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EAST LYME INLAND WETLANDS AGENCY
SPECIAL MEETING MINUTES
JULY 13, 2023
7:00 p.m.

EAST LYME TOWN HALL, MAIN MEETING ROOM

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

Absent: Doreen Rhein, Carlo Lombardo Alt., Leonard Salter,

Also Present: Gary Goeschel, Wetlands Officer, Ann Cicchiello, BOS liaison

D. Garner and N. Kalal were seated.

CALL TO ORDER:

The meeting started at 7:01

I. PLEDGE OF ALLGIANCE:

The Pledge was recited.

II. PUBLIC DELEGATIONS: none

III. PUBLIC HEARINGS: none

MOTION: (Chantrell/Phimister) to add request for determination of permanent non-regulated activity of Catherine Christensen, 66 Grassy Hill Road. Vote: APPROVED unanimously.

IV. ACCEPTANCE OF MINUTES

A. Meeting Minutes May 2, 2023, Regular Meeting

MOTION: (Garner/Berger) to approve the May 2, 2023, Regular Meeting as presented.

VOTE: APPROVED unanimously.

B. Meeting Minutes June 6, 2023, Regular Meeting

MOTION: (Phimister/Berger) to approve the June 6, 2023, Regular Meeting as presented.

VOTE: APPROVED unanimously.

V. EX-OFFICIO REPORT

A. Cicchiello informed the Agency that the Charter Revision Committee presented its final report to the BOS. The town attorney formed 11 questions based on the report to be placed on the November ballot. There will be an informational mailer sent out to all town residents.

The BOS will form a committee to study short term rentals.

A blight officer was appointed.

VI. NEW BUSINESS:

A. Discussion and possible resolution of Pending Litigation; North Bride Brook Multi-Family Development: Application of Pazz & Construction, LLC; Jason Pazzaglia, Applicant; Pazz & Construction, LLC, Owner; to conduct regulated activities in the upland review area in association with a proposed multi-family residential community on property identified in the application as N Bride Brook Rd, East Lyme Assessors Map 09.0, Lot 37-2

M. Zamarka submitted a proposed resolution granting approval of Pazz & Construction, Bride Brook application. The applicant has submitted an updated plan which shows all activity is outside the Upland Review Area (URA).

MOTION: (McIntyre/Sims) to accept the resolution as follows;

**RESOLUTION GRANTING APPLICATION OF PAZZ & CONSTRUCTION, LLC TO
CONDUCT REGULATED ACTIVITIES IN THE UPLAND REVIEW AREA**

JULY 13, 2023

WHEREAS, on November 22, 2019, Pazz & Construction, LLC., ("Applicant") filed with the East Lyme Inland Wetlands Agency ("Agency"), an application to conduct regulated activities in the upland review area in association with a proposed multi-family residential community on property identified in the application as N. Bride Brook Road, East Lyme Assessor's Map 09.0, Lot 37-2 ("Application"); and

WHEREAS, the Agency held public hearings on the application and listened to testimony from the Applicant, the Applicant's representatives and the public during those hearings. Numerous exhibits were submitted by the Applicant, the Agency, and individuals for consideration during the hearing process. In making its decision the Agency is taking into consideration all of the testimony and exhibits submitted at the hearings; and

WHEREAS, in accordance with Section 7, Application Requirements, of the Inland Wetlands Regulations the applicant has provided the all the information required by Section 7.5 and the necessary additional information required by Section 7.6, including but not limited to proposed alternatives, engineering reports and analyses, a description of ecological communities and the functions of the wetlands and watercourse and the effects of the proposed activity on these communities and wetland functions, an alternative which would cause less or no environmental impact to wetlands or watercourses, as well as an operations and maintenance plan for stormwater structures, stormwater management plan, erosion and sedimentation control plan, and site development plans. As such, the application appears to be complete.

WHEREAS, in accordance with Section 7.6, the Agency required information to be submitted including but not limited to site plans which show the land which will be affected thereby which shows existing and proposed conditions, wetland and watercourse boundaries, contours, and other pertinent features of the land and the proposed activity.

