

LYME CONSERVATION COMMISSION  
INLAND WETLANDS and WATERCOURSE AGENCY  
September 20, 2017, 7:00 p.m.

The Lyme Inland Wetlands Agency held a regular meeting on Wednesday, September 20, 2017 at 7:00 p.m., Lyme Town Hall, 480 Hamburg Road, Lyme, CT.

**MEMBERS PRESENT** Paul Armond Chairman, Beverly Crowther, Ben Kegley, Pat Crowley, Priscilla Hammond, Roger Dill, Tom Reynolds, Bernie Gigliotti ZEO, and Patsy Turner Secretary.

Absent Members: S. Kurlansky (alternate), S. Hessel (alternate)

Site walk: B. Crowther & B. Kegley, (P. Armond and R. Dill visited the Richardson and the Duran properties outside of the site walk time).

**REGULAR MEETING**

**Maureen and Gil Johnson, 150 Ferry Road Tax Map 4 Lot 5; an application for removal of invasive plant species along Whalebone Cove.**

Gigliotti: A phone call was received from Mr. Johnson stating he was unable to attend this month's meeting; there will be a replanting plan presented next month.

**Sairon LLC., 34 Hamburg Rd Tax Map 24 Lot 13; amendment to permit for buffer plantings adjacent to wetlands.**

Gigliotti: This will be seen next month.

**Jere and Faye Richardson, 33 Joshuatown Rd. Tax Map 28 Lot 58; an application for improvements to an existing parking area within a regulated area.**

Present at the meeting were Jere (Mike) & Faye Richardson and Kurt Schlauder.

Richardson: The parking strip is adjacent to the existing garage; the proposed parking improvements will reduce the area from being dug up and disturbed by vehicles parking. The area will be created with gavel, the same material used on the existing driveway near the garage. Kurt Schlauder will be the contractor doing the work.

Schlauder: The grade of the property does not allow for onsite parking. The first 4 inches of topsoil will be removed and the base of parking area will be 2 inch stone topped with processed stone.

Crowther: There are visible ruts in the area being discussed; 4 inches of gravel may not be sufficient.

Dill: Will the area be plowed in the winter months? The crushed stone may be disrupted by plowing.

Richardson: The existing driveway does not get plowed.

Dill: The area could be created with open block.

Crowther: The area is used by the public and visitors to the Richardson's property.

Reynolds: The improvement to the area will cease the runoff into the water.

Crowther: The proposed area is not large and will not encroach into the brush area.

Armond entertained a motion to approve the application as presented; Hammond moved the motion and Reynolds seconded. The motion was passed unanimously.

**Jere and Faye Richardson, 33 Joshuatown Rd. Tax Map 28 Lot 58; an application for the construction of a new boat dock.**

Present at the meeting were Jere (Mike) & Faye Richardson and Keith Neilson representing the applicants.

Gigliotti: This information was before the commission 6 years ago and was approved, the permit has expired.

Neilson: The certified mail receipts have been received and were entered into the record by Mr. Gigliotti. The dock proposal is somewhat reduced from the previous application. The past approved permit included the dock and an extensive vegetation buffer. The buffer and the wooden walkway have been completed. The applicants are seeking approval for the pier. The DEEP and Army Corp of Engineer approvals have been received.

Gigliotti: The low point will have crushed stone, can that be explained?

Neilson: Gravely soil will be combined with topsoil as to allow vegetation to grow.

Crowther: The boulders will be leveled to attach the structures, how will that be achieved?

Neilson: The method is called feather & wedges; holes are drilled vertical and horizontal then pins are driven in to split the stone; the surface is grouted to avoid tripping hazards. The dock will be anchored to the rocks; the timbers will be removable on the face of the boulder.

Dill: Were there conditions on the previous approval?

Gigliotti exited the meeting to look for the original approval letter.

Reynolds: This commission's purview is with the landing of the dock.

Armond: Our jurisdiction goes to the high tide line.

Kegley: The last application details showed the repair to the riparian barrier which was viewed on the site walk and looks to be very successful.

Neilson: The barrier's purpose is to aid in the creation of a better habitat and acts as a natural filter for the water that comes off of the road. The timber deck will not be removable.

Gigliotti read the original boat dock approval and there were not any stipulations or conditions attached to the approval.

A neighbor stated his concern with a structure being built in a wild and scenic waterway.

Gigliotti: The Eightmile River Overlay regulatory area stops at the Joshuatown Road Bridge.

Another neighbors questioned why the Richardson could not have a floating dock installed. When will a public hearing be for this information?

Gigliotti: The Planning and Zoning Commission has not seen an application yet, at that point neighbors will received notification of a public hearing.

Armond reminded everyone that this information is outside this commission's jurisdiction. The presentation given to the commission is appreciated.

Gigliotti: The Gateway Commission and the Lyme Planning & Zoning Commission will view this information pertaining to the docks being built on the boulders.

**Judith Duran, 53 Mt Archer Rd. Tax Map29 Lot 49; Preliminary discussion of removal of vegetation along the Eight Mile River.**

Present at the meeting was Judith Duran.

Duran: The property has 900 feet along the Eight Mile River and the home was built 35 years ago. We have been great stewards of our land. When Mr. Duran was alive he would trim the area in front of our home. There is a nice area of vegetation near the water's edge, there are also Beech sprouts. The plan is to trim and thin the Beech trees; a landscaper will be hired to do the work in a sensitive manner.

