

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

**January 27, 2020**

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

**7:00 p.m.**

**Present:** Gary Upton, Chairman, Phyllis Berger, Rosemary Ostfeld, Theodore Koch, Don Phimister, Kristin Chantrell, David Schmitt, Sandy Gignac, Alt., Doreen Rhein, Alt.

**Absent:** Jason Deeble

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

**Call to Order:**

G. Upton called the meeting to order at 7:07

FILED

**Pledge of Allegiance:**

The Pledge of Allegiance was recited.

Jan 29 20 20 AT 11:00 AM/PM  
*(Signature)*  
EAST LYME TOWN CLERK

**I. Additions to the Agenda-none**

**MOTION: (Berger/Chantrell) to review applications; Town of East Lyme and Mel Wiese out of order. Vote: Approved Unanimously.**

**II. Public Delegations: none**

**III. Acceptance of Minutes:**

**A. Meeting Minutes of December 16, 2019 Special Meeting**

**MOTION (Ostfeld/Phimister) To approve the minutes of December 16, 2019 Special Meeting as presented.**

The commission clarified for the record the motion on page 3, of the December 16, 2019 which states:

**MOTION: (Berger/Upton) to require an application to the Inland Wetlands Agency for Roxbury Road LLC, Owner, for a Determination of Permitted/Non-Regulated Activity for a proposed 6-lot residential conservation subdivision at property identified in the application as Roxbury Road, East Lyme Assessor's Map 16.1, Lot 43. Vote: Approved. In favor-Berger, Upton, Ostfeld, Chantrell. Opposed-Phimister, Koch, Gignac. Abstaining-None.**

The agency, in requiring an application, extended its jurisdiction beyond the 100-foot area due to concerns about the erosion and sedimentation (E&S) controls and the historic nature of a cease and desist order for the property.

G. Goeschel reminded the members that when they make a decision, either for or against an application they need to state the reason for the approval or denial of a decision.

**Vote: Approved.**

#### IV. EX-OFFICIO REPORT-no report

#### V. PENDING APPLICATIONS:

**A. Application of the Town of East Lyme for the Realignment of Memorial Park Drive; Realignment of the Southern end of Memorial Park Dr. where it intersects Pennsylvania Ave.**

Bill Sheer, East Lyme Deputy Public Works Director presented the proposed realignment of Memorial Drive. He stated the proposed work is a safety issue and the solution will be an improvement. Memorial Drive will be constructed to intersect Oswegatchie Hills Road forming a T-intersect. He stated there are three wetlands in the area and they will be working in the upland review area. Existing catch basins will have filter fabric installed to catch any silt from the construction. There is a catch basin on the corner of Oswegatchie Hills Road and Pennsylvania Ave which over flows during heavy rain. An underground pipe which goes from the catch basin to the wetlands has been blocked for many years and contributes to flooding and erosion along the road. The pipe will be replaced and water will empty into the wetlands. There will be another catch basin installed to alleviate a large puddle that forms on the road when it rains.

The area between the two roads will be grassed which will make the area more permeable.

B. Sheer stated the impacts are not significant and the project is in the interest of public safety.

**MOTION: (Chantrell/Koch) to approve the application of the Town of East Lyme for the realignment of Memorial Park Drive with the conditions outlined in G. Goeschel's memo dated January 27, 2020. Vote: Approved Unanimously.**

**B. Application of Mel Wiese, Agent for Roxbury Road LLC, Owner, for a Determination of Permitted/Non-Regulated Activity for a proposed 6-lot residential conservation subdivision at property identified in the application as Roxbury Road, East Lyme Assessor's Map 16.1, Lot 43.**

Kyle Haubert, CLA Engineers representing the applicant described the property as 61.7 acres across from the town transfer station and they are taking their first split of the property. The remaining land will be 8.6 acres where they are proposing 5 lots, there will be 2.9 acres of open space. There is no work proposed in the regulated areas or in the upland review area. There will be direct access to the lots from Roxbury Road.

The perimeter of the proposed work will have a silt fence and the areas that are closer to the wetlands will also have hay bales. During construction the driveway cuts will have tracking mats to eliminate soil on the roads.

The project is a conservation subdivision with 34% of the property dedicated to open space. K. Haubert stated the town engineer approved the E&S controls. He stated that the fill brought in a few years ago did not change the delineation of the wetlands.

The wetlands have been delineated by a certified soil scientist.

Mel Wiese, applicant, stated he has been a resident in town for many years and is responsible for the construction of many of the town's improvements. He informed the members he purposely planned the project to be out of the regulated areas. He stated he

could have put many more houses on the property but he and his family will be living in one of the house.

