

**EAST LYME INLAND WETLANDS AGENCY
REGULAR MEETING MOTIONS
NOVEMBER 4, 2024
7:00 p.m.**

EAST LYME TOWN HALL, MAIN MEETING ROOM

Present: Kristen Chantrell, Dom Phimister, Doreen Rhein, Phyllis Berger, Gregory McIntire, Ryan Williams, and John Vilcheck, Alt.

Absent: Leonard Salter, and Ann Cicchiello, BOS liason

Also Present: Gary Goeschel, Inland Wetlands Agent, Janet Sutherland, Recording Secretary

CALL TO ORDER:

Chair Chantrell called the meeting to order at 7:00pm.

The pledge was recited.

Chantrell gave roll call and seated John Vilcheck.

RECEIVED FOR RECORD
EAST LYME, CT
2024 NOV 12 P 3:33
Cecilia M. McIntire
TOWN CLERK

I. PLEDGE OF ALLGIANCE:

Recited

II. ADDITIONS TO THE AGENDA

A. 2025 Meeting and Site Walk Schedule

MOTION: (Vilcheck / Phimister) to add the 2025 Meeting Schedule and Site Walk Schedule to New Business

APPROVED unanimously 7;0;0

B. 3 Scott Road, Richard W. Brodaski, Applicant and Owner; Application for Determination of Permitted / Non-Regulated Activity for the installation of an inground fiberglass pool with concrete patio

MOTION: (Phimister / Berger) to add 3 Scott Road, Richard W. Brodaski, Applicant and Owner; Application for Determination of Permitted / Non-Regulated Activity for the installation of an inground fiberglass pool with concrete patio to New Business

APPROVED unanimously 7;0;0

III. PUBLIC DELEGATIONS: none

IV. PUBLIC HEARINGS: none

V. ACCEPTANCE OF MINUTES

1. Regular Meeting Minutes of October 1, 2024

MOTION: (Rhein / Williams) to approve the October 1, 2024, Minutes as presented.

APPROVED 6;0;1 McIntire abstained

VI. EX-OFFICIO REPORT: none

VII. NEW BUSINESS

Berger recused herself and left the room.

- A. Lake Shore Drive, Giants Neck Beach Association (Inc. 1941), Applicant / Giants Neck Improvements Club, Inc., Owner;** Application to capture and redirect street runoff along Lake Shore Drive to stop the erosion occurring along road shoulder and down the embankment

Jim Beaulieu presented on behalf of the Giants Neck Beach Association. Beaulieu detailed the history of erosion and runoff along Lake Shore Drive. Runoff will be directed along a berm into a new catchment.

McIntire asked whether the water would be directed to the same area as before, Goeschel replied yes. Chantrell clarified there would be no curbing, just the basin work and plantings, Goeschel replied yes. Vilcheck asked about the proximity of other houses and developments to runoff area and would they be impacted by the redistribution. Beaulieu noted homes were across the street but would not be impacted, no water would remain on the road.

Beaulieu noted the Town Engineer Alex Klose was given the drawings for review prior to submission. The only concern being the upper surface would need to be reworked, Beaulieu estimates in about 20 to 30 years. Beaulieu added that Engineering was notified due to street right-of-way.

Chantrell asked if there would be native plantings, and when the project would begin. Beaulieu replied yes, and probably July 1st after the amphibian breeding season.

**MOTION: (McIntire / Vilcheck) move to approved the application as submitted.
Vote: APPROVED unanimously. 7;0;0**

- B. Brockett Rd, Giants Neck Beach Association (Inc. 1941), Applicant / Giants Neck Improvements Club, Inc., Owner;** Application for Determination of Permitted / Non-Regulated Activity to remove approximately 40ft by 40ft of vegetation in Lower Nehantic Pond

Phyllis Berger, 32 W Pattagansett Rd, (still unseated) presented on behalf of the applicant. Berger stated due to overgrowth of water lilies, it has become difficult for Angela Better and his grandchildren to fish. Application to cut back approximately 40ft x 40ft of vegetation for a permitted / non-regulated activity under Section 4.2 of the Inland Wetlands Regulations.

Chantrell reads the relevant section for the agency:

“Section 4.2 The following operations and uses shall be permitted, as nonregulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

- a. conservation of soil, vegetation, water, fish, shellfish and wildlife; and
- b. outdoor recreation including play and sporting areas, golf courses, field trials, nature

study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shell-fishing where otherwise legally permitted and regulated.”