WHEREAS, based on a revised map entitled "North Bride Brook Multi-Family Development, prepared for Pazz & Construction, LLC, Sheet 1 of 8, dated 9/25/2019 and revised 7/12/23," by Brandon J. Handfield, P.E. of Yantic River Consultants, LLC of 191 Norwich Avenue, Lebanon, CT there is no direct impact on the wetlands or the watercourse as the all construction activities will be conducted outside the 100-foot upland review area from an inland wetland and watercourses. Therefore, there are no irreversible and irretrievable loss of wetlands or watercourse which would be caused by the proposed regulated activity.

WHEREAS, the project has been designed to protect the wetlands and watercourses as the building structures, driveways, and drainage structures are designed to be situated East Lyme Inland Wetlands and Watercourse Regular Meeting Minutes July 13, 2023. Page 2 of 7

outside of the wetlands and located in the upland review area as well as the public utilities (sewer, water, electric, etc.) which are being installed within existing upland areas. WHEREAS, mitigation measures to minimize and mitigate potential impacts from the creation of new impervious surfaces on the site and to protect the wetlands and watercourses, such as stormwater management structures (catch basins) and the retention pond, will pre-treat and control runoff, and promote groundwater recharge.

WHEREAS, potential impacts are mitigated by the implementation of temporary erosion and sedimentation controls as well as stormwater controls throughout all phases of construction.

WHEREAS, the upland review process does not forbid activity based solely on proximity to wetlands. Rather, the upland review process merely provides a basis for determining whether activities will have an adverse impact on the adjacent wetland or watercourse, and if necessary, regulating them.

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WHEREAS, pursuant to Section 10.5 of the East Lyme Inland Wetlands and Watercourses Regulations, for the purpose of those Sections (1) "wetlands and watercourses" includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) "habitats" means areas or environments in which an organism or biological population normally lives or occurs.

WHEREAS, pursuant to Section 10.5 of the East Lyme Inland Wetlands and Watercourses Regulations, a municipal inland wetlands agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of 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 watercourses.

WHEREAS, as demonstrated by Exhibit "L", Memorandum from V. Benni, P.E. Town Engineer to G. Goeschel II, Wetlands Officer, dated January 27, 2020 Re: North Bride Brook Multi-Family Development, the Stormwater Management Report prepared in accordance with the 2004 Connecticut Stormwater Quality Manual, verifies that the proposed detention pond attenuates peak flow rates and volumes as compared to the pre-development conditions, resulting in a net zero (0) increase in run off from the development for the 2 through 100-year storm events.

WHEREAS, the proposed detention pond will enhance stormwater runoff quality and recharge the groundwater as stormwater from the closed drainage system will enter a sediment forebay which, is separated from the detention basin by a "Detention Filter Berm" before passing through the semi-pervious filter berm into the detention basin itself.

WHEREAS, the E&S Narrative and Construction Details provide construction notes and a long-term maintenance plan for the stormwater detention basin. Moreover, the Erosion and Sediment Control Plan was prepared according to the 2002 Connecticut Guidelines

for Soil Erosion and Sediment Control (CT DEEP), and includes a narrative, construction sequence and vegetative turf establishment procedures.

WHEREAS, as demonstrated by Exhibit "H", plan review comments from B. Kargl, Town Utilities Engineer, dated 12/12/19, found the conceptual layout of the water and sewer utilities to be acceptable.

WHEREAS, the record before the Agency, which includes Exhibit "B", Wetlands report from James Sipperly, Soil Scientist dated October 3, 2019, states: "The proposed development in the upland review area will not be disturbing any wetlands and/or watercourses on the site. For that reason, the inland wetlands will continue to perform their functions as they currently do." As such, the proposed activity *will avoid any direct impacts* to the wetlands or watercourses and the design has been prepared to minimize the potential for secondary and indirect impacts through implementation of the Erosion and Sedimentation Control Plan.

WHEREAS, as demonstrated by Exhibit "L", memorandum from V. Benni, Town Engineer and Exhibit "A" Application and project narrative, and Exhibit "B" the Soils Report by James Sipperly, the project will not significantly change to the hydrology of the wetlands and watercourse in question as the drainage design provides recharge to the on-site wetlands and watercourse by discharging the roof runoff from Building I, J, & M at the westerly corner of each building to a rip-rap splash pad which it then flows overland to the wetland in order to replicate the existing flows which currently reach and contribute to the recharge of the wetlands system.

WHEREAS, although the proposed construction would pose an intrusion into the upland area, introducing a new and more intensive use than the present condition (forested land) and risks to the wetlands, there is no substantial evidence in the record to support a likely adverse impact on the wetlands and watercourse from the proposed upland intrusion.

