

**EAST LYME INLAND WETLANDS AGENCY
SPECIAL MEETING OF MONDAY 10 JULY 2017**

PRESENT

Members:

Cheryl Lozanov, Vice Chairwomen, Phyllis Berger, Secretary, Harold Clarke,
Kim Kalajainen, and David Pazzaglia

Absent:

Keith Hall, Chairman, and Jessie Baldwin

Staff:

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

FILED

July 20 20 *17* AT *11:20* AM *PM*

Ellen, ATC
EAST LYME TOWN CLERK

CALL TO ORDER: Cheryl Lozanov called the East Lyme Inland Wetlands Agency Meeting of July 10, 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. ADDITIONS TO THE AGENDA. None

II. PUBLIC HEARING

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.

Bob Russo responded to the public from the 26 June 2017 meeting with the following rebuttal:

- Diane Lepkowski, 13 Green Valley Lakes Road, East Lyme, CT is depicting droughts from last year. She did not show the maps from this year.
- Susan Beeman, 11 Green Valley Lakes Road, East Lyme, CT spoke of the flood of 2010 – we got 10 inches of rain and it was the storm of record. It is not representative of a typical site in this area.
- Mark Lepkowski, 13 Green Valley Lakes Road, East Lyme, CT had no technical presentation or any facts just his fears of what could happen.
- Steve Trinkaus from LISD Development, Trinkaus Engineering at the request of the intervenor's letter shows everything is ok.
- Septic system – the question was asked will they pollute - Bob says not if properly installed it won't.
- Bob says he logged all of the soil pits and has done thousands of them over his career.
- 24 lots of site were approved by the East Lyme sanitation Kim White.
- Bob looked at various lots with septic systems near wetlands and they function well and don't pollute.
- The tests that Steve Trinkaus is requesting are for commercial, not residential.
- Impermissible segmentation requested has no bearing showing the first phase of the project not multiple phases.
- CT DEP required Level A and B.
- Comments to Steve Danzer are as follows:

- Wetlands included a vernal pool, a regulated area, there is no direct or indirect impact.
- Spotted salamanders can lay eggs in other places besides vernal pools. There is no vernal pool in the eastern wetland.
- Fragmentation of wetlands. Resources being regulated in the wetland.
- Corridors are important in biological terms. Wood frogs may be in location A with 2000 ft to location B. If location B gets ruined they would repopulate in location A eventually.
- Thorough wetland function is provided.
- The site is very porous to wetlands – wildlife will be able to go back and forth to migrate.
- CT DEP issues guidelines to upland review zone.
- Most of the activity we are proposing is outside the upland review.
- Plans show what is being done in an upland review. Construction areas can cause sediment. Detailed erosion and sediments are provided.
- Still leaving trees and vegetation in upland. Wetland will be shaded. Upland can provide food for aquatic life. That will still be the case.
- No adverse effects on wetlands and/or direct impact.
- There are a lot of questions about the road being 24 ft versus 30 ft – having the 24 ft width will reduce impervious surfaces.
- In summary, the town engineer and sanitation gave reviews and has approved lots.

C. Lozanov asked the question: The houses seem to be close to the road. There will be sewer runoff, and they will have lawns. Will the owner want access to the wetlands to maintain? B. Russo answered that the vast majority of wetlands are under state property and if the owner does trespass there will be repercussions.

C. Lozanov asked the question about the corridors – special may travel up to 500 years from one area to mate to where they live – east/west – how will area to cohabitate be affected for aquatic life if this area is disrupted. B. Russo answered that he has done studies at the casino golf course and salamanders have a strong willingness to travel across fairways/ greens to get to a vernal pool. They are able to cross surfaces. Using the Cape Cod curbs to help with the traveling of these species to/from vernal pools.

P. Berger asked if ledge light approved the plans. B. Russo answered that they have approved what was submitted to them. Each lot is suitable for a single family house with a septic tank.

J. Wren commented that each lot is a four bedroom house.

H. Clarke asked about the septic systems. At a minimum, a four bedroom is adequate for this site. What will stop the owner from building a bigger house? G. Goeschel said he spoke with Kim White at Ledge Light and additional soil tests will be required before building any structure and septic system on the lots.

