

**TOWN OF EAST LYME
COMMISSION FOR THE CONSERVATION OF NATURAL RESOURCES
REGULAR MEETING MINUTES
WEDNESDAY, AUGUST 9, 2023, 7:00 P.M.**

Present: Penny Heller, Chairperson
Laura Ashburn
Mark Christensen
Don Danila
Marjorie Meekhoff, Alternate

Absent: Harvey Beeman

Also Present: Anne Santoro, Ex officio (*for Selectwoman Rose Ann Hardy*)

RECEIVED FOR RECORD
EAST LYME, CT
2023 SEP 11 A 8:23
Laura Meekhoff
TOWN CLERK

- I. Call to Order
Chairperson Heller called the meeting to order at 7:00 p.m.
- II. Seating of Alternates (if necessary)
MOTION (1): Commissioner Danila, seconded by Commissioner Ashburn, to seat Alternate Commissioner Meekhoff for Commissioner Beeman. Discussion: None. Voice vote, 4-0, all in favor. Motion carried.
- III. Call for Additions to the Agenda – *none*
- IV. Call for Public Delegations – *none*
- V. Review and Approval of Minutes of the July 12, 2023
MOTION (2): Commissioner Danila, seconded by Commissioner Ashburn, to approve the Conservation of Natural Resources Commission July 12, 2023 Regular Meeting Minutes. Discussion: None. Voice vote, 4-0-1. Voting in Favor: Commissioners Ashburn, Danila, Meekhoff, and Heller. Voting in Opposition: None. Voting in Abstention: Commissioner Christensen. Motion carried.
- VI. New Business
 - a. Presentation on using CT DEEP Natural Diversity Data Base (NDDDB) prior to development – invited speaker Lindsay Rush
Lindsay Rush, Professor of Biology, provided a brief presentation regarding the possibility of increasing the public’s awareness of the CT DEEP (Connecticut Department of Energy and Environmental Protection) Natural Diversity Data Base (NDDDB) Maps and encouraging developers to utilize the database by improving its accessibility and providing best practices. The database provides maps showing the approximate habitats of endangered, threatened, and special concern species

throughout the state. The information is generated in a variety of ways and is regularly reviewed and updated. Commissioner Danila noted that the data should be used as a general guide as it can, sometimes, be inaccurate, citing the sighting of a threatened ribbon snake during a site walk at the then proposed Waterford Solar Farm before its construction, which was not on the NDDDB listing.

Discussion ensued regarding the importance of making the information accessible by streamlining the process for the public, especially developers, to access the data quickly and easily. Chairperson Heller suggested creating a downloadable report listing the locations that provide a habitat for sensitive species as a first step, followed by, possibly, a web tool. Commissioner Danila added that the Commission requested that an NDDDB Review for specific projects (Section 7(e), Application Requirements) be required as part of the application process in the Inland Wetlands and Watercourses Regulations' proposed revisions. Commissioner Christensen believed the item is also included on the Planning Commission's checklist. It is not included in the town's POCD (Plan of Conservation and Development).

Professor Rush also stated the importance of informing the public that, while the data point out specific sensitive areas, they are not conclusive and steps should be taken to minimize any impact their actions might have on the area's existing biodiversity. She also stated the possibility of utilizing the resource to facilitate the creation of more conservation easements from private owners or groups of larger parcels of land, without slowing down the overall development of the town. Commissioner Ashburn concurred, adding that one of the ten criteria of the town's Open Space Plan is biodiversity. She also proposed starting a social media campaign as a means of informing the current and future generations.

Discussion also ensued regarding the possibility of acquiring a grant through SustainableCT. To do so, an individual project leader would need to be designated. The possibility of engaging a college or high school student to assist in developing the project was discussed. Commissioner Ashburn also suggested the possibility of engaging a representative from CT DEEP, or similar, to discuss the database and provide the best way to acquire useful biodiversity information.

Chairperson Heller will discuss the matter with the Planning Director and Commissioner Meekhoff will contact CT DEEP Wildlife Biologist Peter Picone and Three Rivers Community College Professor Diba Khan-Bureau.

The item will remain on the Agenda for further discussion.

