

**EAST LYME INLAND WETLANDS AGENCY
REGULAR MEETING MINUTES
DECEMBER 6, 2022
7:00 p.m.**

EAST LYME TOWN HALL, MAIN MEETING ROOM

Present: Kristen Chantrell, Phyllis Berger, Don Phimister, Gregory McIntire, Doreen Rhein, Diane Garner, Alt., Nancy Kalal Alt.,

Absent: Sam Sims, Leonard Salter, Carlo Lombardo Alt.

Also Present: Sam Geary, Land Use staff, Ann Cicchiello, BOS liaison,
N. Kalal was seated

CALL TO ORDER:

The meeting started at 7:00

I. PLEDGE OF ALLGIANCE:

The Pledge was recited.

II. PUBLIC DELEGATIONS: none

III. PUBLIC HEARINGS: none

IV. ACCEPTANCE OF MINUTES

A. Meeting Minutes November 1, 2022, Regular Meeting

MOTION: (Phimister/ Berger) to approve the November 1, 2022, Regular Meeting as presented. (Typos noted)

VOTE: APPROVED unanimously

RECEIVED FOR RECORD
EAST LYME, CT
2022 DEC 13 A 8:29
Cassidy M. M...
TOWN CLERK

V. EX-OFFICIO REPORT:

Ann Cicchiello reported:

- Niantic Main Street has asked the Town to put off any decision on the Dominion building
- The BOE is \$700,000 over budget and has frozen their budget
- SCORE presented to the BOS
- Light Parade and the Jingle Bell Run this Saturday

VI. NEW BUSINESS:

A. Application of Niantic Soapy Noble, LLC, applicant/owner for a 3,425± square foot car wash facility with associated drive aisles, parking, vacuum spaces, drive up lanes, stormwater measures and utility infrastructure, at 230 Flanders Road, East Lyme Assessor's Map 26.1, Lot 27

MOTION: (Berger/Rhein) to schedule a public hearing for Application of Niantic Soapy Noble, LLC, applicant/owner for a 3,425± square foot car wash facility with associated drive aisles, parking, vacuum spaces, drive up lanes, stormwater measures and utility infrastructure, at 230 Flanders Road, East Lyme Assessor's Map 26.1, Lot 27 (reminder that the applicant needs to put up a public hearing notice sign)

Vote: APPROVED unanimously

VII. PENDING APPLICATIONS

A. Application of Jack Belowich, Atlantis Management Group applicant/owner for the development of 190,196 and 202 Flanders 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

(N. Kalal stepped down and D. Garner was seated)

G. Goeschel's memo was read into the record with minor changes as noted:

Town of



East Lyme

P.O. Drawer 519

Department of Planning &
Inland Wetlands Agency

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

108 Pennsylvania Ave

Niantic, Connecticut 06357

Phone: (860) 691-4114

Fax: (860) 860-691-0351

Memorandum

To: East Lyme Inland Wetlands Agency

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

Date: December 6, 2022

Re: Application of Jack Belowich, Atlantis Management Group applicant/owner for the redevelopment of 190, 196 and 202 Flanders Rd to include a new 4,200 square foot convenience store, and related appurtenances. East Lyme Assessor's Map# 26.3, Lot# 14, 15 and 16.

Upon review of the above referenced application and plans entitled "Land Development Plans for Proposed Retail Store, 190, 196, & 202 Flanders Road, East Lyme, Connecticut, dated July 22, 2022, revised through October 31, 2022, scale 1" = 30', prepared by Christopher D. Gagnon, P.E. of BL Companies, 355 Research Parkway, Meriden, Connecticut for Atlantis Management Group, 555 South Columbus Avenue Suite 201, Mount Vernon, NY 10550", I offer the following findings and motion:

FINDINGS

The East Lyme Inland Wetlands Agency ("Agency") based on the record before it with respect to this application, finds this application to be in conformance with the Inland Wetlands Regulations of the Town of East Lyme and more specifically based on the following Findings:

Whereas: The Agency has received an Inland Wetlands Application from Jack Belowich, Atlantis Management Group Applicant/Owner, and plans entitled "Land Development Plans for Proposed Retail Store, 190, 196, & 202 Flanders Road, East Lyme, Connecticut, dated July 22, 2022 revised through October 31, 2022, scale 1" = 30', prepared by Christopher D. Gagnon, P.E. of BL Companies, 355 Research Parkway, Meriden, Connecticut for Atlantis Management Group, 555 South Columbus Avenue Suite 201, Mount Vernon, NY 10550.

