

LYME CONSERVATION COMMISSION
INLAND WETLANDS and WATERCOURSE AGENCY
November 16, 2016, 7:00 p.m.

The Lyme Inland Wetlands Agency held a regular meeting on Wednesday November 16, 2016 at 7:00 p.m., Lyme Town Hall, 480 Hamburg Road, Lyme, CT.

MEMBERS PRESENT Paul Armond Chairman, Beverly Crowther, Pat Crowley, Ben Kegley, Sue Hessel-alternate(present but not seated), Priscilla Hammond, Tom Reynolds, Roger Dill, Bernie Gigliotti ZEO, and Patsy Turner Secretary.

Absent Members: S. Kurlansky (alternate)

Site walk: 11/14/16; B. Crowther and R. Dill.

REGULAR MEETING

David Tiffany, Ely Meadow, Tax Map 15 Lot 5; an application to construct a fishing shack within a regulated area.

Present at the meeting was David Tiffany.

Tiffany: The property in the meadows has been in the family for many generations and early on the area was used for salt hay for bedding of animals. The property has been used for recreation since; hunting, fishing, and camping. The application is for a storage shed. The land is somewhat elevated and outside the wetlands but within the regulated area. The shed would be less than 200 square feet and will be located in close proximity to the existing right-of-way road.

Crowther: The area was viewed on the site walk during the highest tide and the structure will be built on piers.

Gigliotti: The flood elevation is 10 feet. The shed will be tied down as to avoid floating away during high waters.

Tiffany: Ron Rose the Town's Building Inspector was consulted and he suggested ways to tie the structure down; no building permit is required.

Dill: The proposed structure will be tied down with steel; the footprint is so small.

Tiffany: The piers will be hand dug.

Armond entertained a motion to approve the application as presented.

Hammond moved the motion, Crowther seconded, and the motion was passed unanimously.

The regular meeting was paused and the public hearing was opened at 7:07 pm.

PUBLIC HEARING

Luanne Dehar, 12 Old Hamburg Road, Tax Map 27 Lot 28; application for construction of a new dwelling and septic system and demolition of a condemned building within a regulated area.

Armond: The public hearing will be open for 60 minutes, if there is a need to go longer the public hearing will be recessed until next month.

Present at the meeting was Bill Kenny (Wetlands Scientist, Soil Scientist, and Landscape Architect).

Kenny: Representing the applicants who having owned the property since the 80's. The property is 1¼ acres; the Eight Mile River is to the west, there is an inlet to the south, freshwater tidal wetlands on the western portion, and the eastern portion is an upland section where there is an existing abandoned house with retaining walls and sits along the edge of the tidal wetlands. There is a level area at the top of the property which over the years has been used for parking. The existing structure is 2 stories. The proposal is for a modest 1600 square foot house, 20 feet deep and 40 feet wide; a variance has been received from the Zoning Board of Appeals. The house will be shifted away from the wetlands, the old house will be removed, and the area will be replanted with trees and shrubs. A new parking area and septic system will be installed with the well on the southern portion of the lot. The disturbance will be minimized during construction. A storm water infiltration system will collect the rainwater from the roof. There are no proposals for construction of a garage, shed, or pool. The proposal for the updates to the property will be an improvement and will not have any adverse impacts to the wetlands. There are drawings included in the packet before the commission; any previous documents and/or discussions about this property should be included as part of this application and be part of this record. The documents include a detailed construction sequence and phasing plan which are broken into 5 phases; 1) demolition of the existing house (done primarily by hand, a ramp will be constructed to the house for removal of material, and the area will be regraded leaving the retaining walls and stone.)

Crowther: Will machinery enter the area for regrading?

Kenny: A small machinery will be use to spread the soil being brought onto the site. The vegetation will be cut to allow for a work area, the stumps and root systems will be left.

Crowther: The stones and foundation wall will be buried?

Kenny: Yes, the soil will cover them. And once the work is done in that area new trees and grassed will be planted to stabilize the area; 64 native shrubs, 4 dogwood trees, and a meadow mix of grasses.

Kenny: Phase 2) Prep for new structure; retaining wall which will be a sediment barrier, temporary access driveway (grading will be done to create the drive) for proposed well, sedimentation controls will be placed around temporary driveway, and the stumps will be removed in this phase of the project. Phase 3) A trench will be dug and a temporary wall constructed with concrete blocks to stabilize the slope as the foundation is built with trench boxes.

