

**EAST LYME INLAND WETLANDS AGENCY  
REGULAR MEETING MINUTES**

**MAY 3, 2022  
7:00 p.m.**

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

**Present:** Kristen Chantrell, Phyllis Berger, Sam Simms, Don Phimister, Gregory McIntire, Nancy Kalal Alt.

**Absent:** Doreen Rhein, Diane Gardner,

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

Nancy Kalal was seated for Doreen Rhein

**FILED**

**CALL TO ORDER:**

The meeting started at 7:00

May 10, 2022 AT 2:15 AM/PM  
Brooke Atcham AK  
EAST LYME TOWN CLERK

**I. PLEDGE OF ALLGIANCE:**

The Pledge was recited.

**II. PUBLIC DELEGATIONS**

John Bialowans Jr., East Lyme stated his concern about the property abutting Mostoway Road and Rt. 161. He submitted his comments for the record. (See File Copy)

**III. PUBLIC HEARINGS-none**

**IV. ACCEPTANCE OF MINUTES**

**A. Meeting Minutes April 5, 2022, Regular Meeting**

**MOTION:** (McIntire/Berger) to approve the April 5, 2022, Regular Meeting as presented.

**Vote:** APPROVED. In favor-Berger, Simms, Phimister, Kalal. Opposed-none. Abstaining-Chantrell.

**V. EX-OFFICIO REPORT:**

**VI. NEW BUSINESS**

**A. Application of Dan Mullins, Executive Director Eastern CT Conservation District: Town of East Lyme, Owner; for a determination of Permitted/Non-Regulated Activity, for the installation of tree filters all located within existing Town rights -of -way (ROW) at various locations on Latimer Drive, Cavasin Drive and Joval Street.**

D. Mullins described tree filters and the 2 locations on Latimer Drive and 2 locations on Cavasin Drive with an alternate spot on Joval Street. He stated they are similar to what has been installed on Pennsylvania Ave. The tree filters are designed to filter suspended solids at approximately 83%, nitrogen greater than 50%, phosphorus 60%, heavy metals between 35% and 95%, bacteria 85% and oil and grease 80%.

He stated the tree filters improve water quality. The trees will be native species.

Alex Klose, town engineer informed the members that the tree filters will be tied into the existing drainage system. They will be placed in the town ROW and will not be immediately

adjacent to a residential driveway or will not be immediately in front of a house. The trees and filters will be maintained twice a year along with all other tree filter locations in town.

**MOTION: (Simms/Berger) the application does not require permit as it is exempt pursuant to Section 4.2A of the wetland's regulations. Vote: APPROVED unanimously.**

**B. Request of James Beaulieu, for Giants Neck Improvement Club, Inc.; for an extension of permit 16-9, Mamacock Rd GNB, for activity around the Upper Nehantic Lake as noted on the permit.**

G. Goeschel stated this is an update and renewal of the permit, the previous permit expired on August 25, 2021. The permit is for mowing and clean up around the shore and he considers it a low impact activity.

J. Beaulieu stated that this activity has been conducted for the last 25 years. He is concerned about a fallen tree which is impacting the flow of water and causing erosion of the shore.

G. Goeschel will check with town counsel concerning an extension of an expired permit due to Covid. The item will remain on the agenda for a decision the following month.

**C. Permit referral from Aimee Reynolds, of All Habitat Services, LLC; State of Connecticut DEEP Permit Application for the use of herbicides in State Waters; for the early season aquatic herbicide application of Polaris AC Completer (Imazapyr), and late season mulch mow to control invasive Phragmites Australis infestation at Cree Road and 23 Marshfield Road, East Lyme.**

David Roach, All Habitat Services LLC, Branford, stated he has an approved DEEP application and plan with the state to remove the phragmites. He is also working with the National Diversity Data Base to protect any endangered plants or animal/bird species. The application of the herbicide will be done by hand with a low immersion herbicide to prevent unnecessary drift. It will be a well-controlled activity and applied to approximately ½ acre. The work will be done in early June then late July/mid-August.

There will be no machine work for the cutting of the phragmites.

In response to a question concerning notification registry, D. Roach stated that if someone requests to be notified by the contractor there would be an immediate notification as opposed to waiting a year for the state.

The Agency determined a permit was not needed and thanked D. Roach for bringing it before the Agency.

**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**

G. Goeschel detailed permits he has issued.

**ii. Enforcement-2 notice of violations were issued.**

G. Goeschel referred to the activity mentioned during public delegation. He said that because the building was ordered torn down by the building official, town counsel

determined that a violation could not be issued by the town. He described the activity adjacent to the tear down which was a split of the property. At this point there may be a permit needed and he will discuss with the property owner.

**C. Correspondence-none**

P. Berger asked about the Weiss property and the stockpiling of materials, and the agency discussed it again.

**X. ADJOURNMENT**

**MOTION (Phimister/Berger) to adjourn at 8:07. Vote: APPROVED unanimously.**

**Respectfully Submitted**

**Sue Spang**

**Recording Secretary**

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

May 3, 2022

Good Evening Gary & Wetlands Commission,

My name is John Bialowans Jr, of East Lyme. I'm here before you tonight to bring to your attention about an ongoing Wetlands violation, that is not being resolved. The property is located between Mostoway Road & Route 161.

I met with the First Selectman & Gary once already. I have called Gary on numerous times the week of April 11<sup>th</sup>, 2022, every day, and April 26<sup>th</sup> & 27<sup>th</sup> also to compliment Gary on calling us up on Good Friday and explaining the situation to us. It starts by the demolition of the old gas station on Route 161, that Gary told the property owners, the Town told them to take the building down. No permits, no wetlands permit (within 5 ft of wetlands), no demolition permit – it's a wonder the Town didn't do the work too.

The first house built there on the property had no wetlands flagging or outlined – done by a professional soil scientist. The second house location and land is being worked on with no building permit, no wetlands permit, no marking of the wetlands issued as was told by Gary to us.

The two owners or partners should be given a cease and desist order - put on them immediately – like we asked Gary for the past month. This is not the first time the owners had a wetlands violation on them – just look at Colton Road in East Lyme. I told Gary that they

don't have any respect for his authority on wetlands or what he says on this violation. What I just said goes for the Inland Wetlands Commission for not doing their job, at all. I could go on with more details on what Gary and the Wetlands Commission do to other violators in this town - but why they are getting away with violations on Mostowy Road. Who's getting favors done between whomever about this violation !

Ps: How come the Eastern CT Conservation District, the Great Neck Improvement Club, the All Habitat Services (State of CT DEEP) need a permit from the Wetlands Commission & Gary. I would tell them just do the work because nothing will happen to you, everything will be overlooked, just like Mostowy Road and Route 161. It's sorry to say, but actions speak louder than words, as you can see, what I have said – nothing is being done. Just put a cease & desist order and they will do what is right and not try to get away with something illegal. Gary and the Wetlands Commission can tell the two of them how they look - playing those childish games they are doing. They should paint the whole fence orange..... See now Gary and the Wetlands Commission what they think about all of you.

Thank You,

John Bialowans Jr.