Whereas: The Agency received this application on September 6, 2022 and commenced a Public Hearing and received testimony on October 4, 2022, continued the Public Hearing to November 1, 2022, and closed the Public Hearing for said application at the Commission's November 1, 2022 meeting.

Whereas: The Agency has reviewed the application, received testimony from the applicant, the Town's expert consultant, and Town staff provided the Agency with comment concerning this application's compliance with local requirements and regulations.

Whereas: The Application submitted includes all the information required pursuant to Section 7.5 of the East Lyme Inland Wetlands and Watercourses Regulations and includes site plans, engineering reports, wetlands delineation by a soil scientist depicted on the site plans, a description of the ecological communities and functions of the wetlands and watercourses, a description of how the applicant will change, diminish or enhance the ecological communities and function of the wetlands or watercourse and of each alternative, and management practices and other measures designed to mitigate the impact of the proposed activity pursuant to Section 7.6 of the East Lyme Inland Wetlands Regulations. As such, the Application submitted in accordance with Section 7.1 of the East Lyme Inland Wetlands Regulations is complete.

Whereas: The project proposes to demolish the existing retail building located at 202 Flanders Road and construct a 4,200-square foot convenience store with associated parking spaces, sidewalks, dumpster enclosure, utilities, site lighting, and landscaping.

Whereas: The existing fueling facility canopy, pump islands, and **location of** underground storage tanks will remain.

Whereas: The regulated activities include construction of a rigid frame structure crossing as well as work within a portion of the 100-foot upland review area (URA) which includes the construction and use of retaining walls.

Whereas: The proposed project will result in the disturbance of approximately 40,770-square feet within the 300-foot upland review area from wetlands and watercourses.

Whereas: The project proposes the use of erosion controls that have been designed in accordance with the CT DEEP 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control Handbook including but not limited to perimeter silt fence, inlet protection, an anti-tracking pad, and outlet protection.

Whereas: Mitigation Measures to minimize and mitigate the potential impacts from the creation of new impervious surface on the site and to protect the wetlands and watercourses, stormwater management structures are being proposed which will pre-treat and control runoff, promote groundwater recharge, and reduce thermal pollution.

Whereas: There are no anticipated impacts to flood flow, nor are there any changes to the natural channel; and nor will the project inhibit the natural dynamics of the existing watercourse system. As such, the project will not adversely impact the ability of the wetland to supply water or convey natural drainage patterns.

Whereas: The project will not impact the ability of the wetland to assimilate waste beyond that of pre-project levels.

Whereas: The project will not impede the capacity of the wetland to provide recreation or open space values.

Whereas: Section 10.6 of the East Lyme Inland Wetlands Regulations states that the Agency shall not "deny or condition an application for regulated activity in an area outside wetlands or watercourses based on 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 watercourse."

Whereas: Erosion and Sedimentation Controls will be established along the limits of disturbance to prevent sediment from entering the wetland beyond the established limits of disturbance.

Whereas: Evidenced by Exhibits “H” and “R”, e-mail correspondence from Alex Klose, P.E., Town Engineer, the project is not anticipated to cause any substantial diminution of flow of groundwater levels of the wetland nor result in the potential to cause pollution of a wetland or watercourse and the “use of the upland area is a benefit to the overall water quality.”

Whereas: The project does not propose any activates which will damage or destroy any unique wetlands or such areas with demonstrable scientific or educational value.

Whereas: There are no other prudent and feasible alternatives that would eliminate or further reduce potential wetlands impacts and the proposed activity is of limited duration, it is the preferred alternative as evidenced in Exhibit “B” Project narrative prepared by BL Companies, dated July 22, 2022.

