

LYME CONSERVATION COMMISSION
INLAND/WETLANDS and WATERCOURSE AGENCY
December 16, 2009
7:30 P.M.

The Lyme Inland/Wetlands and Watercourse Agency held a public hearing/regular meeting on Wednesday, December 16, 2009 at 7:30 p.m., Lyme Town Hall, 480 Hamburg Road, Lyme, CT.

MEMBERS PRESENT Paul Armond Chairman, Beverly Crowther, Sue Hessel, Tom Reynolds, Roger Dill, Carl Clement, Steve Kurlansky, Bernie Gigliotti ZEO and Patsy Turner Secretary.
Members Present on 12/09 Site Walks: B. Crowther

Continuation of PUBLIC HEARING

Lisa Ballek Lonnergren, Mt Archer Road; Tax Map 29, Lot 12, an application for construction of a private driveway through wetlands and a regulated area.

Present at the meeting were Anthony Irving, Tom Metcalf, Rich Snarski, and Attorney Dave Royston.

Irving: The report was read by the commission, questions could be answered.

Armond: The report has been read since last month's meeting by the applicant and the commission.

Crowther: The report was referred to; the third option states the septic would be located at the southern end of the property with the house on the northerly end of the parcel, there would be a septic pipe running the length of the property.

Irving: The pipe would be approximately the same distance. There would not be a long uphill grade for the septic system to pump.

Crowther: It has been stated by Penny Sharpe that cryptic vernal pools are located on the property. There is not sufficient amphibian information as to make decision of what is best for the amphibians.

Armond: There are many species of amphibians located in the area of Mt. Archer Road.

Crowther: The driveway would be approx. 100 feet from the abutting property which has vernal pools.

Irving: The property can not be labeled as a vernal pool complex; the area is a 10 acres wooded wetland, which mimics a vernal pool. The actual presence of amphibians was not viewed, but the wetland is an ideal area for breeding of amphibians. The driveway would act as a barrier to movement of amphibians; the driveway is not a positive approach to ensuring the growth of amphibian population. The upland wetland system should be protected as much as possible.

Clement: The driveway would be a significant impact to the wetlands.

Irving: A percentage of significance could not be calculated; the driveway would have an impact on the amphibian travel, the wetlands should be avoided. The owner has a right to build a home on the property; the least impact of the wetlands would be option #3, which was explained. Locating the septic on the southern portion of the property would have a temporary impact during the construction of the system.

Crowther: The trench being dug for the placement of the septic pipe would disrupt the wetlands.

Irving: The placement of the pipe would be done by small machinery which is a one time impact, not a continual disruption.

Kurlansky: The favorable option for the property is one with the least impact.

Irving: There are three options; 1) the applicant's plan for the driveway, 2) the house and septic system on the north end of the property, and 3) the home on the north end with the septic on the southerly portion of the property.

Armond: When the information was viewed on a preliminary basis the wetland commission was willing to give a waiver to allow the house and septic to be at the north section of the property as the avoid the wetlands. Test holes were dug on the north section; the results of the test holes deemed the north section unsuitable for an on site septic system.

Irving: The least impact would be placing the septic system on the south end of the property.

Reynolds: The off site remediation of wetlands has value if the driveway option is constructed.

Irving: Doing the remediation does alleviate some of the impact on wetlands; why choose the option which will require mitigation.

Reynolds: The option of creating a septic system on south end of the property would not be a one time disruption; the septic will need repair at some point over time.

Hessel: The reports do not show enough information on the impact of the amphibians.

Armond recapped information to the commission of options from the previous meetings.

Gigliotti: The concern with the driveway is with harm to amphibian; is the driveway a barrier if the amphibians cross 30 foot roads during heavy rainfalls.

Irving: The driveway will not have the amount of traffic as a paved road, but the driveway will be steep in some areas. It is unknown the degree of impact the driveway will have on the migratory patterns. If there is an option to avoid creating a barrier, that should be followed.

Gigliotti: The height of the driveway should not be an issue.

Irving: The edge of the driveway will consist of gravel, not natural vegetation.

Hessel: The damage overtime may also be caused by salt and/or sand on the driveway during the winter.

Reynolds: Public safety can not be regulated by the commission.

Armond: To view the amphibians accurately would require numerous visits between March and November to the property.

Irving: One or two visits during late March would be sufficient. The area has the potential for breeding of amphibians.

Bliven: A wide driveway does cause fragmentation; option three is the best choose.

Crowther: The commission has an issue with the degree of each option; the width of crossing is the main issue.

Reynolds: The hydrology of the driveway is acceptable.

Irving: The plan which Metcalf has proposed handles the hydrology wonderfully.

Armond: All the top soil will be removed in the location of the travel area of the driveway.

The meeting was paused momentarily as to allow Attorney Royston to consult with Metcalf and Snarski.

Royston: The understanding from Penny Sharpe's report, there is a high likelihood the area is a habitat for salamanders. The question is with the fragmentation; the driveway does cause a barrier. Snarski will comment on how the driveway would impact the salamanders. Metcalf will comment on the option being proposed with the septic system on the south side of the property.

Snarski did not have any questions for Irving.

Snarski: There is a high potential that breeding is occurring in the wetlands on the property; the driveway will not impede the migration of the amphibians. The driveway will be a low traveled road; the slope of the side of the driveway will be 2 to 1 slope.

Metcalf: The embankments on either side of the driveway will be vegetated and the 10 foot wide driveway will be gravel.

Bliven: The gravel will stay in place during a heavy rainfall.

Metcalf: The driveway will require some maintenance; the gravel will be trapped in the vegetated areas on the sides. Normally gravel driveways are not salted in the wintertime.

Crowther: The fragmentation caused by the driveway will not impede the travel of the amphibians.

Snarski: The amphibians will not be impeded by the driveway.

Kurlansky: The degree of the affect of ¼ acre of wetlands being disturbed.

Snarski: The mitigation was prepared by me; Sharpe's report assesses the wetlands, the report was read and is concurred with.

Royston: The original presentation did acknowledge the impact of the driveway on the wetlands and does recognize the loss of the wetlands. Metcalf will comment on the placement of the septic system on the southerly portion of the property.

Metcalf: A section of the Sharpe addendum having to do with amphibians located in the area. The commission had suggested at the last meeting that the house be placed on the northerly section of the property. The recommendation of the 1,000 feet of piping buried 4 feet deep to prevent freezing; 450 feet would be crossing the wetlands and a total of approx. 600 feet in the regulated area. The placement of the septic on the south end would not be prudent and feasible alternative. The pipe will need maintenance; there is a need to have a viable access for repairs. During the construction of the septic system the wetlands would be disrupted.

Armond: A leeching field would have to be serviced once every 20 years; responsible alternative to creating a driveway through he wetlands.

Metcalf: Respectively disagrees with Armond; every leeching field and septic system will fail over time. The wetlands can not be accessed without a driveway being constructed.

Kurlansky: There are other alternatives to a traditional septic system.

Metcalf: There are alternatives which are not acceptable in the State of Connecticut; it is required that an on site leeching system be used.

Bliven: Logging is done over wetlands and the wetlands are not destroyed by the dragging of logs over the wetlands. Equipment with tracks could be used to access the septic system.

Metcalf: The wetlands will be disturbed by accessing the system; there would be an increase in cost placing the septic in the area being suggested. The cost would be in addition to the cost of the driveway. The alternative layout proposed by Irving can not be enacted without construction of a permanent access driveway similar to that of which is currently proposed; the avoidance of placing the house on the north portion of

the property should be recognized. The conclusion of the letter submitted (by Metcalf) was read into the record. The letters were handed to the commission members.

Gigliotti to Metcalf: Forced piped septic fail often.

Metcalf: It is not common for the pipes to fail.

Armond: The length of the forced pipe is impractical for a residential dwelling.

Metcalf: The length is practical for a commercial application; the length is a long distance for a residential dwelling.

Clement: The estimated value of placing the septic system on the south end of the property.

Metcalf: Including the construction of a driveway the cost would be in excess of \$10,000 to \$20,000.

Armond: The equipment available with tracks for the construction of the septic to carry the material to the site. The septic could be constructed in drought of summer.

Metcalf: The area of the wetlands is very moist even in the summertime.

Reynolds: The multiple passes across the wetlands is not realistic.

Irving: At certain times of the year the wetlands commission could allow access across the wetlands. The injury to the wetlands would be significantly less than constructing a permanent driveway.

Reynolds: Prudent and feasible needs to be the focus.

Metcalf: The construction of a septic system required the placement of sand or stone for filtration.

Armond: The results of test holes of the south portion of the property were not made part of the document.

Metcalf: The results can be provided to the commission.

Kurlansky: Suitable sand and/or stone would still have to be brought into the property to construct the septic system.

Metcalf: The process of constructing a septic system was explained in detail. There is a need for a viable access for the septic system. The extra cost was calculated; the digging of the trench would take approx. 3 weeks.

Clement: The calculation of an engineer should not be disputed.

Kurlansky: The utilities would not to be trenched along the driveway with hand pulls every 500 feet.

Metcalf: The travel way and the utilities width would be 25 feet.

Reynolds: The utilities would be located within the shoulder of the driveway.

Gigliotti: If the approach of constructing the driveway is chosen, the off-site mitigation would be a compromise.

Armond: The Firgelewski mitigation proposal should be incorporated into the application.

Crowther: During discussions in last's month's meeting a conservation easement was mentioned.

Royston: A conservation easement was provided for the record which covered the wetlands area.

Armond: An easement could be placed on everything except for 2 acres around the house.

Royston: The chairman's view on the easement was taken into account. The regulation from the State Statutes was read into the record, having to do with mitigation on Firgelewski property. A letter from Firgelewski's attorney was referenced, that the entry onto the property will be permitted for the mitigation; Mr. Firgelewski does not want to be responsible for completing the work. The plans for the mitigation should be included in the application, not placed as a condition to the approval.

Armond: There have been many approvals of application with conditions which have been overturned in court; the commission has instituted all information and details should be included in the application.

Royston: If the commission chooses not to approved the application with conditions. A letter was submitted into the record confirming the agreement to continue the public hearing until the December meeting. There has not been a contract received from Firgelewski; in concept Firgelewski is in agreement for the mitigation of the ¼ acre of wetlands. The wetlands being created would be under the commission's jurisdiction. Mr. Firgelewski will not be the permittee for the mitigation. Metcalf and Snarski will provide a plan for the mitigation. The applicant would be responsible for the completion of the plan.

Armond: The property being discussed is still owned by Firgelewski.

Royston: The ownership could be confirmed.

Metcalf: The Firgelewski site was visited for viewing the restoration area; photographs of the area were described. The area chosen is wonderful for a creation of a wetland area. The wetlands construction details have been placed on the plan. The hydrology of the property is well known.

Snarski: The wetlands being proposed would be a ¼ acre of shallow water marsh, adjacent to natural wetlands on the property; the planting have been listed on the plan. There will be a three year monitoring plan for the commission to view the progress.

Crowther: A site visit to view the area being chosen should be scheduled. The work would be the reasonability of Ballek Lonnergren.

Royston: The wetlands being created would be under the commission's jurisdiction including the upland adjacent wetlands.

Armond: If everyone defaults on their commitment, the responsible for completing the mitigation would fall on whom.

Snarski: A bond could be posted to insure the plan is completed.

Armond: The ownership of the property is a concern. The property could be transferred midway through the mitigation.

Royston: The work should be completed within a reasonable time.

Snarski: The building of the wetlands could take approximately two to three days. The water table is very high on the property. The completed mitigation would cost around \$10,000 to \$15,000; an upland top soil will be needed to create the wetland marsh.

Clement: This would be an optimal time for an easement to be placed on the portion of the Firgelewski property; the issues would be covered with a property transfer.

Royston: Placing a easement on the property would not be welcomed by Firgelewski; the letter submitted covers liability and payment by the applicant. The new wetland proposed to be created will be added to inventory of wetlands soils.

A discussion continued between the commission members.

Armond: The public hearing will be held open until January 20, 2010; as to allow time for a site walk.

Royston: Firgelewski's attorney will be meeting with him this week to explain what has transpired at this meeting and a site walk will be requested of the area on the property. Gigliotti will be connected to schedule a site walk.

The regular meeting was opened at 9:18 p.m.

REGULAR MEETING

Lisa Ballek Lonnergren, Mt Archer Road; Tax Map 29, Lot 12; an application for construction of a private driveway through wetlands and a regulated area.

Armond: The application for Ballek Lonnergren is held until next month.

Reynolds Garage and Marine Inc. 264 Hamburg Road; Tax Map 27, Lot 23; an application for activities within a regulated area in support of dredging and construction of new dock facilities.

Tom Reynolds was recused from this portion of the meeting.

Present at the meeting were Keith Neilson, Docko Inc., Gary Reynolds, Hayden Reynolds, and Kathryn Wayland.

Neilson: The requirements for zoning and wetlands regulations have been included in the documents being presented. The project is for the reconfiguring of Reynolds Marine which will create 12 additional boat slips; 6,000 cubic yards will be dredged with 1,000 cubic yards over dredge allowance, new floating docks, replacement of fixed piers, new morning pile, installation of new bulkheads, and the installation of a dry hydrant. The Planning and Zoning Commission is viewing this plan currently. The A2 survey included in the application document has been prepared by Dick Gates of Ivoryton, CT. The Core of Engineers and the DEP have issued their approvals. There was a pre-application meeting with Gigliotti. Erosion and sediment controls are required by the DEP and the Core of Engineers; there are seasonal restrictions, tidal restrictions, and equipment restrictions. The commission purview for this project is with the dredging and docking facilities. The plan shows the reference notes and the sediment & erosion control information. The dredging area is shown on the plans in [Blue](#). There are new floating docks proposed along the island, replacement of the fixed piers, a new floating dock at the south end of the cove, bulkhead work (over sheeting) is being done in three location on the site, and a small stonewall will create a grade increase. The site is very limited for the storage of dredge material; the stockpiled material is shown on the plans. Hay bails will be placed around the dredged material. The project is located within the flood zone which is delineated on the plan. The material being stock piled will be in increments of 1,500 cubic yards at a time. A stream and channel encroachment permit is not required from the DEP. The area will have ice issues. The restrictions placed on the project by the DEP; the dredging has a seasonal restriction between October and December due to eagles in the area, March to June is a seasonal restriction due to migration of fish in the area, and the work will be done from the water with the material being removed at the bulkhead areas then placed in the temporary storage site. The project will continue over a period of years. Suitable setbacks have been provided from the Celery Grass located in the area; Rich Snarski has flagged the tidal wetlands. The cove to the north has been sited as an area of concern; the DEP has required no work to be done inside to the east of the docking facility and no birthing of boats can occur on the inside of the dock. The drainage improvement will be to the DOT drainage pipe system located on the property; Reynolds Marine will be installing the sedimentation trap, the drainage system will be maintained by Reynolds. The south area drainage will be repaired with surge stone. The DEP and Core of Engineers have approved the plans. The project meets the criteria and standards of the Conservation/Wetlands Commission. Improvements are being made to the drainage of the site. The commission is being asked to approve the off loading of dredging material, the temporary storage of the dredging material on site, and the erosion & sedimentation control. The dredged material will be relocated to Sankow Farm.

Armond: The material being dredged consists of what types of soils.

Neilson: The material consists of marine silts & sand, gravel, sticks and leaves. The soil materials will be relocated on Sankow Farm.

Crowther: There will be turbidity curtains placed on the north section of the cove to control the sediment.

Neilson: The turbidity curtain is a requirement of the DEP permit; there will be a curtain placed on the north end and the south end of the project. The dredging will occur during high tide. The turbidity curtains will impede boat traffic.

G. Reynolds: With the seasonal restrictions there will be little traffic which would be limited by the curtains. There is a three month window for dredging with 3 to 4 hours a day.

Neilson: The dredging soils will be removed by machinery and dewatered on site.

Kurlansky: The commission's purview is with the off loading and temporary storage of the dredged material.

Bliven: The dredging will be done in three month periods over years; the dredged material will be removed after dewatering.

Neilson: The capacity of the on site storage is 1,500 cubic yards; the project will continue for at least 3 years.

G. Reynolds: The area was dredged last in 1950's.

Crowther moved to accept the application as presented, the motion was seconded by Hessel and passed by members present with one recused.

David and Christine Lahm 144 Bill Hill Road; Tax Map 25, Lot 49; an application for renewal of an expired permit for construction of a garage and home addition within a regulated area.

Present at the meeting was David Lahm.

Lahm: The property was purchased in 1992; there was a wetland permit approved by the previous owners which consisted of a garage and an addition. The project has been delayed. The wish is to renew the permit. The addition will not be as large as the original approved plan; the garage would be built in the future.

Crowther: The drawing may not be to scale; the property is within the regulated area. The drawing being presented does not show the trees located in the area. The drawing does not reflect the accurate plan for the proposed addition.

Lahm: The drawing before the commission is the original plan which was approved in 1989; the addition will be smaller in size without a deck. The proposed addition was highlighted on the drawing. The existing porch on the home will be removed. The addition will extend out 12 feet from the existing house; the footprint will increase 6 feet. A new foundation will be poured.

Bliven: The septic system may need updating.

Lahm: George Calkins, the Town Sanitarian, is reviewing the septic system; there is sufficient reserve.

Gigliotti: The wetlands being shown on the maps are not correct; the home is within the regulated wetlands area.

Bliven: The wetlands have not been flagged.

Crowther: The drawings should be recreated to show the details of what is intended.

Lahm: The garage portion of the permit could be removed from this application and dealt at a later date.

Kurlansky: A section of the previous approved permit was read to clarify the information on the garage.

Lahm: The Zoning Board of Appeals variance runs with the land and the wetlands permit expires after 5 years.

Reynolds: The garage and driveway could be removed from the plan as to approve the addition.

Clement: The application should be complete before the approval is given.

Lahm: Calkins is reviewing the details of the septic system.
Armond: The septic system is not part of this application. A letter should be received from Calkins before approval, due to there being a bedroom added to the home.
Gigliotti: A new septic system may not be required; if an issue arises the applicant will come back before the commission for septic approval.
Armond: This application will be continued until January.

OLD BUSINESS N/A
NEW BUSINESS

Rich Snarski

Present at the meeting were Rich Snarski and Laurie Keeling.
Snarski: The property at 107 Shore Drive was reassessed last year, the lake shore was reassessed based on frontage of the property. The woodland area is a 1 to 1 slope; the area is heavily wooded and invasive species are being removed. There is no plan to clear the area; the area is being taxed on unusable water frontage. The lot is under an acre and is non-conforming. In February the information will be going before the Board of Tax Appeals to reduce the tax.
Kurlansky: The request is for a letter from the commission stating if an application were applied for to clear cut the area it would be denied.
Snarski: The adjacent properties have lawns directly to the water.
Armond: A commission representative could attend the meeting in February.

Snarski: The area being discussed is dominated by Mountain Laurel and Hickory Trees; there is no intent to clear cut the area.
Hessel: A letter could be created stating the commission's view on the property.
Armond suggested the meeting can be attended by a commission member to add support.

CT. Federation of Planning and Zoning Agencies Quarterly Newsletter

Gigliotti: There are two articles which pertain to the Wetlands Commission which could be read by the members; wild life inventory.

Fouquette property (509-1 Hamburg Road)

Gigliotti: The area between their house and the brook has been clear cut; the brook is in the EWOD. A cease and desist order was sent. The owners have a hose running from the house from an underground tank into the brook, believed to be septic. The engineered system erector pump failed; the tanks were pumped and the extra sewage water was pumped out onto the driveway which is uphill from the brook. A new pump was installed. The wetland and zoning permits are still being waited upon. This information is being presented to inform the commission of the situation. George Calkins has been informed. The commission will see the applications soon; this will overlap between I&W and P&Z in the overlay district.

In order to satisfy statutory requirements, approve meeting dates for 2010.

A motion was moved by Kurlansky to approve the meeting dates for 2010; the motion was seconded by Hessel, and was motion passed.

APPROVAL OF OUTSTANDING MINUTES

A motion to approve the minutes of the November 18, 2009 public hearing/regular meeting was made by Clement, seconded by Reynolds. The motion to approve the minutes was passed with two abstentions.

Adjournment

The meeting was adjourned at 10:24 p.m.
Respectfully submitted,

Patsy Turner, Secretary