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 EAST LYME TOWN CLERK

**EAST LYME INLAND WETLANDS AGENCY
REGULAR MEETING MINUTES**

February 11, 2019

**East Lyme Town Hall, 108 Pennsylvania Avenue,
East Lyme, Connecticut
Upper Meeting Room**

7:00 p.m.

Present: Peter DeRosa, Phyllis Berger, Rosemary Ostfeld, Ann Cicchiello, Vice Chairman

Absent: Gary Upton, Chairman, Harry Clarke, Jack Chomicz, Theodore Koch, Alt.

Also Present: Paul Dagle, Board of Selectmen & Gary Goeschel, Director of Planning/Inland Wetlands Agent

Call to Order:

Vice Chairman, Ann Cicchiello called the meeting to order at 7:02

Pledge of Allegiance:

The Pledge of Allegiance was recited.

MOTION:(Ciccheillo/Ostfeld) to move agenda item; VI. Pending Applications, C- Andrea & Gerard Van Noordennen, Applicant/Owner; Application for repair of an existing pond wall in certain areas on property located at 23 Brockett Rd. East Lyme Assessor's Map 01.10, Lot 90 before agenda item II. Public Hearings. Vote: Approved Unanimously

I. Additions to the Agenda-none

VI, C. Andrea & Gerard Van Noordennen, Applicant/Owner; Application for repair of an existing pond wall in certain areas on property located at 23 Brockett Rd. East Lyme Assessor's Map 01.10, Lot 90

G. Van Noordennen informed the Commission he would like to rebuild a portion of the pond wall on his property. He stated that nine years ago the agency approved a similar repair on his previous property located next door. He believes the pond and wall were built in 1945. The previous owner had the property for 30 years and did not maintain the and stones fell into the water. The applicant wants to rebuild the wall to its original structure. G. Van Noordennen stated there is a steep slope before wall and there is probably erosion and sediments going into the pond. While the pond is lowered in the winter he would like to put straw bales on the pond side so the person building the wall can sit on the bales to do the work. There are a couple of trees growing over the pond and he would like to take them down; he will also try to take vines down from the other trees but he does not want to damage tree branches.

The Commission suggested installing a small buffer of low growing bushes to prevent the geese from coming on property and planting a shade tree to replace the two taken down. They also asked him to refrain from using lawn fertilizer. G. Goeschel suggested wood chips in buffer zone to absorb excess nitrogen from any fertilization leaching into the pond.

MOTION: (DeRosa/Ostfeld) to approve Andrea & Gerard Van Noordennen, Applicant/Owner; Application for repair of an existing pond wall in certain areas on property located at 23 Brockett Rd. East Lyme Assessor's Map 01.10, Lot 90 with the following conditions:

- **Replace the two cut trees with a shade tree**
- **Use vegetative cover at the top of the bank**
- **plant fescue grass in disturbed areas**
- **use wood chips around newly planted vegetative cover**

Vote: Approved Unanimously

II. Public Hearings:

A. Cicchiello read the ground rules of the Public Hearing

Continuation of Pazz Construction Applicant, Estate of Elizabeth Hazel Hurschman-Victoria, Margaret Prokop, Co-Conservator; Application for construction of 4 elderly housing units, including but not limited to road improvements and construction of parking areas at property located at 285 Boston Post Road, East Lyme Assessor's Map 30.1 Lot 59

Ted Harris, 351 Main St. updated the Commission and stated the septic is 80 ft. from the wetlands resource.

Robert Pfanner, 37 Grand St. stated the property is next to the state boat launch at Lake Pattagansett. There are two existing buildings at the front of the property, an old barn and slabs from an existing building and a shed. They propose to construct a 4-unit condo building. There will be a new septic system and a new well for existing buildings as well as for the proposed buildings. The new septic system for the existing buildings will be behind one of the buildings. There will be a septic system for the new condos which will include a pumping system. There is an existing, small drainage swale to the east of boat launch. The applicant hired a soil scientist to evaluate the swale and it has been classified as a watercourse. R. Pfanner informed the members that they are waiting for approval of the septic system from Ledge Light Health District which is conducting a final review.

R. Pfanner outlined plans for the proposed drainage. A swale will be created along the driveway, past the condo and into a retention pond. Concrete check dams will be installed along intervals to allow water to drain and slow down the velocity of the water. There is a high level overflow basin lined with riprap and any overflow will into empty into Lake Pattagansett. A new driveway and parking lot will be installed.

The applicant will provide a planted buffer between the property and the state boat ramp. There is some bamboo on the property and they are proposing to remove it. R. Pfanner stated that bamboo is very difficult to remove. Some of the bamboo will be dugout in the process of construction. He stated there may be some left over roots after the removal of the bamboo. He stated that for those roots in the excavation area and other areas where the bamboo grows they will treat the remaining plants with an herbicide which is classified as safe for water bodies by DEEP. The process is to cut the stalks during the growing season and inject the plants with the approved herbicide as well as painting the leaves. The applicant will do the same process for the next 2-5 years until the bamboo is gone.

