

**EAST LYME INLAND WETLANDS AGENCY
MEETING OF MONDAY 14 AUGUST 2017**

PRESENT

Members: Cheryl Lozanov, Vice Chairwomen, Phyllis Berger, Secretary, Harold Clarke, Jesse Baldwin, Kim Kalajainen, and Jack Chomicz

Absent: David Pazzaglia

Staff: Gary Goeschel II, Director of Planning/Inland Wetlands Agent,
Mary Jane Gaudio, Recording Secretary

Absent: Ex-officio – Paul Dagle

CALL TO ORDER: C. Lozanov called the East Lyme Inland Wetlands Agency Meeting of August 14, 2017, to order at 7:04 p.m.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was observed.

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

I. ADDITIONS TO THE AGENDA

C. Lozanov has three additions to the agenda:

1. Item C. Election of Chairperson (Old Business)
2. Item C. Advanced Power Equipment Extension of a Permit (New Business)
3. Item D. Landmark Development for a Tree Farm at Oswegatchie Hills 23 crossroad at Boston Post Road and Quarry Dock Road (New Business)

MOTION (1): H. Clarke moved to accept additions to agenda. Seconded by H. Clarke. Motion passed (6-0-0) unanimous.

MOTION (2): H. Clarke moved to move Item IV. Acceptance of Minutes to the end of our meeting just after Item VIII. Seconded by P. Berger. Motion passed (6-0-0) unanimous.

II. PUBLIC HEARINGS. None.

III. PUBLIC DELEGATIONS. None.

IV. EX-OFFICIO REPORT. No report as Paul Dagle is absent from the meeting.

V. PENDING APPLICATIONS.

- A. 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. *(Date of Receipt: 4/17/17; Public Hearing Opened 5/1/17)*

C. Lozanov stated that no comments can be made at this meeting. This application will be continued at the next special meeting of August 17, 2017, at 6:00 pm.

FILED

Aug 23 2017 AT 11:45 AM PM
Karin Galbraith
EAST LYME TOWN CLERK

G. Goeschel stated for the record that a decision was made at the last meeting to have the Town Attorney and himself draw up resolutions for the pro and con for this application to help the Commission make a decision. A decision needs to be made by the Commission by August 29, 2017.

B. Friends of Oswegatchie Hills, Applicant, Town of East Lyme, Owner; Proposed pedestrian bridge.

Greg Decker, President presented the proposal in a power point presentation. He said that what is being proposed is a 40 ft x 5 ft wide western red cedar arched pedestrian footbridge. It will serve as a footbridge to hikers and pedestrians.

Greg Decker said there are a lot of problems with the existing walkway. He consulted with the following special matter experts on a plan for the next bridge:

- Parks and Recreation,
- Deputy Director EL Public Works
- EL Chief Building Official
- IWA Inlands Enforcement Officer
- Soils and Environmental Service of EL
- Wiese Construction
- Outdoor Lifestyles of EL

Greg Decker showed the proposed project site plan which has:

- the schematic was shown,
- the conceptual drawings,
- The bridge background and installation (picture of a similar bridge (Waterford Rope Ferry Road Example) and situations we have) options considered.
- Footing options – diamond per foundation system is the best option.

Greg Decker showed a video of what it looks like and how it will be installed.

Greg Decker said that there was a conservation easement placed on this project.

Greg Decker said the projected timeline for this permit is 5 years because fundraising needs to be done. He is hoping to start the project in the spring of 2018.

Questions were asked by the Commission as follows:

- J. Baldwin asked does the bridge have rails. G. Decker replied yes they do.
- J. Baldwin asked if the bridge could be bigger. G. Decker replied yes but will cost more money.
- J. Baldwin asked if there are footings at the ends. G Decker replied yes.
- C. Lozanov asked what the footing was on/off the bridge. G. Decker replied there will be a step and there will be a plank.
- J. Baldwin asked if asked if water bars can be used as stairs, 4x4? G. Decker replied 6x6.
- P. Berger asked what the lifespan of the bridge would be. G. Decker replied the cedar lasts a long time.
- P. Berger asked what about the weeds. G. Decker said they will need to pick the best method, but will still need to go back each year to clean out.
- J. Baldwin asked if spray will be used. What is allowed in the wetlands? G. Decker replied that Not Weed is suggested and has been proven to be effective.

FILED

SEP 11 2017
TOWN OF EAST LYME
CLERK

G. Goeschel said the Agency can require as a condition that the Licensed Applicator name be told to Commission.

- J. Baldwin asked what would happen if you hit a rock and/or ledge with footing pins. G. Decker said that it's not a natural pond, it was a stream and small rocks will be pushed away, and if harder it will cut pin off and may need to alter and shift it too much rock or ledge.
- G. Goeschel mentioned that he thinks it's mostly earth and berm.

MOTION (3): J. Chomicz moved to approve completeness of the application. K. Kalajainen seconded. Motion passed (6-0-0) unanimous.

