

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

EAST LYME TOWN HALL, MAIN MEETING ROOM

Present: Kristen Chantrell, Don Phimister, Gregory McIntire, Phyllis Berger, John Vilcheck, Alt.

Absent: Doreen Rhein, Ryan Williams, Leonard Salter, Tom Kalal, Alt.,

Also Present: Gary Goeschel, Wetlands Officer, Ann Cicchiello, BOS liaison, Sue Spang, Recording Secretary

CALL TO ORDER:

The meeting started at 7:00

I. PLEDGE OF ALLGIANCE:

Recited

II. PUBLIC DELEGATIONS:

Don Danila, 24 Pattagansett Dr., addressed the Agency concerning clear cutting on a property abutting the lake on Upper Pattagansett Rd., north of White Gate Farm. (Photos submitted).

MOTION: (McIntire/Berger) to add, additions to the agenda. Vote: APPROVED unanimously

MOTION: (Phimister/Berger) to add 132 North Bride Brook Rd, extension of permit to as New Business. Vote: APPROVED unanimously.

III. PUBLIC HEARINGS: none

IV. ACCEPTANCE OF MINUTES

A. Show Cause Hearing (14 Park Lane) minutes of April 2, 2024

MOTION: (Phimister/McIntire) to approve the Show Cause Hearing (14 Park Lane) minutes of April 2, 2024, as presented. VOTE: APPROVED. In favor-Chantrell, Phimister, Berger, McIntire. Opposed-none. Abstaining- Vilcheck.

B. Show Cause Hearing (Sound and Cove Land, LLC) Minutes of Aril 2, 2024

MOTION: (Phimister/Berger) to approve the Show Cause Hearing (Sound and Cove Land, LLC) minutes of April 2, 2024, as presented. VOTE: APPROVED. In favor-Chantrell, Phimister, Berger, McIntire. Opposed-none. Abstaining- Vilcheck.

C. Regular Meeting Minutes of April 2, 2024

MOTION: (McIntire/Berger) to approve Regular Meeting minutes of April 2, 2024, as presented. VOTE: APPROVED. In favor-Chantrell, Phimister, Berger, McIntire. Opposed-none. Abstaining- Vilcheck

V. EX-OFFICIO REPORT

Anne Cicchiello informed the members that there is an upcoming Town Meeting for the budget on May 13 and a Referendum on May 23.

There was a presentation to the BOS for the creation of a Capital Improvement Committee.

She was ex-officio at the last Zoning Commission meeting where a conceptual plan for 200

Pennsylvania Rd was presented. The plan consists of 144 condos for 55 and older residents, 120 assisted living units and a 30 bed memory care unit. Nineteen out of 30 acres would be developed.

RECEIVED FOR RECORD
EAST LYME, CT
2024 MAY 14 A 9:23
Kristen Chantrell

A. Cicchiello inquired about clearing/building on Holmes Rd.

G. Goeschel said there are 4 building lots approved and another where clearing has taken place for test pits.

Members questioned the 200 Pennsylvania Ave. project and whether they would also have to come before the Wetlands Agency with a conceptual plan. G. Goeschel said he thought it would be a good idea if they did.

VI. NEW BUSINESS:

A. Mohawk Dr. (Tax Assessor's Map #8.3 Lot #133), Tyler Putnam, Applicant, Old Black Point Associates LLC, Owner; Application for Determination of Permitted Non-Regulated Activity of a 2 lot Subdivision of land and construction of two single family dwellings

Withdrawn

B. 132 North Bride Brook Rd. for a five year extension of an Inland Wetlands permit, #19-13 (tax assessors map #14.0, Lot 75) for a retaining wall down to the bank level.

G. Goeschel said that the request came in due to the failure of the retaining wall during the last rain event. Town Engineer Alex, Close will inspect the wall. G. Goeschel said that as long as the applicant follows the original approved application he has no issues with it.

The members were concerned as to why the wall is failing.