McIntire noted the majority of vegetation would grow back, and this activity was unusual in comparison to more common invasive eradication permits. The agency debated whether cutting back the lilies would disturb the natural character of the wetland, and therefore require a permit. Goeschel noted the removal of material would require a permit.

MOTION: (McIntire / Chantrell) move the activity is non-regulated.

Rhein asked approximately what percentage of lilies in the pond would be cut back, Berger replied about 5%.

Vote: Did not pass. McIntire vote in favor, others were opposed. 1;6;0

- C. 138 N. Bridebrook Rd, Alexander Nebelung, Applicant / Nebelung Farms LLC, Owner; Application to construct a single-family house with utilities off existing driveway, as approved under Permit 03-23 dated June 2, 2003**

Berger was reseated.

Goeschel stated the original permit had been renewed several times, but has since expired. The applicant asked for an administrative permit, but due to the pipe replacement in the wetlands, Goeschel felt it required Agency approval.

The Agency requested clarification regarding the location of wetlands be better shown on the application.

- D. 2025 Meeting and Site Walk Calendar**

MOTION: (Phimster / Rhein) move to approved the 2025 Meeting and Site Walk Calendar.

Vote: APPROVED unanimously. 7;0;0

- E. 3 Scott Rd, Richard W. Brodaski, Applicant and Owner; Application for Determination of Permitted / Non-Regulated Activity for the installation of an inground fiberglass pool with concrete patio**

Goeschel shows proposed activity on edge of 300ft Upland Review Area. Goeschel estimated there would be no impact on the wetlands or watercourse since they are buffered by trees and a driveway.

MOTION: (Phimster / Rhein) move that the application required a permit.

Vote: APPROVED unanimously. 7;0;0

VIII. PENDING APPLICATIONS

- A. 294-2 Flanders Road, 296 Flanders LLC, Applicant and owners; Application for a proposed Light Manufacturing facility of approximately 185,000 to 215,000 with parking lot and retaining wall**

Berger asked if the proposed building could be moved closer east towards the True Value

store, Goeschel explained the positioning was necessary for larger tractor trailers to better manage the road curves when exiting or entering the highway.

Goeschel noted all proposed activity would be within the 300ft Upland Review Area, and added there were a couple inconsistencies in the proposal as a result of not knowing the tenant or use. Vilcheck asked whether any recourse would be available for the Agency if the future tenant proposed using hazardous materials. Goeschel replied any changes to the development would require a new permit. Berger asked what portion is on the Aquifer, Goeschel replied a portion of the building and eastern parking lot.

The Agency discussed two more conditions, including enforcing the Operations and Maintenance Report and requiring an environmentally friendly use.

MOTION: (Rhein / Williams) Based on the findings in the memorandum from Gary A. Goeschel II, Director of Planning/ Inland Wetlands Agent, to the East Lyme Inland Wetlands Agency dated November 1, 2024, I hereby MOVE TO APPROVE the application known as the Application of 296 Flanders, LLC, Applicant/Owner; Application to construct a 185,000 - 215,000-square foot building, on property located at 296 Flanders Road; East Lyme Assessor's Map# 31.3, Lot# 5, Zoned Gateway Planned Development Building (GPDD), which is further subject to the following administrative requirements and required modifications to the site plan and other materials submitted in support of this application:

- 1. Erosion and Sedimentation controls shall be installed prior to the start of any demolition, earth work, or construction.**
- 2. Notify the Inland Wetlands Agent at least 2-days prior to construction to inspect erosion controls.**
- 3. 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.**
- 4. Forested cover within the upland review areas shall be maintained to the extent practicable. The proposed LOD shall be strictly adhered to though out all phases of construction.**
- 5. As the site is located within and adjacent to an Aquifer Protection Area, the use of calcium chloride for dust control shall not be used.**
- 6. An Erosion and Sedimentation Control Bond in a form satisfactory to the Town of East Lyme and in an amount acceptable to the Inland Wetlands Agency, its Agent, and Town Engineer shall be posted with the Town of East Lyme prior to the start of any work.**
- 7. Hoods or snouts and 4-foot-deep sumps shall be used in all stormwater catch basins.**
- 8. Any proposed Additional work beyond this permit in the wetlands or watercourse or its 300-foot regulated area will require approval from the Inland Wetlands Agency or its certified Agent.**
- 9. Any changes to the site plan listed on this permit require notification to the Inland Wetlands Agent and may require Agency approval. A new plan incorporating said changes shall be given to the Agent before any work begins.**
- 10. Inland Wetlands 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 ideally at 40-50-foot intervals satisfactory to the Inland Wetlands Agent.

