

FILED  
Recorded Mar 16 20 17

EAST LYME INLAND WETLANDS AGENCY  
MEETING OF MONDAY 13 MARCH 2017

12:30  
AM  
PM  
Lesley A. Blaw  
East Lyme Town Clerk

**PRESENT**

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

**Alternates:** Jack Chomicz, Kim Kalajainen

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

**ABSENT**

**Staff:** Ex-officio – Paul Dagle

**CALL TO ORDER:** K. Hall called the East Lyme Inland Wetlands Agency Meeting of March 13, 2017, to order at 7:00 p.m.

J. Chomicz was invited to join the commission this evening since they were short one member who resigned last month.

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

**I. ADDITIONS TO THE AGENDA** – None.

**II. PUBLIC DELEGATIONS** – None.

**III. ACCEPTANCE OF MINUTES**

A. Meeting Minutes of February 13, 2017

**MOTION (1):** C. Lozanov motioned to modify minutes as shown below:

- Remove C. Reluga from Absent Members as he resigned.
- Change in VII. New Business – Item B. – second paragraph – second sentence – change 1982 to 1992.

C. Lozanov motioned to approve as amended February 13, 2017, Meeting Minutes - seconded by D. Pazzaglia - passed (7-0-0) Unanimous

**IV. EX-OFFICIO REPORT** - None.

**V. PENDING APPLICATIONS**

**A. 41 Walnut Hill Road, Benjamin & Dorothy Mattos Owners, Town of East Lyme Applicant.** Application to conduct regulation activities within 100-feet of a watercourse associated with the re-armament of an embankment to correct and prevent further erosion.

C. Lozanov questioned the erosion around the bend. Scheer said the erosion in question was outside the scope of the damage caused. Scheer said they would schedule to do the work at the driest time of the season which is around the middle of the summer and it will take about 3-4 days to complete.

**MOTION (2):** Motion by K. Hall to approve the application as submitted. Seconded by J. Chomicz – Motion passed (7-0-0) Unanimous.

- B. Walnut Hill Road, (across from #93), Town of East Lyme Owner/Applicant.**  
Application to conduct regulated activities within wetlands and watercourse associated with the repair of a retaining wall.

Scheer said that temporary barricades have been put up and have added dimensions as requested at last meeting. Work would be done within the same timeframe as 41 Walnut Hill Road above. Scheer said they would dig out existing wall and use stone and a galvanized guard rail as it will last longer than what has been used in the past.

**MOTION (3):** Motion by K. Hall to approve the application as complete and approve as modified from February meeting. Seconded by D. Pazzaglia-  
Motion Passed (7-0-0) Unanimous.

- C. Walnut Hill Chase Subdivision, Grassy Hill Road, and Farm Meadows Road, Theodore A. Harris, Esq.** Application to conduct regulated activities within a wetlands and watercourse and the 100-foot upland review area associated with the construction of a road.

- T. Harris said he added additional ex-sheets where ex-plans were included as a splash pad. Complete set of plans which are filed at town hall. H. Clarke does not feel the whole plan is outlined in plans provided. T. Harris said that what you see is a distinct remnant of what is left. What was conveyed out were the parts and remaining pieces. He also said the original deed is on file. H. Clarke said the ex-1 and ex-4 don't match up and where is the rest of the lot. It appears everything is on ex-1 except the cul-de-sac. T. Harris mentioned that no road exists yet, that is the proposed plan. T. Harris shows the commission the original plan. C. Lozanov wants to discuss the drainage from the parcels – uphill of the pond. How is drainage from the higher elevations work? Where does it go? T. Harris explained that the street is picking up the water and lot 4 is going into two catch basins. Lots 5, 6, 7, 8 overflow goes into the wetlands below grass area. K. Hall wants to recap what the alternatives were when the original plan was approved, since most of the commission wasn't around at the time. T. Harris said there were no alternatives at that time for a road. C. Lozanov asked about DB-1 – what is the proposed mitigation? What will go there? T. Harris said that it would be a planted area with soil and plants which will create more of a wetland area. Soil environmental service designed this area and will be doing the work. T. Harris showed sheet WM-1 where you can see the wetland area and wetland demarcation.

**MOTION (3):** Motion by J. Chomicz to approve the application as completed. Seconded by N. Bender – Motion Passed (6-1-0).

**MOTION (4):** H. Clarke moved to have a public hearing because of the drastic change in plans. No one seconded the motion, Motion Failed.