MOTION: (McIntire/Berger) to approve an extension of one year; any deviation from the approved plan the applicant would need to submit an application. Vote: APPROVED unanimously.

VII. PENDING APPLICATIONS

A. 50 Gurley Road, James Bernardo, L.S. Applicant; Douglas C. Hoagland, Owner; Application to construct a single-family dwelling and associated appurtenances within 300 feet of an inland wetlands and watercourse (Date of Receipt 2/6/2024; Date to render a decision 4/11/2024).

G. Goeschel noted the applicant was not at the meeting and reminded the Agency that they are working under an extension. He talked to the town attorney and discussed with the applicant that it looks like there are three parties (according to the applicant) that have an interest in the land where the town discontinued a right of way. The town attorney said that the three applicants would not have to sign the application but they would have to submit an affidavit signifying they are aware that work is being done on a portion of the property they have an interest.

G. Goeschel said it may take longer than anticipated and may go after the date of decision. The applicant may withdraw and submit a new application when he is ready.

VIII. OLD BUSINESS

A. Inland Wetlands and Watercourse Regulations

The members discussed possible additions of language concerning what the wetlands agent can approve within the URA.

G. Goeschel thought it would be a good idea to submit the draft regulations to other Boards and Commissions as well as abutting municipalities.

The members should review the proposed changes before the next meeting.

IX. REPORTS

A. Chairman's Report-no report

B. Inland Wetlands Agent Report-

G. Goeschel reached out to the owner of the Upper Pattagansett property which was cleared. He said it was part of an approved plan which includes a planting plan. He told them to put E&S controls to avoid erosion into the lake and to have the area vegetated by the end of May.

i. Administrative Permits & Commission Issued Permits

Enforcement-

G. Goeschel reviewed the list of enforcement actions.

ii. Correspondence

G. Goeschel submitted a memo addressed to the BOS, P&R, Chief of Police, and the Commission for the Conservation of Natural Resources concerning the damage by ATV's on the Darrow Pond, 16 Mostow Rd. The damage is to the trails and vandalism to the signage for recreation area.

X. ADJOURNMENT

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

Respectfully Submitted

Sue Spang

Recording Secretary

2024 Meeting dates: June 4, July 2, August 6, September 3, October1, November 4, December 3.

Town of

P.O. Drawer 519

**Department of Planning &
Inland Wetlands Agency**

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




East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

**Phone: (860) 691-4114
Fax: (860) 860-691-0351**

MEMORANDUM

TO: East Lyme Board of Selectmen, Commission for the Conservation of Natural Resources, Jerry Loken, Director of Parks & Recreation, and Mike Finkelstein, Chief of Police

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

DATE: April 25, 2024

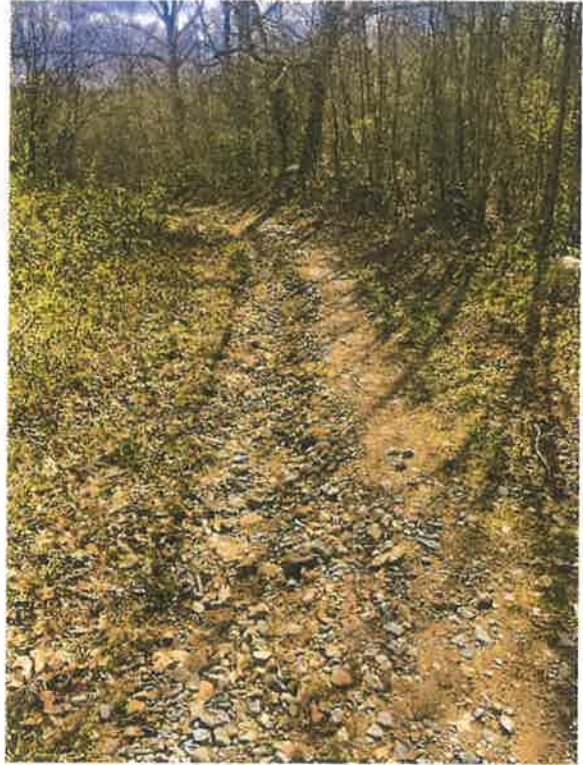
RE: Trail Maintenance at Darrow Pond, 16 Mostowy Road, Assessor's Map#40.0, Lot#5, East Lyme