- b. Report on Pattagansett Lake Herbicide Treatment – Don Danila
Commissioner Danila, who is also a member of the Pattagansett Lake Association, reported that the herbicide ProcellaCOR was sprayed into various areas of the Lake ,

particularly the coves, to treat heavy growths of milfoil, water lilies and watershield. The Association's select herbicide Clipper could not be used due to the identification of four plants included in the CT DEEP NDDB Data Base review. The resulting herbicide that was used primarily targeted the watermilfoil as well as smartweed, water lilies, and watershield. The project was paid for by the homeowners of the Association.

c. Condition of the Hole-In-The-Wall Stormwater Project

Commissioner Danila, who is also a member of the Niantic River Watershed Committee, reported that the Committee's CT DEEP Ex-Officio stated that a CT DEEP/EPA (Environmental Protection Agency) Watershed's Nonpoint Source Management Project Tour will be held in early September across Connecticut. It is very likely that the Niantic Watershed Projects will be included in the tour, along with the Hole-In-The-Wall Stormwater Project, which was highly touted by the CT DEEP as a very successful project. Unfortunately, the Project, which includes plants that clean the contaminants entering into the sound, has not been properly maintained. Chairperson Heller will contact the Parks & Recreation Department Director to notify them of the upcoming tour, asking that the maintenance crews refrain from any additional weed whacking, clean the area as a short-term solution and review the original plans, educate the crew, and remediate the area for the long-term.

d. 2023 RBV Sampling

A Riffle Bioassessment by Volunteers (RBV) Sampling, a statewide volunteer water quality monitoring program in which macroinvertebrates are collected from local waterways to determine the healthiness of the stream, will likely be conducted in October. Due to the drought conditions, the RBV Sampling was not conducted last year. Samples are taken from Latimer Brook, Cranberry Meadow Brook, and Fourmile River. The findings are annually published and can be found on the CT DEEP website. It is important to note that the lack of locating certain sensitive insects does not indicate that the water quality is necessarily bad but that the particular site may not be suitable for proper sampling of those insects.

VII. Old Business

a. Update on Review of Inland Wetland Agency Regulations – Don Danila

Commissioner Danila reported that a Memo regarding the Commission's comments on revisions to the Inland Wetlands and Watercourses Regulations was sent to the Inland Wetlands Agency (IWA) and cc'd to the Inland Wetlands Agent Gary Goeschel, and CNRC Ex-Officio Selectwoman. Mr. Goeschel has confirmed the receipt of the Commission's comments and Mr. Danila was informed that the Agency is planning to include the item on their September 5 Agenda for discussion. He has prepared a brief script with a synopsis of the Commission's comments and invited the Commissioners to attend the meeting.

With respect to the subject of NDDDB reviews, the Commissioners felt that a recommendation to engage in best practices might be sufficient rather than requiring an assessment of the likelihood of the presence of federal- or state-listed endangered, threatened, or species of concern on a given property or water body if the given area is not included in the NDDDB Data Base. Commissioner Danila stated that the onus is on the Commission to review the agendas of the other Boards and Commissions and participate in the public delegation portion of their meetings, as appropriate.

- b. Update on Bride Brook & Lake Alewife Run – Can the EL Water & Sewer Department modify the lake outflow regime? – Don Danila

Commissioner Danila reported that he has been working with Ben North, Municipal Utilities Engineer, Water & Sewer Utilities Department; Dr. Eric Schultz, Department of Ecology and Evolutionary Biology, University of Connecticut, and; Dr. James Knighton, Department of Natural Resources and the Environment, University of Connecticut, to modify the outflow of Bride Lake. Due to the drought last summer, thousands of alewives died while migrating to the sea due to the low and diminishing water flow. They are investigating the possibility of installing a structure to control the level and flow of water in the Lake.

While the Town of East Lyme is fortunate to have one of the largest alewife runs in Southern New England. The number of alewives that passed through town waterways this year declined in comparison to previous years. In addition, it is estimated that over one million alewives have captured as bycatch in the Atlantic Ocean commercial fishery last winter, which most likely affected the number returning to spawning streams.

VIII. Reports and Communications

a. Communications

- 1) A copy of an e-mail regarding the availability of an online wetland- or watercourse-related complaint form at the CT DEEP's Land and Water Resources Division at <https://portal.ct.gov/DEEP/Coastal-Resources/Coastal-Management/LWRD-Enforcement>. Complaints may include videos and images.

b. Agribusiness Subcommittee

Commissioner Christensen reported that approximately 97 visitors attended the Annual Open Farm Day event in July. Participating farms included Rockhill Farm, which provided pony rides and goats, and Cranberry Meadow Farm, which presented oxen, and Green Acres Farm, which brought ducks. The event promotes the town's farms and emphasizes their importance as a valuable resource.

