

**EAST LYME INLAND WETLANDS AGENCY
REGULAR MEETING
Monday, JANUARY 12th, 2015
MINUTES**

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

ALSO PRESENT: Attorney Edward O'Connell, Town Counsel
Kevin Seery, Ex-Officio, Board of Selectmen
Jim Bernardo, LS representing Mr. Bialowans
Don Fortunato, Soil Scientist representing Mr. Bialowans
Gary Goeschel, Inland Wetlands Agent
Karen Zmitruk, Recording Secretary
Marc Salerno, Incoming Ex-Officio, Board of Selectmen

FILED IN EAST LYME

CONNECTICUT

Jan 20 2015 AT 2:05 AM/PM
Keith Hall
EAST LYME TOWN CLERK

ABSENT: Norm Bender, Phyllis Berger, Kim Barber Bradley, Alternate

Call to Order

Kevin Seery, Board of Selectmen Ex-Officio called the January 12, 2015 Regular Meeting of the East Lyme Inland Wetlands Agency to order at 7:03 PM. He asked that they motion to move the Election of Officers to the very first item of the agenda.

****MOTION (1)**

Mr. Mingo moved to make Item VII.C. – Election of Officers the first item of the agenda.

Ms. Lozanov seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

▪ **Election of Officers**

▪ **Chairman**

Mr. Seery called for nominations for the position of Chairman of the Inland Wetlands Agency for 2015.

****MOTION (2)**

Mr. Hall nominated Ms. Lozanov for the position of Chairman of the Inland Wetlands Agency for 2015.

Mr. Reluga seconded the motion.

Mr. Seery asked if there were any other nominations –

Hearing none –

He called for a vote on the nomination of Ms. Lozanov -

Vote: 4 – 0 – 0. Motion passed.

Mr. Seery turned the chairing of the meeting over to Ms. Lozanov.

• **Vice-Chairman**

Ms. Lozanov called for nominations for the position of Vice-Chairman of the Inland Wetlands Agency for 2015.

****MOTION (3)**

Ms. Lozanov nominated Mr. Reluga for the position of Vice-Chairman of the Inland Wetlands Agency for 2015.

Mr. Mingo seconded the motion.

Ms. Lozanov asked if there were any other nominations –

Hearing none –

She called for a vote on the nomination of Mr. Reluga -

Vote: 4 – 0 – 0. Motion passed.

Note: 7:10 PM – Mr. Clarke arrived and was seated.

• **Secretary**

Ms. Lozanov called for nominations for the position of Secretary of the Inland Wetlands Agency for 2015.

****MOTION (4)**

Ms. Lozanov nominated Mr. Hall for the position of Secretary of the Inland Wetlands Agency for 2015.

Mr. Reluga seconded the motion.

Ms. Lozanov asked if there were any other nominations –

Hearing none –

She called for a vote on the nomination of Mr. Hall -

Vote: 5 – 0 – 0. Motion passed.

Ms. Lozanov introduced the members of the Commission, Inland Wetlands Agent and Recording Secretary.

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 they had Jody Chase present who was requesting a preliminary review on 20 Woodland Drive and asked that they add it to the agenda as New Business item C.

****MOTION (5)**

Mr. Reluga moved to add New Business Item C. to the agenda – 20 Woodland Drive, Preliminary Review.

Mr. Hall seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

II. Acceptance of Minutes

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

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

Ms. Lozanov asked that they table these minutes until their next meeting in February as the duplexed pages were copied as single sided and there were pages missing.

III. Public Delegations

Ms. Lozanov called for Public Delegations.

Mark Nickerson, First Selectman said that he had made a pledge when he became the new First Selectman that he would come to every Board, Commission, organization to thank them for all that they do for the Town. He noted that he spent time on the Zoning Commission and said that he appreciates the important job that they do. In recognition he said that he had Town of East Lyme pins made to pass out to them so that they might wear them when they are out representing the Town. He also introduced Marc Salerno who would be their new Ex-Officio from the Board of Selectmen.

IV. Ex-Officio Report

Mr. Seery said that this would be his last report to them and that as Mr. Nickerson had said; Mr. Salerno would be their new Ex-Officio. He said that he wanted them to know that he had learned a lot from being their Ex-Officio and thanked them for all that they have done.

V. Pending Applications

▪ **57 Walnut Hill Road – John Bialowans, Jr., Owner – Application for construction of an access driveway from Walnut Hill Road to gain access to the rear acreage of the property at 61 Walnut Hill Road, Assessor's Map 9.4, Lot 11, East Lyme, CT**

Ms. Lozanov called for the applicant or their representative to present this.