As you may know, there have been several incidents of vandalism and the use of All Terrain Vehicles (ATVs) on the Goodwin Hiking Trail. More specifically, the use of ATVs exacerbates soil erosion upon rain events which, has caused significant damage to the trail. (see Photos Attached).

As such, on January 17, 2024, I met with Brain Flaherty, CT DEEP Park Ranger- Rocky Neck State Park, Alex Amendola, CT DEEP State Forester- Nehantic State Forest, Kieth Williams, CT DEEP EnConn Police, Kim Bradley, CT DEEP Recreation Trails Coordinator, Mike Finklestein, East Lyme Chief of Police, and Arthur Carlson of the East Lyme Land Trust to discuss the excessive operation of ATVs along the Goodwin Trail and at Darrow Pond. As such, we discussed the vandalism that has taken place to date in addition to the ATV usage and various options and solutions to this problem.

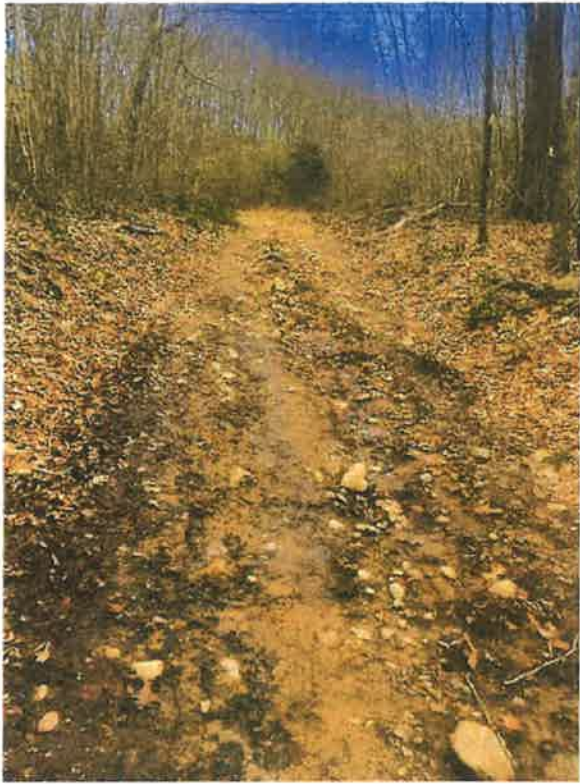
In addressing this issue, we are in the process of acquiring three (3) WIFI enabled trail cameras to be located strategically along the Goodwin Trail. The EnConn Police indicated they would increase the presence within the State Forest and the Town would continue to patrol the parking areas. In addition, we plan to replace the six (6) vandalized signs as funding permits. Further, we are reaching out to the local Boy Scouts and Girl Scouts of America to see if they would have interest in volunteering in the maintenance and stewardship of the camp site at Darrow Pond which includes a lean-to, two (2) tent platforms, fire pit, and out-house.

Finally, it was discussed that a public outreach campaign, replacement of signage, and a Town Ordinance, similar to the City of New London's that incorporates fines for the illegal use of ATVs on Town owned Open Space, may aid law enforcement in the policing of ATV use on the Town's open spaces. Attached is a copy of New London's ATV Ordinance for review.









