

**EAST LYME INLAND WETLANDS AGENCY  
REGULAR MEETING MINUTES  
MAY 2, 2023  
7:00 p.m.**

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

**Present:** Kristen Chantrell, Phyllis Berger, Don Phimister, Gregory McIntire, Leonard Salter, Diane Garner, Alt., Nancy Kalal Alt.,

**Absent:** Doreen Rhein, Sam Sims, Carlo Lombardo Alt.

**Also Present:** Gary Goeschel, Wetlands Officer, Ann Cicchiello, BOS liaison  
(D. Garner and N. Kalal were seated for S. Simms and D. Rhein)

RECEIVED FOR RECORD  
EAST LYME, CT  
2023 MAY -4 A 10:42  
TOWN CLERK

**CALL TO ORDER:**

The meeting started at 7:00

**I. PLEDGE OF ALLGIANCE:**

The Pledge was recited.

**II. PUBLIC DELEGATIONS:**

Donald Danila, 24 Pattagansett Drive, Niantic River Watershed Comm., EL Natural Resource Commission, is speaking as a resident and is concerned about some of the recent rain events and the erosion and runoff due to unusually high volumes of water. He mentioned the solar farm and sedimentation running into Cranberry Meadow Brook and the effect on the Brook Trout. Also, the construction at the Bride Brook development and the erosion and sedimentation going into Bride Brook. The construction of the Noble gas station has also caused turbidity to the Niantic River.

Global warming has caused more frequent and higher rain falls and the remedies have not kept up. He said the erosion and sedimentation (E&S) are only partially successful during these rain events. Considering that weather patterns have changed, the Inland Wetlands Agency should consider beefing up their requirements for E&S controls.

G. Goeschel suggested sending the proposed changes to the wetland's regulations to the Natural Resource Commission for comment.

**III. PUBLIC HEARINGS: none**

**IV. ACCEPTANCE OF MINUTES**

**A. Meeting Minutes March 7, 2023, Regular Meeting**

**MOTION: (Phimister/Garner) to approve the March 7, 2023, Regular Meeting as presented.**

**VOTE: APPROVED unanimously**

**V. EX-OFFICIO REPORT**

A. Cicchiello reported the town meeting for the budget is May 8 and the referendum will be May 18. The proposed budget is up 7.2%.

The First Selectman and Dominion are in discussions concerning the possibility of doing a level 1 brownfield study on the Main Street Dominion Building.

The Zoning Commission approved a mixed-use building on Main Street with many residents opposing the project.

The town hall hours will be changed to longer hours M-Th and a half day on Friday.

**VI. NEW BUSINESS-none**

**VII. PENDING APPLICATIONS-none**

**VIII. OLD BUSINESS**

**A. Inland Wetlands and Watercourse Regulations**

G. Goeschel informed the members that he will have paper copies of the proposed regulations available at the town hall. K. Chantrell asked the members to come prepared to discuss sections 1-6 for the next meeting.

K. Chantrell discussed vernal pools and would like to adopt the definition of vernal pools from the Old Lyme Inland Wetlands Commission. She would also like to see impervious surfaces addressed and possibly have different levels/percentages of acceptable impervious surfaces depending on the size of the lot.

**IX. REPORTS**

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

**B. Inland Wetlands Agent Report-no report**

**i. Administrative Permits & Commission Issued Permits-3 administrative approvals have been signed.**

**ii. Enforcement**

G. Goeschel reported about the Bride Brook housing development and the runoff into the catch basin. He stated it overflows during a heavy rain event. The Agency stated that they had brought that up during the approval process. G. Goeschel said that DEEP has contacted him twice about the water runoff from the project. He said most of it is coming from the entrance and the developer informed him they would be paving within the next two weeks.

In response to D. Danila public comment the Agency asked member G. McIntire to check on any updates from the state that address additional measures for E&S controls. The Agency also suggested an E&S control monitor on sites which would be required to submit regular reports. G. Goeschel said there are certifications specifically for E&S monitors.

There will be an application for a subdivision for a lot on the corner of Holmes Rd and Upper Walnut Hill Rd.

G. Goeschel will check on a previously approved site on Colton Road and a reported tree clearing behind the Lyme Shores tennis facility.

**Cease and Desist Order-Monaco Ford, Respondent; 218, 222, & 226 Flanders Road, Assessor's Map # 26.1 Lot# 23, 24, 26, Niantic Connecticut**

Monaco Ford will be seeding the site as soon as the weather is suitable. They have been cooperative with the town. They may be expanding their operation and possibly adding EV charging stations.

**C. Correspondence-none**

**X. ADJOURNMENT**

**MOTION (Phimister/Berger) to adjourn at 8:13. Vote: APPROVED unanimously.**

**Respectfully Submitted**

**Sue Spang**

**Recording Secretary**

### **ELIWA Meeting – May 2, 2023**

My name is Donald Danila (D-A-N-I-L-A) and I live at 24 Pattagansett Drive, East Lyme. For background purposes, please note that I am a Board of Selectmen appointed member to the Niantic River Watershed Committee and the East Lyme Commission for the Conservation of Natural Resources. I am also a member of the conservation organization Save The River-Save the Hills, serving on the #smartsolar team in helping to assess potential environmental impacts related to local developments in East Lyme and Waterford. Please note, however, that tonight I am speaking solely for myself.