R. Pfanner stated the applicant has addressed comments from Town's engineer. G. Goeschel read a letter from the town engineer dated February 7, 2019 addressing previous comments. G. Goeschel will add the letter as exhibit L to the file.

R. Pfanner stated there are trees that will be removed so that the swale can be installed.

T. Harris stated the septic system has been designed as code compliant. It is in the upland review and as the commissions agent, G. Goeschel can approve administratively. G. Goeschel stated that construction cannot begin without the approval of the health dept. If Ledge Light denied the septic plans, then the application would come back to commission. The applicant respectfully asked the Commission to close the Public Hearing because the application is before the Zoning Commission and Inland Wetlands has to approve before Zoning can approve their application.

The water line will run along driveway and attach to the building. The size of the pipe will probably be a 2 or 3-inch line.

R. Pfanner stated the only direct impact is the riprap swale.

A. Cicchiello called for Public Comments

William Argyle, 12 Pattagansette Dr. He asked how the Commission can approve an application for a use that is not permitted for this property. (The Zoning application is asking for a zone change) W. Argyle asked if there could be oversight to follow the application and to make sure all the town entities were communicating effectively on the application. He also asked the developer to consider becoming an active member of the Pattagansett Lake Association and to help maintain the lake in front of the property. If hydro raking all along the lake were done it would be better for the health of the lake.

T. Harris stated the hydro raking is an advantage to the developer and they will join the association.

G. Goeschel stated he will be reviewing the plan to make sure any changes are not significant between the two agencies. If the applicant receives approval from the Zoning Commission with significant changes then the applicant will have to come back to Inland Wetlands for a determination of the significance of the changes.

MOTION: (Cicchiello/Berger) to close the Public Hearing. Vote: Approved Unanimously

Ex-Officio Report: Paul Dagle reported that the First Selectman has submitted a proposed budget and will be hearing from depts. over the next few weeks. Referendum for the public safety building is on February 20, 2019.

III. Public Delegations: No Public Delegations

IV. Acceptance of Minutes:

A. Meeting Minutes of November 19, 2018 Special Meeting

MOTION (DeRosa/Berger) To approve the minutes of November 19, 2018 Special Meeting. Vote: Failed due to lack of quorum from the November meeting.

B. Meeting Minutes of January 7, 2019 Regular Meeting

The minutes were tabled due to lack of quorum from the January 7, 2019 meeting.

V. Pending Applications:

- A. Pazz Construction Applicant, Estate of Elizabeth Hazel Hurschman-Victoria, Margaret Prokop, Co-Conservator; Application for construction of 4 elderly housing units, including but not limited to road improvements and construction of parking areas at property located at 285 Boston Post Road, East Lyme Assessor's Map 30.1, Lot 59.**

MOTION:(Osfeld/DeRosa)to approve Pazz Construction Applicant, Estate of Elizabeth Hazel Hurschman-Victoria, Margaret Prokop, Co-Conservator; Application for construction of 4 elderly housing units, including but not limited to road improvements and construction of parking areas at property located at 285 Boston Post Road, East Lyme Assessor's Map 30.1, Lot 59 with the following conditions:

- **A \$2500 bond be posted for Erosion & Sedimentation Control**
- **2-3 shade trees to be installed along lake edge in the area of bamboo removal**
- **the application of herbicides to be restricted to injection and painting only**

Vote: Approved Unanimously

- B. Laurie Zrenda, Applicant/Owner; Application for a 1 lot re-subdivision of property located at 40 Mostowy Road, for the construction of a new single family dwelling. East Lyme Assessor's Map 44.0, Lot 5.**

John Paul Mereen, 191 Boston Post Rd. East Lyme. According to the soil scientist there will be no significant impact to the wetlands or watercourse resources on site or off as a result of this proposed project provided strict compliance with all erosion and sedimentation control measures outlined on the plans are implemented. There appears to be sufficient separation between the proposed development and Darrow Pond. However, as much as possible, without overly restricting the residential enjoyment of the pond, a non-invasive native vegetated strip between the proposed development and Darrow Pond is recommended.

J. Mereen showed the existing conditions and stated the proposal is to subdivide the lot and add one house. A two-bedroom house is proposed but the septic is designed for a four-bedroom house. The septic system will have a pump to direct flow. He stated the pump for septic does need maintenance. It was not recommended to put in a full basement because of ledge and the water table. The house will be approximately 28' x 28'.