WHEREAS, the record before the Agency of the current application contains no specific evidence that the impacts on the wetland and watercourse are significant, adverse, and would likely impact or affect the physical characteristics of such wetlands or watercourse.

WHEREAS, as demonstrated by Exhibit "A" the application and supporting documentation including the proposed plans entitled "North Bride Brook Multi-Family Development, prepared for Pazz & Construction, LLC, Sheets 1 through 7, dated 9/25/2019 and revised through 1/15/2020," by Brandon J. Hanfield, P.E. of Yantic River Consultants, LLC of 191 Norwich Avenue, Lebanon, C ", there are no other prudent and feasible alternatives yielding a 100-unit multi-family development that would eliminate or further reduce the potential for wetlands impacts. As the proposed activity is of limited duration with no direct or likely adverse impacts to the wetlands or watercourse, it is the preferred alternative.

WHEREFORE, IT IS HEREBY RESOLVED THAT the Application known as the Application of Pazz & Construction, LLC; Jason Pazzaglia, Applicant; Pazz & Construction, LLC, Owner; Application to conduct regulated activities in the upland review area in association with a proposed 100-unit multi-family residential community on property identified in the Inland Wetlands and Watercourses Agency Application as North Bride Brook Rd, East Lyme Assessor's Map 09.0, Lot 37-2 and the plans entitled "North Bride Brook Multi-Family Development, prepared for Pazz & Construction, LLC, Sheets 1 through 7, dated 9/25/2019 and revised through 1/15/2020," East Lyme Inland Wetlands and Watercourse Regular Meeting Minutes July 13, 2023. Page 4 of 7

Commented [GG1]: I don't believe this would still apply based on the revised plan.

8, dated 9/25/2019, revised through 1/15/2020, and further revised through 7/12/23" by Brandon J. Handfield, P.E. of Yantic River Consultants, LLC of 191 Norwich Avenue, Lebanon, CT, IS APPROVED subject to the following administrative requirements and required modifications to the site plan and other materials submitted in support of this application:

1. The Erosion and Sedimentation Control Plan and recommended Construction Sequence shall be followed.
2. Pursuant to the Erosion and Sedimentation Control Plan and construction sequence, notify conservation Officer at least 2 days prior to construction to inspect erosion controls.
3. Silt fence and other erosion controls including temporary sediment traps and diversion swales to be installed shall be inspected by the Inland Wetlands Agent and the Town Engineer prior to any site construction, land clearing or other associated construction activities.
4. 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.
5. Forested cover within the upland review areas shall be maintained to the extent practicable. The proposed Limits of Disturbance (LOD) shall be strictly adhered to though out all phases of lot build-out and construction.
6. As indicated in Exhibit "L", memorandum from Victor Benni P.E., Town Engineer dated January 27, 2020, an Erosion and Sedimentation Control Bond (aka financial guarantee) in the amount of \$30,000.00 dollars in a form satisfactory to the Town of East Lyme and the Inland Wetlands Agency, its Agent, and Town Engineer shall be posted with the Town of East Lyme.
7. A copy of each weekly inspection reports for the Stormwater Management Basin shall be furnished to the East Lyme Inland Wetlands Agent within 7-days of conducting said inspection.
8. Failure of the development to adhere to the stormwater management system components of the long-term operations and maintenance plan shall be consider a violation of this permit and the East Lyme Inland Wetlands and Watercourses Regulations.
9. Any proposed *Additional* work beyond *this* permit *in* the wetlands or watercourse or *its* 100-foot regulated area will require approval from the Inland Wetlands Agency or its certified agent.
10. Any changes to the site plan listed on this permit require notification to the Inland Wetlands Agent and may require commission approval; a new plan shall be given to the Inland Wetlands Agent for review and approval before such work begins.
11. Inland Wetlands Conservation 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 at 40-50-foot intervals satisfactory to the Inland Wetlands Agent.

12. A 200-foot wide conservation easement, beginning at the limits of clearing and extending north, south and westward along the existing stream corridor, in a form satisfactory to the Inland Wetlands Agency and the Town of East Lyme, shall be filed on the land records in the office of the East Lyme Town Clerk prior to any construction.
13. No sitework shall commence until all applicable conditions are satisfied.
14. Notify Inland Wetlands Agent upon completion of all regulated activities for a final inspection and to request the release of any financial guarantees.