K. Hall asked if T. Harris will accept the approval with conditions and he said he would. K. Halls feels that with the soil scientist being retired the Commission would like to see a name of someone who will replace this person. The Commission would put as a condition to approve the following: Item #1 – any conditions need not be applicable to others on Walnut Hill Road. Item #3 – Permit to conduct these conditions with modifications within 100 feet of Grassy Hill Road. T. Harris said there is a condition about working in the driest part of the year which will be midsummer.

**MOTION (5):** K. Hall motioned that the Permit for **Walnut Hill Chase Subdivision, Grassy Hill Road, and Farm Meadows Road, Theodore A. Harris, Esq.** Application to conduct regulation activities within wetlands and watercourse and the 100-foot upland review area associated with the construction of a road is hereby approved with the following conditions:

1. The original permit conditions as noted in modification 07-05M remain conditions of the new application together with the original 07-05 and these documents before the agency presently complete permit documentation required.
2. As K. Hall started going through this condition, he asked if anyone could suggest the wording. T. Harris suggested the new condition refer to the modification and its references and just indicate to the extent any conditions and any activities remain applicable. K. Hall agreed that would work. So the new conditions on this permit will reflect those previously with the following changes: rather than instruct any changes on walnut hill road
3. Amend #5 as now retired, and T. Harris will find another soil scientist.
4. Another item brought up by is C. Lozanov mentioned that Item #8 references GD5 which is WML. Do you have any objection to that substitution? T. Harris said not at all.

C. Lozanov moved to pass the motion. Seconded by: J. Chomicz – Motion Passed (7-0-1)

## **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 wetland and watercourse associated with the dredging of the Lower Nehantic Pond.

J. Westermeyer of Coastline Consulting & Development is proposing maintenance dredging of the Nehantic Pond. It would involve removal of some phragmites and cattails, so it doesn't overload open water wetland habitat. We are proposing to remove 9,865 cubic yards of organic material with the hydrorake method. This would not involve inland wetland soils.

P. Berger said she is a resident of Giants Neck and would not have a conflict of interest on this permit. J. Boyler, Chairman of the Ponds Commission for the past 25 years said that he feels she would have a conflict and has had legal issues with her in the past. P. Berger stated she would not have a conflict of interest and the Commission allowed her to sit in.

P. Berger asked if moving sand away from outtake and moving it in front of the footing of retaining wall on the other side of the pond is a good idea. Wasn't that done 4-5 years ago? J. Westermeyer said that hydrosucking could remove 2 ft of material and phragmites are close to the surface. If the phragmites are removed before the sand is put there, it shouldn't be an issue of them growing back.

C. Lozanov mentioned in the narrative there is a phrase fragrant waterlily – what is the latin name for it? She also asked about the bulrush and sedge? J. Westermeyer said these are outside of the wetlands, so they won't be removed. J. Westermeyer will look into the name and get back to the Commission.

K. Hall asked if there was an alternative. J. Westermeyer said the alternative would be herbicide which wouldn't work because there is so much there. We don't like to use it in open water as it isn't safe. A hurricane brought in the phragmites and we used herbicide years ago. We will still have to spot treat over the years to keep it in control.

J. Westermeyer said this make take multiple seasons to complete. K. Hall asked how that works. J. Westermeyer explained that they could start as early in the year that conditions allow – it could be 6 days a week – as allowed by association which is 80 cubic yards a day – depending on water depth. K. Hall asked him to put something together on what we can expect, layout how it will evolve, how long can you go into the season. Let' figure it out now.

G. Goeschel asked about the dredge material in sealed containers. J. Westermeyer said that the containers would be almost on the road and would not be on the wetlands.

What is the difference using hydrorake versus clamshell? J. Westermeyer said that the hydrorake is easier to use and we would need a floating barge for the clamshell.

K. Hall said the commission needed to consider whether the application is complete. There are some questions that need further detail. How often will the containers be emptied? Will it affect the land? J. Westermeyer said the containers will be stored above wetlands on the road and will not affect the land. He said that the weight of the containers study was done. The issue addressing the nesting birds is on page 6, paragraph 3. K. Hall held off on a motion until next month when we have the answers to the questions they asked, and could consider the application completion.

T. Fox approached the commission as a citizen. He said he lives in Giants Neck and there are no other alternatives if nothing is done. There will be a lot of problems if not addressed, i.e., no fish, frogs, etc.

**B. 283 Boston Post Road, Jason Pazzaglia Owner, 283 B.P.R. LLC Application.**

Application to conduct regulation activities within 100-feet of a watercourse associated with the storm water discharge from two proposed mixed-use buildings and parking lot.

D. Pazzaglia removed himself from the Commission as there is a conflict of interest.  
K. Kalajainen joined the Commission in his place.

J. Pazzaglia said the only issue is drainage no wetland issues. He showed the map where there was going to be a pipe and two catch basins. Water will be going into Pattagansett Lake. He showed the roof drainage diagram. The roof water will go into the drain. H. Clarke said there needs to be a means to attempt to clean parking lot runoff (oil, dirt, pollutants). J. Pazzaglia didn't have an answer. P. Berger asked if there was an option to have it go into the sewer. J. Pazzaglia said the plan is to retain more of the water for the 50-year storm. K. Kalajainen asked about grading for the parking lot. J. Pazzaglia said it was on page 2 of 4 – sheets flows to catch basins 1 or 2 in the back part of parking lot. H. Clarke said the participle separation snout on outlet – need detail performance data on these items. J. Pazzaglia said he could do that – silts in storm drainings. N. Bender asked about

the operation maintenance for basins, i.e., treating, icing agent, sand, etc. What is the impact of using icing agent? J. Pazzaglia will get back to the Commission with answers at the next meeting with that information. C. Lozanov asked about the runoff being directed for water quality. Will there be the planting of any kind? J. Pazzaglia said there would be planning all along the perimeter, more as a screening from neighbors – nothing near Pattagansett Lake.

C. Lozanov asked about number 16 – notification must be submitted with the application to East Lyme Water & Sewer. They need to be contacted and added to the application.

C. Lozanov said that the feasibility alternative plans need to be submitted with the application. J. Pazzaglia said he would speak with an engineer. The Commission said that it could be in writing – nothing elaborate is needed.

K. Hall told J. Pazzaglia that he needs to collect any incomplete information for the Commission to consider a motion of public hearing.

## **VII. OLD BUSINESS**

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

- G. Goeschel started a discussion about Section G – Item 3 – Slopes. The Commission needs to look at the same language Waterford is using regarding slopes because what they have seems to work. Open for discussion. G. Goeschel is looking to Commission to agree and consider changing (increasing) slope from 100 ft to 200 ft or more. P. Berger mentioned that she did some research and several towns vary on the slope, they go from 200 ft to 600 ft. G. Goeschel looking to the Commission to agree on a change. No one objected so G. Goeschel will speak with Waterford and get a slope analysis.
- G. Goeschel and C. Lozanov went through and marked up the report as shown below:
  - Section 4 – add to 4.4 – the last sentence designated regulated or non-regulated (Cheryl suggested as long as they are considered minor).
  - Section 7 – add to 7.4 – and shall provide agency
  - Section 7 – add to 7.6 – minor maps
  - Before F. and G. – alternative which can cause
  - Section 7 – add to 7.7 – should engineering reports and analysis
  - Section 7 – add to 7.7a – insert 2<sup>nd</sup> to last sentence – add with East Lyme and joining municipalities.
  - Renumber 7.8 through the end – numbering is off
  - Section 7.10 – should be 7.11 renumbered – no change
  - Section 7.11 – should be 7.12 renumbered – statutory references need to be checked – legal council should review
  - Section 7.1.2 – Item 7 – and 11.6 - minor changes to references
  - Section 15
- Gary is making these changes if there are no objections and will email out a revised draft in the next week or so. G. Goeschel will mail a hard copy to C. Lozanov.
- The word Bond was changed to Financial Guarantee.

## **VIII. REPORTS**

**A. Chairman's Report** – No update.

**B. Inland Wetlands Agent Report** – No change from last month.

**1. Administrative Permits Issued**

**2. Commission Issued Permits**

**C. Enforcement**– No update.

**D. Correspondence**

G. Goeschel attended CT Associates of Wetland Scientist Annual Meeting on March 9, 2017.

K. Hall mentioned there was a question about the next meeting which is scheduled for April 17<sup>th</sup> 2017, and the site walk is on April 15, 2017. He wanted to make sure everyone was aware of the change due to a holiday on April 10, 2017.

## **ADJOURNMENT**

**MOTION (7):** P. Berger moved to adjourn the March 13, 2017, East Lyme Inland Wetlands Agency Meeting at 9:27 p.m. Seconded by C. Lozanov - (7-0-0) Unanimous.

Respectfully Submitted:

Mary Jane Gaudio  
Recording Secretary