Armond: How can a trench being dug in a gravel area to install a 12 foot high wall not collapse? That was a question asked back in July at the last meeting. Question to Pat Benjamin: If the construction sequence is read by a professional will they understand the process being laid out?

Benjamin: (Professional Engineer hired by the town) The plan is a conceptual way of developing the lot; any wall over 6 feet needs to be designed by a professional engineer, more details can be requested. A 12 foot hole can be dug in sand.

Armond: Those details need to be added to these plans.

Crowther: The storm water chambers will be installed after the retaining wall, how will that be accessed?

Kenny: A small excavator will dig the hole and place the chambers in the area; 4'X4' galleries.

Benjamin to Armond: The chambers are shown in the plan view. The 14 to 16 foot wall will be built and a portion of the wall will be buried to create a ramp to the lower area. Then the construction of the foundation will begin. The retaining wall needs a formal design and will more than likely be buried deeper and be taller than what is being proposed.

Kenny: The plans do not show every change to the area as the project progresses. The machinery will back fill the wall as needed; the foundation wall will be poured in sections and then the basement slab will be poured. The foundation of the uphill side will be 18 feet in height. A small retaining wall is proposed to be located on the side of the house to hold back soil. Phase 4) The construction of the house will begin with very little disturbance to the area. The septic system and leeching field will be installed to the north of the house. Phase 5) The final stabilization of soil around the house and pavement for the driveway will be completed. The area will be planted and revegetated. There will be an elevated wood deck with steps with a gravel surface below the area.

Armond: The gravel should be large rip rap. Further information needed for this application 1) a point by point answers to Mr. Benjamin's concerns in his letter and 2) a more detailed plan for the temporary wall; the size addressed and sequence.

Crowley: The ramp for the removal of the existing structure should be shown on the plans.

Armond called for public comment.

Kardestunger, Tarik: (39 Joshuatown Road) What will be the final height of the entire structure be? The structure is 3 stories from the river view?

Kenny: The exposed height of the structure will be approximately 31 feet, 2½ stories.

Armond: The entire property and the new structure are within the regulated area. The height of a structure is under the Planning and Zoning Commission's purview.

Hammond: This commission is regulating the potential for disturbance near a wetlands area.

Armond: This application is unique in that this commission usually does not see such details on the structure; the reason for the details is because this project has high potential for failure during the construction.

Armond recessed the public hearing until December 14, 2016 and the regular meeting was re-opened at 7:58 pm.

RE-Open REGULAR MEETING

Richard Snarski, preliminary discussion of a plan to eradicate phragmites from Ely Meadow.

Present at the meeting were Richard and Lori Snarski.

R. Snarski: The plan is to eradicate the phragmites from Ely Meadows. The phragmites is depicted on the map in RED. A meeting took place with DEEP and the Nature Conservancy and they are both interested in this project; monies may be available to help with this project. There will be a fundraiser during the winter to raise money for this eradication. A herbicide spray will be applied to the plants.

Armond: Mr. Snarski is here before the commission looking for an endorsement letter for this project.

Reynolds: Will there be replanting of the area after the invasives are removed?

Snarski: The commission has photographs of our property after the phragmites has been removed a few years back, the natives are reestablishing with meadow grasses.

Armond made a motion to create an endorsement letter supporting the project for the eradication of the phragmites from Ely Meadows.

Hammond moved the motion, seconded by Crowley, and passed unanimously.

OLD BUSINESS

Lisa Ballek Lonnergren, Mt Archer Road, Tax Map 29 Lot 12; discussion of the findings of the Army Corp of Engineer site visit and the proposed plan moving forward.

Present at the meeting were Mark Lonnergren, Tom Metcalf and Richard Snarski representing the applicants.

Metcalf: There was an agreement entered into with the commission subsequent to the denial of the application; the settlement outlined conditions required to be met. One of the requirements was that the applicants receive approval from the Army Corp of Engineers; there is a format which has been followed, a pre-application application, a pre-application meeting, and a site inspection which was also attended by Mr. Gigliotti, ZEO. An application has not been filed as of yet. The representative for the Army Corp of Engineers is Corey Rose and she has provided information on an alternative for the driveway construction; a stone sandwich for the driveway, rip rap, creating a smaller footprint, a better hydrology for water flow. As part of the application and the settlement agreement there was to be mitigation and the enhancement of wetlands on Patrick Crowley's property ratio equal to the impact on the Lonnergren property, approximately ¼ of an acre. A condition was that the remediation would be approved by the Army Corp of Engineers, in 2013 the Army Corp of Engineers entered into an agreement with the Audubon's Society of Connecticut for an in-lieu fee rather than off-site mitigation (a document was handed to the commission). They have determined that small off-site mitigation success has been minimal. (A section from the agreement was read into the record) The in-lieu fee is collected and goes to the Audubon Society and the money is earmarked for larger projects for long term success. The in-lieu fee for this project would be \$10.11 a square foot and we have a little over 10,000 square feet. The applicants are looking for an amendment to the settlement agreement; 1) there would be a modification to the plan for the construction of the driveway, 2) an amendment to the agreement that the commission would accept the Corp's fee in-lieu of requirement rather than the mitigation.

