

**EAST LYME INLAND WETLANDS AGENCY
REGULAR MEETING MINUTES
FEBRUARY 1, 2022
7:00 p.m.**

EAST LYME TOWN HALL, MAIN MEETING ROOM

Present: Kristen Chantrell, Phyllis Berger, Don Phimister, Sam Simms, Gregory McIntire,

Absent: Doreen Rhein, Vacancy Alt., Vacancy Alt., Vacancy Alt.,

Also Present: Gary Goeschel, Director of Planning/Inland Wetlands Agent, Ann Cicchiello, BOS liaison, M. Zamarka

CALL TO ORDER:

The meeting started at 7:01

I. EXECUTIVE SESSION

A. Pazz & Construction vs. Town of East Lyme Inland Wetland Agency (Appeal of N. Bride Brook Decision)

MOTION: (McIntire/Berger) to enter Executive Session to discuss Pazz & Construction vs. Town of East Lyme Inland Wetland Agency (Appeal of N. Bride Brook Decision).

Present in Executive Session: K. Chantrell, P. Berger, D. Phimister, S. Simms, G. McIntire, G. Goeschel, Attorney Zamarka, S. Spang. Vote: APPROVED unanimously.

The Executive Session ended at 7:22

II. PLEDGE OF ALLGIANCE:

The Pledge was recited.

III. PUBLIC DELEGATIONS-none

IV. PUBLIC HEARINGS-none

V. ACCEPTANCE OF MINUTES

A. Meeting Minutes January 18, 2022, Special Meeting

MOTION: (McIntire/Simms) to approve the January 18, 2022, Special meeting as presented.

Vote: APPROVED unanimously.

VI. EX-OFFICIO REPORT:

A. Cicchiello reported a subcommittee has been formed to review requests for ARPA funds from small businesses and non-profits. The applications are on the town's website and are due February 21, 2022. The town has received 5.4 million and has spent 1.68 million so far.


The Agency discussed alternate locations for the school buses due to concerns about the wetlands so close to the parking lot. They noted the site was to be temporary but has been there for years. A. Cicchiello will bring it up at the next BOS meeting.

VII. NEW BUSINESS-none

VIII. PENDING APPLICATIONS

A. Application of Charles Hand, Owner, to conduct regulated activities, for the construction of two self-storage units a property identified in the application as 18 Colton Road, East Lyme Assessor's Map 09.0, Lot 11.

FILED

Feb 3 2022 AT 1:30 AM/PM

EAST LYME TOWN CLERK

G. McIntire and P. Berger visited the site. G. McIntire said he thought the site was relatively flat and did not see any issues.

G. Goeschel introduced his memo and findings, (See File Copy)

The applicant said he spoke to the owner who stated he had a discussion with the town planner about the shed on the property and was informed that if he did certain things the shed was ok to put up.

G. Goeschel does not recall a conversation about the shed but thought it could have been a previous planner, he has found no record of a shed authorization or permit. He advised the Agency to make it a condition of approval to remove the shed. If the applicant would like to keep the shed, they can apply for a permit.

MOTION: (McIntire/Phimister) Move to approve Application of Charles Hand, Owner, to conduct regulated activities, for the construction of two self-storage units a property identified in the application as 18 Colton Road, East Lyme Assessor's Map 09.0, Lot 11 based on the findings of the G. Goeschel memo dated February 1, 2022, with the added condition that the shed be removed, and item 7 be followed. Vote: APPROVED unanimously.

IX. OLD BUSINESS-none

X. REPORTS

A. Chairman's Report-no report

B. Inland Wetlands Agent Report

G. Goeschel updated the Agency on 297 Boston Post Road. He has not heard from the owner and will issue a Cease and Desist order. There is activity on the site which is not permitted.

The Agency would like to have the issue on the next agenda.

He would like to have two members of the Agency work with him on drafting revised regulations concerning the application process. K. Chantrell and G. McIntire volunteered.

The Wetlands 101 discussion will be on the next agenda and G. Goeschel will ask Attorney Casey to give an update on other Agency litigation.

i. Administrative Permits-provided

ii. Commission-Issued Permits-none

C. Enforcement

D. Correspondence-none

X. ADJOURNMENT

MOTION (Berger/Phimister) to adjourn at 8:21. Vote: APPROVED unanimously.

