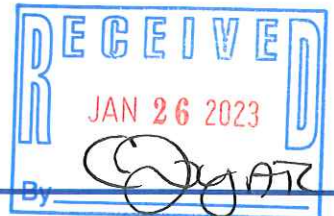




TOWN OF OLD LYME



INLAND WETLANDS AND
WATERCOURSES COMMISSION

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MINUTES

OLD LYME INLAND WETLANDS AND WATERCOURSES COMMISSION REGULAR MEETING & SITE WALK JANUARY 24, 2023

PRESENT WERE: Tom Machnik, Gary Gregory, Evan Griswold, and Jared Bombaci.

SITE WALK - 3 Old Shore Road

Tom Machnik and Evan Griswold were recused from the application.

5:30 PM

22-20 - Judges Farm, LLC – 3 Old Shore Road – Remove cattails and other weeds and fill the wetlands to expand parking area.

The members walked the site and observed the additional space needed to allow the tractor-trailers to make the turn to exit and enter the site. The applicant staked out the area where he is proposing to put concrete blocks and extending the gravel base as well as extend the existing pipe.

No action was taken.

REGULAR MEETING

The commission then convened their Regular Meeting at 6:00 p.m. at the Town Hall.

PRESENT WERE: Rachael Gaudio, via cell phone, Tom Machnik, Gary Gregory, Evan Griswold, Chris Marchant, Mike Miller and Jared Bombaci.

NEW BUSINESS

Chairman Gaudio asked the commission members to consider discussing Item 3 on the agenda first prior to setting the schedule for site walks.

Gaudio stated that Eric Knapp reached out to her regarding the application of 39 Buttonball Road. He stated he felt the application had minimal impact and thought this might be in line with the commissions prior discussions about granting him the ability to issue some permits administratively. Gaudio stated she reviewed the application. Gaudio felt this application was something that the commission had discussed at prior site walks about there being such minimal impact within the upland review area the commission might consider this meet those parameters. She stated Eric Knapp would deal with this on his own during business hours rather than having the commission conduct a Site Walk and then discuss at the next Regular Meeting.

Rachael Gaudio stated the only work proposed in the upland review area is a very minimal amount of patio, grading and the silt fence. Eric Knapp stated all the activity proposed is at least 50 feet away from the wetlands themselves.

Gaudio stated the commission had discussed at prior site walks that the members would be agreeable to Mr. Knapp handling some of these applications but we needed to establish at what level. Gaudio stated she felt this would be a perfect opportunity to discuss on the record how the members feel about this type of project being handled administratively.

Evan Griswold asked if the adjacent property would be the town owned open space. The commission reviewed the site plan and discussed the 100' foot review line and the lots proximity to the proposed open space. It was clarified that there was no intrusion into the open space property.

Knapp stated under the state statues if you have a Certified Wetlands Enforcement Officer that certain matters can be handled administratively. He further noted that is entirely at the commission's discretion.

Knapp stated there is no wetland activity proposed on the site and the nearest upland review activity is at least 50 feet away which is a silt fence.

Gary Gregory asked if there was a vernal pool on the property. Eric Knapp stated the commission visited the site in September and the characteristics of a vernal pool would not be present at that time. Gary Gregory asked if the developer had the wetland evaluated. Knapp stated that could not be

done until April. Knapp stated given the terrain he felt the likelihood of it being a vernal pool is low. Gary Gregory asked to get some clarification. Knapp stated the developer does not likely have the answer. He said you would not be able to get the answer for another three months. Gregory asked if we should wait to issue the permit for three months. Tom Machnik stated that would not be realistic. Knapp stated the application is pending now and at this point the commission would be out of time to act by April.

Jared Bombaci asked Mr. Gregory if it was determined to be a vernal pool what recommendation would he propose. Gary Gregory stated he would recommend a tree line to give the pool some space. Tom Machnik stated the property is adjacent to a golf course.

Gaudio stated the application is pending before the commission now and the statute requires the commission to act within a certain time period after receipt. She further stated in terms of the discussion she wanted to have she felt this was something Eric Knapp could handle administratively but she wanted the commissions input on that assessment. She stated if the commission all agrees that this kind of activity where it minimally goes into the upland review area and is very far away from wetlands and none of the activity is happening on open space land is this something the commission agrees to allow Eric Knapp to handle administratively. She stated if the answer to that is yes she suggested that Item 3 be removed from the agenda and have Mr. Knapp deal with it himself administratively. She stated if the answer is no then we will restart the discussion. She stated that Mr. Gregory was the one who spoke up and said he did not want to be having his time wasted by site walks that end up being handled administratively.

Tom Machnik stated he felt this application could be handled administratively because it's a flat lot and more than 50 feet from any flagged wetlands.

Jared Bombaci stated that given the distance to the wetland's activity and the activity proposed he felt it could be handled administratively.

