDD Resubdivision w/5 Comments	4/28/2017
J	Petition to Hold an East Lyme Inland Wetland Agency Public Hearing signed by at 30 persons 18yrs of age or older and who reside in the municipality	4/1/2017
K	Letter from Ted Harris to Keith Hall, Chairman IWA, dated April 17, 2017 Re: the petition for public hearing and requesting the hearing be scheduled for 5/1/17.	
L	Legal Notice of Public Hearing, published in the April 19, and April 27th editions of the Day Paper	
M	Letter from G. Goeschel to B. Fusari dated April 18, 2017 Re: Scheduling of the public hearing	
N	Letter from G. Goeschel to Eileen Coffee, Old Lyme Town Clerk dated April 27, 2017 Re: IW Application Referral	
O	PROTECT Green Valley Lakes advertisement/Brochure	
P	Westlaw reference re: Upland Review Process	
Q	Letter from various 60 residents Re: concerns to develop on the subject land received between April 24, 2017 and May 23, 2017	
R	Certificates of Mailing from the Applicant post marked April 24, 2017	