Respectfully Submitted

Sue Spang

Recording Secretary

2022 Meeting dates: March 1, April 5, May 3, June 7, July 5, August 2, September 6, October 4, November 1, December 6.

Town of

P.O. Drawer 519

Department of Planning &
Inland Wetlands Agency

Gary A. Goeschel II, Director of Planning /
Inland Wetlands Agent



East Lyme

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Niantic, Connecticut 06357

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MEMORANDUM

To: East Lyme Inland Wetlands Agency

From: Gary A. Goeschel II, Director of Planning/ Inland Wetlands Agent

Date: February 1, 2022

Re: **Inland Wetlands Application – 18 Colton Road:** Application of Charles Hand, Owner, to conduct regulated activities, for the construction of two self-storage units at property identified in the application as 18 Colton Road, East Lyme Assessor's Map 09.0, Lot 11.

Upon review of the above referenced application and the proposed plans entitled "Site Development Plan, 18 Colton Road, East Lyme, CT dated 12-01-21" prepared for Mr. Charles Hand by Robert J. Grabarek, P.E. of Osprey Environmental Engineering, LLC of 146 East Main Street, Clinton, CT, several meetings with the Applicant's engineer, Town staff, and the public presentation of the proposed activity to the Agency by the applicant's engineer, I offer the following:

FINDINGS: The Agency may find this application to be in conformance with the Inland Wetlands Regulations of the Town of East Lyme and more specifically based on the following:

Whereas: The Agency received an Inland Wetlands Application from Charles Hand and the Agency commenced review of the Application at a regular meeting on January 18, 2021.

Whereas: In accordance with Section 7, Application Requirements, of the Inland Wetlands Regulations the applicant has provided the all the information required by Section 7.5

Whereas: The Application submitted includes all the information required pursuant to Section 7.5 and 7.6 of the East Lyme Inland Wetlands and Watercourses Regulations and includes site plans, engineering reports, and wetlands delineation by a soil scientist depicted on the site plans which, show the land which will be affected thereby which shows existing and proposed conditions, wetland and watercourse boundaries, contours, and other pertinent features of the land and the proposed activity. As such, the Application submitted in accordance with Section 7 of the East Lyme Inland Wetlands Regulations is complete.

Whereas: Town staff provided the Agency with comment concerning this application's compliance with local requirements and regulations as well as received testimony from the Applicant's professional engineer.

Whereas: There is no direct impact on the wetlands or the watercourse as the all-construction activities will be conducted within the 300-foot upland review area from an inland wetland and

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watercourses. Therefore, there are no irreversible and irretrievable loss of wetlands or watercourse which would be caused by the proposed regulated activity.

Whereas: The project has been designed to protect the wetlands and watercourses as the building structures, driveways, and drainage structures are designed to be situated outside of the wetlands and located in the upland review area.

Whereas: Mitigation measures to minimize and mitigate potential impacts from the creation of new impervious surfaces on the site and to protect the wetlands and watercourses, such as the existing stormwater management structures (catch basins) and the retention pond, will pre-treat and control runoff, and promote groundwater recharge.

Whereas: Potential impacts are mitigated by the implementation of temporary erosion and sedimentation controls as well as stormwater controls throughout all phases of construction.

Whereas: The upland review process does not forbid activity based solely on proximity to wetlands. Rather, the upland review process merely provides a basis for determining whether activities will have an adverse impact on the adjacent wetland or watercourse, and if necessary, regulating them.

Whereas: Pursuant to Section 10.5 of the East Lyme Inland Wetlands and Watercourses Regulations, for the purpose of those Sections (1) “wetlands and watercourses” includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) “habitats” means areas or environments in which an organism or biological population normally lives or occurs.

Whereas: Pursuant to Section 10.5 of the East Lyme Inland Wetlands and Watercourses Regulations, a municipal inland wetlands agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.

Whereas: Demonstrated by Exhibit “G”, Application Review Sheet Comments from Alex Close, P.E. Town Engineer dated January 18, 2022 indicated that since the site is mostly gravel and the roof runoff should not be an issue per the design engineer’s comment which, states the proposed runoff addition to the plunge pool will be less than 1% if the overall drainage are discharging to the plunge pool.

Whereas: The existing forebay and settling basin will enhance stormwater runoff quality and recharge the groundwater as stormwater from the drainage system will enter a sediment forebay which, is separated from the detention basin by a berm before passing through the semi-pervious berm into the detention or settling basin itself.

Whereas: The long-term maintenance plan for the stormwater system includes an annual inspection of the catch basins and cleaning as appropriate and the annual inspection of the detention basin and the removal of any vegetation greater than 2-inches in diameter.

Whereas: The proposed Plan provides for erosion and sedimentation control in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (CT DEEP) and includes a brief narrative and construction sequence.

Whereas: Demonstrated by Exhibit “C”, Application Review Comments from B. North, Town Utilities Engineer, dated 12/21/2021, indicates he had “No” Comments.

Whereas: Although the proposed construction would pose an intrusion into the upland area, introducing a new and more intensive use than the present condition and risks to the wetlands, there is no substantial evidence in the record to support a likely adverse impact on the wetlands and watercourse from the proposed upland intrusion.

Whereas: The record before the Agency, which includes Exhibit "E", Letter from Robert Grabaraek, P.E., L.S., LEP dated 10 January 2022, which indicates pursuant to his discussion with Soil Scientist Richard Snarski, a review of ground conditions directly adjacent to the rear of the proposed buildings will not be adversely affected if very occasional passage is conducted for building inspection/ maintenance purposes. As such, the proposed activity will avoid any direct impacts to the wetlands or watercourses and the design has been prepared to minimize the potential for secondary and indirect impacts through implementation of the Erosion and Sedimentation Control Plan.

Whereas: The record before the Agency of the current application contains no specific evidence that the impacts on the wetland and watercourse are significant, adverse, and would likely impact or affect the physical characteristics of such wetlands or watercourse.

SUGGESTED RESOLUTION

Therefore, based on the above Findings in the memorandum from Gary A Goeschel II, Director of Planning/Inland Wetlands Agent to the Inland Wetlands Agency dated February 1, 2022 and the record before the Agency, I move the Agency APPROVE the Application known as Application of Charles Hand, Owner, to conduct regulated activities, for the construction of two self-storage units at property identified in the application as 18 Colton Road, East Lyme Assessor's Map 09.0, Lot 11 and the proposed plans entitled "Site Development Plan, 18 Colton Road, East Lyme, CT dated 12-01-21" prepared for Mr. Charles Hand by Robert J. Grabarek, P.E. of Osprey Environmental Engineering, LLC of 146 East Main Street, Clinton, CT, which is further subject to the following administrative requirements and required modifications to the site plan and other materials submitted in support of this application:

1. The Erosion and Sedimentation Control Plan and recommended Construction Sequence shall be followed.
2. Notify conservation officer at least 2 days prior to construction to inspect erosion controls.
3. Silt fence and other erosion controls shall be inspected by the Inland Wetlands Agent upon installation and prior to any land clearing, site construction or other associated construction activities.
4. In areas proposed to be loamed and seeded, a low maintenance lawn such as fescue, which requires minimal application of fertilizers and pesticides, shall be planted.
5. The proposed limits of disturbance shall be strictly adhered to though out all phases of lot build out and construction.
6. An Erosion and Sedimentation Control Bond in a form satisfactory to the Town of East Lyme and in an amount satisfactory to the Inland Wetlands Agency and/or its Agent shall be posted with the Town of East Lyme prior to any land clearing, site construction or other associated construction activities.

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7. Any proposed Additional work beyond this permit in the wetlands or watercourse or its 300-foot regulated area will require approval from the Inland Wetlands Agency or its certified agent.
8. Any changes to the site plan listed on this permit require notification to the Inland Wetlands Agent and may require commission approval- a new plan shall be given to the Inland Wetlands Agent before work begins.
9. No site work shall commence until all applicable conditions are satisfied.
10. Notify Inland Wetlands Agent upon completion of all regulated activities for final inspection.

This approval is specific to the site development plan submitted as the application of Application of Charles Hand, Owner, to conduct regulated activities, for the construction of two self-storage units at property identified in the application as 18 Colton Road, East Lyme Assessor's Map# 09.0, Lot# 11 and proposed plans entitled "Site Development Plan, 18 Colton Road, East Lyme, CT dated 12-01-21" prepared for Mr. Charles Hand by Robert J. Grabarek, P.E. of Osprey Environmental Engineering, LLC of 146 East Main Street, Clinton, CT.

Any change or modification in the plan or development plan layout other than those identified herein shall constitute a new application unless prior approval from the Agency or its Agent is granted. The applicant/owner shall be bound by the provisions of this Application and Approval.