

**EAST LYME INLAND WETLANDS AGENCY
SPECIAL MEETING OF THURSDAY, AUGUST 17, 2017**

PRESENT

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

Staff: Gary Goeschel II, Director of Planning/Inland Wetlands Agent

ABSENT: Ex-officio – Paul Dagle
Mary Jane Gaudio, Recording Secretary

CALL TO ORDER: C. Lozanov called the East Lyme Inland Wetlands Agency Special Meeting of August 7, 2017, to order at 6:09 p.m.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was observed.

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

C. Lozanov announced that there would be no comments from the public at this special meeting. A decision on this application needs to be rendered by August 29, 2017.

D. Pazzaglia recused himself from the discussion as he has moved his primary residence out of Town and is no longer eligible to vote. D. Pazzaglia left the meeting room at 6:12p.m.

I. 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, Public Hearing closed 7/24/17; Date of Decision by 8/28/17)*

K. Kalajainen arrived at 6:15p.m.

H. Clarke began the conversation with concerns regarding the Ledge Light Health District (LLHD) review of the proposed plan and the area of land that comprises Lots 10 through 13, indicating it should have been identified as an area of special concern due to the conditions in that area, no other site specific soil testing was performed, and the report didn't address the site specific soils. In addition, the report didn't provide sufficient information to determine if the septic systems will remediate effluent before it reaches the wetlands or watercourse.

Mr. Goe Goeschel asked Mr. Clarke why he thought the area in which lots 10 through 13 were located should be designated as and "area of special concern."

Mr. Clarke responded based the percolation rate, the depth to restrictive layers and soils types the area meets the criteria in the State Health Code for areas of special concern.

FILED

Aug 23 2017 AT 3:01AM/PM
KAREN YALHO
EAST LYME TOWN CLERK

Mr. Clarke indicated having additional concerns with Lot 10 and whether or not effluent will reach the detention basin and if so, would effluent be pushed out of the basin and into the adjacent wetlands and watercourse.

The Agency continued deliberation and noted the LLHD report did not really say anything else other than the lots are suitable in their current condition.

G. Goeschel offered the following comments:

1. Exhibit "OOO" Admin Error incorrectly states the "Re" as regarding a different application. Otherwise, the memo stands as written. Goeschel's Memo (Exhibit OOO) points out the criteria the Agency must consider when making a decision.
2. The applicant provided evidence into the record in rebuttal to the reports submitted by the intervenor's representatives which, in my opinion addresses the concerns of Mr. Danzer and Mr. Trinkaus.
3. The Town Engineer and the applicant's engineer are in agreement with the road and stormwater design. There is no other testimony in the record to rely on as to whether one basin design is better than another in this situation.
4. As evidenced by Exhibit "V", Memorandum from V. Benni, P.E. Town Engineer to G. Goeschel II, Wetlands Officer, dated June 9, 2017, the Drainage Report demonstrates that the proposed drainage features will result in an overall reduction in runoff volume draining to the wetlands on site for the 2 through 100-year storm events, will enhance stormwater runoff quality and recharge the groundwater. In addition, the E&S Narrative and Construction Details provide construction notes and a long-term maintenance plan for the Stormwater Management Basins. Further, the Erosion and Sediment Control Plan was prepared according to the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (CT DEEP).
5. Mr. Trinkaus's reports primarily focuses on compliance with the Subdivision Regulations and Mr. Danzer's report focuses primarily on impacts to the aquatic life that use the on-site vernal pool due to pollution in runoff. As previously noted, The Town Engineer and the applicant's engineer are in agreement with the road and stormwater design as evidenced by Exhibit "V".
6. As all the work is in the upland review area, there are no feasible and prudent alternatives and there is no evidence in the record to support that there are any direct wetlands impacts as a result of the proposed activities. As such, the reduction of lots would not further reduce or cause less environmental impact to the wetlands and watercourse.

Attorney O'Connell briefly reviewed a procedural process and reminded the commission that their findings and decision needs to be based on substantial evidence in the record.

C. Lozanov inquired about Exhibit "NN", comment #2 regarding the stormwater management system. G. Goeschel indicated that he did not see any evidence in the record as to how the proposed stormwater management system would result in increased pollutant loads, and increased volumes and rates of runoff. He indicated the applicant provide testimony during their rebuttal as to how the stormwater management system works.

Discussion ensued and H. Clarke raised concerns and thought the proposed lots should be smaller as the rear lot lines go right up to the edge of the wetlands.

J. Baldwin suggested if the conservation easement was extended along the rear yard property boundaries and increased in width to 30-feet, there would be no need to move the rear lot lines to reduce the amount of regulated area on the proposed lots.

The Agency raised a general concern regarding conservation easements and the enforcement of them.

Attorney O'Connell indicated they would be recorded on the land records and would be found during a title search when an individual lot was sold.

K. Kalajainen suggested the Agency hold a subsequent special meeting in order for the Agency to take some time to review the draft resolutions as they just received them this evening.

The Agency continued to deliberate and advised as to revisions of the draft resolution they would like to see. G. Goeschel indicated that he could have the changes made by Monday, and ready to go for Wednesday, August 23, 2017.

It was noted that J. Baldwin would be absent and unavailable to make a meeting in the next two weeks. G. Goeschel inquired with Attorney O'Connell as to the whether Mr. Baldwin could call-in on speaker phone. Attorney O'Connell indicated he could, however it could also be problematic in that Mr. Baldwin would not necessarily have access to copies of the revised resolution or anything that staff may hand out.


The Agency agreed to continue the matter to a Special Meeting on Wednesday, August 23, 2017 at 6:00p.m.

ADJOURNMENT

MOTION (1): P. Berger moved to adjourn the meeting at 9:10p.m.
Seconded by J. Chomicz. No discussion. Motion passed (6-0-0) unanimous.

Next meeting is Wednesday August 23, 2017 at 6:00 pm.

Respectfully Submitted


Gary A. Goeschel II, Dir. of Planning/
Inland Wetlands Agent for
Mary Jane Gaudio, Recording Secretary

