

East Lyme Inland Wetlands Agency  
Regular Meeting  
July 14, 2014

Present: Cheryl Lozanov, Chairwomen  
Norman Bender  
Harold Clarke  
Joseph Mingo  
Charles Reluga  
Phyllis Berger  
Keith Hall  
Kimberly Bradley, Alternate

FILED IN EAST LYME  
CONNECTICUT  
July 21, 2014 AT 9:35 AM/PM  
Karen Falko, Clerk  
EAST LYME TOWN CLERK

Also Present: Gary Goeschel, II, Wetlands Enforcement Officer  
Don Fortunato, Soil Scientist  
Fern Trimbley, Civil Engineer  
Kim Drelich, The Day  
Ted Harris, Esq.  
Kevin Seery, Ex officio  
Andrew Towpasz, Applicant  
Robert Johnson, Landscape Architect  
John Murray, Architect  
Tim Midelaton  
Michael Lombardo, Centerplan Construction

CALL TO ORDER. Chairwomen Lozanov called the July 14, 2014 Regular Meeting of the East Lyme Inland Wetlands Agency to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE. The Pledge of Allegiance was observed.

I. ADDITIONS TO THE AGENDA. There were no additions to the Agenda.

II. ACCEPTANCE OF MINUTES. The minutes were tabled until the August meeting.

III. PUBLIC DELEGATIONS. There was no discussion from the public at this time.

IV. EX OFFICIO REPORT. Mr. Seery reported at the July 2 Board of Selectmen's Meeting the expenditure of \$205,000 for air packs for the fire departments was moved to a Town Meeting.

There was discussion on a \$25,000 expenditure for an open space parcel by the Friends of Oswegatchie Hills.

On Saturday July 19 we will have Celebrate East Lyme from 3 p.m. to 9 p.m.

Vote East Lyme for fan favorites.

There was a nice turn-out at a Golf Tournament in Memory of Mike Giannatassio to raise funds for drinking water in Haiti.

V. PUBLIC HEARINGS - None

VI. PENDING APPLICATIONS - None

VII. NEW BUSINESS

A. 249 Old Black Point Road, Niantic, CT - Dr. Dorothy Rebecca Davies and Jeremy Kramer, Applicant/Owners; Application for the demolition of an existing dwelling and the construction of a single family dwelling associated pool, retaining walls, septic system, and landscaping on property located at 249 Old Black Point Road, Niantic, Connecticut, Assessor's Map #2.1, Lot #2.

Mr. Fortunato, Soil Scientist, presented Mr. Goeschel with map of full-sized drawings. He stated in May we came before this Agency. We dug up phragmites and they were taken off site. They will not be used for top soil or fill. The seed is coming up.

Ms. Lozanov observed phragmites coming up in the wetland area. Mr. Fortunato agreed to go out to the site tomorrow. Ms. Lozanov asked where will it go? Mr. Fortunato replied DEEP is very strict about where it can go.

Mr. Fortunato stated this proposed new residence has 100' buffer from the Long Island Sound.

Mr. Johnson reported the house has an eastern garden, guest and family parking and a north garden bordered by a hedge. The plan is to retain sycamore trees. We plan to have garden shrubs, grasses, shade trees and an entry path with access. The east garden will have west paths. The west garden will have a raised terrace at the house level. There are plantings at the upper level to the pool level. The pool and spa will have a retaining wall with stairs to the rear yard and garden and along the seawall. The dock will have a set of stairs to the ocean. The wetlands will have a 4' planting barrier. The plantings in the east garden in front of the house will be native. There will be shrubs for summer and fall, as well as grasses. The front garden and west garden will have native plantings.

Mr. Mingo felt there was a lot of sycamore maples. Mr. Johnson stated he plans to use American and Asian sycamores.

Ms. Lozanov asked if there will be any invasive plants? Mr. Johnson replied as a rule we don't have invasive plants.

Mr. Fortunato reported there is a 75' right-of-way, setbacks and buffers.

Mr. Mingo asked will you use rain gardens? Mr. Johnson replied we are not planning a rain garden. Mr. Mingo asked where will the water go? Mr. Trimbley replied the roofing system comes down and collects through and it goes into the wetlands traveling through the grassy areas. Mr. Mingo asked how many square feet is it? He was informed the house is 3,000 square feet.

