

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

March 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, Theodore Koch, Alt.

Absent: Gary Upton, Chairman, Harry Clarke, Jack Chomicz,

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

Call to Order:

Vice Chairman, Ann Cicchiello called the meeting to order at 7:04

Pledge of Allegiance:

The Pledge of Allegiance was recited.

I. Additions to the Agenda:

B. Pellumb & Andia Likollari, Applicant/Owner: Application for Determination of Permitted Non-Regulated Activity for a 1-lot subdivision of property located at 63 Scott Road, East Lyme Assessor's Map 29, Lot 14

C. Release of Bond, Nebelung Farms LLC, 138 N Bridebrook Rd.

D. Extension request- Jim Barone Applicant/Owner, 120 Black Point Road

MOTION: (DeRosa/Berger) to add agenda items to New Business. Vote: Approved Unanimously

FILED

II. Public Hearings-None

III. Public Delegations: No Public Delegations

Mar 12 20 19 AT 2:50 AM/PM
[Signature]
EAST LYME TOWN CLERK

IV. Acceptance of Minutes:

A. Meeting Minutes of November 19, 2018 Special Meeting

MOTION (DeRosa/Berger) to approve the November 19, 2018 Special Meeting minutes as presented. Vote: Approved. In favor- DeRosa, Berger, Cicchiello, Theodore Koch. Opposed-none. Abstaining- Ostfeld

B. Meeting Minutes of January 7, 2019 Regular Meeting

MOTION: (Ostfeld/DeRosa) to approve the January 7, 2019 Regular Meeting Minutes as presented. Vote: Approved. In favor- DeRosa, Berger, Ostfeld, Theodore Koch. Opposed-none. Abstaining- Cicchiello

C. Meeting Minutes of February 11, 2019 Regular Meeting

MOTION: (Berger/Ostfeld) to approve the February 11, 2019 Regular Meeting Minutes as presented. Vote: Approved. In favor- DeRosa, Berger, Ostfeld, Cicchiello Opposed-none. Abstaining- Koch

V. Ex-Officio Report:

P Dagle reported the BOS passed the annual town budget, it still has to go before the BOF. A Vision Committee has been established for the planning of the newly purchased public safety building.

VI. Pending Applications:

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.

J. Pfanner presented the existing condition of the site. He described wetlands long the back of property. There is one large house, 2 car garage and a guest house on the site. The property is non-conforming because the guest house is a second residence on the property. All of the structures on the property will be torn down.

The new house will be located in the same place as the existing house. A one car garage is proposed as well as a pool behind the main house. A small driveway will be located off Hemingway to service the guest house.

An existing cess pool will be pumped out and collapsed. A separate nonfunctioning septic system along Hemingway will be excavated, soils removed and new septic soils brought in for the new system.

Both proposed driveways will be stone

The proposed pool will feature a filter system which is designed to eliminate the need for backwashing and prevent water from the maintenance of pool going into the wetlands.

A large tree that has infiltrated the main septic system will be taken down as well as a large tree on the corner of the main house. There will be trees planted to replace the removed trees.

The public water main will be utilized by a new tap instead of the existing tap servicing the old house.

The disturbance to the wetlands due to construction of the main building will be planted with a seed mix. The wetland soils excavated from that area will be used to create 300 ft.

of new wetland area which will extend the wetlands existing on the property. Pfanner submitted a list of native species to the commission for possible plantings in the newly formed wetlands.

Pfanner said he has addressed the previous comments by the town's engineer. The construction entrance will not come off Hemingway Rd. There are now E&S plans on the last sheet. A construction entrance detail is also on the plans. Discharge from the property and its effects on the neighbors have been addressed. The water runoff from the property will not be significantly different than the existing conditions.

MOTION: (Ostfeld/DeRosa) Based on the Findings and RECORD before the Agency, I move to APPROVE the Application known as 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 which is further subject to the following administrative requirements and required modifications to the site plan and other materials submitted in support of this application:

1. The pool filtration system is a non-backwash system
2. Driveways consist of permeable materials
3. Pursuant to the Erosion and Sedimentation Control Plan and construction sequence, notify conservation officer at least 2 days prior to construction to inspect erosion controls.
4. In areas proposed to be loamed and seeded, a low maintenance lawn such as fescue, which requires minimal application of fertilizers and pesticides, shall be planted.
5. The proposed Limits of Disturbance (LOD) strictly adhered to throughout all phases of lot build out and construction.
6. An Erosion and Sedimentation Control Bond in the amount of \$1000.00 dollars in a form satisfactory to the Town of East Lyme and the Inland Wetlands agency and its Agent shall be posted with the Town of East Lyme.
7. Any proposed Additional work beyond this permit in the wetlands or its 100-foot regulated area will require approval from the Inland Wetlands Agency or its certified Agent.
8. Any changes to the site plan listed on this permit requires notification to the Inland Wetlands Agent and may require commission approval-a new plan shall be given to the Inland Wetlands Agent before any additional work begins.
9. No site work shall commence until all applicable conditions are satisfied.

10. Notify Inland Wetlands Agent upon completion of all regulated activities for final inspection.

Vote: Approved. In favor- DeRosa, Berger, Koch, Cicchiello. Opposed- Ostfeld. Abstaining- None

VII. NEW BUSINESS

B. Pellumb & Andia Likollari, Applicant/Owner: Application for Determination of Permitted Non-Regulated Activity for a 1-lot subdivision of property located at 63 Scott Road, East Lyme Assessor's Map 29, Lot 14

G. Goeschel stated that this property was originally part of the Orchards Subdivision. There is an area on the property which, in the past had been used to mix pesticides and fertilizers. At one time there was a farm pond which was allowed as of right on a farm property. This pond was filled in 2008.

According to a report by a certified soil scientists there are no wetlands or regulated areas on the property. G. Goeschel read a report from Ian T. Cole, professional soil scientist dated February 2, 2018 for the record.

Any contaminated soils will be remediated and are the purview of the health department.

MOTION (DeRosa/ Berger) The Agency determines that no permit is required for application Pellumb & Andia Likollari, Applicant/Owner: Application for Determination of Permitted Non-Regulated Activity for a 1-lot subdivision of property located at 63 Scott Road, East Lyme Assessor's Map 29, Lot 14

Vote: Approved. In favor- DeRosa, Berger, Ostfeld, Cicchiello Opposed-none. Abstaining- Koch

A. J. Robert Pfanner & Associates, Applicant, Elizabeth Perry, Owner: Application for Determination of Permitted/Non-Regulated Activity for a 5-lot subdivision of property located at West Road, East Lyme Assessor's Map 02.2 Lot 11.

J. Pfanner stated the applicant is proposing 5 new lots on property located at West Road in Black Point. He stated there is no construction proposed for any regulated areas. The only lot that has any wetlands is the largest of the five lots.

He pointed out the, "spite strip" along West Road which prevents the applicant from accessing each lot directly. They have reached out to the Black Point Association for an easement to construct driveways but were denied. Therefore two longer common driveways are proposed.

G. Goeschel reminded the members that each individual lot will have to come before town officials for final construction approval.

MOTION: (Berger/DeRosa) The agency determines that no permit is required for application J. Robert Pfanner & Associates, Applicant, Elizabeth Perry, Owner: Application for Determination of Permitted/Non-Regulated Activity for a 5-lot subdivision of property located at West Road, East Lyme Assessor's Map 02.2 Lot 11.

Vote: Approved. Vote: Approved. In favor- DeRosa, Berger, Cicchiello, Koch Abstaining-none. Opposed. Ostfeld

C. Release of Bond, Nebelung Farms LLC, 138 N Bridebrook Rd.

G. Goeschel submitted a timeline of a bond submitted to the town by Alexander Nebelung for a cease and desist issued June 21, 2002. The Cease and Desist was released March 4, 2004.

R. Snarski, Certified Soil Scientist wrote a letter in 2004 stating the area had been properly graded and stabilized.

January 5, 2016 A. Nebelung requested the bond be released.

G. Goeschel stated he recently visited the site and it is stabilized and he recommends the bond be released.

MOTION (Berger/Ostfeld) to release funds for Nebelung Farms LLC, 138 N. Bridebrook Rd. Vote: Approved Unanimously

D. Extension Request -Jim Barone Applicant/Owner, 120 Old Black Point Road.

G. Goeschel informed the members that J. Barone had been issued a permit for work in a regulated area in May 2012. The permit was renewed in 2017. The applicant is requesting a three year renewal to extend the permit until 2022.

G. Goeschel stated that by law a permit is good for 5 years and can be renewed for another 5 years for a total of 10 years.

J. Barone stated he needed more time to complete work along the driveway.

MOTION: (Ostfeld/Koch) approve the request of James Barone for a 3 year extension of time to May 12 2022, to complete the remaining regulated activities.

Vote: Approved. In favor- DeRosa, Berger, Ostfeld, Koch. Abstaining-none. Opposed- Cicchiello

VIII. Old Business: No Old Business

IX. Reports

A. Chairman's Report-no report

B. Inland Wetlands Agent Report-

1. Administrative Permits Issued-3 permits issued-will email to members details

2. Commission Issued Permits

C. Enforcement

G. Goeschel updated the members on the N. Bridebrook property. He stated he has contacted the owner and the owner will come in to request a permit retroactively.

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 stated a plan was submitted which is signed and dated by an engineer and certified soil scientist stating there are no violations in a regulated area.

G. Goeschel believes there never was a violation and no violation exists at this time.

**MOTION: (DeRosa/Koch) to remove the Cease and Desist on Roxbury Rd.
Vote: Approved. In favor- Cicchiello, DeRosa, Koch. Abstaining- Berger, Ostfeld. Opposed- none**

Cease, Desist and Restore Order, 13 Green Valley Lakes Rd., 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-feet of a watercourse without an Inland Wetlands Permit. (Agreement to remove by August 31,2018)

G. Goeschel stated this issue is still outstanding. The property owner contacted the town and informed it that the dock is still over the property line and more of the dock needs to be removed.

Correspondence: ECCD Outlook

VII. Adjournment:

MOTION: (DeRosa/Ostfeld) to adjourn at 8:42. Vote: Approved Unanimously.

Respectfully Submitted

**Sue Spang
Recording Secretary**