

**EAST LYME INLAND WETLANDS AGENCY
SPECIAL MEETING
Monday, JULY 27th, 2015
MINUTES**

FILED IN EAST LYME
CONNECTICUT
7/29, 2015 AT 9:50 AM/PM
Cesley Blain
EAST LYME TOWN CLERK

The East Lyme Inland Wetlands Agency held a Special Meeting on July 27, 2015 at Town Hall, 108 Pennsylvania Ave., Niantic, CT. Chairman Lozanov opened the Special Meeting and called it to order at 7:06 PM.

P PRESENT: Cheryl Lozanov, Chairperson, Chuck Reluga, Vice-Chair, Norm Bender, Harry Clarke, Keith Hall

ALSO PRESENT: Attorney Mark Zamarka, Town Counsel
Gary Goeschel, Inland Wetlands Agent
Karen Zmitruk, Recording Secretary

ABSENT: Phyllis Berger, Joe Mingo

Call to Order

Ms. Lozanov called this Special Meeting to order at 7:06 PM and introduced the members seated, Inland Wetlands Agent and Recording Secretary. She also allowed a few more minutes for the members to review correspondence.

Pledge of Allegiance

The Pledge was observed.

Ms. Lozanov read the following:

Zoning Referral

✚ **Petition of Timothy S. Hollister for Landmark Development Group, LLC and Jarvis of Cheshire, LLC under Connecticut General Statutes §8-30g to rezone 123.02 acres from RU-120, its existing zoning designation to Affordable Housing District (Section 32 of the East Lyme Zoning Regulations) and for approval of a Preliminary Site Plan (Section 32.9 of the East Lyme Zoning Regulations) which proposes open space of 87 acres for property identified in the application as Calkins Road, East Lyme, and further identified in Section 9 of said Petition as Boston Post Road, East Lyme Assessor's Map 31.0, Lot 4; 23 Calkins Road, East Lyme Assessor's Map 32.0, Lot 1 and Quarry Dock Road, East Lyme Assessor's Map 27.0, Lot 14.**

Ms. Lozanov also noted that the members were reviewing a draft of a report that the Zoning Commission had requested of them regarding the above. She asked if they had any comments.

Mr. Goeschel asked that two clarifications be made:

On the first page in the very first paragraph in the third line that starts with the word 'evidence' add the words *'for the Inland Wetland Agency to determine' after the word 'record' and before 'that'*. Said line to read: *'...evidence within the record for the Inland Wetland Agency to determine that the proposed Preliminary Site Plan (PSP) ...'*

And – on Page 2 at the very top of the page in the second line that begins with 'activities' add the word *'adversely' after the word 'to' and before the word 'impact'*. Said line to read: *'...activities that are likely to adversely impact or affect on-site wetlands...'*

Mr. Hall asked about an application for determination.

Mr. Goeschel said that he thought that it would only delay the process further as essentially what they are doing here is inclusive of the determination.

Ms. Lozanov said that she thinks that the report contains the facts that they have stated at previous meetings on this item.

Mr. Goeschel agreed and reiterated that this is a report in response to the request of the Zoning Commission.

Ms. Lozanov asked if Attorney Zamarka had reviewed this.

Attorney Zamarka said that he had and had suggested the two clarifications. He also noted that they would provide copies of this to the Applicant, Attorney Hollister and the Interveners.

Ms. Lozanov said that in this matter that as the Chairman that she preferred to be the person who signed the letter.

Mr. Goeschel said that they had put Mr. Hall as he is the Agency Secretary however, she could also sign it or he could sign for her and initial it. It was up to them.

Ms. Lozanov said that she would prefer to sign it.

Mr. Hall said that he would not be able to get into the Town Hall to sign it before it closed so Ms. Lozanov should sign it.

Ms. Lozanov said that she would be in the next morning to sign it so that it could go to Zoning as requested so they would have it for their meeting on Thursday.

She asked if there were any other comments.

****MOTION (1)**

Mr. Bender moved to approve the report letter to the Zoning Commission as amended.

Mr. Reluga seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Copy of letter attached.

ADJOURNMENT

****MOTION (2)**

Mr. Clarke moved to adjourn this Special Meeting.

Mr. Reluga seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Ms. Lozanov adjourned this Special Meeting at 7:22 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

Town of

P.O. Drawer 519
Inland Wetlands Agency



East Lyme

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Niantic, Connecticut 06357
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July 27, 2015

Mathew Walker, Chairman
East Lyme Zoning Commission
P.O. Box 519
108 Pennsylvania Avenue
Niantic, CT 06357

RE: Zoning Referral - Petition of Timothy S. Hollister for Landmark Development Group, LLC and Jarvis of Cheshire, LLC; under Connecticut General Statutes §8-30g to rezone 123.02 acres from RU-120, its existing zoning designation, to Affordable Housing District (Section 32 of the East Lyme Zoning Regulations) and for approval of a Preliminary Site Plan (section 32.9 of the East Lyme Zoning Regulations) which proposes open space of 87 acres for property identified in the application as Calkins Road, East Lyme, and further identified in Section 9 of said Petition as Boston Post Road, (East Lyme Assessor's Map 31.0, Lot 4), 23 Calkins Road, (East Lyme Assessor's Map 32.0, Lot 1), and Quarry Dock Road, (East Lyme Assessor's Map 27.0, Lot 14).