NEW LONDON, CONNECTICUT – ORDINANCE ALL TERRAIN VEHICLES

Sec. 20-11. All-terrain vehicles, mini bikes, mini motorcycles and dirt bikes on streets and public property prohibited.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section:

All-terrain vehicle means a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the commissioner of motor vehicles to be unsuitable for operation on the public highways and also defined as any three (3) or more wheeled motorized vehicle, generally characterized by large, low-pressure tires, a seat designed to be straddled by the operator and handlebars for steering, which is intended for off-road uses by an individual rider on various types of non-paved terrain. Such vehicles do not include trail bikes, golf carts, agricultural tractors, farm implements and construction machines.

All-terrain vehicle dealer means any person engaged in the business of manufacturing, selling, leasing or renting all-terrain vehicles, mini bikes, as defined by this section, mini-motorcycles, as defined by this section, or dirt bikes, as defined by this section, at retail having a regular and established place of business within the city.

Dirt bike shall mean a two-wheeled motorized recreational vehicle designed to travel over unimproved terrain and not designed for travel on a highway, and also defined pursuant to General Statute § 14-390m(d) as may be amended.

Mini-motorcycle shall mean a vehicle that has not more than three (3) wheels in contact with the ground, has a manufactured seat height of less than twenty-six (26) inches measured at the lowest point on top of the seat cushion without the ride, and is propelled by an engine having a piston displacement of less than fifty (50) c.c.

Pocket bikes, mini bikes, mini sport bikes, mini dirt bikes, chopper scooters, motor scooters, bicycles with helper motors, and any other similar vehicle (hereinafter collectively "mini bikes") shall mean any wheeled vehicle designed to transport one (1) or more persons that is powered by any type of motor.

As used in this section, "all-terrain vehicle", "mini bike", "mini motorcycle" and "dirt bike" shall not include the following:

- (1) Any registered "motorcycle" as defined in General Statute § 14-1(46);
- (2) Any registered "motor vehicle" as defined in General Statute § 14-1(47);
- (3) Any moped that meets Federal Department of Transportation guidelines for use on streets and is approved by the State of Connecticut Department of Motor Vehicles for use on streets, provided, however, the moped is operated pursuant to all applicable state laws, rules, and regulations and all city ordinances;
- (4) Any wheelchair or similar mobility assisting device utilized by a person with a physical disability or whose ambulatory mobility has been impaired due to age or physical ailment;
- (5) Any self-propelled snow plow, snow blower or lawn mower when used for the purpose for which it was designed and operated at a speed not to exceed four (4) miles per hour;
- (6) Any vehicle owned or leased by the city; and
- (7) Any electronic assistive mobility device as defined by the City Code.

- (b) *Operations prohibited.*

- (1) It shall be unlawful for any person to operate an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike and/or for any owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike to knowingly permit the operation of his/her all-terrain vehicle, mini bike, mini motorcycle, or dirt bike on any street or sidewalk in the city or on any public property, including but not limited to school property, playgrounds and parks, within the city.
- (2) It shall be unlawful for any person to ride as a passenger on an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike and/or for any owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike to knowingly permit any person to ride as a passenger on his/her all-terrain vehicle, mini bike, mini motorcycle, or dirt bike operated in violation of subsection (1) above.

