

**EAST LYME INLAND WETLANDS AGENCY**

**October 12, 2010  
East Lyme Town Hall  
Regular Meeting**

**Members Present:**

Cheryl Lozanov, Acting Chairwoman  
Joe Mingo  
Charles Reluga  
Candace Bodenhofer  
Keith Hall, Alternate

**Members Absent:**

Walter Procherena  
Norm Bender  
Edmund Hafner

**Also Present:**

Gary Goeschel, Conservation Officer

**Call to Order**

Chairwoman Lozanov called the meeting to order at 7:10.

**I. Additions to the Agenda**

Mr. Mingo asked that the agenda be changed to Tuesday, October 12, 2010, and not Monday for both the Regular Meeting and the Public Hearing.

**II. Public Delegations**

There were no public delegations.

**III. Acceptance of Minutes**

Chairwoman Lozanov asked that the May 14, 2010 minutes be added to the next agenda for approval as they have not been accepted yet.

Mr. Goeschel will have that carried forward and send them out to members again. He also will add the September 11, 2010 Site Walk Minutes to the next agenda.

**A. September 13, 2010 Public Hearing Minutes**

On Page One Item IA, the last sentence should be changed to "under 35 day extension to continue the Public Hearing."

FILED IN EAST LYME a  
Oct 15, 2010 AT 8:00 M  
*L. Blais*  
EAST LYME TOWN CLERK

**B. September 13, 2010 Regular Meeting Minutes**

On Page Three Item Va, the last sentence should be changed to “under 35 day extension to continue the Public Hearing.”

Mr. Mingo moved to approve the Minutes of the September 13, 2010 Public Hearing and Regular Meeting as amended.

(There was no vote on the motion.)

**IV. Ex-Officio Report**

There was no Ex-Officio Report.

**V. Pending Applications**

- a. 2 Gurley Road, Tax Assessor’s Map #37.0, Lot 13 – Property of Gloria E and John P. Quinn, applicant/owner; Application for wetlands remediation along Oil Mill Brook. (Application received July 7, 2010.)**

The applicants requested a continuance until the next meeting, and that request was granted at tonight’s public hearing by the Inland Wetlands Agency .

- b. 59 Carriage Hill Drive, Tax Assessor’s Map 15.4, Lot 72 – Property of Kim and Stephen Fennell, applicant/owner; Application for installation of residential in ground pool within 100’ of regulated area. (Application received September 1, 2010.)**

Mr. Goeschel stated at the last meeting they had determined there was not a Public Hearing needed on this Application.

Ms. Lozanov stated she was concerned with the lack of space between the pool and the wetlands.

Mr. Mingo moved to accept the Application.

(There was no second.)

Chairwoman Lozanov moved to look at the application prior to approval.

(There was no second.)

Ms. Lozanov stated the wetlands were not delineated with this application.

Mr. Fennell presented photos of his yard, and stated the contractor has determined there will be 46 feet between the pool and the wetlands. The house was actually built on wetlands. The equipment for the pool will be under the deck. There will be no backwash of the saline water. The filter will just need to be removed and changed.

**Motion (1) Ms. Bodenhofer moved to accept this application as complete.**

**Seconded by Mr. Mingo.**

**Motion Passed 4-1 (Nay – Ms. Lozanov)**

Ms. Lozanov stated the wetlands are not marked on the application.

Mr. Fennell stated he has spoken with a surveyor. It would cost them \$2000 to \$2500 to do test holes and flag the lot. If they are required to do that, the project will be out of their reach financially.

Ms. Lozanov stated she would like to see something showing where the wetlands are.

Mr. Mingo stated he is not filling the wetlands.

**Motion (2) Mr. Mingo moved to grant this application with conditions.**

**Seconded by Mr. Reluga.**

**(There was no vote on this Motion)**

There was discussion of having the applicant put vegetation around the wetlands to help filter out any drainage from the pool.

**Motion (3) Mr. Reluga moved to approve this Application per the following:**

**The applicant has successfully demonstrated that there will be no adverse long term impact to wetlands or watercourse.**

**Impacts are mitigated by the use of proper erosion controls.**

**No change in the size of the improvement or location of the improvement to increase the impact.**

**The approved plan is entitled 59 Carriage Hill Drive, Tax Assessor's Map 15.4, Lot 72, Property of Kim and Stephen Fennell applicant/owner.**

**The work is to occur between now and March 15<sup>th</sup>. Work will not be allowed during the wet season of March 15<sup>th</sup> through June 30<sup>th</sup>, but can start up again after June 30<sup>th</sup>.**

The short term impact to the wetlands are adequately addressed with the following conditions.

1. **Notify Conservation Officer at least 2 days prior to commencement of work to inspect the erosion controls.**
2. **Notify Conservation Officer at the completion of the permitted work for final inspection and sign off.**
3. **Any additional work beyond this permit in the wetlands or watercourse or its 100' regulated area will require approval from the Inland Wetlands Agency or it's certified agent.**
4. **Any changes to the plan listed on this permit require notification to the Wetlands Enforcement Officer and may require Agency approval.**
5. **Provide name and contact number of person responsible for compliance**
6. **There will be a silt fence inspection fee of \$75.00 payable by the applicant prior to it's removal.**
7. **Regulated area tags shall be installed by Conservation Officer.**
8. **Stockpile must be shown by the applicant on the map.**
9. **3 foot by 50 foot (approximate) area of plants to filter out anything that may potentially reach the wetlands will be put in with the supervision of the Conservation Officer.**

Seconded by Mr. Mingo.

Motion Passed 5-0.

- c. **368 Boston Post Road, Tax Assessor's Map 24.0, Lot 39 – Property of Sunyoung & Jisue Kwon, Applicant/Owner; Application for wetlands remediation within 100' of regulated area. (Application received September 2, 2010.)**

Mr. Goeschel stated the applicant is unable to be at the meeting. He is proposing to restore the area with installation of vegetation. Some of the trees that were removed were distressed and dying. Mr. Kwon had hired a tree company to do the work, but Mr. Kwon was ultimately responsible for the work that was performed on his property. Mr. Kwon is proposing that he plant 2 ½ inch wide trees, and he is proposing evergreens next to the shed. There is a 4<sup>th</sup> spruce that will be removed and he provided a picture of that.

Mr. Mingo stated the original complaint was because of the tree removal company. When they were cutting the trees down their truck wheels were buried in mud up to the axles.

Ms. Lozanov stated at the site walk it seemed like there were more trees than Mr. Kwon indicated had been cut down.

**Motion (4) Ms. Bodenhofer moved to find the application complete.**

**Seconded by Mr. Reluga.**

Ms. Lozanov stated she does not get the impression that he told us everything that had been taken down.

Mr. Goeschel state he feels that the significant trees were all listed.

**Motion Passed 5-0-0.**

**Motion (5) Candace Bodenhofer moved to approve this application with the following conditions.**

- 1. The planting is to take place this growing season or next spring.**
- 2. The removal of the tree is to be per the permit.**
- 3. The one dead spruce can be removed.**
- 4. Trees are to be replaced on the Southwest and the Western border.**
- 5. Notify Conservation Officer at least 2 days prior to commencement of work to inspect the erosion controls.**
- 6. Notify Conservation Officer at the completion of the permitted work for final inspection and sign off.**
- 7. Any additional work beyond this permit in the wetlands or watercourse or its 100' regulated area will require approval from the Inland Wetlands Agency or it's certified agent.**
- 8. Any changes to the plan listed on this permit require notification to the Wetlands Enforcement Officer and may require Agency approval.**
- 9. Provide name and contact number of person responsible for compliance.**
- 10. Regulated area tags shall be installed by Conservation Officer.**
- 11. Plantings on the Southwest side of the property must be non-invasive and wetland tolerant.**
- 12. Plantings on the West Side must be native non-invasive evergreens.**

**Seconded by Mr. Mingo.**

**Motion Passed 5-0-0.**

- d. 27 Brockett Road, Tax Assessor's Map 4.10, Lot 89 – Property of Gerard van Noordennen, applicant/owner; Application for repair of approximately sixty-feet of retaining wall at the rear of property to prevent soil erosion to abutting pond. (Application received October 5, 2010.)**

Mr. Goeschel stated they have not done a site walk yet. They will schedule it for the Saturday prior to the next meeting. This is a proposal to conduct work in a pond. An

individual will be in waders building the wall. They are not moving the wall, they are just restoring it.

Ms. Lozanov stated the issue is to whether or not to send it to public hearing.

Mr. Van Noordennen stated he does not think there is any significant impact to the wetlands. They are merely restoring the wall, not building a new one. He contacted Giants Neck Beach Zoning Board and they merely consider it a repair, and do not need to approve the work.

Mr. Goeschel stated the work will be in a watercourse, but the impact will be minimal.

It was agreed by all members that they will not need a public hearing on this application.

**Motion (6) Ms. Lozanov moved that the application is complete and no public hearing is needed.**

**Seconded by Mr. Reluga.**

**Motion Passed 5-0-0.**

It was decided that they will still do a site walk on this property. They also asked the applicant to drop off the letter from Giants Neck Beach Zoning Commission stating they did not need to approve the work.

- e. Whiting Farms Lane, Tax Assessor's Map 16.1, Lots 31 & 32 – Property of EFB Property Holdings I, LLC, applicant/owner, Application for approval of SU-E housing with 24 proposed units and septic systems as previously approved August 2, 2004 (Application received October 5, 2010.)**

Mr. Goeschel stated this is a determination of a Public Hearing. The permit has lapsed and the owner is trying to renew the permit.

Ms. Lozanov asked if they felt they needed a public hearing.

Ms. Bodenhofer stated it was taken to public hearing the first time. They should do it again.

Mr. Hall stated there are storm water quality regulations in effect now that weren't in effect back then. Yes it should go to public hearing.

Mr. Reluga stated it should go to public hearing.

Mr. Mingo stated it should go to public hearing.

Ms. Lozanov stated it should go to public hearing.

The public hearing will be at the next meeting. They will do a site walk the Saturday before the meeting.

#### **VI. Old business**

Ms. Lozanov asked Mr. Goeschel about the status of the Harvest Glen storm drain issue.

Mr. Goeschel stated the Town has still not accepted the roads, and they are trying to get the developer to cooperate.

#### **VII. New Business**

Mr. Reluga stated they are still looking for one more alternate. They are allowed to have three. He also stated the Hole in the Wall is a magnificent educational facility, and he encouraged everyone to go down there. He also stated this Agency should be concerned with the proposed artificial turf at the high school.

Mr. Goeschel stated if it can be proven that the discharge from the field will go into Latimer Brook then this Agency would be involved.

Ms. Lozanov asked Mr. Goeschel to determine if wetlands are involved with the discharge from the field.

#### **VIII Chairman's Report**

Ms. Lozanov asked the members if they want to attend CACIWC, and if they do want to attend they should tell Mr. Goeschel right now. Ms. Bodenhofer, Mr. Reluga, Mr. Mingo and Ms. Lozanov all would like to attend on November 13, 2010.

#### **IX. Wetlands Enforcement Officer Report**

Mr. Goeschel stated he has correspondence from DEP, they have issued the Town a permit for the Mostoway Road realignment, now the Town is waiting for the Army Corps of Engineers.

The work has been completed at 33 Upper Walnut Hill.

CACIWC will be on November 13<sup>th</sup> in Wallingford.

The \$500.00 fine and notice of violation went out on Friday to AT&T. He discussed it with the Town Attorney and he also discussed it with AT&T.

The voting for officers will take place in December, and at next month's meeting they will be voting to approve next year's calendar of meetings.

**Adjournment**

**Motion (7) Joe Mingo moved to adjourn the regular meeting at 9:13 p.m.**

**Seconded by Candace Bodenhofer.**

**Motion Passed 5-0-0.**

**Respectfully Submitted,**

A handwritten signature in black ink, appearing to read "Karen Miller Galbo". The signature is written in a cursive, flowing style.

**Karen Miller Galbo  
Recording Secretary**