Chairman Walker,

Based on the filings of the Intervenor's, the Friends of the Oswegatchie Hill Nature Preserve/Save the River Save the Hills and the Connecticut Fund for the Environment/ Save the Sound, there is sufficient evidence within the record for the Inland Wetlands Agency to determine that the proposed Preliminary Site Plan (PSP) involves regulated activities that require a permit from the Inland Wetlands Agency.

More specifically, a report from Steve Trinkaus, PE, CPESC, CPSWQ to Ms. Kristen Lambert and Mr. Fred Grimsey dated May 2, 2015 (Trinkaus report), an inland wetlands delineation performed by John Ianni of Highland Soils, Inc., the plan entitled "Perimeter Survey prepared for Friends of Oswegatchie Hills, on Property of the Town of East Lyme, East Lyme, Connecticut, Assessors Map Id: 26.0/4, Scale 1"=100', dated June 2, 2015 revised to June 15, 2015" prepared by John Paul Mereen, L.S. of Gerwick-Mereen, LLC, and the plan entitled Compilation Plan prepared for Friends of Oswegatchie Hills, on Property of the Town of East Lyme, and Landmark Development Group, LLC, Showing Existing Wetlands and Approximate Locations of Proposed Buildings, East Lyme, Connecticut, Scale 1"=100', dated June 2, 2015 revised to June 15, 2015" prepared by John Paul Mereen, L.S. of Gerwick-Mereen, LLC, identifies the approximate location of proposed building #4 and the installation of roof drain drywells within 100-feet of an inland wetland (WF#140). As such, the construction of both the building and the installation of roof drain drywells within 100-feet of inland wetlands are regulated activities. Mr. Ianni's delineation is cause to question the accuracy of the PSP and the wetlands delineation provided by the applicant and whether the applicant has shown all the wetlands on site.

In addition, based on the above report from Steve Trinkaus, PE, CPESC, CPSWQ the PSP also involves activities that are likely to adversely impact or affect on-site wetlands or watercourses such as the substantial pollutant loads generated by approximately 36-acres of impervious surface during every rainfall which, according to the PSP will be collected in four water quality basins; whose outlet pipes discharge on moderate to steep slopes which are not directed to a stabilized location thus, concentrating flow and resulting in erosion that will be conveyed and discharged into down gradient wetlands. According to the Trinkaus report there is no assessment that the four water quality basins will adequately reduce pollutant loads for total suspended sediments, total phosphorus, total nitrogen, petroleum hydrocarbons, and metals. Further, the Trinkaus report indicates that the storm water report submitted states that the proposed water quality basins are located in "moderate to moderately rapid permeable soils with a deep groundwater table that will drain any surface water in the basin to below the bottom of the basin between storm events." However, if the soils types in the area of the proposed development are Charlton and Hollis as identified by Mr. Trinkaus based on the Natural Resource Conservation Service (NRCS) web soil survey and that bedrock will likely be encountered well before design depths are achieved and therefore infiltration of storm water will not occur, thus resulting in increased runoff volumes directed toward the down gradient wetland areas, then the discharge of this storm water would be considered a regulated activity.

The Trinkaus report also identifies the sources of pollutants the proposed development will generate that will exacerbate the adverse impacts to wetlands and watercourses. The pollutants are:

- sand and salt used in winter maintenance operations on driveways, sidewalks and parking areas,
- nutrients from fertilizers used on grass and landscaped areas,
- metals from vehicle brake pads, hydrocarbons from inadvertent gasoline spills and vehicular oil drips on impervious surfaces, and;
- atmospheric deposition on impervious surfaces.

The Trinkaus report indicates that atmospheric deposition is a significant contributor to non-point source pollution citing research from North Carolina State University that indicated 91% of nitrate loads and 38% of total nitrogen load found in runoff was the result of atmospheric deposition directly on impervious surfaces. The Trinkaus report further cites research from Charlotte, North Carolina that found between 10-13% of phosphorous and total suspended solids along with 30-50% of copper and lead and 70-90% of nitrogen in runoff was also the result of atmospheric deposition. As such, if bedrock is encountered before design depths are achieved for each of the water quality basins and the infiltration of storm water does not occur then the proposed development may have adverse impacts to on site inland wetlands and watercourses.

Further, the PSP, the Intervenor's filings, and the Zoning Commission public hearing minutes and exhibits do not provide sufficient information regarding the affect these pollutant loads would have on any of the on-site inland wetlands. Additionally, the PSP, the Intervenor's filings, and the Zoning Commission public hearing minutes and exhibits do not provide sufficient information regarding the affect of the identified on-site regulated activities would have on the on-site inland wetlands. As such, in order to evaluate the environmental impact, the short and long term impacts, irreversible or irretrievable impacts of the regulated activities and the impacts on wetlands or watercourses outside the area of the regulated activity as well as evaluate whether any feasible and prudent alternatives exist, additional information is necessary.

Therefore to properly evaluate the above, the Inland Wetlands Agency would need an application for an inland wetlands permit to be submitted with all the applicable information as required by Section 7 of the East Lyme Inland Wetlands and Watercourses Regulations to conduct regulated activities.

Sincerely,



Cheryl Lozanov, Chairwoman
Inland Wetlands Agency

cc: William Mulholland, Zoning Official
Ed O'Connell, Esq.
Mark Zamarka, Esq.
Timothy Hollister, Esq.
Roger Reynolds, Esq.
Jason Westcott, Esq.
Paul Geraghty, Esq.