I, among many others, have become increasingly concerned over the failures of several recent large development projects in East Lyme to properly control erosion and silt-laden stormwater discharges during heavy rainstorms. The first example includes the then logged-over and cleared Antares Solar Field off Walnut Hill Road. A significant rainstorm in March 2016 resulted in extremely heavy sedimentation to a tributary of Cranberry Meadow Brook draining this field, the adjacent riparian areas, and downstream into the mainstem brook. Some may recall that this was a matter before this agency for some months thereafter. Why was this a concern to me and others? I would like to point out that Cranberry Meadow Brook and its tributaries are home to brook trout, so any sediments deposited onto stream gravel areas would affect brook trout reproduction as they need clean gravel for spawning. East Lyme and some of our neighboring towns to the east are the last remaining coastal towns in Connecticut still containing native brook trout streams, which is significant as this species requires cool, pollution-free water and it is an indicator species for cold-water streams.

Secondly, early last year I was personally informed by the CT DEEP ex officio member of the Niantic River Watershed Committee of a large discharge of sediments emanating from the North Bride Brook Road housing development known as “Brookside Apartments” into a tributary of Bride Brook and thence into mainstem Bride Brook. Town staff were promptly notified, and the Conservation Commission sent a written memo to this agency regarding this issue. East Lyme is fortunate to host one of the largest runs of anadromous alewife in Southern New England with each spring an estimated 68 to 354 thousand fish ascending Bride Brook from Long Island Sound to spawn in Bride Lake. Any degradation to Bride Brook water quality affecting alewife migratory behavior during this species’ spawning run would be disastrous.

Finally, the most recent incident occurred within the Upland Review Area under the purview of this agency. On this past April 23rd, a Save The River-Save The Hills board member took a video of a large sediment plume running from the Noble Gas Station site into the Banning Cove portion of the upper

Niantic River just north of the Boston Post Road where Latimer Brook enters the cove. I don't think I need to point out to you the ecological and human values offered by the Niantic River, including, again, an anadromous alewife spawning run in Latimer Brook. The vice president of Save The River-Save The Hills shared this information with both town staff and personnel from Noble Gas and their construction contractors. Remedies were subsequently taken, including adding hay bales, silt fences, and stone barriers. Subsequently I visited the site last Sunday (April 30) after some heavy rain had fallen and took some photos while there. Regrettably, these remedies were only partially successful. Most of the sheet flow coming off the main entrance to the site ran unimpeded downhill to concentrate along the new road edge curbing. The turbidity of this runoff was quite apparent. This was added to by additional flow coming down from the cemetery access road that these additional measures failed to remediate. I was able to contrast the silt-laden turbid flow on the north or development side of the Post Road with the absolutely clear water containing no sediments that was running downhill along the curbing on the south side of the highway. Farther down the Post Road from the site, I saw piles of sand on the road's shoulder, likely deposited from this storm runoff. Sand can also be observed in the rock rip-rap and vegetation on the side of the road leading down to the river, likely from this and previous runoff events. I believe most finer silts remained in suspension and were then washed into the river.

Frankly, I've seen a common theme among developers confronted about these instances is them whining that these particular rainstorms were greater than predicted or anticipated, thereby resulting in unexpected onsite erosion and offsite discharge of sediments. Not properly preparing for heavy rainstorms cannot be used as an excuse for the failure to control sediments flowing off construction sites. It is now readily apparent to most scientists and other rational people that global warming has resulted in more frequent intense rainstorms. Construction engineers and managers need to acknowledge this fact and plan for it with better designs and more robust practices and mitigation measures. Planning for potential rainstorms of 4 inches or more needs to be done during the construction design phase. Similarly, I would urge state and local regulatory oversight agencies, including this one, to review their standards and requirements and determine if they are adequate. Perhaps the pending revised publications of CT Erosion and Sediment Control Guidelines and the CT Stormwater Quality Manual will provide some solutions, although I'll leave this up to the professionals using these references. I must say that Town staff have reacted promptly to these reported instances, but I think a proactive rather than a reactive stance is still needed. All issues associated with stormwater discharges to our local water courses need to be addressed. It appears that many large construction sites are not adequately designed from an erosion or stormwater management perspective in the first

place. There may be less than thorough reviews of development plans by local or state engineers with an over-reliance on simply "trusting the applicant". As such, we need more rigorous oversight, inspections, and accountability from the developer as well as mitigation for any damages these discharges cause. Separate and distinct remedies may be needed for each phase of construction. I also know that the town's Inland Wetland Agency and Water Courses Regulations are presently under review and revision. Due to their length and my recent decision to address you this evening, I could not perform a review and say that any or all my suggestions and concerns have yet been addressed. I hope they have. So, in conclusion, I believe that improved standards and practices and proactive oversight will prevent further occurrences of the type I've mentioned. This should eliminate or greatly reduce the possibility of environmental degradation of our town's waterways.

Thank you for giving me the opportunity to speak tonight.