

**EAST LYME INLAND WETLANDS AGENCY  
REGULAR MEETING  
Monday, AUGUST 10th, 2015  
MINUTES**

**PRESENT:** Cheryl Lozanov, Chairperson, Chuck Reluga, Vice-Chair, Keith Hall,  
Secretary, Phyllis Berger, Harry Clarke, Joe Mingo

**ALSO PRESENT:** Thomas & Nancy Kalal, Applicants  
Gary Goeschel, Inland Wetlands Agent  
Karen Zmitruk, Recording Secretary

**ABSENT:** Norm Bender

FILED IN EAST LYME  
CONNECTICUT  
AUG 14 2015 AT 12:55 AM/PM  
Brenda D. Hancu ATC  
EAST LYME TOWN CLERK

**Call to Order**

Ms. Lozanov called the August 10, 2015 Regular Meeting of the East Lyme Inland Wetlands Agency to order at 7:00 PM.

**Pledge of Allegiance**

The Pledge was observed.

**I. Additions to the Agenda**

Ms. Lozanov asked if there were any additions to the agenda.

Mr. Goeschel said that he had a letter of request submitted by Mr. Bialowans wishing to be added to the agenda.

Ms. Lozanov said that Mr. Bialowans was asking to be added to the agenda to discuss correcting the erosion and debris in the tributary. She asked the consensus of the members.

**\*\*MOTION (1)**

**Mr. Hall moved to add under New Business – Item C: - Discussion – 61 Walnut Hill Rd. – Erosion and debris in tributary.**

**Ms. Berger seconded the motion.**

Mr. Clarke asked if this is related to the Centerplan item on the agenda.

Mr. Goeschel said that it might be related to that scope of work.

Ms. Lozanov noted that it is discussion of work that has already been decided and agreed upon.

Mr. Clarke asked if this involves someone who is being paid to do this work and who is also not able to be present this evening for this discussion.

Mr. Goeschel said that it seems that it involves the scope of work that has already been agreed to.

Mr. Mingo said that he has a problem with items going on an agenda that he does not have the time to research beforehand.

Mr. Hall said that he made the motion to extend a courtesy to Mr. Bialowans who has come to the meeting this evening for this purpose.

Ms. Lozanov called for a vote on the motion.

**Vote: 5 – 1 – 0. Motion passed.**

**Against: Mr. Mingo**

**II. Public Delegations**

Ms. Lozanov called for Public Delegations.

There were none.

**III. Acceptance of Minutes**

▪ **Public Hearing Minutes of June 8, 2015**

Ms. Lozanov called for any discussion or corrections to the Public Hearing Minutes of June 8, 2015.

**\*\*MOTION (2)**

**Mr. Clarke moved to accept the IWA Public Hearing Minutes of June 8, 2015 as presented.**

**Mr. Reluga seconded the motion.**

**Vote: 5 – 0 – 1. Motion passed.**

**Abstained: Mr. Mingo**

▪ **Regular Meeting Minutes of June 8, 2015**

Ms. Lozanov called for any discussion or corrections to the Regular Meeting Minutes of June 8, 2015.

**\*\*MOTION (3)**

**Mr. Clarke moved to accept the IWA Regular Meeting Minutes of June 8, 2015 as presented.**

**Mr. Reluga seconded the motion.**

**Vote: 5 – 0 – 1. Motion passed.**

**Abstained: Mr. Mingo**

▪ **Show Cause Hearing of June 15, 2015**

Ms. Lozanov called for any discussion or corrections to the Show Cause Hearing Minutes of June 15, 2015.

**\*\*MOTION (4)**

**Mr. Clarke moved to accept the IWA Show Cause Hearing Minutes of June 15, 2015 as presented.**

**Mr. Reluga seconded the motion.**

**Vote: 5 – 0 – 1. Motion passed.**

**Abstained: Mr. Mingo**

▪ **Special Meeting of June 24, 2015**

Ms. Lozanov called for any discussion or corrections to the Special Meeting Minutes of June 24, 2015.

