

**EAST LYME INLAND WETLANDS AGENCY
REGULAR MEETING MINUTES
October 21, 2019
East Lyme Town Hall, 108 Pennsylvania Avenue,
East Lyme, Connecticut
Upper Meeting Room
7:00 p.m.**

Present: Gary Upton, Chairman, Ann Cicchiello, Vice Chairman, Phyllis Berger, Peter DeRosa, Rosemary Ostfeld, Theodore Koch, Alt.

Absent: Sandy Gignac, Alt., Paul Dagle, Selectman

Also Present: Gary Goeschel, Director of Planning/Inland Wetlands Agent,

Call to Order:

G. Upton called the meeting to order at 7:03

Pledge of Allegiance:

The Pledge of Allegiance was recited.

FILED

Oct 22 20 19 AT 3:30 AM (PM)
Kenneth M. [Signature]
EAST LYME TOWN CLERK

- I. **Additions to the Agenda**-none
- II. **Public Hearings:** -none
- III. **Public Delegations:** none
- IV. **Acceptance of Minutes:**
 - A. **Meeting Minutes of September 9, 2019 Regular Meeting**

MOTION (Berger/ Cicchiello) To approve the minutes of September 9, 2019 Regular Meeting as presented.

Vote: Approved. In favor- Upton, Cicchiello. Berger, Koch, Opposed-none. Abstaining-DeRosa, Ostfeld
- V. **Ex-Officio Report**-no report
- VI. **Pending Applications**-none
- VII. **New Business**-none
- VIII. **Old Business:**
 - A. **Old Colony Beach Club Association (OCBA) c/o Frank Noe, WPCA Chairman; for 1900+- feet of shared sewer system infrastructure proposed east of the Old Lyme Town line: Shore Road (State Route 156) starting at the Old Lyme Town Line at Four Mile River to the existing sanitary infrastructure at 275 W. Main**

St. The proposed regulated activity will be located within the 500' of the Old Lyme town boundary.

James Otis, PE., representing Fuss and O'Neil, gave an overview of the proposed project. He stated all work is in the state ROW and the area has been previously disturbed.

The proposed sewer line and construction starts in Old Lyme and continues to the East Lyme border, to the sewer manhole at 275 West Main St. The sewage then continues through existing lines to New London. The project is proposed to mitigate septic issues in the beach community(s) in Old Lyme. Old Lyme is under order from DDFP to address the septic/sewage in the beach areas. J. Otis stated this proposed project is the most prudent and viable option.

J. Otis stated that because the work is proposed on a state highway, the project is required to get an encroachment permit and to be bonded for E & S controls. The state will be providing oversight on the project.

G. Goeschel provided his findings for the record:

FINDINGS

Whereas: The Agency may find this application to be in conformance with the Inland Wetlands Regulations of the Town of East Lyme and more specifically based on the following findings:

Whereas: The Agency has received an Inland Wetlands Application from **Old Colony Beach Club Association (OCBA) c/o Frank Noe, WPCA Chairman** for 1900± feet of shared sewer system infrastructure proposed east of the Old Lyme Town line: Shore Road (State Route 156) starting at the Old Lyme Town Line at Four Mile River to the existing sanitary infrastructure at 275 W Main Street and plans entitled "Old Lyme Associates, Shared Sewer Infrastructure Site Layout, Force Main Preliminary Layout, Old Lyme, Connecticut dated June 2019." The Agency commenced review of the Application at a Regular Meeting on September 9, 2019 and determined a public hearing was not required.

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 site plans, engineering reports, and wetlands delineation by a certified soil scientist depicted on the site plans. As such, the Application submitted in accordance with Section 7.1 of the East Lyme Inland Wetlands Regulations is complete.

Whereas: There is no direct impact on the wetlands or the watercourse as the all construction activities will be conducted within the existing road bed which is situated within the 100-foot upland review area from an inland wetland and watercourses. Therefore, there are no irreversible and irretrievable loss of wetlands or watercourse which would be caused by the proposed regulated activity.

Whereas: The project has been designed to protect the wetlands and watercourses as the sewer main infrastructure structures is being proposed outside of the wetlands and watercourse and located in the upland review.

Whereas: Mitigation measures to minimize and mitigate potential impacts from the construction to protect the wetlands and watercourses, the application proposes the use of erosion and sedimentation controls along with best management practices for dewatering.

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: Pursuant to Section 10.5 of the East Lyme Inland Wetlands and Watercourses Regulations, a municipal inland wetlands agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.

Whereas: Although the proposed construction would pose a substantial intrusion into the upland area, introducing a new and intense use and risks to the wetlands, there is no evidence in the record to support a likely adverse impact on the wetlands and watercourse from the proposed upland intrusion.

Whereas: The record before the Agency contains no evidence that the impacts on the wetland and watercourse are adverse and would likely impact or affect the physical characteristics of such wetlands or watercourse.

MOTION: (Cicchello/Berger) Based on the above Findings in the memorandum from Gary Goeschel, Director of Planning/Inland Wetlands Agent to the Inland Wetlands Agency dated October 21, 2019 and the RECORD before the Agency, I move the Agency APPROVE the Application known as Old Colony Beach Club Association (OCBA) c/o Frank Noe, WPCA Chairman; for 1900± feet of shared sewer system infrastructure proposed east of the Old Lyme Town line: Shore Road (State Route 156) starting at the Old Lyme Town Line at Four Mile River to the existing sanitary infrastructure at 275 W Main Street and plans entitled “Old Lyme Associates, Shared Sewer Infrastructure Site Layout, Force Main Preliminary Layout, Old Lyme, Connecticut dated June 2019” 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 Erosion and Sedimentation Control Plan and recommended Construction Sequence shall be followed.
2. Notify conservation officer at least 2 days prior to construction to inspect erosion controls.
3. An Erosion and Sedimentation Control Bond or Financial Guarantee in the amount of \$5000.00, satisfactory to the Inland Wetlands Agent and Town Engineer, in a form acceptable to the Inland Wetlands Agency, shall be posted with the Town of East Lyme.
4. Any proposed Additional work beyond this permit in the wetlands or watercourse or its 100-foot regulated area will require approval from the Inland Wetlands Agency or its certified agent.
5. Any changes to the site plan listed on this permit require notification to the Inland Wetlands Agent and may require commission approval- a new plan will be given to the Inland Wetlands Agent before work begins.
6. No site work shall commence until all applicable conditions are satisfied.

7. Notify Inland Wetlands Agent upon completion of all regulated activities for final inspection.
8. There will be no stockpiling of materials in the 100 ft. upland review area.

This approval is specific to the site development plan submitted known as the application Old Colony Beach Club Association (OCBA) c/o Frank Noe, WPCA Chairman for 1900± feet of shared sewer system infrastructure proposed east of the Old Lyme Town line: Shore Road (State Route 156) starting at the Old Lyme Town Line at Four Mile River to the existing sanitary infrastructure at 275 W Main Street and plans entitled "Old Lyme Associates, Shared Sewer Infrastructure Site Layout, Force Main Preliminary Layout, Old Lyme, Connecticut dated June 2019." 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.

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

VOTE: Approved Unanimously.

IX. Reports

A. Chairman's Report-none

B. Inland Wetlands Agent Report- Enforcement

1. **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 will be doing another inspection. The Commission asked G. Goeschel to put a Cease and Desist order in place if the property is not cleaned up to his satisfaction.

2. **Notice of Violation: 103 West Main Street, Brookfield Estates Condominiums; C/O Thames Harbor Real Estate, LLC; Removal of vegetation and the deposit of yard and tree waste within 100-feet of an inland wetlands and watercourse.**

G. Goeschel stated he asked the owners to remove the debris but to leave the slash as a stabilization control.

A. Correspondence

G. Goeschel informed the members that he followed up on the Little Indian Pond algae bloom. He heard back from Darci Winter (DEEP) which stated the town cannot mandate the owners of the pond to clean it up. She suggested possible aeration. She stated that any pesticide or herbicide application would need a permit from DEEP.

The East Lyme Dept. of Public Works replied that the recently installed drainage pipe is at the same elevation as the old one. Hurricane Sandy deposited a large amount of sand and silt to the pond making it more shallow. DPW stated they get complaints almost every year about the sight and smell of the pond.

Danielle Holmes stated the water in Little Indian Pond is not tested because it is part of the Crescent Beach Association.

G. Goeschel will send the information he has received to the three land owners of the pond.

G. Goeschel informed the Commission that ABC Supply has bought the vacant Triumph building. He stated there is an existing drainage ditch, which he asked the new owners to upgrade with rocks.

The Commission discussed some of the regulation revisions and the process for the approval of the revisions. The main revisions include; definition clarity, a priority system applied to the upland review permit approval, changing the upland review area from 100-feet to 200-feet.

X. Adjournment

MOTION: (Berger/Chicciello) to adjourn at 8:24 Vote: Approved Unanimously.

Respectfully Submitted

**Sue Spang
Recording Secretary**