K. Kalajainen stated that multiple experts have provided explanation and testimony. There is a gap which makes it controversial. Developer/application – what would you do to close the gap? From a professional standpoint – how do you resolve it? J. Wren said that they have demonstrated to the Commission that they have met the Commission's regulations. The Town Engineer, Sanitation, and Director of Planning are saying they are in line.

G. Goeschel read Section 10.6 of Wetland Regulations that the Commission cannot judge an application based on amphibious life. The jurisdiction is narrow – if there is an impact to wetland the Commission can go outside jurisdiction.

H. Clarke asked the question was asked what are the issues, what is fact or fiction? What are we ruling on? The Commission has to decide if there is a significant impact. T. Harris said a motion is not appropriate during a public hearing.

Town Attorney said we shouldn't stop the hearing to make a motion. Section 7.5 Subsection F – all applications should include an alternative to plan and include it in the diagram. Section 7.6 – we would require additional information – showed lot yield plan which would be considered an alternative. Section 10.1 – can consider and base criteria on.

C. Lozanov asked for feasible improvement alternative.

J. Wren said we have had and discussed this – there are three feasible alternatives and they are:

- Do nothing.
- What is preferred is what has been presented.
- A lot of techniques.

J. Wren explained that we are preserving 70% of the land. The application not only meets regulations but exceeds it. There are no plan revisions at this meeting. We went over the revisions at the last meeting held.

K. Kalajainen asked about the inland wetland data table. She would like to see all the versions because of the added conversion that appears to show more impact. J. Wren explained that when the table was tabulated it was to make it clearer to everyone. Lots 3, 4 and 5 contain conservation easement – no disturbed wetlands. All data is tabulated in 100 ft upland review area. Drainage computations are all included, infrastructure improvements.

J. Wren explained that all the lots need to be soil test and approved before building. Bob Fusari is not building houses; he is selling the lots to different developers over the next three to five years. G. Goeschel said that he is responsible for reviewing all permits and if needed will go to the Commission for approval.

K. Kalajainen asked what the changes are in the table. J. Wren explained that the table matches the red line perimeter for each lot. K. Kalajainen said that it appears as the built out continues there is going to be an impact. J. Wren explained that the first plan shows immediate impact and the second plan show impact over time.

C. Lozanov said the lot can be cleared how the owner wants. What happens if we approve and soil tests don't support sewage system? What happens if they move the septic back further? J. Wren explained that the plan shows a 40 x 60 for the house, but if they want to build something else they have to get approved by Ledge Light. C. Lozanov asked how we make sure the buyer complies. G. Goschel said that as enforcement officer he will make sure the buyer is in compliance.

H. Clarke suggested that they pull back the property line so it doesn't include wetlands at all. J. Wren said that each lot has been reduced by 1%. G. Goeschel said that the CDD subdivision has to do a yield plan.

J. Wren said that Ledge Light has approved all 25 lots and that is suitable. Bob Fusari has talked to members of the public since the last meeting. J. Wren said that he hired and paid for a colleague Bob Sonnichsen a professional engineer who has over 40 years of experience to do a third party review of the plan and handed out the letter with his findings to the Commission. **(See attached)**.

J. Wren provided a report about the Geometric System which is out of Old Saybrook, CT as an option for home buyers to use a Septic System on the lot they purchase as it is more effective in clearing waste water. He shows a plan view of the system.

C. Lozanov asked how much room this septic system takes up. J. Wren explained that it takes up less than most systems. Mr. Potts will be here later in the meeting to speak about it.