Mike Miller concurred with the sentiments already spoken.

Chris Marchant also concurred.

Gary Gregory stated under normal circumstances without the fact that this could be a vernal pool he felt this would be a perfect example of an application that could be handled administratively but he felt there should be documentation of whether it is or is not a vernal pool.

Griswold stated there could be elements of a vernal pool depending on what is living in the pond, but noted nothing is there now because frogs and salamanders are in the woods hiding under logs. He stated he felt the impact on this has probably already been pretty well compromised by the adjacent golf course with mowing, fertilizer and open land.

Knapp showed the commission an aerial photograph of the site. Griswold further stated the integrity of the vernal pool has already been diminished.

Gaudio stated that it seems that everyone agrees that this type of application can be handled administratively. She also noted that Mr. Knapp can certainly reach out to any applicants on his own for any further clarifications he deems to be necessary. Gaudio noted Mr. Knapp is a Certified Wetlands Officer can make a determination as the applications are received.

Tom Machnik made a motion that Application 23-3 – 39 Buttonball Road and applications like it be treated administratively, He further stated if Mr. Knapp feels there are additional concerns it can be moved back to the full commission. Jared Bombaci seconded the motion. The motion passed. Voting in Favor (6) Voting Against (1) Gary Gregory voted against.

Evan Griswold stated he felt that the developer should be required to hire a soil scientist to ensure this commission is protecting the wetlands. Machnik stated that would limit the time of year applicants can apply for permits.

Mike Miller asked if the town had mapping that indicates the location of vernal pools in town. Eric Knapp stated there are things that are evidenced that there may be a vernal pool onsite but honestly the only way to be for sure is to go out during the time of year that there is activity and check for egg masses. He said it is very hard to check in January for a vernal pool.

Gaudio stated that she felt some of this discussion was going outside the scope of the commissions jurisdiction that was envisioned by the legislature when the statutes were written. She stated there is nothing written that

the applicant has to know whether there is a vernal pool or make that assessment. She stated she felt we were going above and beyond by making an applicant have a soil scientist assessment on every site.

23-1 – Machnik Bros Inc. – 7 Mill Pond Lane – Extension of an existing concrete retaining wall.

Tom Machnik presented the plan which showed the location of the proposed retaining wall extension. He noted it would be extended 25' to the south and 27' to the east. He said there would be no site grading required. He noted they would just backfill the wall.

The commission agreed to set a Site Walk for Monday February 6, 2023 at 5:30 p.m.

23-2 – Greg Hancock & Kathleen Patenaude – 22 Shore Acres Road (aka 29/31 Connecticut) Construction of a single family residence, driveway, and septic on a vacant conforming lot.

Seamus Moran, P.E. with H + H Engineering, located in Mystic, CT presented the application on behalf of the applicants. He stated the proposal is to construct a new 1 ½ story, 3-bedroom single family dwelling. He stated in 2021 the Planning Commission approved a Lot Line Revision to create two conforming lots which were originally two long narrow lots known as 29 and 31 Connecticut Road. Moran pointed out the 100 ft. review line on the site. He noted the Lot would be serviced by public water and sewer.

Gary Gregory asked if anything was proposed between the building and the wetland. Griswold suggested some sort of natural strip between the building and the wetlands. Mr. Moran suggested shifting the discharge area to provide more distance to the wetlands.

Gary Gregory asked if consideration had been given to a rain garden. Eric Knapp said he was not sure of the water table in that area. He said he currently has a rain garden located at 5 Noyes which is pretty much sitting in the water table which makes it difficult to drain out. Moran stated he felt the best option would be to extend the distance line to discharge.

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The Commission agreed to set a Site Walk for Monday, February 6, 2023 at 5:00 p.m.

23-4 – Town of Old Lyme – Modification of Existing Permit – Relocation of pavilion.

The commission noted they had visited this site several times over the last year therefore, a site walk would not be necessary to review the new location. This Item will be discussed at the February 6, 2023 Special Meeting.

OLD BUSINESS

22-20 - Judges Farm, LLC – 3 Old Shore Road – Remove cattails and other weeds and fill the wetlands to expand parking area.

Tom Machnik and Evan Griswold recused themselves from the application.

Gaudio stated there was not a quorum at the site walk so an administrative permit could not be issued.

Gaudio stated she had no issues with the application as presented. She stated it was clear that this was a man-made wetlands but noted it was not a biologically significant wetlands.

Gary Gregory made a motion to approve the application. Chris Marchant seconded the motion. The motion passed.

MINUTES

READING AND APPROVAL OF THE MINUTES

Regular Meeting Minutes – November 22, 2022 & Site Walk & Special Meeting Minutes – December 5, 2022

Gary Gregory made a motion to approve the Regular Meeting and Site Walk Minutes minutes as submitted. Chris Marchant seconded the motion. The motion passed. Tom Machnik was recused.

Respectfully submitted,