Hammond: Is there anything in writing from the Army Corp of Engineers that you can accept a fee in-lieu of the mitigation?

Metcalf: There is nothing in writing but Mr. Gigliotti was at the site visit when this was discussed. An attempt can be done to get something in writing.

Armond: A motion can be made to accept the in-lieu fees with an understanding that updated plan will come before the commission.

Metcalf: Any references to the off-site mitigation would defer to the in-lieu fee. The minutes would be sufficient to submit to the Corp.

Armond entertained a motion of the agencies willingness to accept the Connecticut in-lieu fee program in replacement of the off-site mitigation.

Reynolds moved the motion, the motion was seconded by Dill, 1 opposed and 1 abstention, and the motion was passed.

NEW BUSINESS

Gregory Melville, 484 Joshuatown Road; Tax Map 8, Lot 3; enforcement letter for clear cutting along Whalebone Cove.

Armond to public present in audience: How many of you want to speak or comment during this meeting? A regular meeting setting is not the place to have your voices heard; a public hearing will be set for next month.

Gigliotti: A public hearing is not necessary.

Turner: Are the community members here to listen or talk?

Humphrey Tyler: Mostly here to listen.

Armond: We will proceed but if there is too much input than we may need to have a public hearing.

Gigliotti: The problem is that the Melville's have plants that have already been purchase and will be lost if not planted. During the Planning and Zoning Commission this week, it was asked if the I&W commission felt that the remediation plan was acceptable, would it be okay for the property owner to plant the materials they have on hand and the P&Z Commission was okay with that.

Armond: A site was visit occurred. Okay let's proceed.

Present at the meeting were Gregory Melville and Susan Fox.

Melville: Drawings and plans have been created to help explain what has occurred and what like be done moving forward. An apology was given to the Planning and Zoning Commission on Monday night and we apologize to this commission as well for overstepping to combat a major issue with invasives. The property was purchased May 2013, it was just discovered that there was an invasive problem on the property. A permit was approved for a dock facility and the area was explored. The property was moved into by myself in June of this year and Susan moved to Lyme in August. I was hospitalized for medical issues in September. At that time the Japanese Knot Weed was discovered along the cove. In a rush to remedy the situation, consultant (Cathy Connolly) was hired and a plan was created and that is when the invasives were removed from the area.

Hammond: The consultant didn't suggest you come before the board?

Fox: Connolly was hired as a consultant; she has just been hired to create the plan.

Armond: Connolly is the same consultant that worked on the John Kiker project which the commission has been very happy with the results of that project. The planting plan and the choice of plantings are wonderful. The slope on this property is very steep.

Melville: Susan had taken the lead on this project and the contractor on the property had completed his job and we did not get the approval prior to starting.

Armond: There is a substantial amount of bare soil, getting the plants in place will remedy the situation.

Dill: How will plants remedy the eroding soil, what will be placed around the plants?

Fox: There was an approved walkway to the dock area, the site is very sandy. There is a row of hay bales on the slope and just below that area is where the invasives were cut and roots have been left in place, the area was seeded to stabilize the soil. The Knot Weed area was 30'X10'. There are two areas of concern; 1) the eroding soil is where nothing was touched and 2) the area where the invasives were removed. The area was not treated with herbicides. Cathy Connolly and Mark Leboy were both consulted on the project. An herbicide for woody plants will be used in the springtime and a maintenance pathway would be created because of the steepness of the site.

Dill: Why was the vegetation removed?

Fox: We live in a very beautiful place and along one of the largest rice marsh in the New England; our entire coastal shoreline, approximately 270 feet was 90% invasive species. When the Knot Weed was discovered it was cut. The erosion control was started and the hope was to complete that stage this year.

Armond: What will be done to cover the bare soil?

Fox: On site there are 5,000 plugs of sedge which will be planted every 9 inches. Coir logs will be placed in the soil and the rest of the area will be planted with 1,800 plants of Sea Oats. There has been a chopped hay/mulch mixture being placed between the plantings.

