

**EAST LYME INLAND WETLANDS AGENCY  
MEETING OF MONDAY 17 APRIL 2017**

**PRESENT**

**Members:** Keith Hall, Chairman, Cheryl Lozanov, Vice Chairwomen, Phyllis Berger, Secretary, Harold Clarke, and David Pazzaglia

**Alternates:** Norman Bender, Jack Chomicz, and Kim Kalajainen

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

**CALL TO ORDER:** K. Hall called the East Lyme Inland Wetlands Agency Meeting of April 17, 2017, to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was observed.

- I. **ADDITIONS TO THE AGENDA** – Item B under New Business will be moved to Item D as the person representing is in another meeting and won't be available until later in the meeting.
- II. **PUBLIC DELEGATIONS** – None.
- III. **ACCEPTANCE OF MINUTES**

A. Meeting Minutes of March 13, 2017

C. Lozanov suggested the following amendment to the minutes as shown below:

- On page 4, third paragraph, first sentence – change make to may.

K. Hall recommended the following amendments to the minutes as shown below:

- Change the second motion (3) which is a duplicate to (4) and the remaining motions sequentially.
- On page 2, under item C, first paragraph ex-sheets should be survey and graphic sheets.
- The spelling of Boyler on page 3 under IV. New Business, the third paragraph is incorrect – it should be Beaulieu.
- On page 4, first paragraph, second sentence – change the word sodge to sedge.
- On page 4, third paragraph, last sentence, change let's figure it out now to let's spell it out now.
- On page 4, under item B, third paragraph, ninth sentence, change participle separation to particle separation.
- On page 4, under item B, the third paragraph, change go into the drain should be go into the drainage system.
- On page 4, last paragraph, last sentence – change silts in storm drainings to silts, bags, and storm drains.

**MOTION (1):** H. Clarke moved to approve the March 13, 2017, Meeting Minutes as amended - seconded by C. Lozanov - passed (7-0-0) unanimous.

**FILED**

Apr 24 2017 AT 11:45 AM/PM  
Lauren Gallo, at  
EAST LYME TOWN CLERK

IV. **EX-OFFICIO REPORT**

- Selectman Dagle reported from the last board meeting that the budget process is still going on. He also mentioned that there is an ordinance that would exclude dogs (not service dogs) from the Boardwalk year round.

V. **PENDING APPLICATIONS – None.**

VI. **NEW BUSINESS**

- A. **Giants Neck Rd, 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. *(Date of Receipt: 3/13/17; Deadline to open a public hearing 5/17/17).*

J. Westermeyer of Coastline Consulting & Development is proposing maintenance hydro-raking not dredging of the Nehantic Pond. He would like to address some of the questions asked at the last meeting. The timeframe for the hydro-raking would be September 15 – October 31. There would be no impact to the turtles and frogs because the spawning season occurs in early spring to early summer and hibernation season is at the end of November. If the weather doesn't cooperate and it appears that it cannot be completed in the timeframe provided a second hydro-rake may be used. The other option is that if it can't be completed in the timeframe provided it can be done over a number of years if necessary because the permit is good for five years. The hydro-rake will enter from the southeast corner so as to not disturb any other areas. The question was asked by the commission if the current violation had been resolved. The violation in question is about vegetation that was cleared by a neighbor in 2007. The tree has not been replaced. G. Goeschel mentioned that he sent a notice back on July 15, 2016, regarding this issue. Mr. Beaulieu said the tree would be replaced. K. Hall asked if these current plans were in existence when the email went out in August 2016. J. Westermeyer said they were not – but the scope has not changed. K. Hall said there is a discrepancy in quantity on plans. J. Westermeyer said 9,881 is the correct number and he will fix the typo and resubmit the plans to the town.

K. Hall would like to see the changes make to plans fixing the typos of cubic square yards. K. Hall asked J. Westermeyer's if the tree needing to be replaced could be addressed as a stipulation to approve this permit would he be in agreement. J. Westermeyer said he would be in agreement.

**MOTION (2):** Motion by D. Pazzaglia to approve the application as complete. Seconded by H. Clarke – Motion passed (5-0-0) unanimous.

**MOTION (3):** H. Clarke moved to hold a public hearing. Seconded by: D. Pazzaglia – Motion passed (5-0-0). The public hearing will be scheduled at the next scheduled meeting.

- B. **120 Old Black Point Road, James Barone & Lisa Quinn Owners, James Barone Applicant.** Request for an extension of time to complete the regulated activities in Permit #12-8 associated with the construction of a driveway. *(Permit #12-8 expires 5/7/17).*

J. Barone is requesting an extension of the permit already in place. The driveway is already put in he just needs to do the 4000 square foot mitigation. He is doing all the work himself and would like to extend the permit by two years. The conditions of the permit will remain the same. J. Barone said he bought out L. Quinn, so he owns it solely.

**MOTION (4):** Motion by C. Lozanov to approve the extension of two years with the existing conditions. Seconded by P. Berger – Motion passed (5-0-0) unanimous.

- C. **Twin Valley 25-Lot CDD Re-subdivision at Green Valley Lakes Road & Spring Rock Road; Frank & Rajko Marie Owners, Real Estate Service at 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. (*Date of Receipt: 4/17/17; Deadline to open a public hearing: 6/21/17*).

