

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

July 13, 2020

Remote Participation by ZOOM due to Covid 19

7:00 p.m.

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

Also Present: Gary Goeschel, Director of Planning/Inland Wetlands Agent, Jennifer Lindo, Administrative Assistant, Paul Dagle, Liaison from BOS, Mark Zamarka, town attorney.

Doreen Rhein was seated

FILED

July 16 20 20 AT 11:30 AM/PM
[Signature]
EAST LYME TOWN CLERK

CALL TO ORDER:

The meeting started at 7:11

G. Upton introduced staff and members. Members introduced themselves and cited their education and qualifications.

I. ADDITIONS TO THE AGENDA

MOTION: (Chantrell/Schmitt) to amend the agenda to only include the public hearing and the Governors order 7M to extend to the 90-day time period for any matters due to COVID19. Vote: Approved Unanimously.

MOTION: (Schmitt/Berger) move that East Lyme Wetlands Agency adopt the Governors regulation, 7M per advice of council to allow the agency to extend to 90 days any matters. Vote: Approved Unanimously.

II. PUBLIC HEARINGS:

1. Application of the Town of East Lyme Inland Wetland Agency for a text amendment to amend section 2.1 of the East Lyme Inland Wetland Regulations to change the Definition of a "Regulated Activity" by enlarging the distance of the boundary for a regulated activity from 100' from an inland wetlands and/or watercourse to 500'.

G. Upton stated the rules of the Public Hearing. G. Upton started the public hearing at 7:32. G. Goeschel read the Public Hearing notice (Exhibit C) which was published in the Day paper on July 1, 2020 and July 9, 2020. G. Goeschel listed the agency's public hearing exhibits A-Y:

A	Inland Wetlands Agency Regulation Change Text
B	Inland Wetlands Agency Referral Letter Sent 6/5/2020
C	Public Hearing Legal Notice and Legal for Regulation Change
D	DEEP Receipt of Reg Change and Notice dated 6/5/2020
E	Letter of Support from Natural Resources dated 6/4/2020
F	Map of 100' Upland Review Area
F1	Map of 100' v 500' Upland Review Area
G	Map of 100' v 500' Upland Review Area APA & Aquifer
H	List Serve Responses
I	CT DEEP IWWR 22a-39

J	CT DEEP Enforcement Flowchart 2015
K	CT DEEP Soil Scientist Qualifications
L	CT DEEP Disturbed Soils Guidance 2015 NRCS
M	CT DEEP Application 2015
N	CT DEEP Flowchart Timeline for Regulation Amendments 2015
O	CT DEEP 2006 IW Model Regulations Final 4th Edition
P	CT DEEP 1997 Upland Review Document June 1997
Q	CT DEEP 2015 Regulation Advisory
R	2013 Revised Permit Time Frames Chart
S	CT DEEP 2012 Regulation Advisory PDF
T	CT DEEP 2011 Regulations Advisory
U	Legislation Regulations Advisory Letter
V	CT DEEP 2009 Advisory PDF
W	CT DEEP 2006 Regulations Advisory PDF
X	CT DEEP 2007 Regulations Advisory PDF
Y	Permit Revocation Flow Chart 2015

Town Attorney, Mark Zamarka gave background on the purpose and responsibilities of the Inland Wetlands Agency. He informed the public that there is a legal precedent for increasing the Upland Review Area (URA) but the increase and benefit has to be supported by substantial evidence. He stated there was a procedure for amending the Agency's regulations.

G. Upton read section 1.1 of the East Lyme Inland Wetlands Agency regulations which gives the title and authority to the Agency.

K. Chantrell said the agency has an obligation to protect the wetlands and watercourses and listed other towns that have increased their URA. She believes that vernal pools especially should be protected.

T. Koch stated his reason for wanting to increase the URA was the declining quality of the town's drinking water as the sodium levels are increasing.

R. Ostfeld cited the submission by the town's conservation committee. She stated there are costs for not protecting the town's surface water which is eventually ground water and drinking water. She mentioned the cost for the town's recent remediation of it's drinking supplies/wells from manganese and iron.

Public Comments:

Cheryl Lozanov, 9 West Society Rd, 90 West Rd.- is in favor of the text amendment change.

Robert Pfanner, 2 Surrey Lane-opposed to the text amendment change.

Camile Alberti, 7 Darrows Ct., - supports the agency

Maddie Anthony, 13 Plants Dam Rd-in favor of the text amendment change.

John Anthony, 13 Plants Dam Rd- in favor of the text amendment change.

Tom Kalal, 80 Grassy Hill Rd- in favor of the text amendment change.

Justin Dauber, 21 King James Dr.-ask the agency to go back and look at other options.

Paul Geraghty, attorney for English Harbour Asset Management LLC- opposed to the text amendment change.

Margaret Minor, prior director of the Rivers Alliance- in favor of the text amendment change.

Pat Young, 8 Mile River Watershed-suggested the Agency give more information on why they w
the regulation change. She suggested collaboration with the Zoning Commission and possibly usi
overlay zones.

Harvey Beeman, member of the East Lyme Commission for Conservation of Natural Resources (CC,
in favor of the text amendment change.

Brian Lepkowski, 27 Green Valley Lakes Rd.- in favor of the text amendment change.

Joe Mingo- opposed to the text amendment change.

Robert Pfanner, 2 Surrey Lane-submitted additional questions.

Justin Dauber, 21 King James Dr.-is for water quality but has seen no evidence for the increase to 500'

The following exhibits were entered into the record.

Z	Letter from Attorney Timothy Hollister
AA	Memorandum from East Lyme Planning Commission with Minutes of 7/7/2020 meeting
BB	Letter from B Picazio
CC	Letter from J Daubar
DD	Letter from J Mingo
EE	Letter from J Vilcheck
FF	Letter from J Pronsky Brothers
GG	Letter from N Peck
HH	Letter from P Butterfield
II	Letter from G Booth
JJ	Letter from L Higgins
KK	Letter from D Lepkowski
LL	Letter from M & R Goss
MM	Letter from A Lepkowski
NN	Letter from East Lyme Zoning Commission
OO	Letter from R Blatt with Attachments
PP	Letter from R Ambrico
QQ	Letter from C Russell
RR	Letter from N Barwikowski
SS	Letter from D Lepkwoski
TT	Letter from B Lepkowski
UU	Letter from M Anderson
VV	Letter from N Anderson
WW	Letter from Attorney Ted Harris
XX	Letter from M Schmitt
YY	Letter from M Shugrue

ZZ	Letter from L Engelman
AAA	Letter from M Lepkowski
BBB	Letter from A Basu
CCC	2018 Drinking Water Report Natural Resources
DDD	Letter of Margaret Miner
EEE	State Statute
FFF	Letter from M Anthony
GGG	Minutes of the East Lyme Inland Wetlands Agency May 18 and June 8, 2020
HHH	Letter of D Diehl

MOTION: (Berger/Chantrell) to take a short break. Vote: Approved Unanimously. 9:30-9:40.

P. Dagle, BOS liaison thought the URA should have some increase but the justification for the increase is key. He stated the public's questions should be addressed.

Cheryl Lozanov, 9 West Society Rd -stated the agency should look at how this proposed regulation would affect other regulations.

The following exhibits/letters were read into the record:

Attorney Zamarka, referenced R. Blatt's letter which states that Chairman Upton and Vice Chairman Chantrell have a conflict of interest and therefore should recuse themselves. Zamarka stated it was up to the individual member to determine if they can be fair and impartial. G. Upton stated he does not have a predetermined position and has 30 acres in town that would be effected if the text language was adopted. K. Chantrell stated she does not have a predetermined bias and the Cease and Desist order against her was fully satisfied and she restored the area in question.

Attorney Zamarka suggested the Agency take in the information they received from the public and decide if there is sufficient evidence in the record to constitute a change in the regulations and then decide if the Public Hearing stay open or to close it.

MOTION: (Schmitt/Berger) to keep open the Public Hearing until the August 10, meeting. Vote: Approved. In favor-Chantrell, Berger, Ostfeld, Koch, Phimister, Schmitt, Rhein. Opposed-Upton. Abstaining-none.

MOTION: (Upton) to enter minutes from the agency's meetings from January 1, 2019 until the present. Motion failed for lack of a second.

MOTION: (Chantrell/Upton) to enter the minutes from the last two meetings into the Public Hearing. Vote: Approved Unanimously.

MOTION: (Chantrell/Schmitt) to schedule a special meeting for the show cause hearing and the Creek Rd /21 Marshfield Rd application for 6:00 PM, on August 10, 2020. Vote: Approved Unanimously.

G. Upton read Chapter 444, 22A-44A of the Connecticut General Statutes.

2. ADJOURNMENT:

MOTION: (Schmitt/Phimister) to adjourn at 11:35. Vote: Approved Unanimously.

Respectfully Submitted

Sue Spang
Recording Secretary

2020 JUL 13 11:00 AM