Armond: When the property was visited it was viewed that there are not any trees with a trunk diameter of more than 1 inch; if trimmed the Beech will re-sprout. There are also invasive species along the area being discussed; the plants should be cut and painted with herbicides.

Crowther: The area seemed to be 5 feet wide where the trimming will occur; the buffer is great habitat for the wildlife. Will the hired landscaper be monitored while the work is being done?

Duran: Yes, I will be there.

Armond: This is an activity in a regulated area.

Gigliotti read Section 19.6 of the Planning & Zoning regulations into the record.

Armond: Activities which occurred prior to the overlay zone implementation are permitted activities.

Reynolds: The invasives should be removed, native plants will move into the area.

Hammond: This is being viewed on a preliminary discussion; invasives removed would be a good idea and the thinning of the other vegetation can be explained in greater detail, when and how the vegetation will be removed.

Duran: There has always been a buffer zone; there is no longer a view to watch the wildlife.

Gigliotti: The Planning & Zoning Commission cannot give approval for trimming unless it is an agricultural use.

Reynolds: the commission is not in favor of reducing or removing buffer zones.

Duran: Nothing will be done to destroy the area but the want is to improve the view.

Armond: The roots of the trees stabilize the soil; nothing grows under Beech trees.

Crowther: The area will re-grow over time.

Armond: The sprouts that were previously cut are still there and have re-sprouted.

Crowther: The property has not been viewed by all the commission's members. Thinning needs more definition.

Kegley: What is the amount of trimming; 2 wheelbarrows full? It is not a lot of trimming.

Duran: The trimmings would be left in the area for the animals.

Crowther: The Beech sprouts could be flagged.

Hammond: A photograph from the kitchen window would also be helpful.

Duran: The trimming has to be done properly and that is why this is before the commission.

Armond: Once the invasive plants are removed it will be more noticeable what the amount of Beech sprout will be removed. The commission members that have not seen the area should visit before next month when we will see this as a formal application.

#### **OLD BUSINESS**

#### **Joseph Fouquette 509-1 Hamburg Road Tax Map 38 Lot 6; cease and desist order for clearing and filling of wetlands.**

Armond: This is still on hold.

#### **NEW BUSINESS**N/A

#### **Return to OLD BUSINESS**

#### **Discussion of the changes proposed for the wetlands regulations.**

Armond: The edited copy of the regulations being revised were read for continuity; at the beginning of the document this group is identified as agency and then switches to commission. (Where it says commission it should say agency)A marked copy of the document was handed to the Commission's Secretary (P. Turner). Does an intervener push an application into public hearing?

Gigliotti: Yes it does.

Armond: That information should be added to Section 9.1. What is the regional agency's name? Has 10.5 always been in the regulations or is it new?

Turner: Yes, section 10.5 is new. Section 18.1 was removed but it should be reinserted. Appendix C on page 43, it is reference in the body of the document and in as Append. C, it does not need to be in both places. Changes have been made to the application form.

Hammond: It could be removed from Section 19 and left as an Appendix.

Crowther: In application requirement 7.4, proposed significant activity; what is the timeline.

Gigliotti: The clock starts as soon as an application is declared a significant activity; there is 30 days to convene the public hearing (extension can be requested) There needs to be a formal

application for an activity to be declared a significant activity; not decided during the presentation on a preliminary basis.

Kegley: Concern is with Section 4.4, is an applicant in a regulated or nonregulated area; regulated activities pg. 11. Does the property own need to present themselves to the commission?

Armond: Bernie acting as ZEO (Zoning Enforcement Officer) has the authority to screen through activities before they get to this commission.

Kegley: Can there be a minimum of material cut (added to the regulations)?

Reynolds: That would be hard to enforce.

Kegley: What we have now is hard to enforce.

Armond: This group of members is given an outline to base our actions in the form of the regulations and we extrapolate when needed for each application.

Gigliotti: Many go-a-heads have been given without the information coming before the Inland/Wetlands Agency.

The discussion continued about different properties in town and how the regulations would apply to each.

Turner: The information that Gigliotti is working on for the revision to the regulations will be incorporated and the Town's Attorney will be contacted about ordinances. Then the revised document will go the public hearing.

Reynolds: Restoration plans are more effective than the enforcement of ordinances.

The discussion continued about replanting plans.

#### **Rich Snarski property in Ely Meadow**

Gigliotti: The Ely Meadow project was visited with Rich Snarski; the restoration of the meadow is fabulous, he would be willing to give the commission a tour of the meadow.

#### **APPROVAL OF OUTSTANDING MINUTES**

A motion was made by Armond to approve the minutes of the August 2017 with one correction. There should be a correction on page 1: statement to be fixed is (There is usually a 100 foot setback from a wetlands area; trash is being cleaned.....) fixed statement is (Crowther: There is usually.....wetlands area. Johnson: Trash is being cleaned out of the wetlands areas. The invasive plant removal will start..... )

Hammond moved the motion with a correction, seconded by Crowther, and the minutes were accepted with 2 abstentions (R. Dill, T. Reynolds).

#### **Adjournment**

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Patsy Turner, Secretary