

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

EAST LYME TOWN HALL, MAIN MEETING ROOM

Present: Kristen Chantrell, Phyllis Berger, Doreen Rhein, Sam Simms, Gregory McIntire,

Absent: Don Phimister, 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 7:00

FILED

I. PLEDGE OF ALLGIANCE:

The Pledge was recited.

mar 3 20 22 AT 8:15 (AM/PM)
Kenneth
EAST LYME TOWN CLERK

II. PUBLIC DELEGATIONS-none

III. PUBLIC HEARINGS-none

IV. ACCEPTANCE OF MINUTES

A. Meeting Minutes February 1, 2022, Regular Meeting

MOTION: (McIntire/Berger) to approve the February 1, 2022, Regular Meeting as presented.

Vote: APPROVED. In favor-Chantrell, Berger, Simms, McIntire. Opposed-none.

Abstaining-Rhein.

V. EX-OFFICIO REPORT:

A. Cicchiello reported that the BOS is in the middle of budget season. At the end of the meeting she introduced two possible alternate candidates for the Agency.

VI. NEW BUSINESS

A. Land Use 101-Brief overview of Inland Wetlands Agency Statutory Roles and Responsibilities, etc., Town Attorney Mark S. Zamarka, Esq.

M. Zamarka informed the members they are a creation of state statute and get their powers from the statutes and their regulations. The basic premise of the Wetlands Agency is to supervise regulated activities which is described in section 2.1 of the regulations. Section 2.1 also describes what is a wetland and a watercourse.

The Agency performs five basic functions:

- Passes and amends regulations
- Determines the boundaries of wetlands and watercourses
- Passes on permits to conduct regulated activities
- Enforces wetlands regulations
- Occasionally makes advisory reports

M. Zamarka also explained, "as of right" activities to the Agency. He explained the jurisdiction of the agency which includes the Upland Review Area (URA), which at this time is 300' from the watercourse boundary and is under judicial review. The agency can regulate the URA only when activities adversely affect the physical characteristics of the wetlands or watercourses, an effect on the wildlife is not sufficient to regulate within that area, it must affect the wetlands or watercourse.

When an application comes before the Agency there are timelines the Agency needs to follow. The date of receipt is the next regularly scheduled meeting or 35 days after it is received in the office.

The Agency is not required to hold a Public Hearing but may do so under three circumstances:

- Significant impact on wetlands
- A petition of 25 residents calling for a public hearing
- Public interest

During a Public Hearing the applicant usually goes first, then the public is given a chance to speak, the applicant can respond to what was said during public comment. The Agency has an opportunity to ask questions during the Public Hearing. A member must disqualify themselves if they have a predetermination or a conflict of interest.

M. Zamarka stated that unlike other land use agencies, if the Wetlands Agency does not decide on an application during the statutory time frames, the application is not considered approved, there is no, "inferred approval."

Any decision the Agency makes must be supported by substantial evidence provided on the record during the public hearing or application process. The only information which can be considered after the public hearing is closed is information given by staff. The decision of the Agency must be stated for the record and take into consideration six factors:

- Environmental impact
- Prudent and feasible alternatives considered
- Short term and long-term impacts of the regulated activities
- Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity,
- the character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity
- impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity, and which may have an impact on wetlands and watercourses.

M. Zamarka informed the members that as an Agency of the Town they are subject to FOIA rules and regulations and should avoid discussing Agency business outside of the meeting and not to use text or email for communication.

B. Application of the Town of East Lyme, East Lyme Public Works Applicant: Application for a general permit to conduct regular maintenance along town owned public rights of way.

Alex Klose, P.E. East Lyme Public Works said the last time the Public Works Dept. applied for a general permit to do maintenance work on town owned rights of way was in 2006 and have been renewing the permit since then. He said the permit has now run out and they are putting in a new permit that is the same as the old one and modeled on the state DOT general permit. A. Klose said they are using the same three criteria:

- Excavation of accumulated sediment or removal of brush from the inlet and outlet sides of a drainage pipe or bridge
- Cleaning or reshaping of a man-made drainage ways or sediment basins.
- Installation or repair of a culvert or bridge head or end wall.

MOTION(McIntire/Berger) move to approve the application of the town of East Lyme Public Works. Vote APPROVED unanimously.

C. Application of Pazz & Construction, LLC Application to maintain 2 connex boxes (steel shipping containers) to store equipment: Alfred H. Smith, Owner of 297 Boston Post Road, Assessor's Map # 31.1, Lot #57.

Attorney T. Harris, 351 Main St. Niantic for the applicant said there was a previous permit for the processing of materials which has expired. Those materials are now covered with vegetative material. The two containers have been on the property for approximately three years and are approximately fifty feet from the wetlands.

There is a silt fence around the piles of materials and the vehicles on the property are registered and as such get inspected by the state. Members who would like to take a site walk can drive by or arrange with the property owner to look at the site.

The applicant will come back to the next meeting with a completed application.

VII. PENDING APPLICATIONS-none

IX. OLD BUSINESS-none

X. REPORTS

A. Chairman's Report-no report

B. Inland Wetlands Agent Report

i. Administrative Permits & Commission Issued Permits-none

ii. Enforcement-none

iii. Draft Inland Wetlands and Watercourse Regulations:

The members discussed the regulations with instructions to look at specific pages.

C. Correspondence-UCONN CLEAR workshop notice

X. ADJOURNMENT

MOTION (Rhein/Berger) to adjourn at 8:17. Vote: APPROVED unanimously.

Respectfully Submitted

Sue Spang

Recording Secretary

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