J. Mereen read the communication from Victor Benni, P.E., Town Engineer dated January 24, 2019.

There will be approximately 21,205 ft. of disturbance in the upland review. J. Mereen stated that the property does not border Darrow Pond directly. He stated there will be tree removal on the proposed site of the house.

MOTION: (Ostfeld/DeRosa) to approve Laurie Zrenda, Applicant/Owner; Application for a 1 lot re-subdivision of property located at 40 Mostowy Road, for the construction of a new single family dwelling. East Lyme Assessor's Map 44.0, Lot 5. With the following conditions:

- A \$3000.00 bond will be posted for Erosion and Sedimentation Controls

Vote: Approved Unanimously

- C. Andrea & Gerard Van Noordennen, Applicant/Owner; Application for repair of an existing pond wall in certain areas on property located at 23 Brockett Rd, East Lyme Assessor's Map 04.10, Lot 90.-Discussed earlier.**

VI. New Business:

- A. J. Robert Pfanner & Associates, Applicant, Sidehatch LLC, Owner; Application for demolition of existing structures and reconstruction of two new single family dwellings, a garage and a pool at property located at 9 Mosle Lane and the Well Lot on Hemingway Rd, East Lyme Assessor's Map 02.3 Lot 13 and 14.**

R. Pfanner, Grand St. stated the property was across from tennis courts in Old Black Point. It is currently a single family home with attached garage and a guest house. The site was approved for guest house which made the property non conforming. They propose to remove existing structures and replace with new structures. Existing guest house is approximately 1300 sq. ft., and the main house is 3242 sq. ft. The existing structures will be replaced with a house and detached garage and a pool in the back yard. Proposed house and guest house will be smaller in square footage. The new septic system will run along Hemingway Road. A large tree will be removed because of new septic. Drainage pattern is southeast.

The wetlands come to the back corner of existing building. Approximately 186 sq. ft. of wetlands will be excavated for construction and filled. They will recreate 300 sq. ft. of wetlands using the excavated wetlands soil which will be placed into the newly created wetland. Because the zoning approval stipulates the house has to remain where it is, there are no other prudent alternatives. The applicant would like to demo structures during the winter.

G. Goeschel met with planner and applicant and agreed they will plant a vegetative buffer of native species between the lawn and the wetlands.

The pool is in upland review area. Majority of leeching field outside the buffer zone. The members discussed the need for a Public Hearing. G. Goeschel informed them there is a 15-day period for the public to appeal for public hearing.

MOTION:(Berger/DeRosa) to not have a public hearing. Vote: Approved Unanimously.

The Commission scheduled a site walk for March 9, 2019 at 9:00 AM.

5 min break at 9:10, reconvened at 9:15

VII. Old Business: No Old Business

VIII. Reports

A. Chairman's Report-no report

B. Inland Wetlands Agent Report

1. Administrative Permits Issued

22 Attawan Rd, for a deck not issued yet.

2. Commission Issued Permits

G. Goeschel will generate a list of Commission Issued Permits.

G. Goeschel informed the members the Costco project has started. He stated there is an ongoing conversation with Costco for the need of an onsite monitor working on behalf of the Town which was a condition of approval.

C. Enforcement

Cease, Desist and Restore Order, Roxbury Rd., for the clearing, grading, removal and deposition of material on land within 100-ft 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 of the Town's Municipal Transfer Station , Assessor's Map 16.1, Lot 43, Niantic Connecticut.

G. Goeschel received a stamped and signed plan by an engineer and soil scientist. The property is not technically in violation. The loam pile is just beyond the regulated areas. He stated they may be coming in for a subdivision. G. Goeschel is satisfied the activity is outside regulated area. It was the consensus of the Commission to leave the Cease, Desist and Restore Order in place.

13 Green Valley Lakes Rd., Cease, Desist and Restore Order, Thomas & Kristen Chantrell, Owner; Installation of a dock which encroaches approximately 20-foot into a watercourse located on an abutting property and the clearing, grading, removal and deposition of material on the land within 100-ft of a watercourse without an Inland Wetlands Permit. (Agreement to remove by August 31,2018)

G. Goeschel heard from the property owner that the posts were removed. He will follow up to confirm.

North Bridebrook Rd. The property has a bridge and the bank of the watercourse has eroded the wall of bridge. The owner wanted to put a stonewall to stabilize the bank. He received an approval with the stipulation the work would not be done from the water. G. Goeschel stated that work has taken place from the water side of the bridge. The applicant will have to come the Commission for an after the fact permit.

Correspondence:

Land Use seminar at Wesleyan.

G. Goeschel will send out regulation changes as a hard copy. Discussed changes.

IX. Adjournment:

MOTION: (Cicchiello/Berger) to adjourn at 9:45. Vote: Approved Unanimously.

Respectfully Submitted

**Sue Spang
Recording Secretary**