

**EAST LYME INLAND WETLANDS AGENCY  
REGULAR MEETING MINUTES  
AUGUST 9, 2021  
7:00 p.m.**

**EAST LYME TOWN HALL, MAIN MEETING ROOM**

**Present:** Gary Upton, Phyllis Berger, Kristen Chantrell, Doreen Rhein, Jason Deeble

**Absent:** Don Phimister, David Schmitt, Sandy Gignac, Alt., Gregory McIntire Alt.

**Also Present:** Gary Goeschel, Director of Planning/Inland Wetlands Agent, Paul Dagle, BOS liaison

**CALL TO ORDER:**

The meeting started at 7:02

**I. PLEDGE OF ALLGIANCE:**

The Pledge was recited.

FILED

Aug 16 2021 AT 3:05 AM/PM  
(Signature)  
EAST LYME TOWN CLERK

**II. ADDITIONS TO THE AGENDA-none**

**III. PUBLIC DELEGATIONS-none**

**IV. PUBLIC HEARINGS**

- A. Application of Howard W Hale, Applicant, Habitat for Humanity, Owner, to conduct regulated activities, including but not limited to construction of two new proposed single-family dwellings and associated appurtenances at property identified in the application as 99, 101, and 103 S Beechwood Road, East Lyme Assessor's Map 01.14, Lots 43,42, and 41.**

The public hearing started at 7:10.

G. Goeschel read into the record a list of Exhibits:

- a) Application of Howard Hale to construction of two new proposed single-family dwellings and associated appurtenances at property identified in the application as 99, 101, and 103 S Beechwood Road, East Lyme Assessor's Map 01.14, Lots 43,42, and 41.
- b) Landowner authorization letter dated July 2, 2021, from Habitat for Humanity
- c) Written narrative in support of the application dated July 6, 2021, from Suzanne P. Choate, P.E.
- d) List of abutters
- e) Soils report by Ian T. Cole, Registered S.S. dated April 29, 2021
- f) Stormwater computations by Suzanne Choate dated July 6, 2021
- g) Statewide Inland Wetlands and Watercourse Activity Reporting Form
- h) Certificate of mailing notice to abutters dated July 23, 2021
- i) Legal notice of Public Hearing registered with the town clerk, dated July 16, 2021
- j) Legal notice of Public Hearing dated July 28, 2021, and August 5, 2021, published in the Day newspaper
- k) Site development plan titled, 99, 101 and 103 S. Beechwood Road site application dated July 6, 2021, by Suzanne Choate
- l) Response Comments from Bill Sheer, town engineer and deputy director of public works
- m) Site development plans revised July 6, 2021, thru August 3, 2021, by Suzanne Choate
- n) Email from Suzanne Choate dated August 6, 2021, product catalog for catch basins
- o) Email from Bill Sheer on updated plans dated August 5, 2021

Suzanne Choate, P.E., Design Professionals on behalf of the applicant Howard Hale. The proposal is for two houses on three lots. The third lot will be used for wetlands mitigation and combined with the second

lot. There are .04 acres of wetlands disturbance, and .015 acres of disturbance in the Upland Review Area (URA). She stated the entirety of the property is in the URA. She has met with the town engineer and addressed the concerns he had and made the requested changes. She stated there are two lengths of pipe, one behind each house to convey the flow of water and the addition of an inflow pipe within the existing wetland which will lead to a yard drain and a catch basin in the road and then to a drainage ditch and an existing catch basin. They are installing E&S controls. The engineer has reviewed the revised plans and they have discussed some issues which can be conditions of approval.

Ian T. Cole Registered Soil Scientist., stated the wetlands bisects all three properties. The mitigation will include 43 shrub plantings. The mitigation will be a 1:1 ratio and will enhance the area. He said the wetlands are of low quality and have been created in part due to past development. Due to the limited functions and values of the existing wetlands the proposed development and mitigation will enhance the area.

#### Public Comment (7:28)

Robert E. Vancour, 107 S. Beechwood Rd. was in favor of the proposed development. He gave a history of the property. He described a heavy rain situation which starts at a vernal pond and then overflows down on to other properties. He stated the overflow can cause standing water on the proposed lots which creates a mosquito problem. He has a pipe in his yard for drainage and suggested the proposed pipe for the development tie into his. R. Vancour suggested they design the system so the water drains into the town system to eliminate standing water in the winter which turns to ice and creates a safety issue. He has never had any issues with flooding in his back yard. R. Vancour also suggested the applicant get a variance to place the house closer to the road so they may have a larger backyard. He submitted his testimony, records of the variance the property received, the wetlands permit and pictures of the property he stated were on record with the town. G. Goeschel will mark them as Exhibit "p".

Margery Goodstein, 100 Laurelwood Dr. asked who the developer was, who owns the property now and if the sale of the property is contingent on the wetland's approval.

Mark Goodstein, 100 Laurelwood Dr. asked about the 1:1 ratio for mitigation and would that ratio set a precedent for future application as opposed to a 2:1 ratio.

G. Goeschel answered there is nothing in the regulations about the amount of wetlands mediation for properties. He stated there was case law in the town that states if the town has designated a lot as a buildable lot, then the owner has the right to develop it.

John Bialowans, 61 Walnut Hill Rd., is opposed to the application. He said the property is all wetlands and if the Agency approves the application against all their regulations, then he will be applying for similar developments. He asked what the wetlands on the property are classified as. J. Bialowans described his history with Habitat for Humanity. He presented his testimony as Exhibit "Q".

S. Choate informed the members the town engineer asked them not to connect the pipes and each pipe would be owned by and be the responsibility of the property owner. There will be a pipe disconnect between them and the pipe from the north will not be blocked.

I. Cole said the benefit to a break in the pipes is the additional treatment areas and renovation treatment before it gets into the wetland and the next pipe. He said flooding is exacerbated by the existing pipe. In 1995 the wetlands were filled in; the pipe was installed, and fill placed over it. The proposed system is much different. IIC said the wetlands classification is palustrine forest.

S. Choate said the roof runoff will be at grade and go into the lawn. The proposed pipe will drain into the existing drainage ditch but will not drain the wetlands, any runoff will be directed to the drainage ditch and then to the catch basin. The pipe in the road is a slotted pipe which will help in getting the water downstream.

I. Cole said the invasive plants along the road which are pulling the trees down will be cleared.

Robert Vancour, 107 S. Beechwood Rd., talked about the width of the road and the public right of way.

Mark Goodstein, 100 Laurelwood Dr. asked what happens when the pipes get clogged. He wanted to know how the water is going to get from one pipe to the next.

S. Choate stated the ground is graded to direct the water to the next pipe.

G. Goeschel stated there could be a maintenance plan for the pipes as a condition of approval.

Robert Vancour, 107 S. Beechwood Rd., said in his 17 years at his house, his pipe has never gotten blocked. He said during a very heavy rain the velocity of the water scours the pipe clean.

Howard Hale, 100 S. Beechwood owns property across the street and wants to develop the property. He said he and his neighbors maintain their property. If a pipe became clogged, they would take care of it. He said he did not know if he would buy the property if it were not approved.

John Bialowans, 61 Walnut Hill Rd., said maintenance agreements do not work and repeated his question of the soil classification. He has never seen town pipes used to drain wetlands.

I. Cole repeated that it was a palustrine forested wetland with Ridgebury Glacial till that seasonally floods.

John Bialowans, 61 Walnut Hill Rd., said he never heard of a forest wetland.

G. Goeschel read portions of the 2015 soils report for the property.

P. Dagle asked the following questions:

- What is the current flow of water off the current lot?
- What is the projected flow of water after the proposed development?
- Will the slotted pipe run the length of the road to the storm drain system?
- Will the velocity of the water going into the ditch be higher than what it is now?

S. Choate answered that they did an analysis of a 10-year storm event and currently the flow is .8 cfs and post development will be 1.15 cfs. The pipe that will be installed for overflow will except .36 cfs which is slightly over what the increase is. She informed the members that the topsoil will be stripped and stored on site; she does not expect any additional topsoil brought in but there will be fill brought in.

John Bialowans, 61 Walnut Hill Rd., said he always understood that water on a person's property stayed on the property and not channeled into a town catch basin.

G. Goeschel pointed out Sheers comment number 3 on his August 6, 2021, response for the plans to show in bold that the proposed 15" HDPE pipe going from the yard drain to the Catch Basin state that the structures are privately owned.

**MOTION: (Deeble/Upton) to close the public hearing for Application of Howard W Hale, Applicant, Habitat for Humanity, Owner, to conduct regulated activities, including but not limited to construction of two new proposed single-family dwellings and associated appurtenances at property identified in the application as 99, 101, and 103 S Beechwood Road, East Lyme Assessor's Map 01.14, Lots 43,42, and 41. Vote: APPROVED unanimously (8:49)**

## V. ACCEPTANCE OF MINUTES

### A. Meeting Minutes June 10, 2021

**MOTION: (Berger/Upton) to approve the June 10, 2021, Regular meeting as presented.**

**Vote: APPROVED unanimously.**

### B. Meeting Minutes June 12, 2021

**MOTION: (Berger/Chantrell) to approve the June 12, 2021, minutes as amended.**

The meeting started at 7:025

**Absent:** Sandy Gignac Jason Deeble, Alt.,

**Vote: APPROVED. In favor-Upton, Chantrell, Rhein, Berger. Opposed-none. Abstaining-Deeble**

## VI. EX-OFFICIO REPORT

P. Dagle reported that the BOS, approved allocation of funds from the American Recovery Act. A town meeting approved funding for the roof at the Public Safety Building.

## VII. NEW BUSINESS-none

### **VIII. PENDING APPLICATIONS**

- A. Application of Howard Hale., Applicant/ Habitat for Humanity, Owner, to conduct regulated activities, including but not limited to construction of two new proposed single-family dwellings and associated appurtenances at property identified in the application as 99, 101, and 103 S. Beechwood Road, East Lyme Assessor's Map 07.13, Lots 43, 42 and 41.**

G. Goeschel offered to draft motions for and against with the engineers' comments added as possible conditions of approval. He read the definition of significant activity, reminded the members of the mitigation and said if the applicant changes the footprint or grading, they may have to come back for approval. G. Goeschel said the lots are building lots of record, so the owner has a right to build. The lots may have been approved before the Clean Water Act. The Agency decided they would like more time to consider the application.

- B. Application of the East Lyme Inland Wetlands Agency to amend the East Lyme Inland Wetlands and watercourses Regulations to add Section 9.3 Requiring the posting of a sign for applications requiring a public hearing. (Public Hearing scheduled for September 13, 2021)**

Public Hearing scheduled for September 13, 2021

### **IX. OLD BUSINESS-none**

### **X. REPORTS**

- A. Chairman's Report-no report**

- B. Inland Wetlands Agent Report**

**i. Administrative Permits-provided to the Agency**

**ii. Commission Issued Permits-none**

- C. Enforcement**

G. Goeschel reported he is following up with Herster Drive. The demolition of a building on Rt. 161/Mostoway Rd was ordered taken down by the building inspector. He discussed it with the owner and the owner stated there was nothing G. Goeschel could do about it because of municipal estoppel. G. Goeschel will work with the owner to clean up the area.

G. Goeschel went to the Weiss site and stated he did not issue an order because Weiss was working within the permit granted to him by the Agency.

The members asked about the gas station permit, which was granted by the WEO and which the Agency revoked. G. Goeschel reminded the members of the town attorneys letter stating the Agency did not have the authority to revoke the WEO's permit. G. Goeschel stated that the Agency should discuss guidelines concerning administrative permits. The Agency would like to have it added to the next agenda for discussion.

- D. Correspondence-none**

### **X. ADJOURNMENT**

**MOTION (Berger/Deeble) to adjourn at 9:22. Vote: APPROVED unanimously.**

**Respectfully Submitted  
Sue Spang  
Recording Secretary**

**2021 Meeting dates:  
September 13, October 18, November 8, December 13.**