

**MINUTES  
REGULAR MEETING  
OLD LYME INLAND WETLANDS AND WATERCOURSES COMMISSION  
TUESDAY, JUNE 27, 2023**

**PRESENT WERE:** Rachael Gaudio, Tom Machnik, Peter Friel, Scott Basham, Todd Crolius, Mike Miller, John Mesham, and Jared Bombaci.

**ABSENT:** Chris Marchant

Chair Gaudio called the meeting to order at 6:02 p.m.

**NEW BUSINESS**

**KPW Development, LLC – 11 Buttonball Road – 13 Lot Subdivision**

Bob Doane, PE with Doane Engineering located in Centerbrook, Connecticut presented the proposal for the approval of a 13-lot subdivision located on 21.87 acres at 11 Buttonball Road. He stated the plans have not changed since the Commission walked the site. He provided the commission with a letter from Richard Snarski, Professional Wetland Scientist with New England Environmental Services dated June 26, 2023. Doane stated the letter indicates the proposed activity will not have an adverse impact on the vernal pool. He stated there is a small percentage of temporary activity within the 400 ft envelope. He stated the drainage along Buttonball Road once it is buried the area will be back to its original state. He said that the plans are calling for a ten-inch pipe and that configuration will remain so the hydrology will not change. He further noted they will be tying into the state drainage which runs along Shore Road. He also stated the houses that slope toward the Black Hall property will handle the stormwater management individually. He stated he has added a rain garden to the existing house. He said the plan would include the construction of a residential road and cul-de-sac with a total length of 930 ft.

Doane stated that he will also be submitting a Subdivision Plan to the Planning Commission who will have the Town's Consulting Engineer firm, Nathan Jacobsen & Associates review it for compliance with the regulations.

Gaudio stated in addition to the commission approving the subdivision the applicant will be coming back to the commission for individual approvals for Lots 11 and 13.

Doane stated Lot 13 is within 100 ft of the vernal pool for a portion of the sanitary system and Lot 11 has a small portion of activity also within the review area.

Tom Machnik noted that all the stormwater basins are located within the 400 ft. Doane stated the pipe that comes from the roadway cuts across the top of the Open Space which will only be a temporary disturbance. He noted they would provide all the necessary fencing required for construction to protect the vernal pool.

Mike Miller asked if studies were ever done in the area after the construction had been completed. Knapp stated the difficulty is the construction is not necessarily the causation. He further stated there is nothing in the regulations but the commission could require it as part of their approval. Miller stated although the egg masses seem very small that could also make them fragile. Eric Knapp stated once the permit is granted it would be difficult to request an applicant to restore the vernal pool. Doane stated he would be willing to have Richard Snarski conduct a study next Spring and the following Spring. Doane also noted it is possible to construct a vernal pool.

The commission discussed whether to put conditions on an approval at this time or wait until the individual lots are submitted back to the commission for individual site plan approvals.

John Mesham asked if the commission approved the subdivision now what controls would the commission have with regards to the lots that are within the 400 ft. Doane stated a homeowner's association would be established and the open space would be owned by the homeowner's association and the stormwater basin would be owned by the association. He stated that Lots 11 and 13 are part of that association so the permits for the individual lots could include another inventory of the vernal pool.

Knapp stated the Inland Wetlands Commission could recommend to the Planning Commission as a condition of approval that they include efforts to protect the vernal pool. Mesham stated his concern are the two lots and noted one is significantly within the 400 ft. and the once the properties are built it is

irreversible. He noted the then properties owners can treat their lawns with chemicals and the elevation of that site is all flowing down to the vernal pool. He stated with a subdivision of this size there are alternatives to exclude building within the 400 ft. Doane stated that the drainage for that house is being directed into the stormwater basin, so it is by passing the wetlands and the vernal pool. Doane also noted the houses presently shown on the plan are hypothetical and will change once they are purchased. Doane also stated maintenance and operation conditions can be added to the plan but are difficult to enforce in the long term. He further stated with positive drainage from the property into the stormwater basin and that overflows into the state drainage and wraps around the site is a pretty safe protection.

The commission requested additional information from Richard Snarski for their July meeting.

The application was received and continued until the July meeting. The commission determined that no public hearing was necessary.

**Kevin & Anne Mulholland – 1 Meetinghouse Lane – Proposal to create two residential lots.**

Bob Doane, PE with Doane Engineering stated the proposal is to divide the existing lot into two residential lots on Meeting House Lane. He noted there are wetlands along the southern boundary with no activity proposed within the regulated upland review area.

Tom Machnik made a motion of finding no jurisdiction. John Mesham seconded the motion. The motion passed unanimously.

**Al Bond – 240 Whippoorwill Road - Build a stream crossing on the southside of the property to access a Christmas Tree Farm.**

Bob Doane, PE with Doane Engineering explained the proposal to create a Christmas Tree Farm in the rear of the property. He stated to access the farm They would like to construct a 12' wide gravel roadway on the southside of the property which would include a stream crossing including an 18" culvert. He stated it is a farming operation and asked the commission to determine whether or not it is a regulated activity.

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The Commission reviewed and discussed the Connecticut General Statute Section 1-1 (q) and Section 4.1 of the Old Lyme Inland Wetlands Regulations and determined the activity was exempt and they had no jurisdiction.

The motion passed 4 to 1.

### **Reading and Approval of the Minutes.**

#### **Regular Meeting Minutes- May 23, 2023**

Rachael Gaudio made a motion to approve the Regular Meeting Minutes. Tom Machnik seconded the motion. The motion passed.

#### **Site Walk Meeting Minutes – June 7, 2023.**

John Mesham made a motion to waive the reading and approve the Site Walk minutes as submitted. Todd Crolus seconded the motion. The motion passed. Rachael Gaudio, Tom Machnik and Jared Bombaci recused themselves.

### **OTHER BUSINESS**

#### **16 NECK ROAD**

John Mesham and commission members asked the ZEO for an update on activity 16 Neck Road due to the recent article in the CT. Examiner.

The ZEO updated the commission by stating he was on the site last week and reviewed the wood chip berms protecting the wetlands area. He believes the wetlands areas are adequately protected but the main issue with the subdivision is erosion.

In light of his visit the applicant's engineer has provided an updated Soil and Erosion Control Plan.

Respectfully submitted,

Kim Groves