MOTION (4): P. Berger moved to approve the application of the Oswegatchie Hills Nature Preserve entrance improvement project with the following conditions. After considering all relevant factors and having successfully demonstrated that there will be no adverse environmental wetlands and watercourse. Notify wetlands enforcement officer at least two days prior to the start of performing the work to inspect erosion controls and container locations. Changes to the plan should require additional approving and the plan submitted prior to construction. Additional work shall require approval from the Commission. Provide name and contact information for person responsible for limits of clearing and disturbance. Note on the plan any additional activities. If someone is removing anything using any chemicals they need to be licensed and they need to provide us their contact information. J. Chomicz seconded. Motion passed (6-0-0) unanimous.

VI. NEW BUSINESS

A. 33 Great Wight Way Bond Release

G. Goeschel received a request back in June 2017 from Wade Sarette of Sarette Builders LLC. On May 31, 2017 he submitted a complete as-built survey. G. Goeschel did a complete site survey and it is stable and construction has been completed. G. Goeschel's recommendation is to release Bond (\$3,500 for E&S) except for \$700 to cover plantings for two full growing seasons.

J. Baldwin asked for a brief summary of what was done. G. Goeschel replied that a peastone gravel driveway, a septic system, and a leeching field were done.

MOTION (5): H. Clarke said site at 33 Great Wight Way is stabilized moved that bond to the E&S be released except for \$700 for landscape bond at end of October 2017. J. Chomicz seconded. Motion passed (6-0-0) unanimous.

B. Application of Thomas and Nancy Kalal for removal of fill at 80 Grassy Hill Road, East Lyme per settlement.

Attorney Michael Cronin from Old Lyme, CT introduced himself as representing Thomas and Nancy Kalal at 80 Grassy Hill Road. He said that in 2015 he came before the Commission asking to do some fill because there was a dam on the property and they wanted to be able to get from one part of the dam to another. They got permission from the Commission, but a neighbor complained and appealed and filed suit in court. Between the

depositions and court, it has cost a lot of time and the action against them has continued. They want to get rid of this and will remove fill to get rid of litigation. He proposed that they would get a backhoe and remove 15 yards of material in the dam. Most of the fill was made of tailing that the town gave for free to the Kalals. Back in June the Commission felt that a permit should be issued for this, which is why the application is in front of you now. Attorney Cronin provided the Commission with before and after pictures of the site.

Attorney Cronin said this request is not a significant activity and that it wouldn't need a public hearing. The Kalal's would like to complete this in October but could defer to next year if it is too wet. He mentioned that it would be 100 feet from the wetland. Attorney Cronin would like G. Goeschel to oversee the project.

G. Goeschel talked to Attorney Zmarka and is in agreement not to do a public hearing. G. Goeschel told the Commission that this cannot be approved tonight because it has to sit on the agenda for 15 days.

Attorney Cronin contacted Attorney of Madison who appealed to tell them the application was submitted and that it was being heard tonight before the Commission, but they said he was on vacation.

Attorney Cronin said that a licensed contractor will be hired to do the work.

G. Goeschel said that this application will be added to the September agenda when a decision will be made.

C. Advanced Power Equipment Extension of a Permit, 253 Boston Post Road, East Lyme, CT.

Advanced Power Equipment is asking for an extension of their permit for another five years because they haven't built the 1500 square foot addition yet. At this time the site has not changed so this is just an administrative change.

MOTION (6): H. Clarke moved to accept the extension of the permit. J. Chomicz seconded. Motion passed (6-0-0) unanimous.

D. Landmark Development for a Tree Farm at Oswegatchie Hills 23 crossroad at Boston Post Road and Quarry Dock Road

Doug Dubinsky introduced himself and he has submitted a simply application for a determination of jurisdiction. He has a piece of land that is fully wooded and wants to use it as a tree farm. He will selectively pick certain areas to cut down trees and establish new growth by planting of saplings. At this time he doesn't have plans to stump it. If needed in the future we may decide to remove some stumps. He is looking for a ruling under CT General Statute 22.a.40 – establishing tree farm on the property is exempt from wetland jurisdiction. Doug Dubinsky said that there are roads that are in need of repair and they will need to be upgraded in order to get the equipment to the areas needed. They are looking for determination of jurisdiction of the roads also being exempt from wetland jurisdiction.

Not sure how much will use of the acreage for a tree farm. In the beginning, we may only use five acres. We want to see if we can make money from it. We currently have a tree farm in Middletown, CT that is doing well and it's about fourteen acres. Doug Dubinsky showed pictures of the Middletown operation to the Commission.

Doug Dubinsky handed out to the Commission a copy of Indian Spring Land, Greenwich Wetland Commission Case Law.

Doug Dubinsky said he is asking for request of determination for jurisdiction – not an application.

P. Berger asked is the property on a hill or it is flat. Doug Dubinsky said he will start removing trees from the flat landed area because it's easier to clear. He stated he is not taking any soil off the property.

J. Baldwin would like a real survey done. Were the wetlands delineated? Doug Dubinsky said doing a survey on 260 acres could cost in the tens of thousands or more. He stated that the entire property is wooded. He will cut trees down based on acreage they want to use.

