

**MINUTES
REGULAR MEETING
OLD LYME INLAND WETLANDS AND WATERCOURSES COMMISSION
TUESDAY, MAY 23, 2023**

PRESENT WERE: Rachael Gaudio, Tom Machnik, Jared Bombaci, John Mesham, Chris Marchant, Mike Miller, Peter Friel and Todd Crolius

Absent: Scott Basham

Chair Gaudio called the meeting to order at 6:00 p.m.

Gaudio asked for a motion to amend the agenda to discuss the 38-1 Buttonball Road issue of dumping of unpermitted fill next to 36-1 Buttonball Road. Tom Machnik made a motion to amend the agenda. John Mesham seconded the motion. The motion passed unanimously.

PRELIMINARY DISCUSSION – K & S Development, LLC – 11 Buttonball Road – Proposed 13 Lot Subdivision

Bob Doane, PE with Doane Engineering located in Centerbrook, CT presented the commission with a revised preliminary subdivision layout plan prepared for KS Development, LLC. Doane stated that at the site walk the commission requested that the 400 ft. line for the vernal pool be added to the plan which has been done and noted it is located just inside the stonewall. He noted the stormwater basin will be located to the right side of the road that the water company built. He noted the stormwater basin will be a dry basin and the disturbance would be temporary during construction and would include exclusionary fencing and silt fence. He also noted there is nothing endangered in the vernal pool. He noted that Richard Snarski, Soil Scientist stated there were egg masses and salamanders. Doane indicated it was not a terribly active vernal pool. He noted there is also half a house and septic system located within the 400 ft. radius in addition to the existing house which has been there a very long time. He noted the storm drainage will run across the open space. He further stated all the open space will be given to the Homeowners Association because the detention basin has to be owned by the Home Owners Association.

He noted the stormwater will run towards Buttonball Road which will be piped all the way to the existing catch basin on the corner of Buttonball Road and Shore Road. He noted there is presently a 10" pipe which will be replaced, and he noted that will require permission from the State. He stated it will be sized accordingly.

Doane indicated he had a few questions for the Town Engineer. Knapp told Doane to reach out to Aaron Mortensen at Nathan Jacobson's office for his questions.

Gaudio stated the application appeared to be pretty straight forward but noted that although the vernal pool may not be very productive, it is a vernal pool and it seems the applicant has tried to keep a lot of

the construction outside of the 400 ft. area. It was also noted that the existing house is in closer proximity to anything proposed.

Eric Knapp asked if the existing houses' septic will have to be replaced. Doane noted it is currently located on town property and currently meets the health code. He noted they did do test holes around the current home as well as a B100 A to ensure if the system fails there was enough area to install a new system.

Todd Machnik suggested that they backfill the section adjacent to the vernal pool with the low permeability soil so it doesn't impact the vernal pool.

23-11 TETLOW & SONS CONSTRUCTION, INC. – 21 CONNECTICUT ROAD – CONSTRUCT A 13 X 13 GROUND LEVEL PATIO WITH A WALKWAY 4' X 10' TO AN OUTDOOR SHOWER.

Dave Tetlow was present to discuss the application with the commission. He submitted photographs of the area for the commission to review. He noted there would be crushed stone placed under the patio pavers. Gaudio asked about the excavation required for the installation. Tetlow stated they would remove 6 to 8 inches of what is there now and replace it with crushed stone.

John Mesham asked where the outdoor shower would drain. Tetlow stated that has not yet been determined. Gaudio stated that information would be great for the commission to have at the site walk.

Kim Groves noted that the proposed shower shown on the site plan submitted with the application appears to be in or close to the zoning setback. Tetlow stated he would review that as well.

The commission set a Site Walk for Wednesday, June 7, 2023 at 5:45 PM.

READING AND APPROVAL OF THE MINUTES

REGULAR MEETING MINUTES

Tom Machnik made a motion to approve the minutes dated April 25, 2023. Jared Bombaci seconded the motion. The motion passed unanimously.

SITE WALK MINUTES

Rachael Gaudio made a motion to approve the Site Walk Minutes dated May 10, 2023. Chris Marchant seconded the motion. The motion passed. Jared Bombaci abstained.

CEASE AND DESIST ORDER – NOTICE OF SHOW CAUSE HEARING -38-1 BUTTONBALL ROAD

The Chairman reminded the Commission of the long history between Amanda Blair and the town. For a period covering years, Ms. Blair's actions have been to challenge the town while deflecting attention from her own actions.

She further stated she is not happy with the answers staff have been given or her lack of action in addition to spreading stories to other commissions. Gaudio stated she was supportive of issuing the Cease & Desist Order even though it has not been determined if where the activity has occurred is either inland wetlands or tidal wetlands. Gaudio stated it is right above the CJL line. She also noted there was no erosion control placed at the site and no permit was applied for or granted and the work at her site was accessed through town property with large vehicles which caused damage and tread marks on the town property. It was also shown through photo evidence that even though Blair received notice that her actions were unpermitted, besides putting in erosion control she added more fill and woodchips to the site – once again having vehicles cross over town property rather than her own.

Gaudio stated once the letter is issued the commission is required to hold a Show Cause Hearing within 10 days of the issuance.

The commission discussed whether to wait and Issue the Cease & Desist and hold the hearing after the Site Walk. Gaudio stated based on Blair's continued action after the Town's warning letter, she felt she would like to move forward at this point. She also cited additional information that has been stated to other commissions.

Jared Bombaci stated in the absence of the jurisdictional issue being ironed out this commission would treat it as its jurisdiction. Miller expressed concern about the determination of the jurisdiction. Knapp stated the determination would be based on soil types and species. Mesham asked if the Mean High Tide Line or the Coastal Jurisdiction Line would have any bearing on the determination. Knapp stated the tidal wetlands go up to a certain point and further in it switches to inland wetlands but where exactly that happens is based on soils and species. Knapp stated if it is determined to be Tidal Wetlands it would go to the Zoning Commission and DEEP.

Bombaci asked if the disturbance would impact both tidal and inland wetlands. Knapp stated the setback from tidal wetlands is 50 feet and the setback from inland wetlands is 100 feet so it is possible it could be both. John Mesham stated since the property owner is required to file an application for the work whether it be tidal or inland and has failed to do so he was also comfortable scheduling a hearing.

The commission agreed to hire Richard Snarski and hold a Show Cause Hearing on June 1st at 6:00 p.m.

Gaudio provided the new members of the commission with the history of the site after it was requested.

Respectfully submitted,

