

EAST LYME INLAND WETLANDS AGENCY
REGULAR MEETING MINUTES
Monday, August 31, 2009 - 7:00 P.M.
Town Hall, 108 Pennsylvania Avenue,
East Lyme, Connecticut

I. ADDITIONS TO THE AGENDA

None.

II. PUBLIC DELEGATIONS

None.

III. ACCEPTANCE OF MINUTES

A. June 27, 2009 - Site Walk Minutes

Tabled – minutes not included in package.

B. August 1, 2009 - Site Walk Minutes

Accepted as submitted by unanimous consent.

C. August 3, 2009 – Public Hearing Minutes - 267 Roxbury Road AHEPA

Mr. Prochorena stated that he had asked a specific question that was not included in the minutes. It was stated that Mr. Prochorena could be listed to the tape recording of the meeting and make revisions at the next meeting. Approval tabled.

D. August 3, 2009 – Public Hearing Minutes - Appeal of Wetlands Agent Decision

Keith Hall and Phyllis Berger were added as members present but not seated. Accepted as amended by unanimous consent.

E. August 3, 2009 – Regular Meeting Minutes

Keith Hall and Phyllis Berger were added as members present but not seated. Accepted as amended by unanimous consent.

Page 3, first paragraph should read, ” Mr. Coonrod stated that the application is for an *addition* on a slab and there will be no change in grade on the site.”

F. August 18, 2009 – Special Meeting Minutes - 31 South Trail

Motion 1 should have an additional condition: 2. The wetlands will be cleared of invasive plants and all debris.

Accepted as amended by unanimous consent.

G. August 18, 2009 – Special Meeting Minutes - 6 Esther Pond; 8 Esther Pond

Accepted as submitted by unanimous consent.

IV. PENDING APPLICATIONS

A. 267 Roxbury Road – AHEPA 250, Inc. Construction of Housing and Associated Site Development.

MOTION 1: Ms. Lozanov moved to accept the application as complete. Seconded by Mr. Gallagher.

VOTE: Motion passed unanimously.

Ms. Lozanov stated that no matter where funding for the project comes from it doesn't affect the Agency's consideration of the application.

Mr. Gallagher stated that a better plan could have been presented but he does not see significant impact to the wetlands. Mr. Reluga agreed and noted that they are doing a wetlands creation area.

Ms. Lozanov stated that she does not think replacing one wetlands for another is as good as keeping the original wetland intact. It would have been a better design to move the building away from the wetlands.

Mr. Hafner stated it would have been better to have a wetlands buffer but there will be a living buffer.

The members discussed whether or not the loss of wildlife could be considered as a wetlands impact. Mr. Goeschel stated that he would check on that.

Mr. Goeschel stated that he had not had time to draft a motion for approval.

MOTION 2: Mr. Gallagher moved to approve the application with the following conditions:

1. Notify Wetlands Agent at least two days prior to the start of construction to inspect erosion control.
2. Notify Wetlands Agent at completion of permit for final inspection and sign off.
3. Additional work beyond this permit in the wetlands or watercourses or its 100-foot regulated area will require approval from the inland wetlands agency or its certified agent.
4. Changes to the plans list on this permit require notification to the Inland Wetland Agent and may require agency approval, a new plan will be given to the Inland Wetlands Agency or its Certified Agent.
5. A final revised plan shall be submitted to the Inland Wetlands Enforcement Officer, which modifies the proposed detention basin such that it accommodates the volume from a 25-year storm and is satisfactory to the town engineer.
6. The final revised plan shall include more detail on the construction of the sand core filter berm to the satisfaction of the town engineer.

7. A minimum of approximately 600 square feet of pervious pavers and/or pervious pavement shall be used on the utility access drive located to the west of and behind the proposed building.
8. During the first year after construction to ensure erosion is not occurring around the proposed building, a report documenting the inspection of said area shall be provided to the Inland Wetlands Agency or its Certified Agent.
9. Exterior Building lights shall be placed on a timer to minimize disturbance to existing wildlife.
10. The proposed buffer plantings and plantings associated with the proposed wetlands creation shall be maintained at an 80% survival rate for a period of five years and monitored by a soil or wetland scientist. The soil or wetlands scientist shall submit a report to the Inland Wetland Agency each year for five years and shall include pictures of all areas. Seconded by Mr. Bender.

VOTE: Motion passed 6-1-0. Mr. Prochorena opposed.

B. 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, Connecticut.

Continued to October 5, 2009.

D. Upper Walnut Hill Road, Tax Assessor's Map# 54, Lot# 6 – Property of John B. Chester applicant/owner; Application for restoration of approximately 750 square feet of wetlands and watercourse. (Application Received 8-31-08).

John Chester, property owner, and his daughter Lindsay were present along with Don Fortunato, Certified Soil Scientist.

Mr. Hafner stated that the Agency must decide whether or not a public hearing will be required for this application.

Mr. Goeschel stated that he had issued a Notice of Violation (NOV) for ATV activity on this site and the application before the Agency is for restoration of the area. There is one area under the power lines that is used by CL&P and he is waiting to hear if they created the NOV with their work and if he has jurisdiction under the Connecticut Citing Council.

Mr. Goeschel stated that the property owner has an ATV but other people use the site and it's hard to police trespassers. Ms. Lozanov asked how they can be stopped. Mr. Fortunato stated that the trails have always been there and the owners plan to gate off the entrance area. They will plant big trees around the wetlands to keep people out.

Ms. Lozanov stated that people will just mow down sapling trees. Mr. Fortunato stated that a fence will be put up until the trees are established. Mr. Fortunato stated that the wetlands have been flagged. They will put up whatever needs to be done to keep the ATVs out. A rock wall could be built.

Mr. Goeschel stated that he recommended that a Class D survey of the site be done. Ms. Chester stated it was done and should be ready.

Mr. Goeschel stated that the NOV was issued as a result of a complaint from a neighbor.

Mr. Fortunato stated that they will put up a fence and a rock wall.

Mr. Goeschel stated that under the NOV the restoration work could start.

By unanimous consent it was decided that a public hearing would not be required for this application.

- C. 33 Village Drive, Tax Assessor's Map# 40.2, Lot# 62 – Property of Chase Bradley applicant/owner;** Application for construction of a proposed addition to an existing house. (Application Received 8-31-09).

Mr. Goeschel stated that the proposed activity is in close proximity to a watercourse. The area is lawn up to the edge of the water. There are culverts in the watercourse that the owner uses to access the site.

By unanimous consent it was decided that a public hearing would not be required for this application.

V. OLD BUSINESS

- A. Cease and Desist Order – New England National - Upper Kensington Drive - Issued November 1, 2007. Restoration Plan Approved November 3, 2008. (Work nearing completion, area reportedly seeded).**

Mr. Goeschel stated that the area has been seeded and plantings installed.

- B. Bond Release Request – New England National - Darrow's Ridge Phase V Lot 28.**

Mr. Hafner stated that there had been a question about the trees being planted on this site. Mr. Reluga stated that it was required that 33 shade trees be planted around the pond. Mr. Goeschel indicated that there are at least 16 trees in place. Mr. Goeschel recommended release of the bond. Mr. Goeschel indicated that the silt fence is in place and functioning in the area of the culvert along the common drive.

Mr. Goeschel stated that he had tried to contact Clint Webb about the plantings but he had not called him back yet.

MOTION 3: Mrs. Berger moved that upon verification that there are 33 trees planted on this site the bond may be released. Seconded by Mr. Bender.

VOTE: Motion passed 6-1-0. Mr. Prochorena opposed.

VI. NEW BUSINESS

VII. CHAIRMAN'S REPORT

Mr. Hafner requested that when there is no site walk it be clearly noted on the agenda. Ms. Lozanov requested that members be notified by phone if there is no site walk.

VIII. WETLAND ENFORCEMENT OFFICER REPORT

IX. EX-OFFICIO REPORT

ADJOURNMENT

MOTION 4: Mr. Prochorena moved to adjourn the meeting at 10:58 p.m. Seconded by Mrs. Berger.

VOTE: Motion passed unanimously.

Respectfully submitted,

Marilyn Wright, Recording Secretary