

**EAST LYME INLAND WETLANDS AGENCY
REGULAR MEETING
Monday, NOVEMBER 10th, 2014
MINUTES**

FILED IN EAST LYME
CONNECTICUT
NOV 17 2014 AT 10:05 AM PM
Bradley D. Barber ATC
EAST LYME TOWN CLERK

PRESENT: Cheryl Lozanov, Chairperson, Chuck Reluga, Vice-Chair, Keith Hall,
Secretary, Norm Bender, Harry Clarke, Joe Mingo, Kim Barber Bradley,
Alternate

ALSO PRESENT: Stewart Fairbanks, Angus MacDonald, representing the Applicant
Jeffrey Torrance, Niantic real Estate LLC
Don Gerwick, LS Gerwick Mereen
Jim Bernardo, LS representing Bialowans
Don Fortunato, Soil Scientist
Gary Goeschel, Inland Wetlands Agent
Karen Zmitruk, Recording Secretary

ABSENT: Phyllis Berger

Call to Order

Ms. Lozanov called the November 10, 2014 Regular Meeting of the East Lyme Inland Wetlands Agency to order at 7:02 PM. She seated Ms. Bradley, Alternate at the table and 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 although they do not have a paid or signed application for 57 Walnut Hill Road for a wetland crossing that Mr. Bialowans was present with his representatives to discuss what they are proposing. He noted that they also questioned the need to pay for a permit.

****MOTION (1)**

Mr. Mingo moved to add 57 Walnut Hill Road to the agenda as Item C. under New Business.

Mr. Reluga seconded the motion.

Vote: 7 - 0 - 0. Motion passed.

II. Acceptance of Minutes

▪ **Site Walk Minutes of October 4, 2014**

It was noted that only three people attended this site walk; minutes to be presented at the next meeting.

▪ **Regular Meeting Minutes of October 6, 2014**

Ms. Lozanov called for any discussion or corrections to the Regular Meeting Minutes of October 6, 2014.

Mr. Reluga questioned on Page 4 if it should be inches rather than feet in the second paragraph.

Mr. Hall noted that Mr. Clarke was present and that he was also listed as absent.

****MOTION (2)**

Mr. Hall moved to accept the Inland Wetlands Agency Regular Meeting Minutes of October 6, 2014 as amended.

Mr. Reluga seconded the motion.

Vote: 5 – 0 – 2. Motion passed.

Abstained: Mr. Bender, Ms. Bradley

III. Public Delegations

Ms. Lozanov called for Public Delegations.

There were no Public Delegations.

IV. Ex-Officio Report

Mr. Seery reported the following: Mr. Formica was elected to the Senate and will have to step down as First Selectman due to our town Charter. No date has been given as to when that will happen. Also, the new egress on Mostowy Road has been opened and is being used. This is also a Town Meeting item. Lastly, the introduction of a Care-Here Clinic with a doctor and a nurse for Town Employees and their family members may potentially be on the Town Meeting call also. He explained that this program would not have a co-pay for Town Employees when they used it and could save the Town a lot of money as health care costs continue to rise and the Town is self-insured.

V. Pending Applications

- **63 Arbor Crossing, East Lyme, CT – Carrier Enterprises/Orchards at East Lyme, LLC; Carrier Enterprises/Christina Zadrozny - Application to conduct regulated activities within the 100 foot upland review area associated with the construction of a single family dwelling on property located at 63 Arbor Crossing, East Lyme, CT. Assessor's Map 29.1, Lot 68.**

Ms. Lozanov called upon the applicant or their representative.

Don Gerwick, LS with Gerwick Merein submitted the drainage calculations to Mr. Goeschel and noted that they were reviewed by Mr. Benni, Town Engineer. He said that they would not be filling any of the wetlands and that in reviewing five year to 100 year storm events; the lot is discharging much less than when it was previously an apple orchard.

Mr. Mingo asked if there is a conservation easement.

Mr. Gerwick said that there is a forest preserve area from the time of the original approvals.

Mr. Goeschel noted that the Homeowners Association would be responsible for enforcing compliance and added that this is the last parcel to be built here.

Mr. Gerwick explained the process and the test holes that were done in 1988 and that the location of the house was determined so as to not disturb the wetlands.

Ms. Lozanov asked how much impervious surface the house is.

Mr. Gerwick said that the house is approximately 1500 sq. ft. and that the lawn area will more than adequately clean any discharge from the driveway.

Mr. Clarke expressed concern that there is no definition of 'forest preserve' and asked that it be stated as a condition of approval that no clearing or cutting of trees be done in that area without permission of the Commission.

Mr. Gerwick said that he would clearly note that in the forest preserve area that no cutting or selective cutting of trees was to be done without the permission of the Commission.

****MOTION (3)**

Mr. Clarke moved to accept the application to conduct regulated activities within the 100 foot upland review area associated with the construction of a single family dwelling on property located at 63 Arbor Crossing, East Lyme, CT as complete.

Mr. Mingo seconded the motion.

Vote: 7 – 0 – 0. Motion passed.

****MOTION (4)**

Mr. Clarke moved to approve the Application of The Orchards of East Lyme Development, Inc. to conduct regulated activities within the 100 foot upland review area associated with the construction

of a single family dwelling on property located at 63 Arbor Crossing, East Lyme, CT with the following conditions:

- Notify the Wetlands Enforcement Officer at least two (2) days prior to construction to inspect erosion controls.
- Notify Wetlands Enforcement Officer at completion of permit for final inspection and sign off.
- Additional work beyond this permit in the wetlands or watercourse or its 100' regulated area will require approval from the inland wetlands agency or its certified agent.
- Changes to the plan listed on this permit require notification to the wetlands enforcement officer and may require agency approval. A new plan will be given to agent before work begins.
- A notation is to be placed on the plan in the 'Forest Preserve' area stating that no cutting or selective cutting of trees is to be done without prior permission from the Commission.

Mr. Mingo seconded the motion.

Vote: 7 – 0 – 0. Motion passed.

- 26 Industrial Park Road – J. Robert Pfanner Applicant, Bertil Olsson, Owner – Application for a determination of Permitted/Non-regulated activity associated with a one (1) lot re-subdivision at 26 Industrial Park Road, Assessor's Map #26.1, Lot #28, East Lyme, CT

Mr. Goeschel said that this was only for determination of if a Public Hearing was necessary. He noted that Mr. Pfanner was not available this evening and that he would explain the application for him. He said that the site is relatively flat and the limits of clearing are up to the existing tree line. This is a re-subdivision and the storm water regulations in effect are for the subdivision and will be addressed under and by the Planning Commission. He said that he did not feel that a permit was required here.

****MOTION (5)**

Mr. Clarke moved that no permit is required for the proposed activity associated with a one (1) lot re-subdivision at 26 Industrial Park Road, East Lyme, CT.

Ms. Bradley seconded the motion.

Mr. Mingo said that he has trouble with this as there are aquifers there.

Mr. Goeschel said that they do not regulate the ground water – Zoning does and Zoning and Planning will review this in accordance with their standards.

Ms. Lozanov called for a vote.

Vote: 6 – 1 - 0. Motion passed

Against: Mr. Mingo

- 5 Liberty Way – Wave Construction Group, Applicant; Fairway Developers, LLC Owner – Application to conduct regulated activities within the 100-foot upland review area associated with the construction of a 9,500 sq. ft. building for light industrial use, together with 14 parking spaces and a loading area on an approved lot within an existing industrial park on property located at 5 Liberty Way, Assessor's Map #9.4, Lot 11, East Lyme, CT

Mr. Goeschel noted that this is for determination only.

Ms. Lozanov called upon the applicant or their representative to provide information on this application.

Stuart Fairbanks, PE with Angus-McDonald said that the lot is a bit over 1.1 acres, part of a subdivision and a lot of record. The wetlands are on the easterly side; the site is clear with low brush and Frontier owns some facilities in the center of the lot and anything that they want to do has to be done around that. The area has two entrances/exits; the use would be light industrial with no paint shop or anything having to do with solvents or chemicals.

Ms. Lozanov asked if any thought was given to putting the loading docks on the other side away from the wetlands.

Mr. Fairbanks said that they considered many things in coming up with this. They also have to allow for trucks to be able to turn and get back out – plus – the utilities are in the center area of the property – so it is not practical to put this any other way.

Ms. Lozanov asked how the size of the building was determined.
Mr. Fairbanks said that zoning allows 40% lot coverage and this is 20% - the size is driven by the need of the owner for the type of business he runs.
Mr. Reluga asked about impervious surface.
Mr. Fairbanks said that it is fewer than 40%.

Ms. Lozanov asked about the 14 parking spots.
Mr. Fairbanks said that it is for passenger vehicles and not trucks.

****MOTION (6)**

Mr. Mingo moved that a public hearing was not necessary for this application.
Mr. Clarke seconded the motion.

Mr. Bender said that he thinks that a public hearing is necessary.
Ms. Lozanov called for a vote.
Vote: 2 – 5 – 0. Motion failed.
For: Mr. Mingo, Mr. Reluga
Against: Mr. Bender, Ms. Bradley, Mr. Clarke, Mr. Hall, Ms. Lozanov

Mr. Goeschel noted that their bylaws cite that a public hearing can be held if there is a substantial impact and that they cannot just have a public hearing.

****MOTION (7)**

Mr. Bender moved that a public hearing is necessary for the 5 Liberty Way application.
Ms. Bradley seconded the motion.
Vote: 5 – 2 – 0. Motion passed,
For: Mr. Bender, Ms. Bradley, Mr. Clarke, Mr. Hall, Ms. Lozanov
Against: Mr. Mingo, Mr. Reluga

VI. New Business

- **Niantic Real Estate, LLC – Request for the release of the Erosion and Sedimentation Bond established for Darrow’s Ridge Subdivision Phase 2, Lot 1.**

Mr. Goeschel said that they are holding a small S & E Bond of \$1000 and that the improvements have been completed and the lot built out. He noted that Mr. Torrance is present.

Jeffrey Torrance, 197 Upper Pattagansett Road said that this was the original E & S Bond put in place. The Commission released all but \$1000 some nine (9) years ago so this is a housekeeping matter.

****MOTION (8)**

Mr. Mingo moved to release the Niantic Real Estate LLC Erosion and Sedimentation Bond established for Darrow’s Ridge Subdivision Phase 2, Lot 1.
Mr. Clarke seconded the motion.
Vote: 7 – 0 – 0. Motion passed.

- **2015 Inland Wetland Meeting Calendar**

Ms. Lozanov said that she would have trouble with the September 14, 2015 date as that is a holiday for her. She asked that they change it to September 8, 2015 – a Tuesday and that the site walk be changed to September 5, 2015.

****MOTION (9)**

Mr. Hall moved to approve the 2015 Inland Wetland Meeting Calendar with the following changes: the September meeting is Tuesday September 8, 2015 and the site walk is Saturday September 5, 2015.
Mr. Bender seconded the motion.
Vote: 7 – 0 – 0. Motion passed.

▪ **57 Walnut Hill Road – Bialowans – Wetland Crossing – Discussion/Preliminary review**

Mr. Goeschel noted that the fee and the signed application are missing here.

Jim Bernardo, LS explained that Mr. Bialowans owns the property – about 40 acres and wants to add some land to his house property and also get access to the back area by going across a water crossing. He wants to access the back for possible future farm development.

Ms. Lozanov asked if it is being farmed now.

Mr. Bernardo said no.

Don Fortunato, Certified Soil Scientist said that he was not sure that they were even going to flag this property and that it may be an 'as of right' use and may not even need a permit.

Mr. Goeschel said that 'as of right' items do not include a driveway.

Mr. Clarke asked how wide the driveway would be.

Mr. Bernardo said that it would be 18 feet in width.

Mr. Bender said that it does not seem that according to their regulations that it qualifies for an 'as of right' activity.

Mr. Goeschel said that the driveway is not essential to the gardening or the agricultural use established.

Ms. Bradley noted that it is not a current activity there.

Mr. Clarke said that he would have an issue seeing it as an 'as of right' as there is no farming operation there now and further he does not see the need for an 18 foot wide road for that either.

Mr. Goeschel explained that the crossing is the regulated activity.

Mr. Fortunato said that it is an intermittent watercourse.

Ms. Lozanov said that therefore an application does need to be put in for this crossing of the intermittent watercourse and the activity within the 100 foot regulated area.

Mr. Bernardo said that he would make a formal application under that direction.

Mr. Bialowans, 61 Walnut Hill Road said that when he wrote the letter that he would read that he was mad at someone. He said that the driveway across the water crossing is to get to a road in the rear of the property. He read his letter – (submitted and attached) and added that he is thinking of moving to another area of his property and wants to revise the property line now.

Mr. Goeschel said that he prefers to respond to Mr. Bialowans regarding how he was treated. He noted that he disagreed in that he did not treat this any differently than others and that when he met with Mr. Bialowans that they did not discuss farming – they discussed a private road and carving out lots and that was the perspective that the crossing was looked at from. There is also a crossing between the two ponds but he did not want it to go there. None the less, Mr. Bernardo did drop off an unsigned application and no fees were collected. Further, Mr. Fortunato stated that it is an intermittent water course and he has to get rid of ledge – which could have further potential impact – and - how is the ledge going to be removed. What is the start time of the project related to future plans? He noted that he and Jim Cowan reviewed the area and that he thinks that he has done his job in the spirit of the application – further they do not deny activity – they just regulate the activity.

Mr. Bialowans said with regard to Centerplan that he has tried to work with them for five months and has not made headway. They have not made an attempt to do anything. Further, with respect to the property line revision – that is something they always wanted to do but were not exactly sure of how they wanted to do it and it was the reason why they did not want the driveway through the ponds. He said that they have enough property in the back to put Christmas trees to sell or houses or whatever his kids want to do – but he wants to do it right.

VII. 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 said that it was through office miscommunication that this item remained on the agenda. He noted that Mr. McNamara from Centerplan is waiting to hear back on an email that he sent to Ms. Bengston regarding what they are proposing for remediation. Meanwhile, Ms. Bengston has asked him if the email items were something he would have done and he has informed Ms. Bengston that it is for her to decide if the work proposed is what they agree on.

Mr. Mingo noted that they have the authority to hire someone at Centerplan's expense to determine the remediation.

Ms. Bradley said that the issue becomes more complex as the Siting Council oversees their permit and activity.

Mr. Goeschel said that he would check with the Siting Council on authorities.

VIII. Chairman's Report

Ms. Lozanov said that she did not have anything to report. She asked Mr. Goeschel to provide them with the latest copy of the 'standard conditions' for approval as the copy she has is very old.

IX. Wetland Enforcement Officer Report

- **Administrative Permits Issued**

Mr. Goeschel said that he has not issued any permits since their last meeting.

- **Enforcements**

Mr. Goeschel said that there have been no enforcements or Notice of Violations.

- **Correspondence**

Mr. Goeschel passed out Mr. Bialowans correspondence from the previous meeting and noted that he had also responded to issues that Mr. Bialowans had raised at the October 15, 2014 Board of Selectmen meeting and had provided them with a copy (attached).

ADJOURNMENT

****MOTION (107)**

Mr. Bender moved to adjourn this Regular Meeting of the East Lyme Inland Wetland Agency at 9:41 PM.

Mr. Hall seconded the motion.

Vote: 7 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

**Town of East Lyme
Inland Wetlands Agency
Site Walk and
Regular Meeting Schedule
2015**

FILED IN EAST LYME
CONNECTICUT
NOV 13 2014 AT 10:00 AM/PM
Bridget A. Hovick
EAST LYME TOWN CLERK

Meetings are held at the Town Hall, on the following listed **Mondays at 7:00 PM** unless otherwise noted.

Regular Meetings

January 12, 2015

February 9, 2015

March 9, 2015

April 13, 2015

**May 4, 2015
(First Monday)**

June 8, 2015

July 13, 2015

August 10, 2015

**September 8, 2015
(Tuesday due to Labor Day Holiday)**

**October 5, 2015
(First Monday)**

November 9, 2015

December 14, 2015

Site Walk Saturdays (if needed)

January 10, 2015

February 7, 2015

March 7, 2015

April 11, 2015

May 2, 2015

June 6, 2015

July 11, 2015

August 8, 2015

September 5, 2015

October 3, 2015

November 7, 2015

December 12, 2015

****NOTE:**

**Site Walks commence at 9 AM at
the East Lyme Town Hall Parking Lot**

Approved at the Regular Meeting of the Inland Wetlands
Agency on November 10, 2014

Attachment IWA 11/10/14

Monday, November 10, 2014

Thank you again for your patience and listening to me. I have a few more remarks to make before the commission tonight.

1. As you know I was proposing a driveway across a watercourse to get to the rear of our property and an old farm road on our property. The proposed driveway is a very minor activity and no wetlands are present along this intermittent watercourse. I had 2 professional Soil Scientists (Don Fortunato & Martina Costanho) and also a Certified Professional Erosion & Control Specialist with a Master Science Degree (Judy Rondeau) write letters to be given to the wetlands commission about the driveway. All 3 professionals thought this was the best location, less trees to remove, and no wetlands involved. When I started talking with Gary G. over a month ago or longer about what I was going to do. Gary was helpful with suggestions, and said the November 10th meeting could be met if my surveyor and engineer could get it done, and in on time. My surveyor and engineer got it all done, like Gary asked, and that's when the problems started.

I have heard that I have an X mark on my back in the Town Hall. Now Gary is the complete opposite. He has given more attention to this crossing than what you could imagine. Here are some of the attention getters he wants:

1. Before, I told him I was going to change my lot line, but we didn't know how far up the hill or increase the width of the property yet. We didn't know what Zoning, Engineering or Planning wanted with the new regulations that they just made. Gary said that since you haven't decided yet - just "get-the-process going and that would be fine". Now, Gary says to pay for the lot line revision plan fee with the exact property line. Here's the first 180 degree turnaround.

2. I told him that we had 2 Soil Scientists (Don Fortunato & Martina Castanho) test the area, and a Certified Erosion & Control Specialist (Judy Rondeau) who had written letters of our proposed driveway. My feeling is that he didn't care about their input, findings, remarks and their thoughts about this driveway. Gary's second 180 degree turnaround.
3. I asked Gary what he thought the fees would be, and now it's nearly triple the amount. Gary's third 180 degree turnaround.
4. I asked Gary before if we would need a Public Hearing. He said no because of the scale of the project and because it was an intermittent watercourse. Gary now told my surveyor we might need a Public Hearing. Gary's fourth 180 degree turnaround.
5. Gary now wants to know how I am going to remove the ledge. We both talked about that in the field, and I said that I couldn't give a definite answer yet until the driveway location was determined to see how much ledge had to be removed. It's soft ledge with a lot of veins going through it. I hope I can use a dozer, excavator or if needed to blast the ledge. Gary's fifth 180 degree turnaround.
6. Gary now wants to know the start time for the project, and how you're going to do it. We never talked about this issue because he told me the Commission couldn't vote on it at the November 10th, 2014 – it's most likely December. I didn't want to disturb or work in the area now because it is stable or maybe I'll just cut the trees down when I can. Gary's sixth 180 degree turnaround.

I feel as a taxpayer now, and my grandparents/parents (who've owned this property for over 100 years) being taxpayers now and before of East Lyme that being promised things that could have happened at this meeting can't now.

I feel we are being harassed and demanded things by a Town employee that has changed his helpfulness, attitude towards this minor activity, and as a family paying taxes in this Town for a long time.

Also I would like to say, my grandparents and parents (looking down at their farmland now) would be very proud of us now by keeping the farm well maintained and looking good. We had guinea hens for a long time but, the coyotes got them.....and, I got the coyotes. But the one thing that would hurt and devastate them the most is the watercourse in the rear of the property that was completely destroyed by a rainstorm March 29th, of only 3.42 inches.

I have seen a difference in Gary since he sent a Memorandum to the Board of Selectman on October 23, 2014. I'm going to end for now but, I would like to say a phrase my grandparents told me all the time or better yet I'll shut my mouth for now and save it for the appropriate time – which is coming.

I would like to thank again all the Wetland Commission members for their time and patience listening to me, and also I'll be giving you the reports from my 3 well qualified professionals.

Sincerely,

John Bialowans, Jr.

Town of

P.O. Drawer 519

Department of Planning &
Inland Wetlands

Gary A. Goeschel II, Director of Planning /
Inland Wetlands Agent



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

Phone: (860) 691-4114

Fax: (860) 860-691-0351

MEMORANDUM

TO: East Lyme Board of Selectmen

FROM: Gary A. Goeschel II, Director of Planning/ Inland Wetlands Agent

DATE: October 23, 2014

RE: Concerns Raised During Public Delegations at the October 15, 2014 Board of Selectmen's Meeting

Digitally signed by Gary A. Goeschel II
DN: cn=Gary A. Goeschel II,
o=Town of East Lyme, ou=Director
of Planning,
email=goeschel@townhall.com,
c=US
Date: 2014.10.23 16:30:08 -0400

In response to the concerns raised at the October 15, 2014 meeting, I offer the following:

1. The Matos' Pond (aka Cranberry Meadow Brook): The Department of Public Works plans to replace the stone revetment with appropriately sized stone to eliminate future maintenance pertaining to erosion. This project needs to be designed and obtain a wetlands permit. As such, construction is anticipated to begin Summer 2015.
2. In regards to the flat rocks from the old Tinker House, it is my understanding they were not picked up by a Town dump truck but rather, the Town dump truck picked up window sashes and wide plank boards and delivered them to the Samuel Smith house on Plants Dam Road. It is my understanding there was no charge for this material.
3. In regards to the Antares Solar Array and an injunction, I indicated to Mr. Bialowans that the Inland Wetlands Agency considered pursuing an injunction for the violations occurring as a result of poor erosion and sediment controls and site stabilization. However, the Inland Wetlands Agency through the re-issuance of a Cease and Correct Order, gave Centerplan until September 30, 2014 to stabilize the site and complete all restoration work as they proposed. The Wetlands Agency conducted a Site Walk on October 4, 2014 and held a meeting on October 6, 2014 in which the violation and restoration work was discussed. The Commission stated it would not pursue an injunction and accepted the remedial work that had been completed. However, the Commission stated it would not release the Cease and Correct Order. They Agency wants to monitor the site through the winter and revisit the matter in during spring growing season to determine if the remediation measures taken to date are adequate (see correspondence from Lee Hoffman, Esq. to CT Siting Council regarding same attached).
4. In regards to alleged sediment and erosion issues impacting abutting property owners as a result of the construction of the solar array, the Inland Wetlands Agency has authorized the remediation of any impacted wetlands or watercourse under the supervision of myself, their Wetlands Agent. Beyond the oversight of actual remediation, the scope of proposed work

Attachment - submitted

IWA 11/10/14

on abutting properties not owned by Centerplan would be a civil matter between the abutting neighbor and Centerplan.

5. Mr. Bialowans' is welcome to contact the Army Corp of Engineers. I would point out since September 30, 2014, we've experienced several rain events. According to the National Weather Service, the first event in which we experienced over 1-inch of rain was on October 5, 2014, in which 1.5-inches fell and the second October 17, 2014, in which 1.5-2 inches fell. After each of these rain events, the site has been reportedly stable and there have been no further erosion and sedimentation issues since the September 30, 2012.
6. In regards to whether Centerplan/Landino received all their Federal & State money for the project, Centerplan has not received any Federal or State funding for this project. They are merely the developer/contractor being compensated by their client GRE 314 East Lyme, LLC. I do not know if GRE 314 East Lyme, LLC has received any funds. In addition, they are generating electricity and I am not aware that they are being fined for anything at this time.
7. In regards to the development of a single family home on the former Tinker House property, it is my understanding that the new home will be built to replicate the former Tinker House. As for the improvements that were proposed on Walnut Hill Road, since a the proposed "William Tinker Road" is no longer being constructed the improvements to Walnut Hill Road would no longer be necessary to improve or relocate an existing driveway. To the best of my knowledge, since the beginning of construction to the present, the Town nor, the Wetlands Agency or Town staff have given Mr. Landino or Centerplan any "deal" or special treatment.
8. To my knowledge, the Town did not provide the Connecticut Siting Council any technical comments regarding the proposed plans to construct a solar array. However, I requested Victor Benni, the Town Engineer to review the Stormwater Management Report and the most current set of development plans for the Antares Solar Farm at Grassy Hill as a result of the inland wetland violations. In correspondence from Mr. Benni received October 9, 2014 (attached), he indicates peak flows were analyzed for the 2, 10, and 100-year design storms and further states that the technical drainage requirements and design parameters were met; as set forth by the State.
9. In regards to statements made during public forums that Centerplan would leave woodchips and topsoil on site, it is my understanding that top soil was left on-site along with woodchips during construction and was used on site. How much of this material remained on-site I do not know. In addition, I am not aware if the contractor sold any of this material.
10. In regards to all the plantings proposed not being installed, Michael Kline, Soil Scientist certified Professional Wetland Scientist indicates in his letter dated October 1, 2014 to Ryan McNamara (attached) that fewer plants were deemed necessary as vegetation has continued to fill in the sediment areas.

**PULLMAN
& COMLEY** LLC
ATTORNEYS

OCT 20 2014

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Hartford, CT 06103-3702
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f 860 424 4370
lhoffman@pullcom.com
www.pullcom.com

October 17, 2014

VIA ELECTRONIC MAIL AND U.S. MAIL

Melanie Bachman
Acting Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: Petition 1056: Petition of GRE 314 East Lyme, LLC Development and Management Plan ("D&M Plan") for the Antares Solar Field a 5 MW Solar Photovoltaic Renewable Energy Generating Project on Grassy Hill Road and Walnut Hill Road in East Lyme, CT

Dear Ms. Bachman:

I am writing to you on behalf of my client, GRE 314 East Lyme, LLC, in response to your information request of October 3, 2014. In that request, you had asked for submission of information related to soil sedimentation in the tributary leading to Cranberry Brook in East Lyme, CT.

On August 6, 2014, the project received a report from Environmental Planning Services, LLC, assessing the various sediment deposit areas and to recommend stabilization activities for each area. An original and fifteen copies of that report are included for the Council's review. The remedial activities suggested by Environmental Planning Services were undertaken by Centerplan Construction Company, working in conjunction with the Town of East Lyme's Inland Wetlands officer, Gary Goeschel. The remedial activities were undertaken, as outlined in an October 15, 2014 memorandum prepared by Centerplan Construction Company. An original and fifteen copies of that memorandum are also included for the Council's review.

It should be noted that on Saturday, October 4, 2014, the East Lyme Inland Wetlands Commission conducted a site walk of the affected areas, and the affected areas were also the subject of an October 6, 2014 meeting of the Inland Wetlands Commission. No outstanding issues were identified at either the site walk or the meeting. At the meeting, the Commission stated that it would not issue an injunction on the property, that it had accepted all remedial work on the property completed to date, and that it would not require any additional work to be completed at this time. The Commission will keep the cease and correct order in place for the time being, however, in order to monitor the remedial measures that have been put into place. It is the Commission's plan to leave the order in place through the winter and to revisit the issue

**PULLMAN
& COMLEY**
ATTORNEYS

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after the site has weathered that season. Assuming there are no further issues, the Commission will reconvene and formally lift the order at that time.

As such, GRE considers the site to be remediated, but subject to monitoring for the next several months. GRE will continue to monitor the area and work with the Commission to ensure that any future issues identified by the Commission are addressed.

We trust that this information fully answers the Council's inquiry, however, should you have any questions concerning this submittal, please contact me at your convenience. Thank you in advance for your assistance.

Respectfully submitted,



Lee D. Hoffman

Enclosure

cc: Service List
Robert Mercier

August 6, 2014

Ryan C. McNamara
Project Manager
CENTERPLAN Construction Company
10 Main Street, Suite D
Middletown, CT 06457

RE: Sediment Deposit Stabilization
Antares Solar Farm
Grassy Hill Road, East Lyme

At your request, Environmental Planning Services (EPS) has reviewed the previously identified sediment deposition areas (see Figure 1) to assess their current condition and to recommend best methods of stabilization for each area. EPS Certified Professional Wetland Scientists visited the site several times in April, May, June and July; most recently on July 29, 2014.

Sediment Deposition Areas (see Figure 1, attached)

Sediment Deposition Area 1 (2800 ± sf) is relatively flat and mostly vegetated. No additional stabilization or planting measures are necessary.

Sediment Deposition Area 2 (5000 ± sf) is gently sloping with hummock, roots, and logs which help stabilize sediments, which are fine grained and moist. Most of the areas with shallow sediments have been stabilized by vegetation. This area is approximately 10% unvegetated in the herb layer. There was a small area approximately 8'x15' which was unvegetated. The following measures should be implemented:

1. The deeper unvegetated sediments should be stabilized in place with a combination of plugs and seed mix.
2. Plugs should be used along any flow paths and closest to the stream; seed mix should be used in other areas.
3. Seed mix should be covered with a light coating of weed-free mulch.

Sediment Deposition Area 3 (4600 ± sf) is also gently sloping with hummock, roots, and logs which help stabilize sediments which are fine grained and moist. Most of the areas with shallow sediments have been stabilized by vegetation. This area is approximately 25% unvegetated in the herb layer. There is a flow path approximately 100' long and 4' wide which discharges into the stream. There is an area of low vegetation and few shrubs between Area 2 & 3 which would be a suitable Sediment Deposit Stabilization staging area.

The following measures should be implemented:

1. Deeper un-vegetated sediments can be stabilized in place with a combination of plugs and seed mix. Plugs should be used along any flow paths and closest to the stream. All plantings should be covered with a light coating of weed-free mulch
2. Install silt socks and/or logs to break up flows to protect planting areas, especially near the brook.
3. Jute-netting will be necessary to stabilize areas of concentrated flow.

Sediment Deposition Area 4 (8200 ± sf) is on a steeper slope and is vegetated with Mountain Laurel. There is a minimal understory with wetland vegetation on the lower slope. Sediments are dry and sandy except close to the stream. Overall, the area is 50% vegetated in the herb layer. There are flow paths converge in a well-defined channel which discharges into the stream. The following measures should be implemented:

1. Deeper deposits which are dry and sandy are not easily stabilized by vegetation. Therefore removal is recommended; particularly up-gradient of the flow path and along its length.
2. Stabilize remaining sediments with plugs and seed mix. All plantings should be covered with a light coating of weed-free mulch.
3. Plugs should be installed in critical areas along the streambank and flow paths. Stabilizing the channel is a high priority.
4. Install silt socks and/or logs to break up flows especially near the brook.
5. Sediments that lie under Mountain Laurel and cannot be planted should be stabilized with coarser weed free mulch such as wood chips (minimum 3" in depth).
6. On upper slopes and at the lower edge install plugs of White Wood Aster (*Eurybia divaricatus*) and Stout Wood Reedgrass (*Cinna arundinacea*).
7. Jute-netting will be necessary to stabilize areas of concentrated flow.

Sediment Deposition Area 5 (5800 ± sf) is similar to Area 4. There are also sediments across the stream. Overall, the area is 50% vegetated in the herb layer. Therefore sediment removal is recommended; particularly upgradient of flow paths. The following measures should be implemented:

1. Stabilize remaining sediments with plugs. Plugs should be installed in critical areas along the streambank and flow paths.
2. A coarser mulch (minimum 3" depth) such as wood chips should be used under Mountain Laurel on upper slopes.

3. At the lower edge install plugs of White Wood Aster (*Eurybia divaricatus*) and Stout Wood Reedgrass (*Cinna arundinacea*).
4. Install silt socks and/or logs to break up flows especially near the brook.
5. Jute-netting will be necessary to stabilize areas of concentrated flow.

Sediment Deposition Area 6 (1000 ± sf) is a steeper, linear drainage swale vegetated with Mountain Laurel. Minor remaining sediment is trapped behind stones and roots. Above the swale is an area of unvegetated shallow sediments. These sediments should be stabilized by hydroseeding with New England Wildlife/Conservation Mix or equivalent.

Please also note we recommend the following additional measures:

1. In order to prevent further erosion and deposition the basins and outlets need to be cleaned out and finalized. The splashpads at the outlets may need to be expanded to tie into flatter grades. Where there are eroding gullies they should be repaired/stabilized and vegetated. In consultation with your civil engineer, you should consider additional energy dissipation at the outlets.
2. The silt fence downslope of the northern basin has retained standing water. The fence should be breached to allow that water to drain.
3. Sediments retained behind the silt fences immediately adjacent to the work area should be raked out and seeded.

These measures should all be completed between August 15 and September 30. Seed and plugs installed between August 15 and September 1 may require irrigation.

Please feel free to call me if you have any questions regarding our recommendations or if you require further assistance in this matter.

Yours truly,



Michael S. Klein, Principal
Soil Scientist
Professional Wetland Scientist

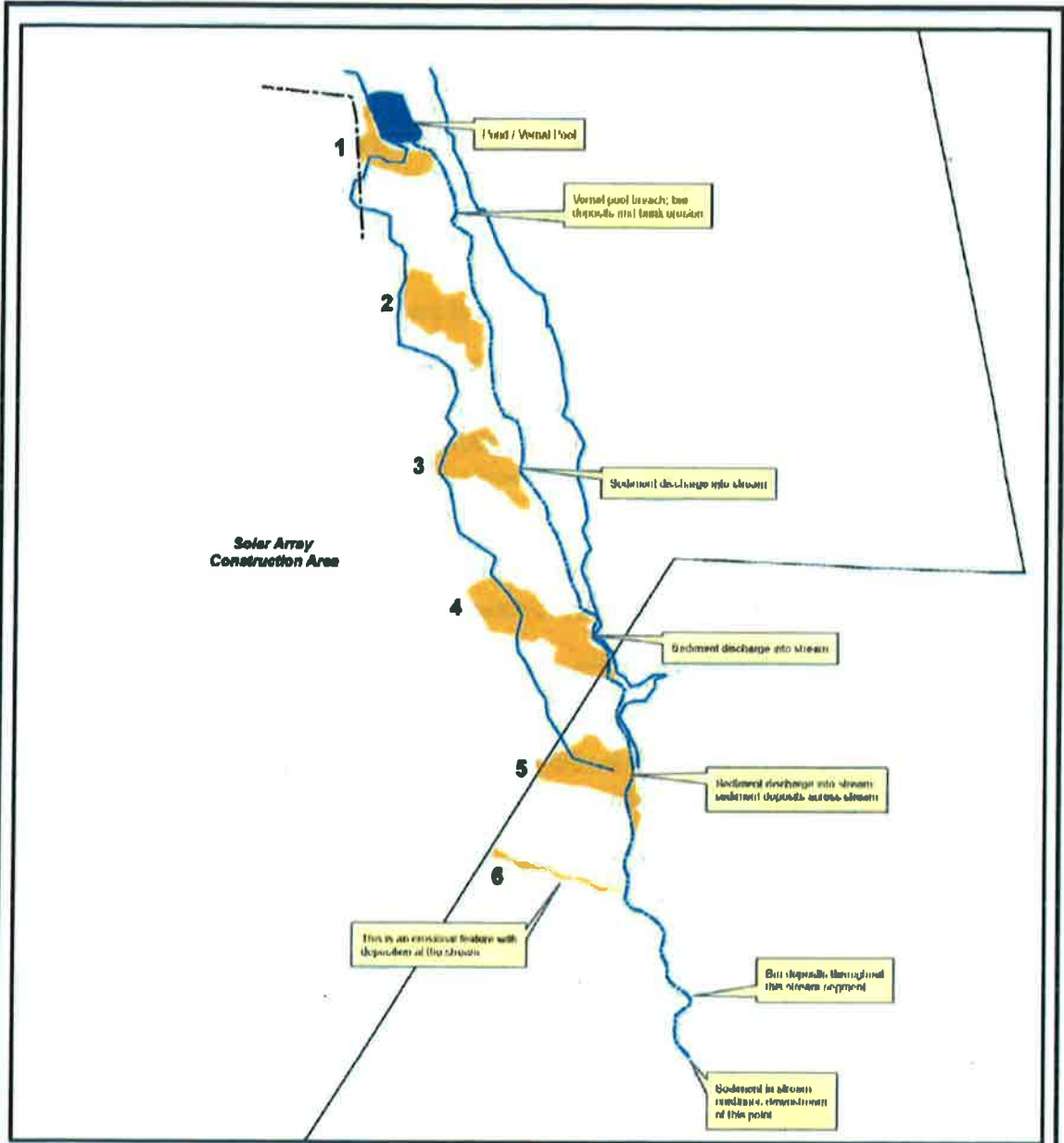


FIGURE 1
Extent of Sediment
Antares Solar Farm
East Lyme

Legend

- Sediment Discharge Locations 1-6 (extent recorded using GPS on 4-11-14)
- Stream
- Existing Contours (2000 LIDAR data)
- Wetland Boundary
- Site Boundary
- Existing Woods Road to be Extended Along Contour

SCALE

0 150 300 Feet



Environmental Planning Services
 89 Bellnap Road
 West Hartford, CT 06117
 860-236-1528
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Sediment Deposition Area 1 with minor unvegetated sediment



Sediment Deposition Area 2 with partially unvegetated sediment



Sediment Deposition Area 2 with well vegetated sediment



Sediment Deposition Area 3, flow path with deeper partially vegetated sediment



Sediment Deposition Area 3 with well vegetated sediment



Sediment Deposition Area 4 with unvegetated flow path at edge of Mountain Laurel



Sediment Deposition Area 4 with partially vegetated flow path below Mountain Laurel



Sediment Deposition Area 5 with partially vegetated sediment in flow path



Sediment Deposition Area 5 unvegetated sediment across stream



Unvegetated sediment upgradient of Sediment Deposition Area 6



INTEROFFICE MEMORANDUM

TO: WILL HERCHEL
FROM: DAN ROSSI
SUBJECT: RESPONSE TO SITING COUNCIL LETTER DATED 10-3-14
DATE: OCTOBER 15, 2014
CC: RYAN MCNAMARA

Will,

In response to the letter dated October 2nd, 2014 from Mr. John Bialowans, Jr. to the CT Siting Council I offer the following:

On March 30th 2014 a large rain event caused erosion to be discharged from the Antares solar field. The construction of the field progressed throughout the winter of 2013/2014 and this rain event happened prior to the spring seeding season thus the site did not have adequate ground cover for full stabilization.

Erosion occurred and sediment was deposited throughout the various watershed tributaries to the site.

Centerplan Construction worked closely with the Town of East Lyme Inland Wetland agent, Mr. Gary Goeschel, the CT Siting Council, and the CT DEEP to mitigate the site and offsite tributaries.

Environmental Planning Services, LLC was retained to review all the impacted areas and to give recommendation on remediation. Report attached.

Centerplan Construction immediately implemented the report's recommendations as well as performed other on-site mitigation measures. We feel the site has been stabilized. An outline of the remediation measures are below:

Entire Solar Field Over seeded

The entire solar field, with the exception of the basins, has been over seeded with an annual rye and a no mow fescue blend the last week of August. Lombardi Construction rented a water truck and continuously watered the site due to the lack of rain. Most of the site has begun to germinate. We see some areas of heavy growth and some areas that may need to be spot treated in the spring however, overall, the seed is germinating well.

Picture showing a typical isle with new seed growth



All Detention Basins Stabilized with Stone

The excess silt has been removed from all the basins and the bottom excavated down an additional 18 inches for additional storm water capacity. The basins and the swales leading to them have been lined with stone to 1) better direct water to the basins and not allow for bypass, 2) immediately stabilize the basins instead of waiting for seed to germinate, 3) slow storm water velocities coming to and exiting from the basins. In addition to this all the outlets to the wetlands have been restored with new stone and energy dissipaters.

Basin 1



Basin 2





Basin 3



Basin 4

Stone Berm at the Perimeter of the Site Enlarged

As a last line of defense the stone berm at the eastern edge of the field has been enlarged to slow down any concentrated flow that may collect off the panels. Also the service access roads have been connected with stone as they are used often and grass is not germinating on them.

Picture Showing new stone berms and access roads



Gary Goeschel

From: Victor Benni
Sent: Thursday, October 09, 2014 3:56 PM
To: Gary Goeschel
Cc: Bill Scheer; Joe Bragaw
Subject: Antares Solar Farm

Gary,

At your request I reviewed the Stormwater Management Report in and most current set of development plans for the Antares Solar Farm at Grassy Hill Road & Walnut Hill Road. It is my understanding that this project submission and review was under the purview of the Connecticut Siting Council. The following items were included in my review:

- Stormwater Management Report, Antares Solar Field, Prepared by BL Companies, Date: July 16, 2013, Revised: October 5, 2013.
- Drawing Set, Development and Management for the Antares Solar Field, Prepared by BL Companies, Issue Date: October 9, 2012, Revised to: March 28, 2014.

The Summary & Conclusions section of the Stormwater Management Report indicates that the post development peak discharge rates have been reduced when compared to the pre-development peak discharge rates by routing the disturbed site area through a treatment train of detention ponds and outlet structures. The Peak Flows were analyzed for the 2-year, 10-year, and 100-year design storms. The Report further states that the technical drainage requirements and design parameters were met; as set forth by the State.

I reviewed the Post-Development Conditions Appendix C in the Stormwater Management Report and verified that the calculations do account for the storm pipe that connects Detention Pond #3 to the detention area at CB E-1.

The drawing set and the Stormwater Management Report did not include any information in regards to long term maintenance and Inspection of the treatment train of detention ponds and outlet structures. While this information might already exist, I would recommend that Stormwater System Operation, Inspection and Maintenance notes be added to the plans; the notes should indicate those responsible for implementing the long term plan.

I hope this information will be helpful for your review; please contact me if you have any additional questions or concerns.

Regards,

Victor Benni, P.E.
Town Engineer

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STATE OF CONNECTICUT
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www.ct.gov/csc

October 20, 2014

Mr. John Bialowans, Jr.
61 Walnut Hill Road
East Lyme, CT 06333

RE: **PETITION NO. 1056 - GRE 314 East Lyme, LLC** declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction and operation of a 5.0 MW Solar Photovoltaic Renewable Energy Generating Project located on Grassy Hill Road and Walnut Hill Road, East Lyme, Connecticut.

Dear Mr. Bialowans:

The Connecticut Siting Council (Council) is in receipt of correspondence from Attorney Lee Hoffman, submitted on behalf of GRE 314, East Lyme, LLC (GRE), dated October 17, 2014, in response to the Council's October 3, 2014 request for submission of information related to sedimentation in the tributary leading to Cranberry Brook. A copy of Attorney Hoffman's October 17, 2014 correspondence and the attachments are enclosed for your convenience.

According to the correspondence, a site walk of the GRE property occurred on October 4, 2014 with the East Lyme Inland Wetlands Commission (ELIWC). During a meeting of the ELIWC held on October 6, 2014, the Commission stated it would not issue an injunction on the site property, accepted all of the remedial work conducted on the site property to date and did not require additional work to be completed on the site property at this time. However, the ELIWC intends to keep the cease and desist order in place to monitor the remedial measures that have been implemented and to ensure the remedial measures remain effective.

Also included with the correspondence from Attorney Hoffman is a Centerplan Interoffice Memorandum dated October 15, 2014 detailing the implementation of the on-site mitigation measures to stabilize the site property that directly address the concerns raised in your October 2, 2014 letter to the Council. Please be advised that the Council does not have any jurisdiction or authority with regard to property damage claims.

Thank you for your attention to this important matter.

Very truly yours,

Melanie A. Bachman
Acting Executive Director/Staff Attorney

MAB/RM/cm

c (without enclosures): Honorable Paul Formica, First Selectman, Town of East Lyme
Gary A. Goeschel, Town of East Lyme
Lee D. Hoffman, Esq., Pullman & Comley LLC

Enclosures