**MOTION: (Phimister/Koch) to approve Based on these Findings in a memorandum from Gary A. Goeschel II, Director of Planning/ Inland Wetlands Agent, to the East Lyme Inland Wetlands Agency dated January 27, 2020, the Agency MOVES TO APPROVE the application known as Application of Mel Wiese, Agent for Roxbury Road LLC, Owner, for a proposed 6-lot residential conservation subdivision at property identified in the application as Roxbury Road, East Lyme Assessor's Map 16.1, Lot 43 and plans entitled "Proposed Residential Conservation Subdivision, Roxbury Road, East Lyme, Connecticut, dated November 25, 2019; prepared for Roxbury Road, LLC of 282 Franklin Street, Norwich, CT by; Kyle Haubert, P.E. of CLA Engineers, Inc.", and 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. 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 propose Limits of Disturbance (LOD) shall be strictly adhered to though out all phases of construction.**
- 4. Install Inland Wetlands tags provided by the Inland Wetlands Agency every 50-100 feet on center along the 100-foot boundary of the Upland Review Area.**
- 5. 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.**
- 6. Any changes to the site plan listed on this permit require notification to the Inland Wetlands Agent and may require Agency approval- a new plan incorporating said changes shall be given to the Agent before any work begins.**
- 7. No site work shall commence until all applicable conditions are satisfied.**
- 8. Notify Inland Wetlands Agent upon completion of all regulated activities for final inspection and sign off.**

**This approval is specific to the site development plan submitted as the Application of Mel Wiese, Agent for Roxbury Road LLC, Owner, for a proposed 6-lot residential conservation subdivision at property identified in the application as Roxbury Road, East Lyme Assessor's Map 16.1, Lot 43 and plans entitled "Proposed Residential Conservation Subdivision, Roxbury Road, East Lyme, Connecticut, dated November 25, 2019; prepared for Roxbury Road, LLC of 282 Franklin Street, Norwich, CT by; Kyle Haubert, P.E. of CLA Engineers, Inc.". Any change in the plan, development plan layout, or any modifications of this approval 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. In Favor-Koch, Phimister, Chantrell, Schmitt. Opposed-Berger. Abstaining-Upton, Ostfeld.**

## **VI. NEW BUSINESS:**

### **A. Election of Officers**

G. Goeschel called for nominations for Chairman. K. Chantrell nominated G. Upton. There were no other nominations.

**MOTION: (Koch/Phimister) to elect G. Upton for chairman of the East Lyme Inland Wetlands Agency. Vote: Approved Unanimously.**

G. Upton called for nomination for Vice Chairman of the commission. G. Upton nominated K. Chantrell. There were no other nominations.

**MOTION: (Upton/Koch) to elect K. Chantrell as Vice Chairman of the East Lyme Inland Wetlands Agency.**

G. Upton called for nominations for Secretary. R. Ostfeld nominated P. Berger. There were no other nominations.

**MOTION: (Ostfeld/Upton) to elect Phyllis Berger as Secretary of the East Lyme Inland Wetlands Agency. Vote: Approved Unanimously.**

## **VII. REPORTS**

### **A. Chairman's Report**

The agency will look at proposed regulation changes at the next meeting.

### **B. Inland Wetlands Agent Report-no report.**

### **C. 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 met with J. Pazzaglia and reported that a schedule will be submitted. He stated some material has been removed. He cautioned the members not to conflate or penalize J. Pazzaglia's application due to the violations on the Boston Post Road property.

J. Pazzaglia informed the members that he has made substantial progress and approximately 80-100 hours have been spent cleaning up the property. He stated the property has had either construction or lumber activities since the early 20's. Some of the larger pieces of equipment have trees growing in them and will need more time to get them out.

G. Goeschel stated the property owner has a valid permit to stockpile materials for construction use.

The members requested J. Pazzaglia take pictures of the progress as he removes items. They requested G. Goeschel continue his enforcement efforts.

**D. Correspondence-none**

**MOTION: (Upton/Koch) to take a 5-minute break. Vote: Approved Unanimously. 8:34**

T. Koch left the meeting. The meeting resumed at 8:40

Doreen Rhein was seated for T. Koch

**VIII. PUBLIC HEARING**

**A. Application of Harry Heller, Attorney/Agent for Pazz & Construction, LLC, Owner to conduct regulated activities in the upland review area in association with a proposed multi-family residential community on property identified in the application as N Bride Brook Rd, East Lyme Assessor's Map 09.0, Lot 37-2.** Harry Heller, 736 Rt. 32 Uncasville, representing Pazz & Construction and the project design engineer, Brandon Handfield, Yantic River Consultants representing the applicant introduced the project.

H. Heller stated the project was a 20-acre parcel located on the westerly side of N. Bride Brook Rd. and the easterly side of Interstate 95. He stated there was no direct impact to the wetlands.

The proposal is to build 108 residential units in 13 buildings. The project has municipal water and sewer access and received approval for sewer capacity to service the project.

H. Heller submitted prints of the proposed project. He stated the wetlands have been flagged twice, recently by James Sipperly. H. Heller stated the E&S controls have been approved by the town's engineer and follow the 2004 standards. When these controls are in place there will be no impact to the wetlands.

H. Heller stated there is an intermittent watercourse that intersects the parcel. It is approximately 1-8 feet in width and the application proposed no crossings or development in the watercourse.

