

**EAST LYME INLAND WETLANDS AGENCY
REGULAR MEETING MINUTES
February 24, 2020
East Lyme Town Hall, 108 Pennsylvania Avenue,
East Lyme, Connecticut
Upper Meeting Room
7:00 p.m.**

FILED

Feb 24 20 20 AT 2:00 AM/PM
[Signature]
EAST LYME TOWN CLERK

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

Absent: none

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

Call to Order:

G. Upton called the meeting to order at 7:09

- I. ADDITIONS TO THE AGENDA-T.** Koch requested changing the upland review area from 100' to 200' be added to the agenda.

MOTION: (Ostfeld/Chantrell) to add discussion of the proposed change to the agenda

Vote: Approved Unanimously.

MOTION: (Koch/Upton) to add review of the proposed regulations to New Business, item

B. Vote: Approved Unanimously.

II. PUBLIC HEARINGS

- 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.**

(T. Koch steps down and D. Rhein is seated)

Attorney H. Heller, 736 RT. 32, Uncasville reviewed the application and proposed activity. 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. There will be no crossing of a wetland or any activity in the wetlands or watercourse. 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.

H. Heller stated there is an intermittent watercourse that intersects the parcel.

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.

H. Heller stated there are 2 buildings and part of a 3rd, a cul-de-sac and parking, situated in the upland review area (URA). The runoff from the roofs of the 3 buildings will be captured and eventually directed to the existing watercourse or the drainage basin, and eventually into the towns storm water system. 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.

James Sipperly, certified soil scientist stated the area had previously been flagged. In 2019 he conducted and delineated the wetlands. He described the wetlands as a narrow, intermittent water course approximately 1-3 feet wide with a depth of 4 inches to a foot. J. Sipperly stated the bedrock is controlling the course of the wetlands and the soils are poorly drained in that area. He described the existing growth in the area as healthy with no invasive species. J. Sipperly stated with the proposed Erosion and Sedimentation controls (E&S) in place there will be no direct impact to the wetlands or upland review area. He has been to the site three times and there has always been flow in the wetland. Brandon Handfield, project engineer stated that the installation of rain gardens for the 3 buildings in the URA would not work due to the shallow depth to bedrock and could actually cause flooding in that area. He stated there are proposed green spaces placed where possible to provide filtration and recharge.

G. Goeschel stated that he would like to correct a statement he made in a newspaper article in the Day paper. He stated he was quoted as saying a hundred-year storm was 6.6 inches, he clarified that the plan submitted is designed for 7.2 inches for a hundred-year storm.

S. Sipperly does not believe there will be significant impact to the wetlands by any blasting as the make up of the rock ledge is solid, with no fractures or layered rocks.

B. Handfield stated the site runoff minus the 2 ½ buildings in the URA will go to an enclosed system. The first ½ inch of rain will be filtered through the berm and then to the basin which will infiltrate to the ground. The soil types in this area can handle 50 feet per day. The system is designed to handle 5 to 100 year storms. The water will flow out of orifices which are placed at various levels in the detention basin. The overflow will go to a 15" pipe connection, across the road and into the town storm water system. The 24-hour flow will be at or below the existing conditions.

H. Heller stated the housing will be rental and the property owner will be responsible for maintenance. He did not know what, if any chemicals will be used to power wash the buildings. He stated it is highly unlikely power washing will effect the wetlands. The vegetative buffer along the wetlands will treat runoff from the 3 building roofs and any water from power washing will be absorbed by the buffer.

The snow removal will consist of an 80/20 sand salt mix and in the event of a snow storm a pretreatment is usually put down before it snows.

The agency questioned the water and sewer limit lines and if they or the applicant can request a change in the line to accommodate building in that area which would be outside the URA. G. Goeschel stated it would be a long consuming process which would eventually go to the Board of Selectmen.

J. Sipperly stated that the water and sewer commission probably looked at many factors when deciding the lines, including topography.