**\*\*MOTION (5)**

**Mr. Clarke moved to accept the IWA Special Meeting Minutes of June 24, 2015 as presented.**

**Mr. Reluga seconded the motion.**

**Vote: 4 – 0 – 2. Motion passed.**

**Abstained: Mr. Hall, Mr. Mingo**

▪ **Regular Meeting of July 13, 2015**

Ms. Lozanov called for any discussion or corrections to the Regular Meeting Minutes of July 13, 2015.

Mr. Mingo asked that on Page 3 in the end of the third paragraph that the next to the last sentence be changed to correctly read: Mr. Mingo suggested that on top of the roadway they use a pervious geo-textile surface rather than gravel.

**\*\*MOTION (6)**

**Mr. Clarke moved to accept the IWA Regular Meeting Minutes of July 13, 2015 as amended.**

**Mr. Reluga seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

▪ **Special Meeting of July 27, 2015**

Ms. Lozanov called for any discussion or corrections to the Special Meeting Minutes of July 27, 2015.

**\*\*MOTION (7)**

**Mr. Hall moved to accept the IWA Special Meeting Minutes of July 27, 2015 as presented.**

**Mr. Reluga seconded the motion.**

**Vote: 4 – 0 – 2. Motion passed.**  
**Abstained: Ms. Berger, Mr. Mingo**

**IV. Ex-Officio Report**

Mr. Goeschel noted that Mr. Salerno was unable to attend this evening and that Mr. Seery who would have covered is also unable to attend this evening.

**V. Pending Applications**

There were none.

**VI. Old Business**

- **Cease, Desist & Correct Order – 20 Farm Meadow Road, East Lyme, CT – Centerplan Construction Company and GRE 314 East Lyme, LLC, Owner; Antares Solar Field on property located at 20 Farm Meadow Road, East Lyme, CT, Assessor's Map 52.0, Lot 126, East Lyme, CT**
- Mr. Goeschel reported that Centerplan is gearing up to complete this work as agreed upon. He said that he received a memo from Attorney Harris that they would be starting presently as it is mid-August. They will have a report for next month.
- **Cease, Desist & Correct Order – 286 Flanders Road, East Lyme, CT – Gateway Development, East Lyme LLC Owner, Assessor's Map 26.0, Lot 2, East Lyme, CT and –**
  - **Cease, Desist & Correct Order – Flanders Road – Gateway Development East Lyme LLC Owner, Assessor's Map 31.0, Lot 1, East Lyme, CT**

Mr. Goeschel said that there is no report directly from the applicant however the scope of work that has been agreed upon will be worked on now and should be completed by the end of August. They will report back at the September meeting.

**VII. New Business**

- ↳ **Application for Determination of Permitted/Non-Regulated Activity – 80 Grassy Hill Road, East Lyme – Thomas and Nancy Kalal, Owner – reinforcement of earthen berm to allow the widening of an existing pathway to allow haying equipment to cross on property located at 80 Grassy Hill Road, East Lyme, Assessor's Map 51.0, Lot 9.**

Mr. Goeschel explained that there was a boundary dispute and that the neighbor put up a fence that cut off the crossing that they were using to get to their haying area in the back lot. They are asking to fill in a small portion/area of the pond to create another crossing to get to that back lot haying area. Their determination here is if it is a regulated activity or not. He noted that he had the mapping on the overhead for them to visualize better.

Ms. Lozanov asked if any alternatives were considered.

Mr. Goeschel explained that he had suggested another area through a wooded wetland however that would have been a more extensive disturbance.

Mr. Mingo asked if the pond is essential to the farming operation and how many acres the pond is.

Mr. Goeschel said that the applicant is present and can better answer that.

Nancy Kalal, 80 Grassy Hill Road, applicant said that the pond is only about 3000 sq. ft.

Mr. Clarke asked what the watercourse is that runs through there.

Mr. Goeschel said that they still want to cross over the concrete structure that is there but just move over as the fence has been put there and the equipment can no longer pass as it is not wide enough with the fence there.

Mr. Mingo said that is they are filling in anything then they need to come before them.