Doug Dubinsky said that he is leasing the property from one of several property owners and does not own it.

C. Lozanov stated that this will sit on the agenda until the next meeting scheduled on 9/11/17.

VII. OLD BUSINESS

- 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 the 100-feet of a watercourse without an Inland Wetlands Permit.

Mark Block stated that he is the Attorney representing Pat Quinn. He walked the site and has spoken with G. Goeschel about this matter. He also spoke with CLA Engineering and reviewed the matter. A request by the applicant was submitted to the Commission for approval.

He stated that there was a misunderstanding – Mr. Quinn thought he was just cleaning up debris from years of fill by previous owners.

C. Lozanov was part of the site walk on this property and asked about the existing pipe that drained water off-site. Mark Block said that Mr. Quinn had pipe extended by this terminance, 4-6" pipe which was installed to clean water that is cleared. It is stable at this time. Mr. Quinn has not done anything since because he was told not to touch until a decision was made.

C. Lozanov asked about where the RV's are stored - there appears to be something leaking out of the RV. There are eight of them stored. Beyond the fence, the path returns back to formation and there is a big pile of debris to the right. There are drums on cleared side to the left closer to the wetland.

Mark Block stated that these areas have not been cleaned out by Pat Quinn.

G. Goeschel said that he needs to determine if it's on RV land.

C. Lozanov said that will need to submit an application and restorative plan.

Mark Block said he will work with Bob Russo to put together a plan and get a set of photos

for the next meeting.

G. Goeschel read Memo received from Mary Staggs regarding the issues on this property as she has lived there for many years.

B. Inland Wetlands and Watercourses Regulations – Update on Status of Changes.

G. Goeschel said it is currently being reviewed by the Counsel.

G. Goeschel to do research on setbacks of the buffer to wetlands. J. Baldwin had mentioned at last meeting that Waterford has a setback buffer of 75 feet.

C. Election of New Chairperson

G. Goeschel mentioned that K. Kalajainen is still an alternate because she has not been sworn in so she cannot be nominated for the position of Chairperson.

G. Goeschel asked for a Nomination for a new Chairperson.

Jesse Baldwin was nominated – but he declined.

MOTION (7): K. Kalajainen moved to nominate Cheryl Lozanov as new Chairperson. P. Berger seconded. Motion passed (6-0-0) unanimous.

G. Goeschel asked for A Nomination for a new Vice Chairperson. It was decided by the Commission that Harold Clarke would be the new Vice Chairperson.

MOTION (8): K. Kalajainen moved to nominate Harold Clarke as new Chairperson. J. Chomicz seconded. Motion passed (6-0-0) unanimous.

VIII. ACCEPTANCE OF MINUTES

A. Meeting Minutes of June 12, 2017 Regular Meeting

H. Clarke had a change on page 6 – first major bullet – Remove - when it rains where does the gray water go?

MOTION (9): H. Clarke moved to accept the minutes as amended. J. Chomicz seconded. Motion passed (6-0-0) unanimous.

B. Meeting Minutes of June 26, 2017 Special Meeting

M. Gaudio had a change on page 1 – date at top of page should be June 26 - not June 29.

K. Kalajainen had a change on page 4 – third paragraph from the bottom of the page – second sentence – the word expert should be changed to major.

MOTION (10): H. Clarke moved to accept the minutes as amended. C. Lozanov seconded. Motion passed (6-0-0) unanimous.

C. Meeting Minutes of July 10, 2017 Regular Meeting

K. Kalajainen had a change on page 6 – fourth paragraph – first sentence – the word Panzer

should be changed to Danzer.

P. Berger had a change on page 8 – Item 9 – remove the words - of February – April it is no longer an option to do the hydro-raking only.

MOTION (11): K. Kalajainen moved to accept the minutes as amended. P. Berger seconded. Motion passed (6-0-0) unanimous.

D. Meeting Minutes of July 24, 2017 Special Meeting

These minutes will be tabled until the next meeting as some of the Commission members have not had a chance to review.

E. Meeting Minutes of August 7, 2017 Special Meeting

These minutes will be tabled until the next meeting as some of the Commission members have not had a chance to review.

XI. REPORTS

A. Chairman's Report

B. Inland Wetlands Agent Report

1. Administrative Permits Issue
2. Commission Issued Permits

C. Enforcement

Kristen Shantrell of 13 Green Valley Lake Road, East Lyme, CT – Put up a playscape and removed vegetation without a permit. She also installed a dock which encroaches on to the Merrick property without a permit.

G. Goeschel said that they will either need to apply for the application (permit) for the playscape or remove it. They need to do either.

G. Goeschel handed out a letter to Commission that said if 25-lot subdivision gets approved this dock becomes community property. The Commission requested that G. Goeschel Enforcement Officer issue an order for the removal of the dock and he will give them 60 days to do it.

D. Correspondence. None

X. ADJOURNMENT

MOTION (12): P. Berger moved to adjourn the meeting at 9:56 pm. Seconded by K. Kalajainen. Motion passed (6-0-0) unanimous.

Respectfully Submitted:
Mary Jane Gaudio
Recording Secretary



