

**EAST LYME INLAND WETLANDS AGENCY
REGULAR MEETING MINUTES
FEBRUARY 6, 2024
7:00 p.m.**

EAST LYME TOWN HALL, MAIN MEETING ROOM

Present: Don Phimister, Kristen Chantrell, Doreen Rhein, Ryan Williams, Gregory McIntire, Diane Garner, Alt., Tom Kalal

Absent: Phyllis Berger, Leonard Salter,

Also Present: Gary Goeschel, Wetlands Officer, Ann Cicchiello, BOS liaison
D. Garner and T. Kalal were seated.

CALL TO ORDER:

The meeting started at 7:00

I. PLEDGE OF ALLGIANCE:

Recited

II. ELECTION OF OFFICERS

B. Chairman

A. Cicchiello called for nominations for Chairman three times. Phimister/McIntire nominated K. Chantrell for Chairman. The vote was unanimous.

C. Vice Chairman

K. Chantrell called for nominations three times. Chantrell/Rhein nominated D. Phimister for Vice Chairman. Vote: In favor-Chantrell, Phimister, Rhein, McIntire, Williams, Garner. Opposed-none. Abstaining-Kalal

D. Secretary

K. Chantrell called for nominations three times. Chantrell/Phimister nominated P. Berger for Secretary. The vote was unanimous.

II. PUBLIC DELEGATIONS: none

III. PUBLIC HEARINGS: none

IV. ACCEPTANCE OF MINUTES

A. Meeting Minutes December 5, 2023, Special Meeting

MOTION: (Phimister/McIntire) to approve the December 5, 2023, Meeting minutes as presented. VOTE: APPROVED. In favor-Chantrell, Phimister, Rhein, McIntire, Garner. Opposed-none. Abstaining- Williams, Kalal

V. EX-OFFICIO REPORT

Anne Cicchiello updated the Agency on the damaged seawall at McCook's Beach for an emergency appropriation of \$25,000. Park and Recreation submitted a master plan for passive recreation and education on 100 acres of Darrow Pond.

RECEIVED FOR RECORD
EAST LYME, CT
2024 FEB 13 P 4:31
Caulfield
TOWN CLERK

VI. NEW BUSINESS:

A. Roles and Responsibilities of Local Land Use Officials.

Mark Zamarka, Town Land Use Attorney addressed the Agency on their roles and responsibilities. He said the Agency is a statutory creation of the state and derive their powers from state statute and their regulations.

There are five functions of the Wetlands Agency

- Pass and amend regulations.
- Determine boundaries, of inland wetland and water courses, URA.
- Rules on permits for regulated activities
- Enforce regulations.
- Advisory function

There are six types of activities that are exempt from wetlands review.

- Agricultural review
- Residential home on a subdivision lot that was approved prior to IWA regulations.
- Boat anchorage and moorings
- Some uses that are incidental to the enjoyment and maintenance of residential property
- Construction of commercial or municipal water supply systems
- Maintenance of water pipes on residentially owned lands which became effective before IWA regulations.

The jurisdiction of the agency is limited to regulated activities in wetlands or watercourses or operations that affect them as defined by the statute. The jurisdiction also extends to the URA, (Upland Review Area). East Lyme has a 300 ft. URA. According to the Connecticut Supreme Court, you can regulate outside of the wetlands or the URA only those activities that are likely to affect the physical characteristics of the wetlands or watercourses. The jurisdiction does not extend to any wildlife that may use or be supported by those wetlands.

M. Zamarka explained the timelines for applications.

The acceptance of an application is either the first meeting after the application is brought to the town hall or within 35 days, whichever comes first according to statute 8-7d.

A public hearing must be held within 65 days of the day of receipt. A public hearing is held if 25 or more people petition for a public hearing, there is significant impact to the wetlands or public interest in the application. The public hearing must be completed within 35 days unless the applicant asks for an extension. Once the public hearing is closed the Agency has 65 days to make a decision. If the Agency fails to act there is no inferred approval.

At the public hearing the applicant presents the application, the Agency can ask questions of the applicant. The public has an opportunity to speak to the application. Once the hearing is closed the Agency can no longer take testimony or receive documentation unless it is from town staff.

If there is a member of the Agency who has specialized knowledge which pertains to the application, they must inform the public and applicant on the record at the beginning of the public hearing.

A member can be disqualified from hearing an application if they have a predetermined opinion on the application. If the member has a conflict of interest such as a financial conflict they should recuse themselves.

M. Zamarka stated an impact on the URA is not a sufficient reason to deny an application, the impact must be to the wetlands. Any reason for denying an application must have reasons stated on the record. If experts testify, their testimony cannot be disregarded without some factual basis in the record to rebut the testimony.

Reasons to be considered for denial/approval.

- Environmental impact of the activity
- The applicant's purpose for the activity and any feasible and prudent alternative which would cause less or no impact
- long and short term effects on the wetlands.
- Irreversible loss of wetlands caused by the activity.
- Any mitigation that may be considered
- Character and degree or interference with the health safety or reasonable use of the property
- The impact of the proposed activity on the wetlands or watercourse outside the proposed activity but still within the wetland or watercourse or any future activities associated with the application.

M. Zamarka reviewed the FOIA with members. He said all members could be sent a request for information which would include all emails, text or correspondence associated with an application or Agency matters. He strongly suggested they have an email dedicated to Agency business and refrain from emailing or texting to all as it may constitute a public meeting. Site Walks are limited to looking at the site and there should be no discussion by members.

B. Chapman Woods Association, Applicant; chapman Woods Road; Application to repair hazardous drainage conditions and restore interrupted drainage flow from the roadway stormwater system to a functional safe condition (Date of receipt 2/6/2024)

Joe Wren, Indigo Designs presented for the applicant. He described a 94 unit for 55 and over residents. He submitted 4 photos of upstream and downstream views. There is a 2x4 box culvert, rip rap along the intermittent stream and a series of catch basins. Due to years of deposits of sand there is scouring of the catch basin and sand/materials have pile up 2 feet higher than the outlet pipe. The water backs up and flows onto the road which creates hazardous icing conditions in the winter.

He said the work will not take more than two days and will be done when there is no intermittent water flow or forecasted storms or water events. They have estimated there is approximately 30-40 cubic yards of material to be removed, approximately 2-3 full tri-axel trucks. There will be E&S measures added once the machinery is out of the way.

The Agency will take a site walk.

VII. PENDING APPLICATIONS-none

VIII. OLD BUSINESS

A. Inland Wetlands and Watercourse Regulations

The members were encouraged to review the proposed changes and submit any suggestions to G. Goeschel by email.

IX. REPORTS

A. Chairman's Report-no report

B. Inland Wetlands Agent Report-

i. Administrative Permits & Commission Issued Permits Enforcement-

G. Goeschel reviewed the list of enforcement actions.

ii. Correspondence:

Letter from Town Clerk Galbo

X. ADJOURNMENT

MOTION (Berger/McIntire) to adjourn at 8:38. Vote: APPROVED unanimously.

Respectfully Submitted

Sue Spang

Recording Secretary

**2024 Meeting dates: March 5, April 2, May 7, June 4, July 2, August 6, September 3, October 1,
November 4, December 3.**