Ms. Lozanov asked what provisions are made if the pool leaks? Mr. Goeschel asked where the pool pump and equipment are located? Mr. Johnson replied it is planned to be between the retaining wall.

Mr. Fortunato reported the proposed septic is planned in the front. We are working with Ledge Light for an on site system. Ms. Lozanov felt they need to plan if there is a leak.

Mr. Mingo asked if it will be a salt water pool? Mr. Johnson replied it has not been determined as yet. Mr. Mingo felt since it is close to the ocean, chlorine would not be the best choice. He is also concerned about the plantings. Ms. Lozanov stated she noticed gravel run off in front of the seawall. Mr. Fortunato reported they tried to approach the neighbor, and he wanted the property line to remain as is.

Ms. Lozanov asked where will the stairs be placed? Mr. Midelaton replied the stairs are on the current DEEP drawing. It has not been built yet.

Mr. Goeschel felt the next step will be to maintain the area so the proposed building does not adversely impact the on-site wetlands. Mr. Johnson showed the wetlands buffer. Mr. Timbley stated we have a silt fence in the western boundary where there is major construction. After construction the landscape features will be added. In the front of the property there will be a stock pile area and silt fence to prevent erosion and run off. Mr. Goeschel felt the site is relatively flat. Mr. Johnson felt in a detailed plan we could use shrubs. Mr. Clarke asked what is in the way to prevent them from going over? Mr. Johnson replied these are large plants. Mr. Clarke asked that they be specified on the plan. Mr. Reluga stated the front yard has several large trees. Will they be removed? Mr. Johnson replied the honey tree will be removed and the two sycamores will be kept. Ms. Lozanov observed bittersweet on the property. Mr. Johnson stated none of that will be retained. Mr. Goeschel asked if the plantings along the wetland boundary will be large shrubs? Mr. Johnson showed a plan of what will be planted. Mr. Fortunato stated there is an Association right-of-way and another along the shore.

Ms. Lozanov felt we don't have all the information yet. Mr. Goeschel read from the regulations. Mr. Mingo felt a Public Hearing should be held because of the right-of-way. Mr. Rose, the builder, reported there is an agreement with the Association for construction.

MOTION (1): Harry Clarke moved to accept the application for  
249 Black Point Road, Niantic, CT as  
complete. Seconded by Mr. Mingo.

(6-0) Unanimous

Mr. Murray stated the existing house is very close to the new house. We are moving it back.

Mr. Timbley reported the Zoning definition of coverage of roof, pool, and impervious areas are described in the Zoning Regulations. Ms. Lozanov stated the pool and spa run pumps. Mr. Murray reported saline filtration will be used. The buildings have a hot tub, spa, pool and heat in the spa. They all share the same system. We have not used chlorine. Ms. Lozanov asked that there be a notation for the spa.

Mr. Mingo asked how big is the garage. Mr. Midelaton replied it will be a two car garage, with a golf cart and bike storage area. Mr. Timbley stated the garage will have the same collector pipe. Mr. Goeschel asked is the roof run-off going into the wetlands. You will need to provide a breakdown of the pool and spa discharge and identify the buffer area around the wetlands as well as garden plantings. Mr. Goeschel asked for a revised plan from Mr. Fortunato. Ms. Lozanov asked how big is the guest house? Mr. Murray stated it is not a separate building only a wing of the house.

MOTION (2): Mr. Clarke moved to continue discussion on  
249 Old Black Point Road, Niantic, CT  
until the August 11 meeting of this Commission.  
Seconded by Ms. Berger. (6-0) Unanimous.

B. 21 Pattagansett Drive, East Lyme, CT. - Andrew & Christine Towpasz, Applicant Owners. Application for the construction of a 46-foot by 120-foot garage and associated 15-foot access drive on property located at 21 Pattagansett Drive, East Lyme, CT., Assessor's Map #30.2, 30.

Mr. Harris submitted a plan to Agency members which details limited disturbance for a steel building on a slab. The proposed access is on a reserved right-of-way. This parcel is attached to the residential structure.

Ms. Lozanov reported the work was done by John Rain and needs to be signed, a Soil Scientist is needed and the date needs to be changed.

Mr. Mingo observed an intermittent stream on this property. Mr. Lozanov reported we found critters on the property. This Agency would like to speak with Mr. Ianni, the Soil Scientist. Mr. Clarke stated we have no report on the quality and existence on the wetlands. Mr. Harris replied this building is on the same parcel. Mr. Clarke felt this was a large building. Mr. Harris replied the applicant would like to house antique cars. Ms. Lozanov would like to see more detail as how an oil spill would be handled. Mr. Harris replied it has a concrete floor with no drains. Ms. Lozanov would like to see how oils, etc. would be handled. Mr. Harris replied the restrictions call for double containers. Ms. Lozanov asked how close is it to the wetlands? Mr. Harris replied about 50' from the corner of the building. Mr. Clarke expressed concern over the limited

disturbance. Mr. Harris agreed to look at it before the next meeting. Mr. Mingo asked will it be on a slab? Mr. Harris replied it will. It will have bricks where the doors are. Mr. Mingo asked is it on a slab building with no concrete wall? Mr. Harris replied it has a concrete wall that the building will be set on. Mr. Harris will bring an evaluation of the building. Ms. Berger asked will it have running water? Mr. Harris replied it will not. Mr. Goeschel asked have you adjusted the property line? Mr. Harris replied we have adjusted the boundary between the two parcels. Ms. Lozanov asked will this be considered one lot? Mr. Harris stated there is a lot of equipment on the existing gravel driveway. It has been stored there. Mr. Towpasz took down a few trees near the house. Mr. Goeschel stated if the removal of equipment includes a stump, a permit is needed. Mr. Harris informed him it will be done the same time as construction is done. Mr. Mingo asked will the stumps be grinded? Mr. Reluga stated in his experience concrete floors will crack. Mr. Harris stated if the property is done with rebar it should not be an issue. Mr. Hall asked will all the trees allow you to construct this garage? Mr. Towpasz felt nothing else needs to be removed. Mr. Goeschel stated no further vegetation can be removed in the wetland area. The building is 120' long with a 15' wide gravel area. Mr. Mingo asked if the Fire Marshal has looked at the plan? Mr. Goeschel stated an application for a building permit cannot be issued immediately. He will follow up with the Fire Marshall. Ms. Lozanov asked that no more clearing is done. Mr. Clarke stated he would like to see a report from the Soil Scientist.

MOTION (3): Mr. Clarke moved to continue the application for 21 Pattagansett Drive, East Lyme, CT until this Agency's August 11 Meeting. No Second. Motion defeated.

MOTION (4): Mr. Mingo moved to call for a Public Hearing on 21 Pattagansett Drive, East Lyme, CT. No Second. Motion defeated.

MOTION (5): Mr. Mingo moved to continue 21 Pattagansett Drive, East Lyme, Ct to the August 11 Meeting. Seconded by Mr. Reluga. (6-0) Unanimous.

## VIII. OLD BUSINESS

A. Cease, Desist and 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, Connecticut.

Mr. Mingo and Mr. Bender reclused themselves from this matter. Kimberly Barber Bradley was asked to be seated.

Mr. Harris reported there were significant issues during rain events. We have done hydro and hand seeding, and he felt the combined efforts have worked very well. A lot of the areas are growing nicely.

Mr. Lombardo of Centerplan Construction Company referred to the July 9 email. Ms. Lozanov asked if he had any photos? He did not. Mr. Goeschel agreed to obtain photos tomorrow morning. The site was visited on July 3 and it was quite dry. Mr. Lombardi was on site on July 3 and observed significant germination. They will continue to bring water to the area to help with germination.

Mr. Goeschel stated the second point was to repair the detention basins. He was informed that has been done.

Mr. Goeschel stated the third point was to deal with additional erosion control. He was informed they did not feel that was necessary.

A site walk is planned for August 9. A removal and restoration plan will be developed after the walk. The next Inland Wetland Agency Meeting will be held on August 11.

Mr. Clarke stated the email addressed two sediment traps that were not built. Mr. Lombardo stated with construction during the installation of the panels is where those traps were. Mr. Clarke felt the site was not stable, if they were there they were removed. Mr. Lombardo agreed to check on it. Mr. Clarke stated it was not just Mother Nature. Its necessary to continue the E&S Plan. Mr. Lombardo agreed to check on it. Mr. Reluga asked if hay bales in addition to a silt fence was used? Mr. Lombardo replied we had hay bales also. Ms. Bradley stated Mr. Lombardo responded he would do what was required for erosion control. She believed the information we sent on to the Siting Council and engineers to reconfirm that is required at this stage. Mr. Lombardo replied we sent an engineer to make sure that happens before we come back before this Agency. Mr. Reluga would like another site walk. Ms. Lozanov felt a Special Meeting may be necessary. Mr. Goeschel stated all remediation and vegetation will need to be done by September 30. Mr. Goeschel questioned the drip edge on July 3 and the gully channels. Mr. Lozanov stated it has been regraded and reseeded. Mr. Clarke asked if the drip edge was done. Mr. Lombardo replied the builder and designer did not see a need for it. Mr. Clarke felt there was a lot of impervious areas build on this strip. Mr. Lombardo stated they were by a third party. Mr. Hall asked how many solar farms have been done? Mr. Lombardo was not sure. Mr. Goeschel would like to be assured by the state that the measures that were put in place are sufficient. Mr. Lombardo will make sure they are and will give this Agency a report. Ms. Lozanov stated the cease and desist order will remain in place and continue to the August 11 meeting. She asked Agency members to have another site walk on August 9.

## IX. REPORTS

A. Chairwomen's Report. There was no report.

## B. Inland Wetlands Agent Report

i. Administrative Permits Issued. Mr. Goeschel issued a permit for 3 Upper Pattagansett Road. It required silt fencing and removal of three large pine trees. A zoning permit was also needed. Ms. Lozanov asked if the wetlands were filled in? Mr. Goeschel discussed branches from the trees and debris and indicated there will be no material in the wetland and asked the owner to remove some debris.

Mr. Mingo was reseated.

Mr. Clarke asked if a renter can receive a wetland permit? Mr. Goeschel indicated the renter, Ben Tompkin is the applicant for a removable shed and the land owner signed the permit. Mr. Mingo felt it is not a farm stand but a grocery store. Ms. Lozanov stated he cut trees. Mr. Goeschel added those trees were on private property. Mr. Mingo stated the roots are part of the trees and on Town property and in the wetlands. He needed a wetlands permit to cut the trees down. Mr. Goeschel stated he received a permit from the Zoning Commission and thought he could cut them down.

Ms. Lozanov felt someone is dumping grass.

The Solar Farm deposited sediment into the inland wetland resources; has any action been taken? Mr. Goeschel stated this Agency can take action. Mr. Goeschel discussed fines.

Mr. Hall read from a letter from Attorney O'Connell stating we can request an injunction.

Mr. Berger asked who made the deadline of September 30? Ms. Lozanov replied the Agency and that the growing season was taken into account. Mr. Mingo felt the wetlands commission is responsible for enforcing a conservation easement.

Ms. Bradley asked if Mike Kline's revised report was requested. Ms. Lozanov stated we requested it and were supposed to receive an updated report. Mr. Goeschel reported in the July 9 email we expected a report addressing the issues of concern. Ms. Lozanov stated 3" or less can re-vegetate naturally. Mr. Mingo added now we have a rain garden. Mr. Berger asked Mr. Goeschel to take photos. Ms. Bradley stated Mr. Goeschel felt this is a long-term issue. Mr. Goeschel stated the Siting Council will also be at the meeting of July 16<sup>th</sup>.

Mr. Goeschel will follow up on the property located at 187 West Main Street.

## C. Correspondence

Mr. Goeschel encouraged members to attend other meetings and voice their opinion on issues as individual members.

Mr. Mingo felt as a Board member you can sue an applicant. Ms. Bradley asked is a Land Trust required to take legal action? She was informed they are.

MOTION (6 ):Mr. Mingo moved to adjourn the July 14, 2014 Inland Wetlands Agency Meeting at 9:40 p.m. Seconded by Mr. Reluga. (7-0)

Respectfully submitted,

Frances Gheri, Recording Secretary