The 108 residential units will be serviced by the towns water and sewer. The topography slopes from the northeast to the south corner of North Bride Brook Rd. The site will be built, bottom up-the storm water quality and detention basin will be constructed first. The detention basin has sandy soils and will easily handle the first 1-inch of rainfall. The basin is designed to accommodate a 100-year flood. There are a number of orifices to accommodate varying rain falls. The permeability of the basin is 85 feet per day, so there will be no standing water for long periods of time. The first flush of rain will infiltrate directly into the ground of the basin; larger rain events will discharge into the town's existing system on North Bride Brook Rd. The design is in accordance of the 2004 storm water quality manual. H. Heller stated the town's engineer has approved the storm water plan.

A maintenance schedule has been provided for catch basins and storm water structures during construction and permanently after the completion of construction. The buildings, paving and drainage will follow the construction of the drainage basin. H. Heller stated there are 3 buildings, a cul-de-sac and parking, situated in the upland review area. The runoff from the roofs of the 3 buildings will be captured and eventually directed to the existing watercourses. He stated the runoff of the buildings are in 2 different water divides. All the runoff from the paving is contained and

captured in the storm water drainage system and goes to the basin where it is treated and discharged into the environment.

H. Heller reviewed the elements for approval and determined the application met all the criteria for approval.

B. Handfield explained to the members that the buildings were arranged to take advantage of the grade of the land and that the configuration of the buildings was due to the boundaries of the sewer district.

H. Heller described the proposed buffer of the west side of the project which will consist of a New England wetlands plants and conservation wildlife mix.

G. Upton read the ground rules of the public hearing.

Chris Haney, 124 North Bride Brook Rd. stated the west side of the property floods from runoff and can be up to 5-feet deep. He stated the brook cannot take the water and North Bride Brook Rd. is closed annually due to flooding.

Kate Steele, 23 Rose Lane, asked about the capacity of the homes and if the water will be safe for any children that will be living there.

H. Heller stated there was a wet January and Fall season and no significant difference was noted in the watercourse.

B. Handfield explained the test pits that were dug. He stated at the site of the basin they went down to approximately 7-feet and no water was hit. They dug a larger hole to approximately 10-feet and there was no ground water. At the back end of the basin they hit ground water at 9 1/2-feet.

H. Heller stated that according to the town engineer the water in the intermittent stream was degraded.

Kate Steele, 23 Rose Lane suggested the commission use technology to view materials presented during the meeting.

B. Handfield informed members that the drainage system was actually designed for a flood event greater than a 100-year event by installing a swale to capture any overflow from the basin.

**MOTION: (Ostfeld/Berger) to leave the Public Hearing open until a special meeting on February 24, 2020. Vote: Approved Unanimously.**

**IX. NEW BUSINESS (continued)**

**A. Request of Gateway Development/East Lyme, LLC for release of \$62,500.00 in bonds for Gateway Development/East Lyme, LLC (Resi 1) for Gateway Commons Residential Phase 1 Project at Ancient Highway, 286, 284 and 282 Flanders Road, Flanders Road and portions of East Society Road. Said bond being an erosion and sedimentation control bond.**

No discussion

**B. Request of Gateway Development/East Lyme, LLC for release of \$68,000.00 and \$50,000.00 in bonds for Gateway Development/East Lyme, LLC for the proposed retail development for Costco Wholesale Corporation (COSTCO) at 0, 282, 284, and 286 Flanders Road, East Lyme. Said bond being for screening**

**vegetation and conservation grass mix to be released upon the planting plan achieving an 80% survival rate after two (2) full growing seasons.**

No discussion

**C. Application of Toby and Glenn Knowles, Owner; for the proposed construction of a patio, correction of water runoff and wetlands restoration at property identified as 21 Brightwater Road, Niantic, East Lyme Assessor's Map 5.19, lot 58.**

G. Knowles stated that he is looking to address the ongoing water issues on his property, install a patio and to modify the wetlands. He states that water puddles in two places on his property. He would like to install a rain gutters to take water away from house to the wetlands. He proposes to grade the property so the runoff goes into the swale. A rain garden is proposed to handle 500 gallons of water and into the wetlands. G. Knowles plans to install a patio and seed wetter areas with non invasive plants. He has discussed his plans with the neighbors and they are supportive.

G. Goeschel stated the property is basically a wetland. The previous owner was denied 3 times for a building permit due to the wet conditions. The owner appealed the decision and came back for approvals and was issued a permit.

**MOTION: (Upton/Berger) the application does not require a public hearing.**

**Vote: Approved Unanimously.**

**G. Goeschel was directed to schedule a site walk and review the plans with the town engineer.**

**MOTION: (Chantrell/Ostfeld) to cancel the February 10, 2020 Regular Meeting and schedule a special meeting for February 24, 2020. Vote: Approved unanimously.**

**X. Old Business: None**

**XI Adjournment**

**MOTION: (Upton/Berger) to adjourn at 10:38. Vote: Approved Unanimously.**

**Respectfully Submitted**

**Sue Spang  
Recording Secretary**