

**EAST LYME INLAND WETLANDS AGENCY  
REGULAR MEETING MINUTES  
OCTOBER 4, 2022  
7:00 p.m.**

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

**Present:** Kristen Chantrell, Phyllis Berger, Sam Sims, Don Phimister, Gregory McIntire, Doreen Rhein, Leonard Salter, Nancy Kalal Alt., Diane Gardner, Alt.,

**Absent:** Carlo Lombardo Alt.

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

**CALL TO ORDER:**

The meeting started at 7:00

**FILED**

*Oct 14, 2022 AT 10:37 AM/PM*

**I. PLEDGE OF ALLGIANCE:**

The Pledge was recited.

*Brooke Foreman ATC*  
EAST LYME TOWN CLERK

**II. PUBLIC DELEGATIONS:**

Ron Luich, 13 Eden Lane, East Lyme Land Trust, (ELLT), informed the members that the ELLT acquired the Hathaway property. They paid fair market value according to the Yellow Book appraisal. ELLT received a state open space grant to help fund part of the purchase; he submitted a letter from CTDEEP Commissioner Dykes advising ELLT of the grant award.

R. Luich informed the members the ELLT took out a bridge loan and until that was paid off the property would not be open to the public.

R. Luich expressed his disappointment of the alleged inaction of the BOS to buy the property and of not being accurate in their public statements concerning the Hathaway property. He stated that due to the inaction, the ELLT had to acquire a loan for a significant portion of the funds to buy the property. R. Luich declared it was unfair to place the burden of buying the property on the backs of the ELLT. He clarified that the total acreage for the property is 138 acres, which was determined after an extensive survey.

Art Carlson, 30 Dean Road, ELLT, said the property is a valuable piece of land, which was called out in the POCD for protection. He stated the property will protect the watershed that feeds into town well 5, which has the least amount of sodium of all the town owned wells. The land has approximately 3000 ft. of waterfront property and will provide fishing and recreational activities to the public.

**III. PUBLIC HEARINGS:**

**A. Application of Jack Belowich, Atlantis Management Group applicant/owner for the development of 190,196 and 202 glanders Rd to include a new 4,200 square foot convenience store, and related appurtenances. East Lyme Assessor's Map 26.3, Lots 14, 15 and 16. (7:15)**

Rob Avena, Sussman and Shapiro, for the applicant said they are waiting for comments from the town engineer and they are in talks with the ZEO as it pertains to the aquifer protection regulations.

He requested the public hearing be continued until next month so any changes could be presented at that time. He submitted the certificates of mailings.

### **Public Comment**

Dave Schmitt, 6 Clarks Lane, Clarks Hollow Condo Association member, stated the road to the condos is directly across from the gas station and the proposed project. He described catch basins that drain into two retention ponds, the outflow of these pipes drains into the state's drainage system on Flanders Rd., then a portion of that drainage is directed under the proposed project. They would like assurances that caution is taken and no disruption to the drainage system occurs. D. Schmitt informed the Agency that major maintenance and cleaning was just completed on one of the drainage basins and the same was performed two years ago on the remaining basin with a combined cost of approximately \$50,000. He requested that maintaining the function of the drainage system be a condition of approval.

The second area of concern is the addition of more traffic which already makes it difficult for the residents to enter and exit onto Flanders Road from the condominium complex. D. Schmitt submitted a copy of his comments. He would like to see safety improvements made.

G. Goeschel read a letter, (exhibit J) from Heather-Jo Purcell, 4 Clarks Lane stating she was concerned for the increase in traffic and opposes the new development.

G. Goeschel read a letter, (exhibit N) from Kathleen Kamotowski, 5 Williams Way, who had traffic concerns and is opposed to the new development.

John Smith, 2 Clarks Lane, said he agreed with the drainage systems concerns and the impact to the wetlands, he is opposed to the new development.

Jim Reeves, 7 Williams Way, said there is a need for an additional traffic light for safety. To exit and enter Clarks Hollow is already dangerous.

K. Chantrell encouraged the public to also go to the Planning and Zoning Commission meetings to express their concerns.

**MOTION: (Phimister/Salter) to continue the Public Hearing until the next meeting. Vote: APPROVED unanimously. (7:35)**

## **IV. ACCEPTANCE OF MINUTES**

### **A. Meeting Minutes September 6, 2022, Regular Meeting**

**MOTION: (Berger/Simms) to approve the September 6, 2022, Regular Meeting as amended.**

New Business- They ~~own~~ recently acquired the empty lot..