Mr. Hall asked how wide the piece of equipment is that they would be bringing across.

Ms. Kalal said that is it 6 feet in width and that the water flow would not be disturbed in doing this.

Mr. Hall asked Mr. Goeschel if he would have Victor, the Town Engineer look at this.

Mr. Goeschel said that he could do that.

Ms. Lozanov said that this is directly related to the farming of their hay and the feeding of their cattle and if that is understood, she interprets it as a necessity to their farming operation.

Mr. Mingo said that he does not see it that way as they are disturbing a regulated area and he would like an opinion from the Town Attorney.

Mr. Goeschel agreed that it might be beneficial to have the Town Attorney weigh in on this.

Ms. Lozanov asked how much fill they would bring in.

Mr. Clarke said that the 275 sq. ft. on the application is the size of a large garage.

Ms. Lozanov asked how long the fence has been there.

Ms. Kalal said about eight years.

After further discussion, Ms. Lozanov agreed that they would need clarification as the definition is not clear.

Mr. Reluga said that he was on the site walk and it is a small area.

Mr. Mingo said that once they declare it an 'as of right' that they would have no control over it and he does not want to do that until they have further clarification as they are disturbing a regulated area.

Mr. Goeschel suggested that they direct him to obtain clarification from the Town Attorney.

**\*\*MOTION (8)**

**Mr. Mingo moved to table action on 80 Grassy Hill Road until they can get clarity from the Town Attorney on the applicable definition.**

**Mr. Reluga seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Ms. Lozanov asked Ms. Kalal how many times they go out there to hay.

Ms. Kalal said that it is usually two to three times per year.

Ms. Lozanov asked if they still could use the other properties to get there temporarily.

Ms. Kalal said that they do not want them passing over their property any longer.

Ms. Lozanov said that they would see what they could do about the possibility of a special meeting for this item and would let them know as they have another similar item next.

**✦ 11 Naomi Lane, Marlene Lord Owner; Scotland Hardwoods, LLC c/o Rod Burgess Applicant; Application to conduct an "As of Right" timber harvest which includes stream crossings, on approximately 8 of 20.73 acres on property located at 11 Naomi Lane, Assessor's Map #24, Lot 36, East Lyme, CT**

Ron Burgess of Scotland Hardwoods LLC said that he is a State Certified Forester. He submitted revised copies of the Exhibits A & B for the record. He explained that this is for the logging operation of 8 of approximately 28 acres and is depicted by the yellow area on the map.

Mr. Mingo said that a farmer got stuck on that way in from Boston Post Road when they were cutting trees there some time ago.

Mr. Burgess said that in going via Boston Post Road that it would eliminate one crossing. He added that there were no visible signs of that road not being able to support the log trucks.

Ms. Berger asked how many loads they would be taking.

Mr. Burgess said that it would be 10 to 12 truck loads, as it is a small operation. The truck comes in empty and goes out full.

Ms. Lozanov asked if the wood is selectively cut.

Mr. Burgess said yes – and added that it is a three man operation and they work from 7 AM to 6 PM Monday thru Saturday. They have marked 150 trees with an estimated harvest yield of 35,000 board feet. The wood is oak, tulip, hickory and poplar. They expect that it will take three to four weeks to complete the harvest and would like to do it during the summer/fall time frame.

Ms. Lozanov asked if there is a Plan B if the road to Boston Post Road will not support this.  
Mr. Burgess said that there is no Plan B and that the owners understand that. They would not traverse Naomi Lane as the road is not in that good of condition and there would also be further wetland area to traverse.

Mr. Hall said that he has no reservations with what is being proposed but questioned if they would need to come back as it is a one year contract.

Mr. Burgess said that frozen or dry are the only two scenarios and that if it does not work then the job is closed down and the owners understand this.

**\*\*MOTION (9)**

**Mr. Hall moved to approve the Application of Ron Burgess of Scotland Hardwoods LLC to conduct an "As of Right" timber harvest which includes stream crossings, on approximately 8 of 20.73 acres on property located at 11 Naomi Lane, East Lyme, CT.**

**Mr. Mingo seconded the motion.**

Ms. Berger asked that they still contact Mr. Goeschel when they are going to start this project.

