

East Lyme Commission for the Conservation of Natural Resources  
Regular Meeting Minutes of December 11, 2019

Present: Art Carlson, Chairman  
Mark Christensen  
Don Danila  
Penny Heller  
Harvey Beeman

FILED

Absent: Laura Ashburn  
Ron Nichols

Dec 17 20 19 AT 12:45 AM (PM)  
*(Signature)*  
EAST LYME TOWN CLERK

Also Present: Tim Londregan  
Rose Ann Hardy, Ex officio

**CALL TO ORDER**

Chairman Carlson called the meeting to order at 7 p.m.

**MOTION (1): Mr. Danila moved to seat Harvey Beeman in place of Laura Ashburn.  
Seconded by Mr. Christensen. (4-0) Unanimous**

**PUBLIC DELEGATIONS**

Mr. Londregan reported he is the owner and operator of a Shellfish Farm. Over the last four years he has been harvesting shellfish. He is interested in increasing his business. He feels this Town was founded on shellfishing and farming. He received a cease and desist from the Town because: 1) CAM does not support at Marker 7 and 2) he is operating a shellfish processing plant.

In 2008 he was approved for the marina. There is no site plan for the marina only for the building. In order to operate a business; you need to have Site Plan approval. He stated his operations are for growing and harvesting and this work below high tide line. He reported CAM says the harvesting of crops is exempt. Ms. Heller asked if he was suggesting this is the same as a head boat. He replied federal regulations define it as an agricultural process in harvesting, cleaning and culling.

Mr. Christensen asked if in order to qualify is the process the issue? Mr. Londregan stated he believes the real issue at hand is the noise from the use of his tumbler. FDA harvesting includes mechanical, cleaning and sorting not processing. Harvesting is controlled by DEEP. His decibel reading is 58, which compares to a normal speaking voice.

Mr. Beeman asked are there time restrictions? Mr. Londregan replied he works from 8 a.m. to 2 p.m. during the growing season and no more than 30 hours per week. Individuals wrote letters of protest.

Ms. Hardy asked if there were different models of tumblers? Mr. Londregan replied his are muffled. If it is made too gentle, he would not get results.

Ms. Hardy asked what are your hours of operation? Mr. Londregan replied he operates late in April until October Monday through Friday from 8 a.m. to 2 p.m. From October to April he operates once per week for two hours.

## II. MINUTES

- A. Minutes of November 13, 2019.** Chairman Carlson asked for additions, corrections or deletions to the November 13, 2019 Regular Meeting of the East Lyme Commission for the Conservation of Natural Resources.

The following corrections were noted: On page 2 IV. OLD BUSINESS, it should be A. Distribution of Water Study Report, B. and C should follow and under V, B should follow A.

**MOTION (2): Mr. Danila moved to approve the November 13, 2019 Regular Meeting Minutes of the East Lyme Commission for the Conservation of Natural Resources, as amended. Seconded by Ms. Heller. (5-0) Unanimous.**

## III. NEW BUSINESS

**A. Position on Oyster Farming in the Bay and River.** Ms. Hardy suggested that a Subcommittee be formed to observe Mr. Londregan's operation and share the results with other commissions who have say over this. WELSCO is a state approved body between Waterford and East Lyme. Mr. Londregan stated his issue is with Zoning. Ms. Hardy felt the Chairman should discuss the results with the Zoning Commission and determine what the issue is. Mr. Christensen felt there are benefits of oysters in the bay or the river. Mr. Carlson felt oysters clean up the river. Mr. Christensen stated Mr. Londregan is looking for a letter of support.

Mr. Beeman stated we need to understand why there is a cease and desist. Mr. Carlson agreed to speak to Zoning. A subcommittee will observe his work on December 16 at 10 a.m.

- B. Election of Officers.** Ms. Hardy asked for nominations for Chairman.

**MOTION (3): Mr. Danila moved to nominate Art Carlson as Chairman of the East Lyme Commission for the Conservation of Natural Resources. Seconded by Ms. Heller. (5-0) Unanimous.**

- There were no other nominations.

**A vote was taken and Mr. Carlson was unanimously voted as Chairman of the East Lyme Commission for the Conservation of Natural Resources.**

Ms. Hardy asked for nominations for Secretary of the East Lyme Commission for the Conservation of Natural Resources.

**MOTION (4): Mr. Danila moved to nominate Penny Heller as Secretary of the East Lyme Commission for the Conservation of Natural Resources. Seconded by Mr. Beeman. (5-0) Unanimous.**

There were no other nominations.

A vote was taken and Ms. Heller was unanimously elected Secretary of the East Lyme Commission for the Conservation of Natural Resources.

#### IV. OLD BUSINESS

##### A. Distribution of Water Study Report.

**Presentation to Boards and Commissions.** Mr. Carlson felt the Aquifer Protection Committee Meeting went well.

Ms. Hardy felt it is necessary for us to protect the Aquifer Protection Zone.

Ms. Hardy reported the Board of Selectmen would like members of this Commission to attend its January 15 meeting at 7:30 p.m.

**B. Work on the Goodwin Trail.** Mr. Carlson asked the Town to mow and cut back the first quarter of a mile of the Goodwin Trail. He felt a cross country skiing area could be there. He is working with the Town Planner and Parks and Recreation. Ms. Hardy asked if there is a sign stating "No motorized vehicles" at that location. Mr. Carlson said there is. He reported a third Eagle Scout built an outhouse at the campsite.

**C. SustainabilityCT.org.** Ms. Heller reported she is working with Gary Goeschel on a map to have for the Community Engagement Workshop. It was felt individuals can mountain bike on property on Roxbury Road. Ms. Ashburn wants to work on the pedestrian part with her students. Ms. Heller is hoping if we proceed with the Bike Plan it will dovetail with traffic safety.

**D. POCD Update.** Mr. Carlson felt this Commission is having a positive impact. Ms. Heller would like the Agriculture Subcommittee to fill out the form provided by the POCD Update Subcommittee. Mr. Christensen was provided with the handouts from the prior stakeholders' workshop so he can respond.

**E. Solar Farm.** Mr. Danila previously reported there are seven owners of property south of the solar site and two have not agreed to allow us access on the property to place long-term water temperature recorders. They now have a better understanding of why we would like to access their property, and they may allow us to get on site to put in the monitors. The developers are trying to purchase properties.

#### V. REPORTS AND COMMUNICATIONS

**A. Communications.** Mr. Carlson received a letter from the RC&D Team requesting \$1500. Mr. Carlson would like to write a letter to them informing them we do not have enough in our budget.

**B. Agribusiness Subcommittee.** Mr. Christensen reported they would like to have the Potluck Supper on January 10 from 6 p.m. to 8:30 p.m., with a snow date of January 12.

Mr. Christensen stated oystering is agriculture under CGS Sec. 1-1(Q). The Selectmen have made a proclamation that the Town will support agriculture which includes aquaculture. The POCD supports aquaculture.

Mr. Christensen reported that house built in 1890 located on the Boston Post Road across from the Fire Department is slated for demolition. Members of the Historical Society plan to look at the house and salvage some furnishings. The POCD Commission has asked that the area the house is located in be an Historic District.

**C. Chairman's Report.** Mr. Carlson reported the Land Trust is working with Mr. Goeschel to delineate all the properties that the Land Trust either owns outright or holds an easement on it.

**D. Ex-Officio Report.** Ms. Hardy informed the Commission she is pleased that the Water Report has generated much interest.

## **VI. ADJOURNMENT**

**MOTION (5): Ms. Heller moved to adjourn the December 11, 2019 East Lyme Commission for the Conservation of Natural Resources at 8:15 p.m. Seconded by Mr. Danila. (5-0) Unanimous**

**Respectfully submitted,**

**Frances Gheri, Recording Secretary**