MOTION: (Phimister/ McIntire) Based on the findings in the memorandum from Gary A. Goeschel II, Director of Planning/ Inland Wetlands Agent, to the East Lyme Inland Wetlands Agency dated December 6, 2022, the I hereby **MOVE TO APPROVE** the application known as the Application of Jack Belowich, Atlantis Management Group applicant/owner for the redevelopment of 190, 196 and 202 Flanders 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, and the plans entitled “Land Development Plans for Proposed Retail Store, 190, 196, & 202 Flanders Road, East Lyme, Connecticut, dated July 22, 2022, revised through October 31, 2022, scale 1” = 30’, prepared by Christopher D. Gagnon, P.E. of BL Companies, 355 Research Parkway, Meriden, Connecticut for Atlantis Management Group, 555 South Columbus Avenue Suite 201, Mount Vernon, NY 10550”; 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. Erosion and Sedimentation controls shall be installed prior to the start of any demolition, earth work, or construction.
2. Notify conservation officer at least 2-days prior to construction to inspect erosion controls.
3. 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.
4. Forested cover within the upland review areas shall be maintained to the extent practicable. The propose LOD shall be strictly adhered to throughout all phases of construction.
5. As the site is located within and adjacent to an Aquifer Protection Area, the use of calcium chloride for dust control shall not be used.
6. An Erosion and Sedimentation Control Bond in a form satisfactory to the Town of East Lyme and in an amount acceptable to the Inland Wetlands Agency, its Agent, and Town Engineer shall be posted with the Town of East Lyme prior to the start of any work.
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 Agency approval. A new plan incorporating said changes shall be given to the Agent before any work begins.

9. Inland Wetlands Tags provided by the Wetlands Agency, available in the Land Use Office, Department of Planning & Inland Wetlands, shall be posted along the inland wetlands' boundary ideally at 40-50-foot intervals satisfactory to the Inland Wetlands Agent.
10. No site work shall commence until all applicable conditions are satisfied.
11. Notify Inland Wetlands Agent upon completion of all regulated activities for final inspection and sign off.
12. No modification will be made to the existing drainage pipeline from the Clark Lane development.

This approval is specific to the site development plan submitted as the application of Jack Belowich, Atlantis Management Group applicant/owner for the development of 190,196 and 202 Flanders 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. Any change in the plan or development plan layout other than those identified herein shall constitute a new application. Any modifications of this approval and 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.
Vote: APPROVED unanimously.

(D. Garner stepped down and N. Kalal was seated)

IX. OLD BUSINESS

Request for Determination of Permitting/Non-Regulated Activity by Kristen T. Clark, P.E., Applicant, east Lyme Land Trust Inc, Owner, for property at Scott Road, East Lyme Assessors Map 35.0/23, for a potential residential subdivision

Ron Luich, 13 Eden Lane, East Lyme Land Trust, (ELLT), explained to the Agency that the property had to be cut off from the larger Hathaway piece to conform to the CT Open Space Grant the ELLT received. The 6.7 acres was never intended to be part of the open space parcel. He said the closest wetlands to the proposed subdivision is approximately 670 ft. away from the closest boundary. R. Luich submitted an email from Rich Snarski, certified soil scientist concerning the limits of the wetlands to the proposed subdivision.

A. Cicchiello asked R. Luich if the intent of the ELLT was to have the Town of East Lyme purchase the Hathaway property and the Oswegatchie Hills property? R. Luich responded that the ELLT is working with the town to accomplish the purchase of the two properties.

MOTION: (McIntyre/Rhein) Move to determine the 6.7 acres located at Scott Road, East Lyme Assessors Map 35.0/23, Applicant, East Lyme Land Trust Inc, Owner for a potential residential subdivision does not require a permit as it is a non-regulated activity.
Vote: APPROVED unanimously.

X. REPORTS

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

B. **Inland Wetlands Agent Report**

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

no permits issued this past month

ii. **Enforcement**-no report

iii. **Draft Inland Wetlands and Watercourses Regulation**-no report

iv. **Little Indian Pond, Crescent Beach, Niantic-no report**
C. Correspondence-none

X. ADJOURNMENT

MOTION (Berger/McIntyre) to adjourn at 7:53. Vote: APPROVED unanimously.

Respectfully Submitted
Sue Spang
Recording Secretary