- (3) It shall be unlawful for any person to operate an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike, ride as a passenger on an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike, and/or for any owner of an all-terrain vehicle or mini cycle to knowingly permit its operation on any private property, within the city, without first obtaining the written permission of the property owner if the property is not owned by the operator, passenger, and/or owner of the all-terrain vehicle, mini bike, mini motorcycle, or dirt bike.
 - (4) This section shall not be applicable to any dirt bike being operated upon any road or highway provided that, (i) said dirt bike is properly and validly registered with the Connecticut Department of Motor Vehicles and (ii) is being operated in compliance with all applicable motor vehicle laws of the state.
- (c) *Penalty.*
- (1) Any person who operates an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection (b)(1) and/or (b)(3) above, or is the owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike who knowingly permits its operation in violation of subsection (b)(1) and/or (b)(3) above, shall be fined up to one thousand dollars (\$1,000.00) for a first violation, shall be fined up to one thousand five hundred dollars (\$1,500.00) for a second violation, and shall be fined up to two thousand dollars (\$2,000.00) for a third or subsequent violation.
 - (2) Any person who rides as a passenger on an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection (b)(1) above, or is the owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike who knowingly permits a passenger to ride on his/her all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection (b)(2), shall be issued a citation.
 - (3) Any police officer that observes any person in violation of this section may detain such person for purposes of enforcing the provisions of this section. Any all-terrain vehicle, mini bike, mini motorcycle, or dirt bike used in violation of this section shall be seized by any police officer and shall be forfeited to the city, subject to any bona fide lien, lease or security interest in the all-terrain vehicle, mini bike, mini motorcycle, or dirt bike, including, but not limited to, a lien under General Statute § 14-66c.
 - (4) Any all-terrain vehicle, mini bike, mini motorcycle, or dirt bike ordered forfeited pursuant to this section shall be either (i) sold at public auction conducted by the city, with the proceeds of such sale being paid to the treasurer of the city who shall deposit such proceeds into the general fund of the municipality, or (ii) be destroyed by the city.
- (d) *Posting by all-terrain vehicle dealer.* Each all-terrain vehicle dealer offering for sale, lease or rental any all-terrain vehicle, mini bike, mini motorcycle, or dirt bike shall post this section in a prominent location at said all-terrain vehicle dealer's place of business. Any all-terrain vehicle dealer who violates any provision of this section shall be fined one hundred dollars (\$100.00).
- (e) *Sale of gasoline for illegal purposes.*
- (1) No retail dealer of gasoline shall sell, offer for sale, or attempt to sell, any article or product represented as gasoline for use in an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike as defined in this section, unless that vehicle is conveyed to and from the retailer's premises by a registered motor vehicle, as defined in General Statute § 14-1, as may be amended, and no individual shall purchase or attempt to purchase gasoline for this purpose.
 - (2) Signs with the words "FUELING OF UNAUTHORIZED VEHICLES PROHIBITED" in English and "PROHIBIDO DESPACHAR GASOLINA A VEHICULOS NO AUTORIZADOS" in Spanish at least one (1) inch in height with a contrasting margin shall be posted at all dispensing locations. The location of warning signs shall be based on local conditions but shall be visible and legible from all gas pumps.
 - (3) An individual or retail dealer of gasoline who violates any provision of subsections (1) and/or (2) of this section shall be fined one hundred dollars (\$100.00).

(Ord. No. 06-18-18-3, § 1)

Editor's note(s)—Ord. No. 06-18-18-3, § 1, did not specify manner of inclusion; hence, inclusion as section 20-11 is at the discretion of the editor.

From: abcfish@atlanticbb.net
Sent: Wednesday, April 24, 2024 9:49 AM
To: 'Gary Goeschel'
Cc: mbyrne531; 'Wendy@prmiercpas.com'
Subject: Situation on Pattagansett Lake
Attachments: IMG_0995.JPG; IMG_0994.JPG

Gary – I finally got my small boat launched into Pattagansett Lake yesterday for the first time in 2024. I went out on the lake and was stunned by what had occurred on the eastern shoreline along Upper Pattagansett Road, north of the White Gate Farm area and south of the old Girl Scout Camp property (see the attached photos). As you can see, a large stretch of the lake shoreline was completely denuded of all vegetation, including trees (I saw large stumps, although not possibly visible in these photos) and all shrubs and smaller plants. This sloping area towards the lake is now subject to erosion and serves no ecological purpose as it is. You can also see a large piece of equipment working on land across the road. I can only assume that this area was cleared to provide an open sight line from this property under development across the road. Was this tree and vegetation clearing approved by the IWA? I hope not as this is a terrible action that should not have been permitted. I've copied the two other directors of the PLA on this email for their information. Thanks for any details you can provide us.

Don Danila
Vice President – Pattagansett Lake Association / East Lyme Commission for the Conservation of Natural Resources

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