

**EAST LYME INLAND WETLANDS AGENCY  
SPECIAL MEETING MINUTES OF MONDAY OCTOBER 4, 2021  
7:00 P.M.  
East Lyme Town Hall, Main Meeting Room**

**Members Present:**

Kristen Chantrell, Vice Chairman; Phyllis Berger, Secretary; Doreen Rhein, Don Phimister, David Schmitt

**Absent:**

Gary Upton, Chairman; Jason Deeble; Paul Daigle, Ex Officio

**Also Present:**

Gary Goeschel, Director of Planning/Inland Wetlands Agent  
Howard Hale  
Paul Geraghty, Esq. Cold Spring Lot Management

FILED

Oct 6 2021 AT 11:40 AM/PM  
*Karen M. Hulm*  
EAST LYME TOWN CLERK

**CALL TO ORDER:**

Vice Chairman Kristen Chantrell called the Inland Wetland Agency meeting of October 4, 2021 to order at 7:00 p.m.

I. **PLEDGE OF ALLEGIANCE:** Observed

II. **PUBLIC DELEGATIONS:** None

III. **PUBLIC HEARINGS:**

- A. **Application of Kristen Clarke, P.E. for Cold Spring Lot Management, LLC/John Drabik, Owner, for Nottingham Hills Subdivision Phase 5, Prepared for Kristen T. Clarke, P.E. English Harbour Asset Management, LLC, for an 8-Lot subdivision of property at 121 Upper Pattagansett Road, East Lyme Assessor's Map 35.0, Lot 44.**

Paul Geraghty, representing the applicant, reported the applicant has asked for a continuance of the proposed application to subdivide the property known as the Girl Scout Camp with an eight-lot subdivision for single-family homes. The Camp is a legal non-conforming use. Attorney Geraghty reported we met with staff on Friday and was asked for a number of changes. The Town Engineer did not believe it was necessary to redesign the swales and drainage on the lots. There was no issue to maintain 25% of a decrease in flow. The application was submitted on August 5. He asked that it be moved along because delays increase costs. It took five weeks after the application was submitted to receive staff comments. The plan was submitted prior to the deadline. It was decided to hold a Public Hearing on it. We will have additional reviews. When we come to this Agency's next regular meeting, we ask for staff comments before the hearing in order to have no more delays. When we met with the Town Engineer, he had not received the application for eight single-family lots. JP Mereen surveyed it. There are no impacts to the wetlands. Ms. Chantrell stated she understands his frustration. Mr. Goeschel clarified the request was to continue the Public Hearing. The package addresses some of Mr. Goeschel's concerns. The Open Space issue is for the Planning Commission. It will be continued to November 8, 2021.

John Paul of Mereen Engineering showed a plan of the application. The wetlands are in the upland. He showed the property line, the lots and pond. He stated there are wetlands 100' above Upper Pattagansett Road. He showed the eight lots.

Les McLlarky of Village Court expressed concern about how this project will affect his property.

Mr. Paul showed the wetland area and the Girl Scout Camp's existing conditions. He informed Mr. McLlarky that his property is within 100'. He showed the lot layout for the subdivision, the eight lots and the wetlands. Tim May, P.E. showed Pattagansett Lake and the small wetlands. The proposed five lots will have a shared driveway. The soil group is hydraulic B. He has been at the site after a rain event. The water comes down and does not pick up velocity. The same methodology is to have a rain garden for a common sized house. Each property takes roof run off. It will exceed 80% total suspended solids as recommended by DEEP and DOT. There was no water on the road. Each house will have a rain garden for their size house. There are a substantial number of buildings at the Girl Scout Camp. He showed the roads. Some were paved and some were not. He stated there will be much less roof area proposed than that which is existing now. There are 35-40 buildings out there. They have a large surface area that is impervious. The rain gardens catch run off.

Mr. McLlarky stated the intent was to have a small number of lots continue to be an existing non-conforming Girl Scout Camp. Mr. Paul showed the additional 40 acres out of a total of 66 acres. He added 47 acres are remaining and not disturbed. Ms. Chantrell stated this application will be continued to November 8, 2021 and will be open for public comments.

**MOTION (1): Mr. Schmitt moved to continue the Application of Kristen Clarke, P.E. for Cold Spring Lot Management, LLC/John Drabik, Owner, for Nottingham Hills Subdivision Phase 5, prepared for Kristen T. Clarke, P.E., English Harbour Asset Management, LLC, for an 8-lot subdivision of property at 121 Upper Pattagansett Road, East Lyme Assessor's Map 35.0, Lot 44 to November 8, 2021. Seconded by Ms. Berger.**

**(5-0) Unanimous.**

#### **IV. ACCEPTANCE OF MINUTES**

##### **A. Minutes of September 13, 2021, Regular Meeting.**

**MOTION (2): Mr. Phimister moved to accept the September 13, 2021 Regular Meeting Minutes, as presented. Seconded by Ms. Rhein. Mr. Schmitt abstained from voting.**

**(4-0-1) Motion carried.**

#### **V. EX-OFFICIO REPORT**

Mr. Dagle was unable to be present and there was no report.

**VI. NEW BUSINESS**

- A. Application of Andrew P. Clark, Forest Practitioner for PJ Associates, LLC c/o John Pollok, Owner; Application for a Stream/Wetlands crossing associated with a timber harvest on property located at Riverview Road, Niantic, CT East Lyme Assessor's Map#20, Lot 6 & 7.**

Mr. Clark reported we are seeking a permit for a temporary stream crossing. This particular property has only one point of access. In order to get the timber out we need to cross the stream. Twelve feet would allow us to cross with our logging equipment. This particular crossing area is also an existing old car path. It approaches due to the extreme glacier pile in the stream. We will maintain hay bales and install them in place to prevent erosion. We would like to do this in the fall. We will mulch next spring. Mr. Clark stated he will supervise the project. This Agency reviewed the plan. Ms. Chantrell asked is this the old cemetery? Mr. Clark stated another piece of property is owned by John Pollok. Nobody has been on this property for years. Ms. Berger asked have you notified the abutting neighbors? Mr. Clark stated he has not. A list of the abutters was provided. There owners are: four private owners, the State of Connecticut and the Town of East Lyme. Mr. Goeschel informed the Agency you could issue a permit or take a site walk. Ms. Berger asked has the property been surveyed? Mr. Clark replied it has been surveyed and he worked with the surveyor. Mr. Goeschel asked will you be finished by next spring? Mr. Clark replied we will. Ideally, we want to do it in the winter. Mr. Goeschel reported the permit could be conditioned to expire in six months. Mr. Clark added if they can't work during the winter months, they will start in dry weather. It depends on the weather. He would like the permit ready when he decides it's the right time.

**MOTION (3): Ms. Rhein moved to approve the application of Andrew P. Clark, Forest Practitioner for PJ Associates, LLC c/o John Pollok, Owner; application for a Stream/Wetlands crossing associated with a timber harvest on property located at Riverview Road, Niantic, CT East Lyme Assessor's Map #20, Lot# 6 & 7. Seconded by Mr. Phimister.**

**(5-0) Unanimous.**

- B. Request of John Doran, Willow Land LLC, for a release of the performance bond for 67 Spring Glen Road, East Lyme in the amount of \$3,000.**

Mr. Goeschel distributed photos of the backyard of this property located in Giants Neck. He stated the vegetation is thick. It should be kept with limited disturbance. The house is built and they have a Certificate of Occupancy. We have a performance bond of \$3,000. Ms. Berger asked if there were any complaints from the neighbors? Mr. Goeschel replied there were none.

**MOTION (4): Ms. Rhein moved to release the performance bond of \$3,000 for 67 Spring Glen Road, East Lyme, Connecticut. Seconded by Ms. Berger.**

**(5-0) Unanimous**

**C. Request of Laurie Zrenda for a release of the performance bond for 21R Upper Walnut Hill Road, East Lyme in the amount of \$5,000.**

Mr. Goeschel distributed photos of 21R Upper Walnut Hill Road, East Lyme that were taken this summer. The lawn is established, the wetlands are further back in a wooded shaded area. The buffer is stable. The single-family house had the requirement to provide a vegetation buffer. He added based on the plantings installed and the vegetation he was satisfied with the work.

**MOTION (5): Mr. Phimister moved to release the performance bond of \$5,000 for 21 Upper Walnut Hill Road, East Lyme. Seconded by Mr. Schmitt.**

**(5-0) Unanimous.**

**D. Request of CJ Bardy, for 5 Liberty Way LLC, d/b/a Storage Place for a release of the Erosion and Sedimentation Control Bond for 5 Liberty Way, East Lyme in the amount of \$12,000.**

Mr. Goeschel distributed photos of 5 Liberty Way LLC, d/b/a Storage Place. He stated this is for a storage facility. The lawn has been established. Some areas are bare. More seed is needed. He referred the Agency to page 2 referring to the detention basin. The area has not been disturbed. The bond amount is \$12,000 but could be reduced with a request to add additional seed by this fall and in spring they may ask for the remaining amount.

**MOTION (6): Ms. Chantrell moved to release \$6,000 of the Erosion and Sedimentation Control Bond for 5 Liberty Way LLC, d/b/a Storage Place with the stipulation to add loom and seed to stabilize the site to the satisfaction of the Wetlands Agency. Seconded by Mr. Schmitt.**

**(5-0) Unanimous.**

**E. Request of Alfred H. Smith, owner for a 5-year extension of the Inland Wetlands permit #16-20 for property at 297 Boston Post Road, East Lyme.**

Mr. Goeschel spoke to the landowner and his attorney. This request came prior to the expiration date. Mr. Goeschel recommends a site walk before the permit is renewed. Ms. Berger asked when did you receive this application? Mr. Goeschel replied September 16, 2021. The application expires in September 2021. Ms. Berger asked is this an extension? Mr. Goeschel indicated the request is for the 2<sup>nd</sup> five years extension totaling no more than 10-yrs. The permit is for a stockpile of no more than 100-cubic yards of soil. There was a consensus of the Agency to add a site walk at 297 Boston Post Road, East Lyme to its next Agenda.

**VII. PENDING APPLICATIONS**

- 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 07.14, Lots 43, 42 and 41.**

The Public Hearing closed on August 9, 2021. Deliberations were continued at this Agency's last meeting. Ms. Chantrell indicated this application had unique circumstance and this is a difficult decision. Ms. Berger asked if they could require the driveways to be impervious and whether they could restrict any further development on the lot. Mr. Goeschel stated they could condition requiring the driveway be either constructed of pervious material such as pervious pavers, pervious concrete, or pervious asphalt. However, he did not think they could condition restricting any further development of the lot as there will be upland areas which could support accessory structures. Mr. Goeschel stated they would have the right to apply for a permit for a shed. Ms. Berger asked when the trees which take up 50-gallons of water/day are removed where is the water going? Mr. Goeschel stated the water that doesn't infiltrate will sheet flow off downstream toward the catch basin at the intersection. Mr. Goeschel also stated from previous applications, we have an existing case where the Agency denied an application 3 times and on the 3<sup>rd</sup> denial the developer appealed the decision. When the appeal was remanded back by the court and the decision to deny overturned, the Agency was advised by the court to approve a permit as the lot was an existing legal building lot of record and thus the land owner had a reasonable expectation to construct a single-family house. The Agency subsequently issued a permit to construct a house with a 600-square foot footprint. In this case, there are three lots of record and only two will be developed. Mr. Goeschel reiterated the stormwater design will accommodate a ten-year storm. Our current design standards are typically to accommodate a 100-year storm event. Ms. Chantrell also shared concerns about downstream flooding.

**MOTION (7): Ms. Rhein moved to approve the application of Howard W. Hale/Habitat for Humanity, owner, to conduct regulated activities, included 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 07.14, Lots 43, 42 and 41 with the conditions that are listed in the Memo from Gary Goeschel, dated September 13, 2021, and also adding an additional condition that the driveway must be made of pervious material. Seconded by Mr. Phimister.**

**In Favor: Ms. Rhein, Mr. Phimister**

**Opposed: Ms. Berger.**

**Abstained: Mr. Schmidt, Ms. Chantrell**

**(2-0-2) Motion Failed.**

**MOTION (8): Ms. Rhein moved to approve the application of Howard W. Hale/Habitat for Humanity, owner, to conduct regulated activities, included 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 07.14, Lots 43, 42 and 41 with the conditions that are listed in the Memo from Gary Goeschel, dated September 13, 2021 and the additional condition that the driveway must be made of permeable material, such as pervious pavers, pervious concrete, and/or other acceptable material approved by the East Lyme Inland Wetlands Agent or the Town Engineer. Seconded by Mr. Phimister.**

**In Favor: Ms. Chantrell, Ms. Rhein, Mr. Phimister**

**Opposed: Ms. Berger**

**Abstained: Mr. Schmidt**

**(3-1-1) Motion Carried.**

- B. Application of Kristen Clarke, P.E. for Cold Spring Lot Management, LLC/John Drabik, Owner, for Nottingham Hills Subdivision Phase 5, Prepared for Kristen T. Clarke, P.E., English Harbor Management, LLC for an 8-lot Subdivision of property at 121 Upper Pattagansett Road, East Lyme Assessor's Map 35.0, Lot 44.**

The Public Hearing on this matter was continued to the Agency's November 8, 2021, regularly scheduled meeting.

#### **VIII. OLD BUSINESS-NONE**

#### **XI. REPORTS**

- A. Chairman's Report.** There was no Chairman's Report.
- B. Inland Wetlands Agent Report.**
- i. Administrative Permits Issued.** Mr. Goeschel reported he issued two permits. Six permits are pending.
  - ii. Commission Issued Permits. None.**
- C. Enforcement. None**
- D. Correspondence. None**

#### **XII. ADJOURNMENT**

**MOTION (9): Ms. Berger moved to adjourn the East Lyme Inland Wetlands Agency Special Meeting of October 4, 2021 at 8:30 p.m. Seconded by Ms. Chantrell.**

**(5-0) Unanimous**

Respectfully submitted,

Frances Ghersi, Substitute Recording Secretary