

**EAST LYME INLAND WETLANDS AGENCY
REGULAR MEETING MINUTES
NOVEMBER 8, 2021
7:00 p.m.**

EAST LYME TOWN HALL, MAIN MEETING ROOM

Present: Kristen Chantrell, Phyllis Berger, Don Phimister, David Schmitt, Jason Deeble

Absent: Gary Upton, Sandy Gignac, Alt., Gregory McIntire Alt. Doreen Rhein,

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

CALL TO ORDER:

FILED

The meeting started at 7:01

I. PLEDGE OF ALLGIANCE:

The Pledge was recited.

Nov. 16, 20 21 AT 3:46 AM/PM
Bronke Stevens FTC
EAST LYME TOWN CLERK

ADDITIONS TO THE AGENDA

MOTION: (Schmitt/Phimister) to add under New Business: Request of Jason Pazzaglia, Pazz Construction, LLC for the release of a \$5000.00 bond for 283 Boston Post Road and for the release of a \$2500.00 bond for 285 Boston Post Road. Vote: APPROVED unanimously.

II. PUBLIC DELEGATIONS

Donald Danila, 24 Pattagansett Drive, East Lyme read a statement (see file copy) concerning a permit which was granted to a parcel on 51 Boston Post Road. He expressed concern about the authority of the WEO to grant the permit without coming to the Agency and the failure of the Agency to discuss administrative oversight:

III. PUBLIC HEARINGS

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.

The public hearing started at 7:08

Attorney Paul Geraghty informed the Agency that a few documents were not reviewed by the Town Engineer due to his absence from work. He said there were comments from Ledge Light that the applicant needs to review. P. Geraghty asked for a two-week extension of the Public Hearing. He will submit a formal letter tomorrow.

MOTION: (Schmitt/Berger) to grant an extension to be heard on November 22, 2021. Vote: APPROVED unanimously. (7:15)

IV. ACCEPTANCE OF MINUTES

A. Meeting Minutes October 4, 2021

MOTION: (Schmitt/Berger) to approve the October 4, 2021, Regular meeting as amended.

The commission asked that a member of the audience (Mr. Bialowans) who spoke out at the end of the meeting be noted in the minutes.

Vote: APPROVED unanimously.

V. EX-OFFICIO REPORT

P. Dagle thanked the members for their service and said he has learned a lot from attending the meetings. He stated this would be his last meeting as he will not be on the BOS.

VI. NEW BUSINESS

A. Application of Evan Cooper, owner, for a permit to repair damage to stream as a result of Tropical Storm Henri at 2 Gurley Road, East Lyme.

E. Cooper explained the damage done to water coming over the road and into his yard. He said where there was lawn is now water. He would like to reinforce the area with large stones and fill in the area that was washed out. He would reseed the fill area.

G. Goeschel said the plan previously approved and designed by Robert Pfanner which Mr. Quinn installed would be the same design as is proposed for this property. He suggested planting sea grass as they have deep roots and could stabilize the area better.

The Agency will continue the discussion at their December 13, 2021, meeting.

B. Request of Jason Pazzaglia, Pazz Construction, LLC for the release of a \$5000.00 bond for 283 Boston Post Road and for the release of a \$2500.00 bond for 285 Boston Post Road.

G. Goeschel reported that for 285 Boston Post Road he asked J. Pazzaglia and his engineer to install concrete check dams or get a letter from the engineer stating the stone check dams which were installed are sufficient and will function the same as concrete. He has not received anything from the engineer.

MOTION: (Deeble/Phimister) to continue the discussion at the December 13, 2021, meeting. Vote: APPROVED unanimously.

VII. PENDING APPLICATIONS

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.

No discussion

IX. OLD BUSINESS

A. 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

The members commented on the lack of the erosion measures around the stockpile which is what the permit was granted for.

MOTION: (Schmitt/Berger) to deny the 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 because they are not in compliance with the current permit. Vote: APPROVED unanimously.