G. Upton called for public comment.

Lisa McGowen, 33 Spinnaker, listed a number of affordable housing units in the area such as; Bride Brook nursing and rehab, the prison, HEPA units, and the Rocky Neck Motel. She stated there was plenty of affordable housing in this area. L. McGowen stated that the intermittent stream eventually goes to Bride Brook and eventually to Rocky Neck

and should be considered when making a decision. She stated that Bride Brook is an alewife habitat and breeding water.

Nancy Kalal, 80 Grassy Hill Rd. agreed that the URA should be increased. She encouraged the agency to look at the bigger picture and stated that Bride Brook is a spawning ground for the alewife which is a critical food supply for larger fish. N. Kalal discussed the project on Walnut Hill Rd that effected the wetlands farther away in Latimer Brook. She stated detention basins do not work well and referenced the detention basin behind Costco. J. Pazzalia has clear cut a project on Pattagansett Lake and that is a red flag for her and how this project would be managed.

H. Heller reminded the agency of their responsibility and their limits of review. He stated there was expert testimony presented on the absence of adverse impacts on the wetlands. He stated they testified there was no adverse impact and the project was designed to negate environmental impacts. H. Heller stated the project meets the regulations and should be permitted.

J. Sipperly stated the public cannot comment on the affordable housing or the wildlife aspect of the application.

G. Goeschel stated those issues should be presented to the zoning commission. The presentation shows the drainage will ultimately be going to Bride Lake and could potentially impact Rocky Neck, Bride Lake is a reservoir for spawning alewives. Considering the amount of water in Bride Lake does the sand to salt ratio adversely effect the wetlands? He stated that would be a question for an engineer or soil scientist.

H. Heller stated the project was designed and certified by a professional engineer, the E&S controls meet the 2004 storm water standards. There is a comprehensive drainage report submitted and the municipal engineer is satisfied with the report.

B. Handfield stated there are no changes to the storm water leaving the site, it is consistent or less than what is there now. He stated the project is a low impact design which allows the runoff to get to the green areas as fast as possible and into the natural hydrologic conditions. Approximately 90% of the water off the impervious surfaces will get absorbed.

The thermal heat of the rain on the roofs of the 2 ½ buildings in the URA will go back to the ground and into the proposed vegetative buffer before getting to the wetlands. The closest distance to the wetlands from a building is 40'. H. Heller stated the thermal impact is not significant.

The flow of the water on the site pre and post conditions were explained. H. Heller stated that due to the impervious surface post conditions the runoff has been increased. But, because the storm water will be captured in the detention basin the water will be decreased to the town storm water system.

A planting plan will be submitted when the application goes to the planning commission.

MOTION: (Schmitt/Chantrell) to close the public hearing for 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. Vote: Approved Unanimously.

(T. Koch returns to be seated)

III. PUBLIC DELEGATIONS: none

IV. ACCEPTANCE OF MINUTES:

Meeting Minutes of January 27, 2020 Regular Meeting

MOTION (Koch/Berger) To approve the minutes of January 27, 2020 Regular Meeting as presented. Vote: Approved Unanimously.

- V. EX-OFFICIO REPORT-**Selectman Dagle informed the agency that the Public Safety Building project has gone out to bid. The Harbor Management Plan has been approved and the town is now in budget season.

VI. PENDING APPLICATIONS:

- 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.**

(D. Reich is seated; T. Koch steps down)

K. Chantrell expressed concern about the runoff from the 3 buildings closest to the wetlands. The thermal effect of the runoff from the buildings was discussed. G. Goeschel pointed out that when there is a rain event there will be clouds preceding it and therefore cooling off the roof. The building will provide shade along with the tree canopy on the west side of the wetland.

R. Ostfeld, Earth and Environmental Science, MA, Land Economy, Ph.D. and professor at Wesleyan, stated she is not convinced there will be no environmental impact. She is concerned about the amount of impervious surface on the site. The U.S. Geological Survey states that 10% of impervious surface can lead to negative impacts on water quality. The proposed project has significantly more than that. She stated the water body is already impaired which was stated by H. Heller. It is the agency's duty to protect and insure the water body is not further degraded. She believes the project has the potential to exacerbate water quality issues in the town. According to the East Lyme Water and Sewer Dept., in 2019, well production was 1.783 million gallons per day and 43% of that is contributed by Bride Lake aquifer. The project is located in the Bride Lake aquifer and that could effectively impact 776,690 gallons of the towns drinking water supply if the project has significant impact. There is discrepancy between the application and what the residents brought up at public hearing. She questioned if the design was sufficient, considering the concerns of the public. She stated the surveys were conducted during the summer when water flow is low. It is likely the project will have significant impact due to the impervious surface.

The issue of sewer and water boundary lines was brought up, G. Goeschel reiterated the process would be cumbersome and the applicant had already asked if the line could be reconsidered.

The conservation and natural resource commission states that the drinking water supplies have sodium levels that are too high. R. Ostfeld stated the salt being applied in snow events could impact those levels.

G. Upton questioned what the project would look like financially if the 3 buildings were not part of the project.

G. Goeschel will draft a resolution considering the concerns of the agency.

B. 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.

(T. Koch returns to be seated)

Glenn Knowles presented plans for a patio, modification of the wetlands and grade to divert water into the wetlands away from the house. They will put gutters on half the house and pipe the water into the wetlands at the low point of the property. A flow diffuser will mitigate the impact to the wetlands from water exiting the pipe. G. Knowles estimates 250 gallons would be directly transiting the pipe in a 1" rain event. The reused topsoil from grading and the patio will be used to grass the area towards the wetland. A gentle swale will be installed to direct water flow. A rain garden will be added to the upland side of the wetland to mitigate additional water flow. The size of the rain garden will be approximately 100 square feet and 8" deep, treating up to 500 gallons of water.

The patio will be directly behind the house and constructed of UNILOCK pavers. A low wall will be constructed at the edge of the wetland to provide a defined border. The modified wetlands will be planted with native wetland plants. There will be approximately 900' of wetlands disturbance.

There is an outside shower that infiltrates to the ground.

G. Goeschel stated the project will enhance the wetlands. He will have the comments from the town engineer for the next meeting.

VII. NEW BUSINESS:

A. Request of John Bialowans for release of \$5,000.00 bond for 57 Walnut Hill Road, Est Lyme. Said bond being an erosion and sedimentation control bond.

G. Goeschel stated the work has been completed for a number of years and the site is stable.

MOTION: (Berger/Ostfeld) to release the \$5,000.00 bond for John Bialowans, 57 Walnut Hill Road, East Lyme. Said bond being an erosion and sedimentation control bond. Vote: Approved Unanimously.

B. East Lyme Inland Wetlands Agency Regulation Revision Discussion

Members discussed the proposed changes and additional changes they would like to have included in the draft proposal.

- Add provision for signage when there is a public hearing based on the zoning regulation language
- Add provision of notification of abutters when there is an application
- Add a 200 foot URA
- Define vernal pool
- Define minor activities the WEO can approve without agency
- Include language for regulated slope area
- Define minimal impact

G. Goeschel will draft proposed language and asked members to email him any additional requests.

VIII. OLD BUSINESS-none

IX. REPORTS

A. Chairman's Report-none

B. Inland Wetlands Agent Report-no report.

C. Enforcement

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 presented photos of the progress on the property. He stated there was a significant amount of garbage/items moved away from the shore. There is still a stockpile in the middle of the property. G. Goeschel suggested to J. Pazzalia that he should come to the agency with an application requesting a permit.

D. Correspondence-none

X. ADJOURNMENT

MOTION: (Schmitt/Berger) to adjourn at 10:20. Vote: Approved Unanimously.

Respectfully Submitted

**Sue Spang
Recording Secretary**