



CONSERVATION COMMISSION/  
INLAND WETLANDS AND  
WATERCOURSES AGENCY

LYME TOWN HALL  
480 HAMBURG ROAD  
LYME, CT 06371

LYME CONSERVATION COMMISSION  
INLAND WETLANDS & WATERCOURSES AGENCY  
February 10, 2022 at 7:00 p.m.

The Lyme Conservation Commission, acting as Inland Wetlands and Watercourses Agency, held a Special Meeting on February 10, 2022 at 7:00 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme CT 06371.

MEMBERS PRESENT: Roger Dill Chair, Patrick Crowley, Tom Reynolds, Ben Kegley, Christine Darnell, Sue Cope, Jake Tiffany (unseated alternate), Ross Byrne ZEO, and Jennifer Thomas Secretary.

Attorney Michael Carey also present.

Absent Members: Sue Hessel

Dill called the meeting to order at 7:00 p.m.

**Show Cause Hearing-Eightmile River Farm, LLC, 576 Hamburg Road, Lyme CT, Tax Map 31 Lot 1; Cease and Desist for the cutting of trees and vegetation within the 100-foot Upland Review Area without obtaining a permit or receiving a jurisdictional ruling on as-of-right use.**

Tiffany stated that he is recusing himself due to conflict of interest.

Dill stated that Byrne will be making a presentation as the Inland Wetlands & Watercourses Agent. At the conclusion of the hearing, the commission will vote within 10 days to either affirm, revoke, or amend the Cease and Desist Order issued by Byrne.

Attorney Carey reminded the commission that they can continue the hearing should they choose, noting that the owners and their representation are absent.

Byrne stated that he asked the owner via text if he would like a continuation and he responded that his letter dated February 10, 2022 and sent via email to Byrne should be sufficient to inform the commission on what they are doing and the legal basis for such.

Copies of the letter were given to the commission members to review at the meeting.

Attorney Carey stated that the purpose of the show cause hearing is to hear the owner's explanation as to why the cutting is exempt from a jurisdictional ruling, but he does not believe the submitted letter gives this explanation.

Attorney Carey stated that he stands by his opinion that the owner was under an obligation to get a jurisdictional ruling prior to commencing any activities in the regulated area. Section 4.4 requires any person, before undertaking any permitted or nonregulated activity, to notify the Agency on a form provided by the town, for the agency to review and determine whether the activity is permitted or non-regulated and whether a permit is required.

Byrne stated that in his conversations with the owner, the owner was vague about where the cutting would occur, but he did state that it would be within the regulated area. Mr. Potts

called him to say that he would be cutting for agricultural purposes but did not specify what type of farming. Byrne noted that the owner was then asked to come in for a jurisdictional ruling but he declined. Byrne issued the cease and desist order after he witnessed that cutting had begun.

Carey noted that if the area where the cutting has occurred has not been part of the farming operation in the past, a jurisdictional ruling would need to be obtained before expanding the farming area.

Byrne presented several photos to the commission, taken from the neighboring property owned by the Lyme Land Conservation Trust, documenting the recent cutting that has taken place.

Dill noted that the area was previously a meadow prior to the current owner, but the area has been brush hogged in recent years.

Darnell stated that she believes the owner is responsible for coming before the commission to receive a jurisdictional ruling.

Kegley noted that the owner appears to be aware of how wet the ground is, as he mentioned to Byrne that he wanted to complete the work while the ground was frozen.

Carey stated that he believes that the owner understands the regulations and Byrne agreed.

Carey reminded the members that they can continue the hearing or take a vote to continue, modify, or terminate the cease and desist order.

Byrne stated that he has asked Anthony Irving, member of the Eightmile River Wild & Scenic Watershed, to attend the meeting and asked if he can speak to the history of the property. The commission agreed.

Irving stated that he is a witness to what the property was like prior to the current owner purchasing the property. The Lyme Land Conservation Trust looked at the property as a potential purchase in 2017. The property has 2,200 feet of waterfront on the Eightmile River. He believes it has not been farmed in that area in at least 50 years. Irving explained the importance of maintaining buffer zones along the river to protect the resources, habitat, and cold water fisheries dependent upon the canopy.

Byrne noted that the owner stated that he instructed his crew to leave a 25-foot buffer along the river.

After discussion, Dill called for a motion to continue the hearing until the next regularly scheduled meeting on February 16, 2022. Crowley made the motion, seconded by Darnell, and the motion carried.

Byrne stated that he will inform the owner of the continuation and next meeting date should he wish to attend.

### **Adjournment**

Dill called for a motion to adjourn. Darnell made the motion, seconded by Cope and the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Jennifer Thomas, Secretary