Mr. Burgess said that he never understood this to mean that the Town is out of it and that he would certainly notify Mr. Goeschel prior to any work.

**Vote: 6 – 0 – 0. Motion passed.**

**✦ Discussion – 61 Walnut Hill Rd. – Erosion and debris in tributary**

John Bialowans, 61 Walnut Hill Road said that at the July 13, 2015 meeting that he gave them what he wanted added to the Centerplan work agreement. He asked who the Commission is going to choose to supervise the work and also if the Chair or other members would be looking it over when it is done. He said that Mr. Fortunato would be there for him. He also cited condition 5 on the road crossings and said that there is about 32" of silt that came from Ms. Bengtson's property and that they had said that they would clean it.

Mr. Mingo asked how big his pond is.

Mr. Bialowans said that it is as big as the room that they are in. He continued that instead of blasting that he will split rock for the Koi pond. He said that he wants those items addressed. He also said that he had the Department of Agriculture look at this and there were a lot of things that the man stated however he is on vacation so he could not get a letter from him. He said that he suggested putting rocks on the bank/bed for stabilization.

Mr. Mingo said that the Army Corps of Engineers does not allow rock on the stream bed.

Ms. Lozanov said that Mr. Goeschel would be present.

Mr. Goeschel noted that Mr. Klein will be the soil scientist on site or someone from his office. He also noted that there was no 32" of silt in the pond mentioned and that if he wants to discuss that with them and they want to bring it back before the Commission that would be the method to address it as there is an agreement in place.

Carol Murko, 61 Walnut Hill Road asked what their recourse is if they and Mr. Fortunato find that the work is not being done as it should be done.

Mr. Goeschel said that they would bring it to him.

Mr. Mingo said that the whole problem that he is having with this is that the Town of East Lyme has not received any permits, or compensation for any of this. The Town has received no money for this but they have spent all sorts of time on it. His belief is that this is a civil matter as it is the Siting Council who regulates utilities.

Ms. Murko said that they did not ask for this and that they just want it fixed.

**VIII. Reports**

♦ **Chairperson's Report**

Ms. Lozanov asked if they wanted to set up a Special Meeting for the 80 Grassy Hill Road item and when they would like to meet.

Ms. Berger said that this has been the third month that they have been having special meetings and she thinks that they have to be cognizant of the extra expense of having extra meetings and also of the length of their meetings.

Mr. Hall said that he agreed with Ms. Berger that their meetings go way too long and that it is not necessary to hold a special meeting.

After further discussion where they could not reach a consensus on a date for a special meeting and with the next meeting of the Commission scheduled for September 8, 2015 – 80 Grassy Hill Road would be on that meeting agenda.

♦ **Inland Wetlands Agent Report**

♦ **Administrative Permits Issued**

Mr. Goeschel said that he had issued a permit for the Rustic Café and garage and one for construction of an attached garage at 2 Mohawk Drive.

♦ **Commission Issued Permits: Status Update**

♦ **Permit #12-9: 187 W. Main Street – Maine-Hope Enterprises, LLC**

Mr. Goeschel said that he has to go out to 187 West Main Street to make a report and he would have that for them the next time.

♦ **Enforcement – 4 Colton Rd., 15 Colton Rd., and 170 Flanders Rd.**

Mr. Goeschel reported that the above mentioned remain unresolved. 4 Colton Road – debris in the wetlands and filling of the yard; 15 Colton Road – filling – clearing in the wetlands and 170 Flanders Road – the filling of debris adjacent to a watercourse.

Ms. Lozanov said that on West Society that the grass clippings are coming from half way up the ROW into the wetlands.

♦ **Correspondence**

Mr. Goeschel noted he had received correspondence from the DOT on US 1.

**ADJOURNMENT**

**\*\*MOTION (10)**

**Mr. Hall moved to adjourn this Regular Meeting of the East Lyme Inland Wetland Agency at 9:26 PM.**

**Ms. Berger seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary