

**EAST LYME INLAND WETLANDS AGENCY  
REGULAR MEETING  
Monday, MARCH 9th, 2015  
MINUTES**

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

**ALSO PRESENT:** Marc Salerno, Ex-Officio, Board of Selectmen  
Kyle Haubert, PE, CLA Engineers representing Norwich Orthopedic  
Robert Russo, Soil Scientist, CLA Engineers  
Don Fortunato, Soil Scientist  
Gary Goeschel, Inland Wetlands Agent  
Karen Zmitruk, Recording Secretary

FILED IN EAST LYME  
CONNECTICUT  
March 17 2015 SAT 1:15 AM (PM)  
Bridget D. Hume ATC  
EAST LYME TOWN CLERK

**ABSENT:** No One

**Call to Order**

Ms. Lozanov called the March 9, 2015 Regular Meeting of the East Lyme Inland Wetlands Agency to order at 7:26 PM after the previously scheduled Show Cause Hearings. She noted that she had seated Phyllis Berger, Regular Member at the table.

**Pledge of Allegiance**

The Pledge was observed.

**I. Additions to the Agenda**

Ms. Lozanov asked if there were any additions to the agenda.  
There were no additions to the agenda.

**II. Public Delegations**

Ms. Lozanov called for Public Delegations.

Mr. Mingo said that they should not be taping their meetings.

Ms. Lozanov asked Mr. Goeschel to obtain an opinion on that and again called for Public Delegations.

John Bialowans, 61 Walnut Hill Road said that he wanted to speak regarding the 'project'. And the Gateway spill.

Ms. Lozanov noted to Mr. Bialowans that he could not speak regarding those items as they are a part of the agenda.

Mr. Bialowans persisted and said that he wanted to discuss his bond and the 'project'

Ms. Lozanov again said to Mr. Bialowans that she could not allow him to speak with respect to items on the agenda and if he had something that he wanted to convey that he should give it to Mr. Goeschel and discuss it with him.

Mr. Bialowans said that he is adamant over the situation with the solar farm and wanted them to know that they have finally scheduled a meeting with him.....

Mr. Goeschel asked Mr. Bialowans to submit to him what he wanted to say and that he would hand it out to the Agency members as correspondence.

Mr. Bialowans said that he would.

Ms. Lozanov asked that it be noted on the record that Mr. Mingo left the meeting at 7:33 PM.

**III. Acceptance of Minutes**

▪ **Public Hearing Minutes of December 8, 2014**

Ms. Lozanov called for any discussion or corrections to the Public Hearing Minutes of December 8, 2014.

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

**Ms. Berger moved to accept the IWA Public Hearing Minutes of December 8, 2014 as presented.**

**Mr. Bender seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

▪ **Regular Meeting Minutes of December 8, 2014**

Ms. Lozanov called for any discussion or corrections to the Regular Meeting Minutes of December 8, 2014.

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

**Mr. Clarke moved to accept the IWA Regular Meeting Minutes of December 8, 2014 as presented.**

**Mr. Reluga seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

▪ **Regular Meeting Minutes of January 12, 2015**

Ms. Lozanov called for any discussion or corrections to the Regular Meeting Minutes of January 12, 2015.

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

**Mr. Hall moved to accept the IWA Regular Meeting Minutes of January 12, 2015 as presented.**

**Mr. Reluga seconded the motion.**

**Vote: 4 – 0 – 2. Motion passed.**

**Abstained: Ms. Berger, Mr. Bender**

**IV. Ex-Officio Report**

Mr. Salerno said that the Board of Selectmen has been working on the budgets for the past month and that increases are due to contractual, insurance and mandates. He noted that there were no increases for people and that operating amounts were kept the same in the departments.

**V. Pending Applications**

- **11 Industrial Park Rd. – CLA Engineers, Inc. - Applicant, Norwich Orthopedic Group, P.C., Owner Herb chambers of East Lyme – Application to construct a medical office complex at property at 11 Industrial Park Road, Assessor's Map 26.1, Lot 3, East Lyme, CT**

Ms. Lozanov called for the applicant or their representative. She noted that this was for determination of whether or not a public hearing would be necessary.

Kyle Haubert, PE with CLA Engineers Inc. said that this is a 4.79 acre site and a large part of it is mowed. They are looking to construct a 30, 476 sq. ft office building and proposing 138 parking spaces. He explained that this property is located behind the Stop & Shop and near Bob's Discount Furniture. The site has an access easement over the Bob's drive and they will move it away from the river. There will be no disturbance in the wetland area and they propose typing into the sewer and will work with staff on doing such. The front parking area sheet flows to a retention basin with no discharge until it reaches the 100 year storm level. He noted that the nearest sidewalk is some 18' away and they will be seeking a waiver until the Town has a sidewalk connected throughout the area.

Robert Russo, Soil Scientist with CLA Engineers said that the area has relatively sandy soil.

Mr. Haubert said that they would use sand, and crushed stone around the pipes.

Mr. Clarke asked if the generator would use fuel.

Mr. Haubert said that it would be Yankee Gas supplied.

Mr. Reluga asked if he would be correct in saying that little if any water would run off site.

Mr. Haubert said that was correct as pretty much all of it would go into the basin and then into the ground.

Mr. Reluga asked about the impervious surface area pollutants from the parking lot.

Mr. Russo said that parking lot water would be filtered with Best Management Practices and that they would also have plantings that would pick up any of the additional run-off.

Mr. Haubert added that the groundwater recharge is at 9 times what is required.

Mr. Reluga asked about thermal pollution.

Mr. Russo said that would be mitigated by discharging to the basins and eventually infiltrating the stream.

Ms. Berger noted that 138 parking spaces seem excessive.

Mr. Haubert said that it is 16 spaces more than what is required by zoning.

Ms. Lozanov noted that she has gone by their Franklin building and that they do not use all of the spaces there.

Tammie Simao, CEO with Norwich Orthopedic said that this building is a sister one to the Franklin facility and that they plan on running it in a similar fashion as the Franklin facility. She explained that a week does not go by where people who come to the Franklin facility do not come in and say that they have circled for 10 minutes just looking for a parking spot. Each day is different and it depends upon the number of providers who are there on any given day. She said that they are trying to learn from things that they have experienced with the North Franklin facility.

Mr. Goeschel asked how many spaces they have in North Franklin.

Mr. Haubert said that there are approximately 148 parking spaces there.

Mr. Hall asked what Mr. Benni meant by Item #2 in his memo. (Engineering Department requests the right to work with the developer to modify the design, or location of the retention and water quality measures, to accommodate final lot configuration and existing conditions at the time of construction.)

Mr. Haubert said that while he was not entirely sure, he thought that he probably wants to be able to work with them if there is a need to change something. He added that typically they would work together if there is something that needs to be changed.

Mr. Goeschel said that he would seek clarification.

Mr. Russo noted that regarding the maintenance of the basin that they would clean it by hand or with a mini excavator if for some reason there was a lot collected in it.

Mr. Goeschel asked who would provide the maintenance for the basins.

Ms. Simao said that typically they contract a private company to do the maintenance on a schedule.

Ms. Lozanov asked the consensus of the members regarding the need for a public hearing.

The consensus was that no public hearing was necessary.

Mr. Goeschel noted that if connection to the sewer system is not possible that the site is large enough and the soils are okay for a septic system. He also noted that the original plans were stamped and signed.

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

**Mr. Clarke moved to accept the application of Norwich Orthopedic Group, P.C., for construction of a medical office complex at property identified as 11 Industrial Park Road, Assessor's Map 26.1, Lot 3, East Lyme, CT as complete.**

**Mr. Hall seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

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

**Mr. Clarke moved to approve the application known as Application of Norwich Orthopedic Group, P.C., 11 Industrial Park Road, Assessor's Map 26.1, Lot 3, East Lyme, CT,; Herb Chambers of East Lyme – Owner – application to conduct regulated activities within the 100-foot upland review area associated with the construction of a medical office complex and plans entitled Proposed Medical Office Complex, 11 Industrial Park Road, East Lyme CT prepared for Norwich Orthopedic Group, P.C. of 82 New Park Avenue, North Franklin, CT by Kyle Haubert, P.E. of CLA Engineering dated January 22, 2015 revised through March 2, 2015 which is further subject to the following requirements and modifications to the site plan and other materials submitted in support of this application:**

- 1. A designated on-site wetlands/environmental compliance monitor certified as a wetland scientist or soil scientist shall be required during all phases of construction and shall submit a weekly report to the Inland Wetlands Agent.**

2. Provide the identification of the on-site individual responsible for installation, monitoring and correction of sediment control plan requirements and authorized to take corrective actions as required to ensure compliance with certified plans.
3. An Erosion and Sedimentation Control bond in the amount of \$85,000 shall be submitted prior to the start of any site work or construction in a form acceptable to the Town of East Lyme.
4. Final revised plans signed, sealed and certified by a licensed surveyor, engineer and soils scientist shall be submitted to the Town Engineer and Inland Wetlands Agent prior to construction.
5. Notify Wetlands Enforcement Officer at least two (2) days prior to construction to inspect erosion controls.
6. Notify Wetlands Enforcement Officer at completion of work for final inspection and sign off of permit compliance.
7. Additional work beyond this permit in the wetlands or watercourse or its 100' regulated area will require approval from the Inland Wetland agency or its certified agent.
8. Changes to the plan listed on this permit require notification to the Inland Wetlands Agent and may require agency approval – a new plan will be given to agent before work begins.
9. Add a second check dam on downstream side of the basin
10. An 80% survival rate on plantings after a period of five (5) years.

This approval is specific to the application submitted as 11 Industrial Park Road, East Lyme Assessor's Map 26.1, Lot 3 dated 1/22/2015, received 2/9/2015 and revised 3/2 2015. Any significant change in the plan, other than those identified herein, and any modifications of this approval or change in the site development plan layout other than those identified herein shall constitute a new application unless prior approval from the Agency or its Agent is granted and authorized. The owner/applicant shall be bound by the provisions of this application and approval.

Mr. Bender seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

- 67 Plants Dam Road, Niantic Sportsmen's Club Owner, Charles Leigus, Forester, Applicant – Application for a Determination of Non-Regulated Activity associated with a Timber Harvest on property at 67 Plants Dam Road, Assessor's Map #19.0, Lot #54, 55 & 58, East Lyme, CT.

Ms. Lozanov noted that this is also for determination of if a public hearing would be required.

Mr. Leigus, applicant said that the plan requires no wetland crossings and that of the 203 acres; they would be operating the forestry harvest on approximately 150 acres. In some instances while they may be close to a wetland area, they will not be disturbing anything.

Mr. Goeschel noted that this is an 'as of right' exempt activity.

Ms. Lozanov asked when the work was proposed for.

Mr. Leigus said that there is no actual start date.

Ms. Berger asked how long the harvesting would take.

Mr. Leigus said that it would be some four to six weeks.

Mr. Bender said that he saw this as an 'as of right' activity and was ready to make a motion.

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

Mr. Bender moved in the application of Charles Leigus, Forester for timber harvest at 67 Plants Dam Road, Niantic Sportsmen's Club, Owner that timber harvest falls under the agricultural exemption and is an 'as of right' activity not requiring a permit.

Mr. Clarke seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

- 20 Woodland Drive, Niantic, CT – Niantic Bay Group Owner, Jodie Chase Applicant – Application to construct a single family dwelling at property located at 20 Woodland Drive, Assessor's Map 05.9, Lot 12, Niantic, CT

Ms. Lozanov noted that this is also for determination if a public hearing is required or not.

Don Fortunato, Soil Scientist said that Jodie Chase is the contract purchaser and the applicant is the property owner. There are no wetlands or watercourses on the property but it is within the upland review area.

Mr. Goeschel noted that he was not comfortable issuing this permit administratively. He asked for a vegetative buffer along the boundary line to the other property and also about having the house shifted to the east.

Mr. Fortunato said that the intermittent watercourse is a ditch and that Black Point is all poorly drained soils.

Mr. Reluga asked if water runs down towards Old Black Point Road and also about installing a flat bottomed pipe.

Mr. Fortunato said that they could install a flat bottom pipe.

The members asked that this be placed on their April meeting agenda.

Mr. Hall asked about the vegetation within the ditch and removing the invasives.

Ms. Chase said that she would hand remove them.

Ms. Berger asked that they put this item on the Site Walk Agenda for their April Meeting so that they could take a look at the area.

Mr. Goeschel said that he would do that.

#### **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 they will see once the snow melts if the controls hold up. He noted that he has a meeting later on this month to discuss a resolution regarding the Bialowans property. It was the opinion of an expert that it would cause more harm than good to try to go in there. He has spoken to a number of agencies regarding what to do as it has been a year and he has received information back from them. He suggested that they have Centerplan at their April meeting to provide and update and for discussion.

#### **VII. New Business**

- **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**

Ms. Lozanov said that this continues remains in effect and they will receive updates.

- **Cease, Desist & Correct Order – Flanders Road – Gateway Development East Lyme LLC Owner, Assessor's Map 31.0, Lot 1, East Lyme, CT**

Ms. Lozanov said that this also continues and they will receive updates.

Mr. Hall asked Mr. Goeschel to obtain copies of correspondence from the oil scientist that was sent to the DEEP.

Mr. Goeschel said that he would.

#### **VIII. Chairman's Report**

Ms. Lozanov said that she did not have anything further to report.

#### **IX. Wetland Enforcement Officer Report**

- **Administrative Permits Issued**

Mr. Goeschel said that he had provided them with his report last month and had no further permits to report.

- **Enforcements**

Mr. Goeschel said that he would follow up on the house on the corner of Roxbury Road and also on the status of the Town project at Little Indian Pond in Crescent Beach.

Ms. Lozanov asked that he update them on the farm stand at the corner of Upper Pattagansett Road; the debris/garbage behind the Midway Mall from tenants moving in and out and the Roxbury Road house as it appears that new tenants have moved in.

Mr. Goeschel said that he did not get to go out and look at those projects but would and would have an update for them at their next meeting.

▪ **Correspondence**

Mr. Goeschel passed out the correspondence that he had.

**ADJOURNMENT**

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

**Ms. Berger moved to adjourn this Regular Meeting of the East Lyme Inland Wetland Agency at 9:56 PM.**

**Mr. Reluga seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary