

EAST LYME INLAND WETLANDS AGENCY
REGULAR MEETING MINUTES
JULY 6, 2009

Members Present:

Ed Hafner, Chairman
Cheryl Lozanov
Chuck Reluga
Norm Bender
Rich Gallagher

Seated Alternate Member:

Keith Hall

Also Present:

Gary Goeschel, Director of Planning

1. **Pledge of Allegiance**

Chairman Hafner led the Pledge of Allegiance.

2. **Additional Agenda Items**

Chairman Hafner asked to add the May 4, 2009 Regular Meeting Minutes Approval as Item D under acceptance of Minutes.

He also requested when the acceptance of Public Hearing minutes are on the agenda that the specific Public Hearing be referenced.

Motion (1) Cheryl Lozanov moved to add May 4, 2009 – Regular Meeting Minutes as Item 4d on this agenda.

Seconded by Chuck Reluga.

Motion Passed 6-0.

3. **Public Delegations**

There were no public delegations.

4. **Acceptance of Minutes**

a. **May 4, 2009 – Public Hearing Minutes**

These minutes were accepted as presented.

- b. June 1, 2009 – Public Hearing Minutes

These minutes were accepted as presented.

- c. June 1, 2009 – Regular Meeting Minutes

Chairman Hafner stated on Page 1 Item 2 last paragraph should state “Applications should be received three business days prior to the meeting.”

There were no objections and the minutes were accepted as amended.

- d. May 4, 2009 – Regular Meeting Minutes

These minutes were accepted as presented.

It was noted that the acceptance of the June 27, 2009 Site Walk Minutes will have to be carried over to the next meeting.

5. Ex-Officio Report

There was no Ex-Officio Report

6. Pending Applications

- a. **20 Islanda Court – S. Harney – Construction of House. Assessor’s Map 30.1, Lot 66. Public Hearing Opened May 4, 2009.**

Motion (2) Chuck Reluga moved the following:

The Inland Wetlands Agency of the Town of East Lyme (hereinafter “Agency”), based on the record before it with respect to this application, finds this application to be in conformance with the Inland Wetlands Regulations of the Town of East Lyme and more specifically based on the following Findings:

WHEREAS: the East Lyme Inland Wetlands Agency has considered all evidence submitted at public hearings held on May 4, 2009 and June 1, 2009 in support of the Application of Steven Harney for a permit to demolish an existing dwelling, the construction of a single-family dwelling, and associated landscaping at 20 Islanda Court, Assessor’s Map 30.1, Lot 66. The Public Hearing for said application was closed at the Wetland Agency’s June 1, 2009 meeting; The Commission has reviewed the application, received testimony from the applicant. Town staff also provided the Commission with comment concerning this application’s compliance with local requirements and regulations.

WHEREAS: The proposed regulated activities are the construction of a single-family residence within 100-feet of a watercourse, including the demolition of an existing dwelling, and installation of rain gardens, as shown on the proposed plans entitled “*Conceptual Residential Site Plan, 20 Islanda Court, East Lyme, Connecticut, Prepared for UNJO*”

Associates, LLC, by James Bernardo Land Surveying, LLC; Dated March 25, 2009; Scale 1-inch equals 20-feet Revised to May 1, 2009.”

WHEREAS: the Commission finds that the applicant has successfully demonstrated the following:

- a. The proposed activity will not affect existing drainage patterns, water table or water quality;
- b. The potential danger of erosion and siltation are minimized by the implementation of proper erosion and sedimentation controls during construction; and
- c. The proposed regulated activity will not adversely impact any adjacent wetlands or watercourses and potential impacts are mitigated by the use of proper erosion controls and the installation of two rain gardens to manage stormwater runoff.

THEREFORE: Based on these Findings, as the existence of the proposed building does not pose any long-term adverse impacts to the wetlands or watercourses the Wetlands Agency hereby moves to approve the above referenced application and site plans entitled *“Conceptual Residential Site Plan, 20 Islanda Court, East Lyme, Connecticut, Prepared for UNJO Associates, LLC, by James Bernardo Land Surveying, LLC; Dated March 25, 2009; Scale 1-inch equals 20-feet Revised to May 1, 2009”* and further subject to the following administrative requirements and required modifications to the site plan and other materials submitted in support of this application:

1. Notify Wetlands Agent at least 2 days prior to construction to inspect erosion controls.
2. Notify Wetlands Agent upon completion to sign off on permit
3. Any changes to the plan will require additional approval, a new plan shall be submitted to the Wetlands Agent for review prior to construction.
4. Additional work beyond the permitted activities will require approval from the Commission or its agent
5. A Note on shall be added to the plan indicating any additional activity in the wetlands, watercourse, or upland review area requires approval by the Conservation Commission
6. A performance bond in an amount sufficient to cover the cost of the approved plantings and erosion control and suitable to the Wetlands Agent and of a form acceptable to the Town of East Lyme shall be posted prior to any site development.
7. Lakeside stair removal will be last demolition done.
8. \$2,500.00 bond for planting.
9. \$2,500.00 bond for erosion control.

The above items shall be accomplished prior to the issuance of a building permit or zoning approval, and no site work shall commence until all applicable conditions are satisfied. This approval is specific to the development plan submitted as application 20 Islanda Court – S.

Harney and the modifications of this approval and any change in the development plan layout other than those identified herein shall constitute a new application.

The owner/applicant shall be bound by the provisions of this Application and Approval.

Seconded by Norm Bender.

Motion Passed 6-0.

- b. 183 North Bridebrook Road – Bride Brook Knoll LLC & Housewright Development, Inc. Installation of Biofilters/Permit Renewal.**

Joan Malloy, Attorney for the applicant, stated this was an attempt to get administrative approval for work that was never performed, but was already permitted. The houses are already up in this subdivision. The Develop wants to perform the work, they are just getting permission to install what was originally approved.

Mr. Goeschel stated the Town Engineer has agreed that there is not much else that can be done in this circumstance.

Motion (3) Cheryl Lozanov moved to grant the permit for 5 years for the biofit/level spreader as was originally approved at Coach Drive to complete the work (MMI #1927-18-12)

Seconded by Norm Bender.

Motion Passed 6-0.

- c. 267 Roxbury Road – AHEPA 250 Inc.- Construction of Housing and Associated Site Development**

The Public Hearing on this took place prior to this regular meeting.

- d. KSK Associates, LLC Applicant/Owner – Application for a 3-lot resubdivision of land located west of Goldfinch Terrace between I-95 and Egret Road, Tax Assessor’s Map #36.0, Lot 34, 41.**

Steve Harney of KSK Associates stated this is part of a 211 acre tract, there are no wetlands on this section of the tract.

Motion (4) Rich Gallagher moved to approve this since there are no impacted wetlands.

Seconded by Norm Bender.

Motion Passed 6-0.

7. Old Business

- a. Cease and Desist Order – New England National – Upper Kensington Drive – Issued November 1, 2007. Restoration Plan approved November 3, 2008 – Work Started**

Mr. Goeschel stated he met on the site with the applicant. The area needs seeding and stabilization, and everything is proceeding as planned.

8. New Business

- a. Appeal of the Inland Wetlands Agent Decision – modifications to permit – Permit # 07-01, dated May 5, 2009, for property known as Map 11.4, Lot 189 on Atlantic Street, Niantic, CT.**

Chairman Hafner stated they are not discussing the original permit, just the modifications permitted by Mr. Goeschel. He would like to schedule a Public Hearing on this.

Motion (5) Norm Bender moved to schedule the Public Hearing for the next meeting on August 3, 2009 to hear the information on this appeal.

Seconded by Cheryl Lozanov

Rich Gallagher asked that the members be provided at the next meeting with the plans for the modifications, Mr. Goeschel's letter approving the modification, and the original plans and original approval so they can compare them.

Motion Passed 6-0.

- b. Bond Release Request – Plaza Ford 218-222 Flanders Road – Permit #05-03**

Mr. Goeschel stated he saw the site today. He believes the silt fence can be removed.

Don Fortunato of Soil & Environmental Services, Inc. agreed with Mr. Goeschel.

Motion (6) Cheryl Lozanov moved to release the \$25,000.00 bond for wetland restoration for Plaza Ford.

Seconded by Chuck Reluga.

Motion Passed 6-0.

9. Chairman's report

Mr. Hafner stated that in their packets the members have an informational letter from the DEP regarding the use of wells at Darrow Pond to supply some Town water.

Mr. Goeschel stated there may be some work for this Agency in the future on this matter.

Mr. Hafner stated this Agency has an opening for an Alternate, and Mr. Harold Clarke is here tonight because he has written and expressed his interest for that position.

Harold Clarke stated he has experience in many of the matters that are brought before this agency, and he would like to be involved. He has been a resident of Niantic for 20 years.

Mr. Hafner asked Mr. Goeschel to let the Board of Selectmen know that Mr. Clarke is available.

10. Wetland Enforcement Officer Report

Mr. Goeschel stated a Notice of Violation has been filed on 50 Roxbury Road.

He has been speaking with the surveyor for Ballestrinis Day Care and he would like to resolve this with the land owner. They may need to come before this Agency to show what they have done to resolve this issue.

There is a violation in Giants Neck Heights regarding some culvert work. The DEP feels it is an inland/wetland issue, and Mr. Goeschel feels it's a tidal wetland issue.

We are still waiting on the Army Corp on Mostoway Road.

Darrow's Ridge will be on the next agenda as the landowner has requested removal of the bond.

11. Adjournment

Motion (7) Rich Gallagher moved to adjourn the regular meeting at 9:17.

Seconded by Cheryl Lozanov

Motion Passed 6-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary Pro-Tem**