X. REPORTS

A. Chairman's Report-no report

B. Inland Wetlands Agent Report

i. Administrative Permits

There are permits pending but no new permits

ii. Commission Issued Permits-none

The Agency asked for the letter from Attorney Zamarka and a letter concerning the Hathaway Property be included with the next agenda.

There was discussion about the WEO issuing permits and under what circumstances are permits issued administratively. G. Goeschel stated he uses standards that are determined to be best

practices by other WEO's in the state. If the Agency would like to issue guidelines for administrative permits, they should have it on an agenda and decide on guidelines for the WEO.

A. Enforcement

G. Goeschel informed the members that he is investigating a complaint concerning filling of a pond on a North Bride Brook property being developed by J. Pazzaglia.

The Agency requested a rules and responsibilities presentation at the beginning of the new year.

D. Correspondence-none

X. ADJOURNMENT

MOTION (Schmitt/Berger) to adjourn at 8:08. Vote: APPROVED unanimously.

Respectfully Submitted

Sue Spang

Recording Secretary

2021 Meeting dates:

December 13.

My name is Donald Danila, D-A-N-I-L-A, and I live at 24 Pattagansett Drive, East Lyme. I am an appointed member of the East Lyme Commission for the Conservation of Natural Resources and Niantic River Watershed Committee but I wish to note that the comments I am about to make are mine alone and I am not speaking for either of these groups.

At the July 12 Inland Wetlands Agency meeting the Wetlands Enforcement Officer Mr. Gary Goeschel reported issuing a permit for land alteration for a parcel of land on 51 Boston Post Road, the site of the long-gone Lulu's restaurant. As you know, this site is to be developed by Noble Gas as a fuel station, convenience store, and fast food restaurant, primarily serving interstate travelers. At this meeting Mr Goeschel stated the development was about 280' from the nearest wetland. This is within the town's 300' jurisdiction boundary and Mr. Goeschel stated that the only proposed work within the Upland Review Area is the detention basin with the drainage discharging into the state's drainage system, thence into the upper Niantic River. However, I would like to note a statement found on the East Lyme town website under Purpose and Jurisdiction for this agency that the jurisdiction boundary (and I emphasize here) *can extend further if there is a potential for impact*. At this meeting IWA members expressed concern, particularly about the potential for fuels spillage, and moved to reject the approval of the application. Members wanted to instruct the applicant to come before the agency for determination of holding a Public Hearing. This motion was approved unanimously.

At the August 12 IWA meeting under Reports – Enforcement members again asked about this development's permit approval, which had been revoked by their vote. Mr. Goeschel reminded the members of a letter from the town attorney stating the agency did not have the authority to revoke the Wetlands Enforcement Officer's permit. As an aside, I could not find this letter in any of the materials posted on the town website. Mr. Goeschel further stated that the Agency should discuss guidelines concerning administrative permits. The minutes noted and I quote "the Agency would like to have it added to the next agenda for discussion", where I am assuming "it" refers to guidelines concerning administrative permits.

Unfortunately, at least by the record I reviewed on the East Lyme town website there is no further mention of this issue to date, including nothing on either subsequent agendas or Agency minutes. I find two things about this to be troubling. One is the failure of the Agency to proceed with an open and forthright discussion about administrative permit guidelines, especially when members stated that this would occur. Secondly, and more importantly, is the issuance of a permit for this proposed development without the full Agency's oversight and the chance for public input. A large facility likely to serve hundreds or more people each day that will dispense gasoline and diesel fuels, have a restaurant and restrooms discharging their wastes into a septic system and thence via groundwater into the Niantic River, significant impervious surfaces discharging stormwater runoff that will include heavy metals and fluids from vehicles, and the inevitable surficial pet waste deposits all beg that this development should have received more scrutiny by town agencies, professional staff, and its citizens. We all know the value of the Niantic River to not only town residents but to all citizens of this state and the present precarious state it is in at present. I am part of a group that solicited a review of this project's plans by a professional engineer, who had many reservations about its design. As such, there is much more I could state about it here. However, it appears that I and others will not get a chance to do so with this agency. Thank you for the opportunity to speak tonight.