Jim Bernardo, LS noted the new revised plan dated January 8, 2015 which has addressed the Town Engineer's review comments and those brought up at the last meeting. He said that they hope to file a CAT 1 application that will be handled by the DEEP. They are proposing 2 – 50" pipes for the 50 year storm and if they receive approval to reduce the size; they will let them know. They have moved the stockpile area and added rip rap on either side of the driveway so that it will not clog. They have added drainage swales for sheet flow.

Don Fortunato, Certified Soil Scientist said that at one time it ran water as there is a steep ravine. It is a marginal intermittent watercourse with upland soils.

Ms. Lozanov noted that they do not have to vote on this tonight and that they could wait until February for the Army Corps to respond.

Mr. Goeschel said that they could not predicate their application on the Army Corps as they could come back and modify it based on what the Army Corps says.

Ms. Lozanov asked if they were ready to make a motion.

****MOTION (6)**

Mr. Mingo moved that based on the findings indicated in a Memorandum from Gary Goeschel, Director of Planning dated January 12, 2015 that they move to approve the application of John Bialowans Jr., of 57 Walnut Hill Road, East Lyme; Assessor's Map 48.0, Lot 56-1 to conduct regulated activities within an intermittent stream and the 100-foot upland review area associated with the construction of an access driveway from Walnut Hill Road to access an old woods road for the purpose of maintaining the rear (easterly) portion of his property of 40 acres which includes a stream crossing and plans entitled "Improvement Location Survey, Proposed Driveway Crossing", property of John Bialowans, Jr. for property located at 57 Walnut Hill Road, Town of East Lyme, County of New London-Connecticut, Scale 1"=20', Prepared for John Blalowans Jr., LLC by James Bernardo of James Bernardo Land surveying, LLC, dated November 3, 2014 and revised through January 8, 2015 which is also subject to the following administrative requirements and required modifications to the sit plan and other materials submitted in support of this application:

1. An erosion and sedimentation bond in the amount of \$5,000.00 dollars shall be posted in a form acceptable to the Inland Wetlands Agency and satisfactory to the Inland Wetlands Agent and Town Engineer for the proposed installation/stabilization of the storm drain pipe and sedimentation and erosion controls to secure the site.
2. An As-Built survey is to be provided to the Agency upon completion of all proposed site work.
3. The Inland Wetlands Agent shall be contacted 2-days prior to any site work to inspect erosion and sedimentation controls prior to commencing any work.
4. The Inland Wetlands Agent shall be contacted upon completion and stabilization of the site to close out the file.

The above applicable items shall be accomplished prior to conducting site work. No site work shall commence until all applicable conditions are satisfied.

This approval is specific to the site development plan submitted as the Application of John Bialowans Jr., to conduct regulated activities within an intermittent stream and the 100-foot upland review area associated with the construction of an access driveway. Any changes in the site development plan other than those identified herein shall constitute a new application and the modifications of the approval and any change in the development plan layout other than those identified herein shall constitute a new application unless approved by the Agency or its Agent. The owner/applicant shall be bound by the provisions of this application and approval.

Mr. Clarke seconded the motion.

Mr. Hall said that technically they should be applying to the DEEP at the same time.

Mr. Bernardo said that he understands that the reporting form has to be done however the application has to have a completed application from this agency.

Vote: 5 – 0 – 0. Motion passed.

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 noted that they had requested that Attorney O'Connell address them on this item.

Attorney O'Connell said that he would discuss the status of this matter and first made it clear that the Inland Wetland Agency is his client and not any neighboring property owners, etc. The Cease, Desist & Correct Order remains open and is in the monitoring process. He noted that Mr. Bialowans has hired an attorney, Janet Brooks and said that she is well respected. They have discussed the matter of the C & D and Attorney Brooks is aware that he is prepared to act on the C & D should it be necessary. The Inland Wetland Agency is to be subjective. He said that he understands that they may like to help property owners but they are to remain subjective. He added that he spoke with Attorney Brooks and stated that he would be reporting that information to them this evening.

Mr. Mingo asked who is enforcing the recently deeded Conservation Easement.

Attorney O'Connell said that their job is to enforce their regulations and that the Inland Wetlands Agency is not the agency to enforce the easement.

Mr. Clarke asked if someone damages wetlands on someone else's property - who enforces that and what actions could they take.

Attorney O'Connell said that they look at the resources that exist and they have Mr. Goeschel who will go out and investigate the situation and present information back to them on the nature of the issue/violation.

VII. New Business

- **11 Industrial Park Rd. – CLA Engineers, Inc. - Applicant, Norwich Orthopedic Group, Owner – Preliminary review for proposed Norwich Orthopedic Group office on property located at 11 Industrial Park Rd.; Assessor's Map 26.1, Lot 3, East Lyme, CT**

Ms. Lozanov called for the applicant or their representative. She noted that this was only preliminary.

Kyle Haubert, PE with CLA Engineers Inc. said that this was only a preliminary review so that they could put all required information together for them. He explained that this property is located behind the Stop & Shop and near Bob's Discount Furniture. He explained that this is for a Norwich Orthopedic Group Medical Office of approximately 30,000 sq. ft. with a base of 26,000 sq. ft and then an addition of 4,000 sq. ft. The lot is just over 5 acres and they would develop about a half of it with the concentration being closer to the Bob's area and square to I-95. The site has an access easement over the Bob's drive and they will move it away from the river. They are proposing 136 parking spaces. They have an existing facility in Franklin that has 130 spaces; the 136 is a bit more than the zoning requirement. They are looking to maintain the grading from I-95 towards the Pattagansett River and they are exploring a sidewalk along Industrial Park road with the owners to allow some pedestrian access.

Mr. Goeschel noted that there is a sidewalk by the Stop & shop that dead ends.

Mr. Haubert continued that they are on public water and sewer and will run the utilities to the facility. A small part of the parking lot is in the flood plain however there is no direct wetlands disturbance. They will use rain gardens and grass swales to minimize any impacts. Bob Russo is the soil scientist.

Mr. Goeschel said that he has already met with the applicant

Ms. Lozanov said that she is concerned with the number of parking spaces and would like to see it reduced.

- **20 Woodland Drive, Niantic, CT – Jody Chase – Preliminary review discussion**

Jody Chase said that she is a wetland ecologist and that she is hoping to purchase 20 Woodland Drive to build a home. On the maps this comes in as all wetlands; she had Mr. Fortunato check and there are no wetlands on the property. They would like to build a 1200 sq. ft. home for themselves; the property has a

drainage ditch from Park Court and they want to fill the drainage ditch as they would like driveway access to the home from Park Court.

Ms. Lozanov asked how the mapping would say it was wetlands if it is not.
Mr. Goeschel said that this sometimes happens although not very frequently.

Ms. Chase said that they would pipe the drainage through their property as it comes from the footing drains from one house above them to a ditch on their property now. They just want driveway access.

Ms. Lozanov asked if they are within 100 feet of any wetlands.
Don Fortunato, Soil Scientist said that he had looked at the property today and there is a small drainage way that does not run much water. If they pipe it, it would go to an adjacent lot and settle there. It is not wetlands. The roof and footing drains do not run much water and the ditch does not have vegetation.

Mr. Hall said that he would think that they would speak with their neighbors about this.
Ms. Chase said that they would rather convey the water through a pipe than through the ditch which is 2.5 feet wide and 2 feet deep.

Mr. Goeschel said that with the application for a single family dwelling that they would submit a report saying that it is not a watercourse.

Mr. Hall asked why they would put a pipe there if there is no water.
Ms. Chase said that she would present this to the Town Engineer and if they say that they need a pipe then they will put one.

Mr. Goeschel said that he would go out and review the site.

▪ **FY 15-16 Budget**

Mr. Goeschel noted that he met with the First Selectman and Finance Director today and that he put together a proposal for more hours for this and for Planning and that he got the feeling that there could be some happy medium regarding a part time person.

Discussion followed – Mr. Mingo said that he wants the hours increased to part time for wetlands and Ms. Lozanov said that she wants figures in all of the line items and not zeros.

VIII. Chairman's Report

Ms. Lozanov said that she had thought there was a site walk and found that it was cancelled. She said that she would like to be informed of the site walks and if they are going to be cancelled.

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.

Mr. Mingo said that the vegetable stand at the corner of Upper Pattagansett Road has cut the phragmites and has a truck parked almost in the wetlands. He asked that Mr. Goeschel follow up on this.

Mr. Goeschel said that he has also been informed that there is debris/garbage behind the Midway Mall from tenants moving in and out and that he will look into this and the farm stand and report back to them on all of these items.

▪ **Correspondence**

Mr. Goeschel noted that they had a copy of CL & P's proposed clearing under its transmission wires for this year.

ADJOURNMENT

****MOTION (7)**

Mr. Clarke moved to adjourn this Regular Meeting of the East Lyme Inland Wetland Agency at 9:14 PM.

Mr. Reluga seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary