

**EAST LYME INLAND WETLANDS AGENCY
SPECIAL SHOW CAUSE HEARING MEETING MINUTES
July 16, 2018**

MINUTES

Members Present:

Gary Upton, Chairman
Ann Cicchiello, Vice Chairman
Phyllis Berger, Secretary
Peter DeRosa
Jessie Baldwin
Theodore Koch, Alternate

Members Absent:

Harry Clarke
Jack Chomicz
Todd Bellucci, Alternate

Also Present:

Gary Goeschel, Director of Planning/Inland Wetlands Agent

FILED IN EAST LYME
CONNECTICUT
July 23, 2018 AT 11:00 AM
Bridgette Hansen
EAST LYME TOWN CLERK

CALL TO ORDER:

Chairman Gary Upton called the Show Cause Hearing of the Inland Wetlands Agency meeting of July 16, 2018 to order at 6:35 p.m.

PLEDGE OF ALLEGIANCE: Observed.

CEASE AND DESIST SHOW CAUSE HEARING:

Cease and Desist Order for the clearing, grading, removal and deposition of material on the land within 100-feet of a wetlands and watercourse at the above referenced address without any permit under the East Lyme Inland Wetlands and Watercourses Regulations authorizing the regulated activities on property located on the southwest side of Roxbury Road across from the entrance to the Town's municipal transfer station, Assessor's Map #16.1, Lot #43, Niantic, Connecticut.

Chairman Upton read the Cease and Desist Order for the record. He stated that this work has been done by Mr. Weiss we believe, and he has been noticed. We have waited for approximately seven or eight minutes for him, he has not appeared. Chairman Upton asked Gary Goeschel, Inland Wetland Agent, how we should proceed.

Gary Goeschel, Inland Wetland Agent, stated that a letter was sent to Mr. Weiss dated July 5, 2018 and we have not yet received the green card for the certified mailing back to confirm receipt. It is possible he hasn't received the order.

Chairman Upton noted that the machinery on site with his name on it had been removed. Unless someone working for him moved the machines then who knows.

Mr. Goeschel noted the enforcement action started back on April 4, 2017, and a second notice was sent on October 23, 2017. Mr. Goeschel had requested a plan delineating the wetlands and the work being performed relevant to them, however the plan submitted wasn't stamped or signed by a land surveyor or a soil scientist. So the materials deposited on site are questionable. The plan did show a stockpile that needed to be identified. Based on the topography he would guess there are wetlands soils underneath the stockpile however that needs to be identified.

Mr. Goeschel stated he could follow up on the order and try to get in touch with Mr. Weiss, to see how he wants to respond. The Agency can go forward with a fine, or they can pursue an injunction through the town attorney. The typical action would be an injunction.

Chairman Upton requested he run through the timeline again for him. Mr. Goeschel responded that the first notice was April 4, 2017, and again in October 2017, the drawings were received sometime after that in 2017. In response to the two notices he did submit a plan, however it is not signed. We need to identify the soil types under the stockpile, the topography and wetlands boundaries.

Ann Cicchiello asked about the green card confirming the receipt of the notice. We have not received it.

Chairman Upton asked whether there were any building permits applied for. Mr. Goeschel responded that a building permit had been applied for, for a single family dwelling, late in 2017 that he has not signed off on.

Jesse Baldwin felt an injunction was in order, Chairman Upton stated he didn't disagree and asked for discussion but was concerned about not having the green card returned yet to confirm receipt.

Mr. Goeschel suggested they wait for the green card for proof it was sent and received by the owner. He anticipates another special meeting next week, it could be placed on that agenda for discussion and a decision if we receive the green card.

Ted Koch said he didn't feel it was in good standing to issue a fine or injunction without confirmation that he got the last order. The cease and desist order does stand.

Mr. Goeschel responded that the machines have left and the work has stopped which is a good indication he received the order.

Ann Cicchiello moved to table this Show Cause Hearing to the next meeting of the East Lyme Inland Wetlands Agency, date to be determined, upholding the Cease and Desist Order issued by Gary Goeschel, Inland Wetlands Agent. Ted Koch second the motion. Motion passed 6-0-0.

III. ADJOURNMENT

Ann Cicchiello moved to adjourn the East Lyme Inland Wetlands Agency meeting at 6:45 p.m. Phyllis Berger second. Motion passed 6-0-0.

Respectfully Submitted

Jennifer Lindo Dashnaw
Recording Secretary

****These minutes are subject to approval at the next monthly meeting**