J. Wren showed a diagram of the entire subdivision which has 122 lots. Lots 115 through 117 are developed with different characteristics (shown in purple on the diagram). All the roads are 30 ft wide and amphibians still find their way. Shown in yellow is the proposed subdivision with much more open space. J. Wren spoke to existing versus proposed table. The emergency road will be gated so no one can drive on it. **(See attached)**

J. Wren spoke to Chapter 4 – Water Quality/Site Planning and how the applicant is:

- Preserving and utilizing drainage system and following the guidelines.
- Providing setbacks for the vegetated buffer.
- 40 ft diameter circle at end of cul de sac saves impervious area.
- Disconnecting impervious areas.
- Will consider moving rain guards to front yard from back yard.
- Minimum steep slopes.
- Maintaining predevelopment vegetation/wetlands.
- Alternative site design – reducing street widths.
- Reducing use of storm drains.
- Using 2 ft deep sumps and hooded outlets.
- Evaporate or infiltrate – no flooding will occur.

Someone will need to be hired to maintain the basins whether it is the homeowner or someone hired to do it.

H. Clarke asked what common areas does the Home Owners Association (HOA) take care of. It should be part of the subdivision plan. C. Lozanov asked who is the HOA person. T. Harris answered that a nonprofit organization will be put together along with a Board.

H. Clarke asked about the easements. J. Wren answered one easement is on lot 10 and the HOA will need to maintain it.

J. Wren reiterated the four feasible alternatives:

- Feasible improvement alternative is the preferred method chosen.
- The conventional layout that meets subdivision regulations.
- 830G application – 100 units with a lot of parking and four unit buildings.
- Do nothing.

J. Wren responded to the public from the 26 June 2017 meeting with the following rebuttal:

- Kristen Chantrell, 13 Green Valley Lake Road, East Lyme, CT is worried about flooding. J. Wren showed pictures of flooding and flood zones. BFE from FEMA Map 52/54 – in legend and labeled on plans. In 2010 we had a lot of rain, big

runoff conditions. Also, we had big storms that accumulated and ice that melted. There are no flood zones on any of the lots.

- H. Clarke asked about flood zone X on the plan. J. Wren said it can be removed – it is not needed – not regulated by town or FEMA.
- J. Wren said that Aquaphor brought up by Todd Bellucci is not established on this property.
- Harvey Beeman – 11 Green Valley Lakes Road, East Lyme, CT tells us about the 1982 flood. Lots of bridges and roads were washed out. Greater than a 500-year storm. Development is downstream. Road width was addressed for the impervious area. Testing during dry season – last fall we were in a drought. We had a wet spring – levels are normal at this time. We monitored from Feb 1, 2017 – May 31, 2017, to collect data.
- J. Wren spoke about nitrogen and septic. An analysis was done on Lot 3. This Lot is closest to the wetlands and it was shown it will meet CT DEP drinking standards.

J. Wren spoke to Steve Trinkaus's write-up of recommendation/accommodations.

- Roads won't be exposed for too long.
- Basin B changed so there is the same sediment as Basin A.
- We are meeting or exceeding or exceeding all standards required.
- No factual evidence that there are any adverse impacts to the wetland.

H. Clarke asked where the survey maps references were. J. Wren answered page 16 – reference maps are on the Class A2/T2 survey maps.

H. Clarke asked about Bayberry Lane – What is the status of this road? J. Wren answered it is an unimportant town road.

H. Clarke asked about is the existing path to abandon? Is there site work for this path? Should the note be removed from the plan? J. Wren answered that the note can be removed it doesn't mean anything.

H. Clarke asked about drawing 25 - Is E&S proposed at the outlet? J. Wren answered that yes, it is on the survey map. E&S basins are where it can get into the system.

H. Clarke asked about Drawing 23 of 41. Grading impoundment (runoff)? It appears it runs southwesterly. J. Wren explained that it runs both ways. B. Russo said he has walked the area a number of times. The depression is not shown by topography – predominantly it will flow to the one way and it's to the west.

H. Clarke asked about Sheets 35-38 – it says here that the clearing limits to be cleared by the surveyor. It refers to snout catch basins – I don't see any detailed data on it. Was something submitted? J. Wren explained that the snout goes over a pipe of the catch basin.

H. Clarke asks about the note TST is to be installed as needed. J. Wren explained that they are overkill for areas of two acres or more. They are using woodchip berm. With the silt fence, hay or wood chips can be used – both are good.

H. Clarke asked about road 15 no new contours. Doesn't show the new grading. J. Wren explained it is on roadway plan road sheet.