G. Goeschel suggested to the commission to move right to a public hearing and not to have any discussion this evening. He has verified the petition for a public hearing which has over 25 names.

**MOTION (5):** H. Clarke moved to pass the motion for a public hearing. Seconded by: C. Lozanov – Motion passed (5-0-0).

Staff will coordinate scheduling a public hearing for May 1<sup>st</sup> and a site walk on April 29<sup>th</sup>.

- D. **283 Boston Post Road, Jason Pazzaglia Owner, 283 B.P.R., LLC Applicant.** Application to conduct regulated activities within 100-feet of a watercourse associated with the stormwater discharge from two proposed mixed-use buildings and parking lot. (*Date of Receipt: 3/13/17; Deadline to open a public hearing: 5/17/17*).

J. Robert Pfanner presented the following revised plans to G. Goeschel and talked in detail and answered many questions on what it entails to the commission.

- Revised Plans – Pollution Preventing and Stormwater Quality Management – Maintenance at all catch basins.
- Drainage Report – J. Robert Pfanner & Associates P.C., 37 Grand Street, Niantic, CT 06357
- Site Plan – J. Robert Pfanner Associates – Civil Engineers & Land Surveyors
- Landscape Plan – Peter J. Springsteel Architect

J. Pfanner said that each building has its own septic system because city sewer was not available where the business is located.

The commission questioned the maintenance of the septic and stormwater drainage systems and what would happen if the business was sold. G. Goeschel said the commission could as a condition of approval added a caveat if the business is sold the new owners would need to comply with the operations and maintenance plan. G. Goeschel has given the application to Mr. Benni (Town Engineer) to review and provide his comments. H. Clarke asked about the 100-ft upland review area. J. Pfanner said he would add a map of surrounding area with the application. The Commission questioned if the public health department was notified. J. Pazzaglia had an email response from Ledge Light and provided it G. Goeschel.

**MOTION (6):** C. Lozanov moved to waive the need for a public hearing. Seconded by: P. Berger – Motion passed (5-0-0). The Commission will vote at the next scheduled meeting if the application is complete.

## VII. OLD BUSINESS

### A. **Inland Wetlands and Watercourses Regulations – Review of proposed changes.**

- G. Goeschel and C. Lozanov went through and marked up the report as shown below:
  - Appendix E determination – non-regulated activity
  - IWS Wetlands – should be changed to IWA Wetlands throughout report
  - Sections 1.12, 1.12.1, 1.12.2 should be renumbered consistently for remaining numbering
- Once regulations are updated with final changes, G. Goeschel will send to Town attorney. Upon review next steps would be to hold a public hearing and refer the proposed changes to the SECCOG, DEEP, and adjacent municipalities for comment.
- C. Lozanov started a discussion about Section G – Item 3 – Slopes with Mr. Goeschel. The Commission's regulations use the same language Waterford is using in regards to slopes. It appears the only difference is Waterford has a section on upland review areas or non-wetland areas – G. Goeschel will get clarification. G. Goeschel will get a copy of the State DEEP list of Town's that regulate beyond 100-feet of an inland wetland.

## VIII. REPORTS

### A. **Chairman's Report**

- K. Hall mentioned that there is a discussion of a new alignment to move railroad tracks away from coastal curves. For more information, you can go to the FAR website, [www.necfuture.com](http://www.necfuture.com), and [www.secoast.org](http://www.secoast.org) for more information.

### B. **Inland Wetlands Agent Report**

- G. Goeschel to send C&D Order on 4/18/17 regarding the filling of yard/landscape debris in wetlands at 4 Colton Road.
- G. Goeschel to issue NOV on 4/18/17 regarding filling and storage of equipment and various earthen materials within upland review area to 16 Attawan Road.
- G. Goeschel to issue NOV on 4/18/17 regarding the installation of cameras and utilities in Old Black Point.
- G. Goeschel issued NOV on 4/4/17 regarding watercourse of 100-ft upland review at Roxbury Road – across the transfer station.

### C. **Enforcement**

- G. Goeschel met with Mr. John Bialowans of 61 Walnut Hill Road, the Town Engineer Victor Benni, P.E., and Mr. Nickerson, First Selectman regarding runoff from Solar Farm on Walnut Hill Road. Mr. Benni and Mr. Goeschel visited Mr. Bialowans' property on February 24<sup>th</sup> and took pictures. Based on their inspection and observations, no definitive conclusions can be made as to the source of new deposits and erosion. The report also states that as the Inland Wetlands Agency does not have any jurisdiction or authority with regard to property damage claims and the stream continues to appear relatively healthy since the mitigation/restoration work performed in April of 2016, Mr. Bialowans may want to consider having a professional hydrogeologist and geomorphologist evaluate stream to obtain further information. G. Goeschel did a follow-up last week of the Solar Array when we had a substantial amount of rain. It appears there are large flows of water runoff but, material does not appear to be moving off the site.

### D. **Correspondence – None.**

**ADJOURNMENT**

**MOTION (7):** C. Lozanov moved to adjourn the April 17, 2017, East Lyme Inland Wetlands Agency Meeting at 9:07 p.m. Seconded by P. Berger - (5-0-0) unanimous.

Respectfully Submitted:  
Mary Jane Gaudio  
Recording Secretary