The East Lyme Giving Garden will host an Open House event on Saturday, September 2, 10 a.m. to 2 p.m. The event will include tractors, raffles, food trucks, and tours of the vegetable gardens and Pollinator Meadow .

c. SustainableCT Subcommittee

Chairperson Heller reported that the Subcommittee has begun planning for possible future projects that will count towards their recertification in 2025. Beginning this fall, the members plan to draft a grant for the Pollinator Pathways projects, create a Fall Pedestrian Survey, update the 2022 Cultural (and Historical) Assets Map, conduct an Energy Audit of Town Buildings, asses the feasibility of establishing a Community Composting Program, and post family-friendly bicycle routes on the town website.

Commissioner Danila added that the Niantic River Watershed Committee will be assisting the Subcommittee to gain credits for a Watershed Management Protection Plan and Watershed Protection and Restoration activities.

d. Pollinator Pathways East Lyme (PPEL)

1. Review of PPEL presentation to Zoning Commission – Marjorie Meekhoff

Commissioner Meekhoff provided a well-received PowerPoint presentation and discussion regarding the importance of native insects and plants for the food chain and human survival to the Zoning Commission. She also provided the Commissioners with a copy of the town’s Pollinator Proclamation and informed them of their hopes to establish a Native Plants and Invasive Species Ordinance in which native plants are planted on municipal property. She is working with a team of individuals who are helping her review and edit several documents and maneuver through the process of establishing the Ordinance. The Ordinance would be modeled on that of the Town of Newtown and would be followed by an Ordinance for commercial developments.

PPEL is planning to host a Native Plant Sale in the Spring for Earth Day.

Phase I of the plantings for the Native Shrub Design for the Public Works Department is complete and the plants are thriving. Phase II will begin in the fall of 2023 or spring of 2024. The 1.5-acre meadow that was planted with the help of CT DEEP at the York Correctional Center in July is also doing well. The inmates will eventually be trained to maintain the plantings, which are primarily larval host plants for butterflies.

In response to Commissioner Christensen regarding planting wildflowers at the north boundary of the Bridebrook athletic fields, she stated that she was informed that the area would need to be rezoned. Additionally, PPEL was asked to establish herbaceous vegetation along the eastern boundary of the athletic fields. However, many of the trees that were left behind by the Public Works Department in the strip

are Norway Maple trees that are allelopathic and likely not compatible with native plants.

A presentation by Todd Donovan on Darrow Pond will be held at the Community Center in the Olive Chendali Room on Thursday, August 10.

e. Chairman's Report

Chairperson Heller reported that she received an invitation from Mike MacDowell to join a Bicycle Advocacy Group. The group includes 12 to 15 individuals with diverse biking interests. The first action of the group, which held its initial meeting in July, determined the best locations for four to six bike racks, which will be purchased by the East Lyme Public Trust Foundation. Either Mike Finkestein or Joe Bragaw will be invited to their next meeting in September to discuss traffic safety issues. In 2019, she and Mr. MacDowell attempted to establish safe biking routes for the public by posting signage. It is hoped that the project will eventually morph into published bike routes, redesigned parking to improve cycling and pedestrian safety, especially for new developments along Main Street.

f. Ex-Officio Report

Selectwoman Santoro reported that the Board of Selectmen approved to send the appropriation of funds to install two electric vehicle rapid charging stations at Town Hall to the Board of Finance. The project will be funded through an Eversource Grant and ARPA (American Rescue Plan Act) Funds.

An explanation of the proposed changes to the Town Charter, as recommended by the Charter Revision Committee, will be distributed to the residents in preparation for the November ballot.

An eight-member Short-Term Rentals Subcommittee, which will include a member from the Board of Selectmen, Zoning Commission, and the community-at-large, was formed. The Subcommittee's first meeting will be held on Monday, September 14, at 7:00 p.m.

The Board of Selectmen also authorized the First Selectman to enter into an agreement between the Towns of East Lyme and Montville for Private Duty Police Assistance for ongoing road construction projects. The officer's time is paid for by the contractors.

Selectwoman Santoro will investigate the status of the installation of the spill mitigation system along the highway near Costco, which is located on the town's aquifer. Should a spill occur, 35% of the town's potable water would be compromised.

The real estate matters regarding the East Lyme Land Trust Oswegatchie Hills/Hathaway Farms property continue to be discussed in Executive Session by the Boards of Selectmen and Finance.

IX. Adjournment

MOTION (3): Commissioner Danila, seconded by Commissioner Christensen, to adjourn the meeting at 9:09 p.m. Discussion: None. Voice vote, 5-0, all in favor. Meeting adjourned.

Respectfully Submitted by:

Agnes T. Miyuki, Substitute Recording Secretary for the Town of East Lyme