H. Clarke asked about the emergency access review. J. Wren said the easement is 25 ft wide. Need a new map to be submitted as an exhibit.

G. Goeschel called a 5-minute recess to get more tapes for recording secretary.
Reconvened at 10:10 pm.

John Bialowan introduced himself and said he wanted to say a few things about this public hearing. He said it appears it is one-sided and the public is not getting an opinion or voice. He said he hopes the neighbors don't have the same issues he is been having from the solar farm next to is property. He said he received a letter from IWA and it stated no jurisdiction or responsibility for damage from the solar farm. He said some days he feels he could open up a water rafting park for the neighbors there is so much water. He doesn't feel the Inland Wetlands Commission is for the citizens of the town.

Steve Danzer was not able to make the last public hearing and wanted to be here tonight to say the report (Exhibit TT) he wrote which was submitted at the June 26, 2017, meeting was done by him and he stands behind the data findings. S. Danzer's thoughts on migration on wetland species: If this application is approved the amphibians will continue to migrate and thrive in this environment, but they will have lesser changes of succeeding.

K. Kalajainen asked S. Panzer that multiple experts have provided explanation and testimony. There is a gap which makes it controversial. What would you do to close the gap? From a professional standpoint – how do you resolve it? S. Panzer responded that there is incompleteness to the application - Lots 1 through 9 – wetland boundaries. His professional opinion is that this application should not be approved.

Steve Trinkaus submitted a follow-up letter which focuses on the incompleteness of the application submitted by the applicant. S. Trinkaus gives us a summary of his letter he submitted dated 7/10/17 about: (1) Stormwater Management Plan; (2) Erosion and Sedimentation Control Plan; (3) Regulated activities within delineated inland wetlands or within defined upland review area; (4) Suitability of site to support on-site sewage disposal systems; and (5) Adverse impacts to wetlands and watercourses. Below are a few areas he touched on. **(See attached)**

- Rain gardens proposed in drawings are not in compliance.
- No analysis submitted with a letter from Mr. Sonnichsen.
- Results approved by Town Engineer are based on invalid data.
- Erosion control for the road.
- Silt running wrong way – like he said at first meeting.
- No infiltration will occur.
- As opposed not covering an impervious cover.
- Snouts – hooded outlets work to catch the oil. DPW can't put the vacuum in without removing the hood and most times it is not secured back on properly to be effective.
- Catch basins don't get cleaned as much as we would like.
- Woodchip berm decomposes discharges of fenal over time.

Jason Westcott submitted a memorandum to the Commission and spoke on a few keynotes from it. **(See attached).**

Jason Westcott said the determination needs a stormwater flow analysis – How will this be done? It is not up to the intervenor to do this. The application is not complete.

C. Lozanov invited the public to speak and asked that they raise their hands and when called come up to the podium and state their name (spelling it if necessary) and where they live.

Diane Lepkowski, 13 Green Valley Lakes Road, East Lyme, CT said she sees salamanders in her back yard. Matt Ellerbeck is a salamander conservationist who is licensed with the

Ontario Ministry of Natural Resources and Forestry. He is also a partner of the Amphibian Survival Alliance (ASA) which is the world's largest partnership for amphibian conservation. He is asking that the East Lyme Inland Wetlands Agency reject the proposed 25 home development in Green Valley Lower Lake (Four Mile River) in East Lyme. This is due to spotted salamander and its egg masses (and critical breeding sites) in the area (Exhibit HH). When we had the site walk with the Commission the vernal pool had egg masses in it. The road being proposed is only 24 ft, not 30 ft and it won't have sidewalks and not much room to drive. She said they built their house in 2014 in an established neighborhood with a lot of wildlife, animals, and environment. She does not want to see this land disturbed and have this go away.

Dave Potts – GST Systems. C. Lozanov asked with reserves for the Public Health Code separations what is the limit in feet. J. Wren answered that he is showing 60 feet. The life expectancy is much longer than ones currently being used. This system will allow it to be installed in one single row instead of double rows currently done.