Armond: Root growth on new plantings continues this time of year until the ground freezes.

Dill: Seems that this is a begging for forgiveness not permission?

Fox: The Planning and Zoning Commission was very unhappy when we went before them this week, because we cut and then asked for forgiveness. They did request a more detailed plan than what was presented on Monday. The immediate issue is the erosion control in the areas that weren't cut with plantings and coir logs/mats. The entire area has been surveyed by Dick Gates; the topographic map is helpful. Where the cutting occurred the plan was to place 18 coir logs for the winter months.

Dill: Did the cutting provide a view shed?

Fox: No, by looking at the drawings the commission can see what was in the area before the cutting and what is being proposed to remediate the area. The approved dock permit requires screening of the area from Ferry Road and neighboring properties. Larger plantings will be placed along the shoreline which would be done during the summer months. If the permission is granted to use herbicides on the roots of the invasives, the goal is to have the project completed by the end of 2017.

Dill: What is the request for tonight?

Fox: Tonight we are looking for permission to finish planting the material which is on site and install the coir logs on the cut area. Then a more detailed complete plan will be submitted for the remediation which would be started in the springtime. Anthony Zemba-Wetlands Scientist/Ecologist (Fitzgerald and Halliday) was contacted and can serve as a consultant.

Armond: It is unknown what plant material was cut. The site was visited by myself and Gigliotti. The coir logs will stop the erosion into the cove and the coir mats could be planted into on the hillside, mulches move on hillsides.

Fox: On hand there are 1,800 Sea Oats and 3,000 sedge plugs, the clock is running out to get the plants in the ground.

Armond: When the fire pit project was complete the site was visited and at that time the property manager was informed that the bare soil needed to be addressed.

Fox: Should the coir mats be placed on the walkway areas also?

Armond: Coir logs placed in the walkway would help with erosion.

The types of plants/seeds and their species were discussed between Armond and Fox.

Fox: The goal is to create the area into rich native biodiverse ecology. A more detailed plan will be presented to this commission and the Planning and Zoning Commission. The invasive control will need to be maintained; maintenance pathways will be created for that purpose which is shown on the site map.

Armond: We can approve a plan moving forward. A power auger can be used to plant the material on hand. Some of the plantings are deer food. The commission is suggesting at this point placing coir mats with plantings, replace hay bales with coir logs, coir log protection of the shoreline, coir logs along the pathway, and a completed plan (a detailed plan to treat the knot weed) to be presented to the commission.

Kegley: Is it still the intent to install a Belgium stone pathway?

Melville: The current plan is to use cedar logs for the pathway.

Fox: Sweet ferns are on order from the garden center.

Crowther: A site walk should be done at the property in the spring?

Armond to H. Tyler: The public has been well behaved during these discussions, thank you.

S. Tyler: There are two issues; eroding soils and purchased plantings on site. The public will have interest in the completed plan and how it will affect the shoreline. A public hearing would be helpful. Violations seem to occur more often. Is there anything in place for the violators?

Armond: The commission started requiring replanting plans to replace the size and amount of plantings which were removed, that became pricey for the property owners; the violations/behavior lessened. There is an ordinance for assessing fines; the ordinance is very cumbersome, it's not a useful tool.

Gigliotti: A neighbor to the north has a ¼ acre of knot weed which he has started an eradication plan and the area has been sprayed at least 3 times.

Armond: Annual eradication is important and necessary.

H. Tyler: The erosion is the main concern.

Armond: That is the concern with these properties that have really sandy gravel banks, plants do not like to grow in sand.

Turner: A letter should be created stating the requests of the commission; 1) placement of the coir mats with the Sea Oats and sedges planted in the mats within the eroding area on the hillside, 2) existing hay bales to be replaced with coir logs, 3) coir logs placed along the shoreline to contain sedimentation and erosion, 4) coir logs placed along the pathway to hold soil, and 5) the commission will see a final plan for the eradication of the invasives and the type of treatment with details and the remediation plan in the future.

Hammond made the motion of what was stated by Turner in the record.

Reynolds seconded the motion; the motion was passed by all members to create a letter.

APPROVAL OF OUTSTANDING MINUTES

A motion was made by Armond to approve the minutes of the October 2016, Hammond moved the motion and was seconded by Reynolds (1 abstention Dill), the minutes were accepted.

Adjournment

The meeting was adjourned at 9:26 p.m.

Respectfully submitted,

Patsy Turner, Secretary