

**EAST LYME INLAND WETLANDS AGENCY  
REGULAR MEETING MINUTES  
July 8, 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, Theodore Koch, Alt. Sandy Gignac, Alt.

**Absent:** Gary Upton, Chairman, Ann Cicchiello, Vice Chairman Harry Clarke, Jack Chomicz,

**Also Present:** Gary Goeschel, Director of Planning/Inland Wetlands Agent, Paul Dagle, Selectman

**Call to Order:**

P. DeRosa called the meeting to order at 7:07

**FILED**

**Pledge of Allegiance:**

The Pledge of Allegiance was recited.

July 15 20 19 AT 9:20 AM/PM  
Caun Mulino  
EAST LYME TOWN CLERK

- I. **Additions to the Agenda**-none
- II. **Public Hearings:** -none
- III. **Public Delegations:** Diane McAndrews, 5 Crab Lane presented pictures of Indian Pond and the yellow algae covering the entire pond. She stated she went to the Crescent Beach Association and was told they could do nothing about it. She believes it is a health risk and has called Ledge Light Health District. The pond is owned by 3 property owners. G.Goeschel stated he would ask the town engineer to look at the drainage pipe installed within the last couple of years and discuss with the blight officer.
- IV. **Acceptance of Minutes:**
  - A. **Meeting Minutes of June 10, 2019 Regular Meeting**

**MOTION (Berger/ Ostfeld) To approve the minutes of June 10, 2019 Regular Meeting as amended.**

    - Page 1, Delete Harry Clark, and Jack Chomicz as absent (they are no longer members)

**Vote: Approved. In favor-DeRosa, Berger, Ostfeld, Koch. Opposed-none. Abstaining-Gignac.**
- V. **Ex-Officio Report**-P. Dagle informed the members of a special town meeting on Wednesday, July 10, 2019 to approve capital items and road work funding. The Harbor Management Plan will also be on the agenda for discussion and possible vote. Bids were received for the Public Safety building design.

## VI. Pending Applications

### A. Willow Land LLC, Jodie Chase, Owner, Application for the construction of a new single family residence within an upland review area located at 67 Spring Glen Rd, East Lyme Assessor's Map 01.18, Lot 56.

G. Goeschel read his findings:

**Whereas:** The Commission has reviewed the application and received testimony from the applicant, their professionals, and representatives. In addition Town staff also provided the Commission with comment concerning this application's compliance with local requirements and regulations.

**Whereas:** The Application submitted includes all the information required pursuant to Section 7.5 of the East Lyme Inland Wetlands and Watercourses Regulations and includes the site development plans. As such, the Application submitted in accordance with Section 7.1 of the East Lyme Inland Wetlands Regulations appears complete.

**Whereas:** The proposed wetland area being filled is approximately 2,100-square feet and the majority of the construction activities and limits of disturbance will be minimized to the extent practicable within the on-site inland wetlands.

Unfortunately, the proposed activity does not mitigate the irreversible and irretrievable loss of wetlands caused by the proposed regulated activity. However, as evidenced by the project narrative and the Town Engineer's plan review, the proposed project will not have an adverse impact of flood flow patterns and does not require on-site detention.

**Whereas:** The project has been designed to protect the wetlands and watercourses to the maximum extent possible as the driveway, drainage structure (rain garden), and utilities are designed to be situated outside of the wetlands and located in the upland review area (URA) as well as a portion of the proposed structure is being installed within the existing URA.

**Whereas:** Impacts are mitigated by the implementation of temporary erosion and sedimentation controls as well as stormwater controls throughout construction.

**Whereas:** The upland review process does not forbid activity based solely on proximity to wetlands. Rather, the upland review process merely provides a basis for determining whether activities will have an adverse impact on the adjacent wetland or watercourse, and if necessary, regulating them.

**Whereas:** Pursuant to Section 10.5 of the East Lyme Inland Wetlands and Watercourses Regulations, for the purpose of those Sections (1) "wetlands and watercourses" includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) "habitats" means areas or environments in which an organism or biological population normally lives or occurs.

**Whereas:** Although the proposed construction would pose an intrusion into the upland area, there does not appear to be any prudent and feasible alternatives which would result in any less of a loss of wetlands or reduction of adverse impacts.

**Motion: MSC (Berger/DeRosa) Based on the above Findings and the RECORD before the Agency, I hereby move to APPROVE the Application known as**

**Willow Land LLC, Jodie Chase, Owner; Application for the construction of a new single family residence within an upland review area located at 67 Spring Glen Rd, East Lyme Assessor's Map 07.18, Lot 56 and the Plans entitled "Site Plan of 65 & 67 Spring Glen Road, East Lyme, CT dated March 22, 2019, revised through May 20, 2019, Prepared for John Doran, by Gregg T. Fedus, P.E. of Fedus Engineering, 70 Essex Street, Mystic, CT" 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. 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.**
- 2. 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.**
- 3. The proposed Limits of Disturbance (LOD) shall be strictly adhered to throughout all phases of lot build out and construction.**
- 4. An Erosion and Sedimentation Control Bond in the amount of \$3,000.00 dollars in a form satisfactory to the Town of East Lyme, the Inland Wetlands Agency, and its Agent shall be posted with the Town of East Lyme.**
- 5. Provide a label on the Site Plan indicating the minimum required area (in square feet) for the proposed rain garden and include short-term & long term maintenance notes similar to those provided by "A Design Guide for Connecticut and New England Homeowners" by the University of Connecticut NEMO (Nonpoint Education for Municipal Officials) program. A copy of the revised plan shall be submitted to the Inland Wetlands Agent.**
- 6. 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.**
- 7. 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.**
- 8. No site work shall commence until all applicable conditions are satisfied.**
- 9. Notify Inland Wetlands Agent upon completion of all regulated activities for final inspection.**

**This approval is specific to the site development plan submitted as the application of Willow Land LLC, Jodie Chase, Owner for the construction of a new single family residence within an upland review area located at 67 Spring Glen Rd, East Lyme Assessor's Map 07.18, Lot 56 and the Plans entitled "Site Plan of 65 & 67 Spring Glen Road, East Lyme, CT dated March 22, 2019, revised through May 20, 2019, Prepared for John Doran, by Gregg T. Fedus, P.E. of Fedus Engineering, 70 Essex Street, Mystic, CT" Any change or modification in the plan or development plan layout other than those identified herein shall constitute a new application unless prior approval from the Agency or its Agent is granted.**

- 10. The rain garden shall be installed within one year of the start of construction.**

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

**Vote: Approved. In favor-DeRosa, Osfeld, Berger, Gignac. Opposed-None. Abstaining-Koch**

- B. J. Robert Pfanner & Associates, Agent for Roxbury Road, LLC; for the deposition of material on land within 100-feet of a wetlands and watercourse at property located on the southwest side of Roxbury Road across from the entrance of the Towns' Municipal Transfer Station, Assessor's Map 16.1Lot 43, Niantic, Connecticut for future septic area as part of a future subdivision.**

The applicant asked to table discussion as he is waiting on the soils report. When the report comes in G. Goeschel will forward to the members.

G. Goeschel stated that in order for the commission to hold a public hearing the application would have to either: make a finding that it is in the public interest, the application is a significant impact to the wetlands or watercourses, or a petition is signed by 25 persons over 18 requesting a public hearing.

- VII. New Business: No New Business**  
**VIII. Old Business: No Old Business**

**IX. Reports**

**A. Chairman's Report-no report**

- B. Inland Wetlands Agent Report**-Giants Neck Beach Assoc. contacted G. Goeschel concerning removing knot weed. He informed the association they would have to get a wetlands permit.

- 1. Administrative Permits Issued-none**
- 2. Commission Issued Permits-none**

**C. Enforcement**

- 1. Cease, Desist and Restore Order, 13 Green Valley Lakes Rd; Thomas and Kristen Chantrell, Owner; Installation of a dock which encroaches approximately 20-feet 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, 2019)**  
The property informed G. Goeschel that the last post would be removed by the next meeting.
- 2. Notice of Violation; 297 Boston Post Road; Al Smith Owner, Jason Pazzaglia, Other; Outside storage of equipment, construction materials, and the stockpiling of earthen materials including but not limited to yard debris within 100 feet of a watercourse without or in violation of an Inland Wetlands Permit.**

G. Goeschel stated he spoke to J. Pazzaglia and Pazzaglia has removed some items out of the regulated area. There are still some old junk cars that Pazzaglia has agreed to get rid of.

**D. Correspondence**

R. Ostfeld informed the commission that Kristen Chantrell is interested in being on the commission. Chantrell will need to contact the BOS to be appointed.

**X. Adjournment:**

**MOTION: (Berger/Osfeld) to adjourn at 8:09 Vote: Approved Unanimously.**

**Respectfully Submitted**

**Sue Spang  
Recording Secretary**