Mark Lepkowski, 13 Green Valley Lakes Road, East Lyme, CT asked how much the system is. D. Potts answers, in the end, it is less costly than the standard system being used so he said it would be a lower cost.

Dave Pazzaglia requested support calculations for analysis submitted by Joe Wren for Robert Sonnichsen.

Town Attorney stated he received clarification from Town Council that because the public hearing opened on June 12, 2017, which was within the statutory 65-days to open the hearing, the Commission has 35-days from that date to conduct the hearing which must close by July 17, 2017.

MOTION (1): Harold Clarke made a motion to continue the public hearing to Monday 7/24/17 at 6:00 pm, Kim Kalajainen seconded. Motion passed (5-0-0) unanimous.

III. PUBLIC DELEGATIONS. None.

IV. ACCEPTANCE OF MINUTES. This will be moved to the next scheduled meeting.

V. EX-OFFICIO REPORT. None.

VI. PENDING APPLICATIONS.

A. Giants Neck Rod, 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.

Mr. Beaulieu was in the audience awaiting a motion to approve the application.

Phyllis Berger said that she was looking into this application and noticed there is an existing permit from 2007 that is being renewed this year to do work on the pond around the same time in the spring. She suggests not doing the hydro-raking during the spring as it will interfere with the birds nesting time.

MOTION (2): K. Kalajainen made a motion to approve application to perform hydro-raking at or around Nehantic Pond, and site plan entitled "Site Plan, Pond Hydro-Raking Project, Lower Nehantic Pond, prepared for Giant's Neck

Improvement Club, Inc., East Lyme, Connecticut by Robert J. Grabarek, P.E. of Coastline Consulting & Development of Branford, Connecticut dated February 27, 2017 revised through April 4, 2017” with the following conditions:

1. Notify Wetlands Enforcement Officer at least two (2) days prior to the start of raking to inspect erosion controls and container locations.
2. Notify Wetlands Enforcement Officer at the completion of work for final inspection and sign off of permit compliance.
3. Additional silt fence and hay bales shall be stored on site in the event additional controls are necessary at any of the dike locations.
4. Inlet protection shall be provided at each catch basin located on the east side of Brockett Road.
5. Refueling of equipment shall take place in an area outside of the wetlands and watercourse.
6. Changes to the plan shall require additional approval, a new plan will be submitted prior to construction.
7. Additional work beyond this permit in the wetlands or watercourse or its 100’ regulated area will require approval from the Wetland Agency or its certified agent.
8. A note will be placed on the plan that additional activity in the wetlands or upland review area requires approval by the Inland Wetlands Agency.
9. **Due to an existing permit for activities of cleaning the pond during the timeframe of February – April it is no longer an option to do the hydro-raking only September 15- December 15.**

This approval is specific to the application submitted as 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. Any significant change in the plan, other than those identified herein and any modification of this approval or change in the site development plan layout other than those identified herein shall constitute a new application unless prior approval from the Agency or its Agent is granted and authorized.

The applicant shall be bound by the provisions of this Application and Approval.

The motion was seconded by P. Berger. Motion passed (5-0-0) unanimous.

VII. NEW BUSINESS.

A. Preliminary Review (CGS Sec.7-159b.) – 17 Woodland Drive, Skip Guzy Owner/Applicant; Proposed single family addition and yard expansion.

A representative for this applicant asked what the Commission wanted from the Applicant. Did they want a full proposal? Will this go to a public hearing? The Commission decided they wanted a full proposal to review.

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

G. Goeschel represented the town for this application. He mentioned that Mark Nickerson signed off on it for the public. He asked the Commission what they wanted from the Applicant. Did they want a full proposal? Will this go to a public hearing? The Commission decided they wanted a full proposal to review.

C. Lozanov – stated the Commission will continue the public hearing on 7/24/17. Once this hearing is closed the Commission will have to make a decision. No new or additional information can be submitted once the hearing is closed.

MOTION (3): D. Pazzaglia moved to adjourn the meeting at 11:59 pm. Seconded by P. Berger – Motion passed (5-0-0) unanimous.

Respectfully Submitted:
Mary Jane Gaudio
Recording Secretary