Simms

Leonard Salter

J. Dewey explained some of the construction notes. **J. Dewey will research whether there are preconstruction test requirements on the existing gas tank and what their expectant service is.**

**VOTE: APPROVED. In favor-Chantrell, Phimister, Berger, Sims, Phimister, McIntire, Salter. Opposed-none. Abstaining- Rhein.**

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

Ann Cicchiello informed the members she will take the comments by the ELLT back to the BOS. She informed the members that a Charter Revision Committee will be formed to look at Charter changes.

K. Chantrell voiced concerns with pinhole leaks of the town water lines leading to houses after the meters were changed out. She will contact the Public Works Director.

**VI. NEW BUSINESS-none**

**VII. PENDING APPLICATIONS**

**A. Application of Jack Belowich, Atlantis Management Group applicant/owner for the development of 190,196 and 202 glanders Rd to include a new 4,200 square foot convenience store, and related appurtenances. East Lyme Assessor's Map 26.3, Lots 14, 15 and 16-CONTINUED**

**IX. OLD BUSINESS**

**A. Diane McAndrews; Condition of Little Indian Pond, Crescent Beach, Niantic**

G. Goeschel inspected the pond and met with neighbors. He suggested they look at grant programs to possibly rehabilitate the pond. He will request that the town engineer look at the pipe to see if it is functioning correctly. G. Goeschel will reach out to DEEP for guidance on what can be done.

G. McIntyre informed the members that they have the same problem in Oak Grove Beach, and have spent thousands of dollars on fixes and it is not possible to determine what worked and what didn't. He said after the last heavy rain storm the algae situation disappeared.

L. Salter volunteered for a committee yet to be formed to investigate solutions for Little Indian Pond.

K. Chantrell asked that the issue be left on future agendas.

**X. REPORTS**

**A. Chairman's Report-no report**

**B. Inland Wetlands Agent Report**

**i. Administrative Permits & Commission Issued Permits**

G. Goeschel provided information on permits he has issued.

**ii. Enforcement-**

**A. Grassy Hill Test Pits**

Ron Luich, 13 Eden Lane, East Lyme Land Trust, (ELLT) introduced Jeff Torrance to respond to comments made by Lindsay Rush, G. Goeschel, and the Wetlands Agency. Jeff Torrance, 197 Upper Pattagansett Road, addressed the comments made at the June and September Inland Wetlands meetings concerning the property at Grassy Hill, East Lyme Assessor's Map 52.0, Lot 3.

J. Torrance said the land trust involvement was clearing a section of the property for an out of state owner. He handed out copies of the permit application and the permit for the clearing which was granted by the WEO. The permit, granted in May 2022, describes two locations for clearing. He described the areas of URA disturbance for each location.

J. Torrance described the method of clearing which creates mulch deposited in place. The mulch acts as erosion and sedimentation control (E&S) which negates the need for a silt fence. The area of disturbance was marked to assure the activities did not go outside the limits as described in the application. He noted that the proposed area of activity, as stated in the application is 50ft. from wetlands. All activity will be above ground, there was no grubbing.

There was an extensive survey of the property which was attached to the application as exhibit A.

J. Torrance contends that if the Agency looked at the work which was done in relation to the application and the permit, they would see no violation.

A previous approved feasible site plan for a residence and septic was approved by the Planning Commission in November/October 2021. That area was cleared, and test pits were dug.

J. Torrance stated in all his 25 years of building he has never had to apply for a permit to dig test holes, but after being notified by the Land Use office he was told he needed to submit an application, which was filed and approved after the work was completed.

G. Goeschel stated that the work conducted on the property, adheres to the application and permit that was submitted and issued. He agreed that normally digging test pits does not require IWA permit.

**C. Correspondence-none**

**X. ADJOURNMENT**

**MOTION (Rhein/Burger) to adjourn at 9:17. Vote: APPROVED unanimously.**

**Respectfully Submitted**

**Sue Spang**

**Recording Secretary**

**2022 Meeting dates: November 1, December 6.**