This approval is specific to the site development plan submitted as the application of Jason Pazzaglia, Applicant; Pazz & Construction, LLC, Owner; Application to conduct regulated activities in the upland review area in association with a proposed 100-unit multi-family residential community on property identified in the Inland Wetlands and Watercourses Agency Application as North Bride Brook Rd, East Lyme Assessor's Map 09.0, Lot 37-2 and the plans entitled "North Bride Brook Multi-Family Development, prepared for Pazz & Construction, LLC, Sheets 1 through 8, dated 9/25/2019 revised through 1/15/2020, and further revised through 7/12/23," by Brandon J. Handfield, P.E. of Yantic River Consultants, LLC of 191 Norwich Avenue, Lebanon, CT".

Any change or modification in the plan or development plan layout 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

B. Request for determination of permanent non-regulated activity of Catherine Christensen, 66 Grassy Hill Road.

Mark Christensen, 66 Grassy Hill Rd. said he owns 13 acres of farm land, which is in PA 490, and would like to build a farm pond. He raises Christmas trees and lost 50% of his newly planted trees last year due to drought. The pond will be used to help with the watering of the trees.

MOTION: (McIntyre/Phimister) the Agency determines that the proposed activity at 66 Grassy Hill Rd. is non-regulated activity. Vote: APPROVED unanimously.

VII. PENDING APPLICATIONS

A. Kristen T. Clarke, PE, & Shelly Harney Applicants/Port Side Holdings, LLC Owner; Application for a 5-lot Subdivision, at property located on the corner of Upper Walnut Hill Road and Holmes Road, East Lyme Assessor's Map # 55.0, Lot #3.1, Zoned RU-80 (Submitted 5/1/23, Date of Receipt 5/2/23; 65 days to render a decision or hold Public Hearing 7/13/2023).

Paul Geraghty, for the applicant noted that the Agency missed the deadline for a public hearing on the application. He said the applicant has conveyed the wetlands on 3 parcels to the East Lyme Land Trust (ELLT) which was done yesterday; he submitted the deeds to the Agency.

Under section 8-26 e of the East Lyme Zoning Regulations the Agency is required to submit a report to the Planning Commission if there are wetlands on the properties. P. Geraghty said that East Lyme Inland Wetlands and Watercourse Regular Meeting Minutes July 13, 2023. Page 6 of 7

now the wetlands have been conveyed to the ELLT there are no longer wetlands on the proposed subdivision therefore the Agency is not required to submit a report.

Access to the wetlands will be available to the ELLT from their abutting property. He submitted a letter dated July 6, 2023 to G. Goeschel outlining the applicants intention to donate the wetlands.

If any of the properties were to be developed in the future and they were in the URA, they would be required to come for a permit.

P. Geraghty said in his conversation with G. Goeschel a note would be put on the plan that any activity within the wetlands or URA would need a permit.

Geraghty said that when the land is transferred to a buyer they would be told about the wetlands and the need for a permit.

G. Goeschel said that a note should be on the plans that no more than 50% of the property can be cleared.

The conservation easement will be in the deeds.

It was the consensus of the Agency that G. Goeschel will provide a report to the Planning Commission concerning the 50% limit of clearing, any building within the 300' URA needs to come before the Agency and tags every 50' around the wetlands as determined by a soil scientist.

VIII. OLD BUSINESS

A. Inland Wetlands and Watercourse Regulations

The Agency reviewed sections 7-10 and will review sections 11 to the end of the regulations for the next meeting. G. Goeschel will make the suggested revisions

IX. REPORTS

A. Chairman's Report-no report

B. Inland Wetlands Agent Report-

i. Administrative Permits & Commission Issued Permits

There will be requests for bond releases next month

ii. Enforcement-the cease-and-desist order at Monaco Ford: grass has been planted and it is starting to grow and it is stabilized.

G. Goeschel recommended keeping the cease and desist in place until the Fall.

Phragmites have been cut around Little Indian Pond without a permit. One of the owners has applied to DEEP for an application to apply a herbicide to the pond.

C. Correspondence-none

X. ADJOURNMENT

MOTION (Berger/Sims) to adjourn at 9:02. Vote: APPROVED unanimously.

Respectfully Submitted

Sue Spang

Recording Secretary