11. No sitework shall commence until all applicable conditions are satisfied.
12. Upon completion of construction and all regulated activities and prior to the release of any financial guarantee for the Erosion & Sedimentation Controls, certification from the engineer of record, a Professional Engineer licensed in the State of Connecticut, stating the stormwater management system was constructed and installed pursuant to the approved design along with an "As-Built" or Improvement Location Plan showing of all surface and subsurface structures and improvements including but not limited to grading and landscaping shall be provided to the Inland Wetland Agency or its Agent.
13. Notify Inland Wetlands Agent upon completion of all regulated activities and construction for final inspection.
14. Failure to follow the Operations & Maintenance Report Manual is a direct violation of the Inland Wetlands permit and regulations.
15. The Safety Data Sheets for any hazardous materials stored or used on site will be provided to Town Hall as part of the maintenance plan.

This approval is specific to the site development plan (43-sheet plan set) entitled set entitled "Land Development Plans For Proposed Light Manufacturing Issued For Inland Wetland And Watercourses, Proposed Light Manufacturing, 296 Flanders Road, East Lyme, CT 0633, dated June 17, 2024, revised through August 27, 2024, prepared for 296 Flanders, LLC, 108 Montauk Avenue, Stonington, CT 06378" by Jeffery P. Dewey, P.E. and James M. Schragger, PLS, of BL Companies, 100 Constitution Plaza, 10th Floor, Hartford, Connecticut 06103" and submitted as the application known as 296 Flanders, LLC, Applicant/Owner; Application to construct a 185,000 - 215,000-square foot building, on property located at 296 Flanders Road; East Lyme Assessor's Map# 31.3, Lot# 5, Zoned Gateway Planned Development Building (GPDD). Any change in the plan or development plan layout other than those identified herein shall constitute a new application. Any modifications of this approval 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 7;0;0

IX. OLD BUSINESS

A. Inland Wetlands and Watercourse Regulations

Goeschel noted Zamarka had been out on leave, so the Agency was looking at January or February for the Public Hearing

IX. REPORTS

A. Chairman's Report - no report

B. Inland Wetlands Agent Report

- i. **2024 DEEP Open Space Land Acquisition Grant Application; Request for Letter of Support from Arthur Carlson, East Lyme Land Trust, Inc., for the acquisition of almost 6 acres off Heritage Road**

Carlson discussed the importance of this parcel with approximately 6,100ft of shoreline on Pattagansett Lake. The Agency directed Goeschel to write a letter of support on their behalf

- ii. **Administrative Permits & Commission Issued Permits**

- iii. **Enforcement-**

- a. **Cease, Correct, and Restore Order-Sound and Cove Land, LLC, Assessors Map # 31.0 Lot #1 East Lyme, CT Sound and Cove Land LLC , Respondent**

Joe Wren, Indigo Land Design LLC, was asked by the landowner to address the erosion. The apartment's dog park and adjacent drainage basin were the focus of the erosion. Poor grading drained loose soil into the basin. The mesh net was still present in the drainage basin, and therefore was not functioning properly. Wren welcomed Agency comments as the plans to restore were finalized, which would be submitted in the next few weeks.

- b. **Cease and Desist Order-8 Brookfield Drive, Assessor's Map #41.3 Lot # 100**

Agency requested shade trees be planted.

- c. **Notice of Violation-9 Rocco Drive, Assessor's Map # 44.0, lot# 19-5 East Lyme CT-Darrell Vanwagner, Respondent**

Goeschel needed to contact owner to plants trees.

- d. **Notice of Violation-15 Spring Glenn Road, Tax Assessors Map # 4.6, Lot # 45, Niantic, CT.**

Further inspection suggested the driveway expansion had been present for quite some time so this would be removed as a violation

- e. **Notice of Violation-137 Flanders Road, Tax Assessor's Map #21.1, Lot #38, Niantic, Connecticut – Besnik Hasa, Respondent**

Owner has backfilled the trench around their house and will need to install plantings.

- f. **Notice of Violation-249 Old Black Point Road, Tax Assessor's Map #02.1, Lot #2, Niantic, Connecticut – PB 249 LLC, Respondent**

Goeschel just sent copies of the permit and plans to Ed Wenke last week, who will submit plans to restore the wetlands.

- g. **Little Indian Pond, Atlantic Avenue, Niantic; Status Update**

- ii. **Correspondence**

X. ADJOURNMENT

MOTION (Phimister / Berger) to adjourn at 9:24. Vote: APPROVED unanimously. 7;0;0

**Respectfully Submitted
Janet Sutherland
Recording Secretary**