

EX#236-2

RECEIVED

DEC 12 2024

Land Use Department



Old Lyme couple intervene as local quarryman asks Inland Wetlands officials for forgiveness rather than permission



By Elizabeth Regan
Day Staff Writer

Dec 11, 2024 7:38 PM

Old Lyme — A couple with a personal stake in one local businessman’s effort to obtain belated approvals for a gravel pit in their residential neighborhood have officially involved themselves in the process.

Peter and Mildred Caron, of 442 Shore Road, live adjacent to the 43.5-acre site that businessman Ron Swaney says he’s been excavating for roughly 30 years. The couple in a petition filed Monday said they were intervening in the case, which is currently before the local Inland Wetlands and Watercourses Commission, because several years of unpermitted activity on the site poses an unreasonable threat to air and water quality.

State law allows people or organizations to “intervene” in proceedings if they can show their participation is in the interest of justice. The status ensures they are included in all communications going forward.

The Carons were present Tuesday at a public hearing on Swaney’s “after the fact” permit application for work he did in violation of a provision requiring commission approval for any filling, excavating, dredging, clear-cutting or grading within 100 feet of a wetland or watercourse.

and desist order by the town cited him for placing boulders within the banks of the Three Mile River.

Opponents of the application argued the area ecosystem boasts vulnerable wildlife populations, including leopard frogs and spotted turtles, that should be protected. They were also critical of what they called an incomplete wetlands survey that did not fully describe the area's ecology.

Peter Caron said it's the commission's purview to address environmental guidelines being ignored by the gravel pit operator. He described dust and stormwater runoff as threats to air and water quality.

"These things will all turn these pristine wetlands into a dead zone," he said.

Mildred Caron asked the commission to consider the future of this site that "will become bigger and busier and out of control" if the after-the-fact approval and subsequent excavation permits are granted.

"Are you prepared for what's going to happen?" she asked.

Mildred Caron told the commission she was diagnosed in 2023 with interstitial lung disease. She attributed the condition, which causes inflammation and progressive scarring of lung tissue, to silica dust from the site.

"I've been living in our newly built home for over four years and the wind current that occurs almost every day in this part of Old Lyme usually comes from the west, where the pit property is located, and brings the dust with it whenever machinery is used," she said.

She submitted into the record a letter from her pulmonary specialist, Dr. Ankit Gupta, who said Caron's diagnosis was confirmed in a CT scan.

"She lives near a silica pit and exposed gravel which may have contributed to her interstitial lung disease," Gupta wrote. "It is my recommendation that she avoid exposure to these materials."

Swanev's civil engineer, Joseph Wren of Old Saybrook-based Indigo Land Design, said the businessman is asking the commission's permission for changes he already made, with ^{no other} changes proposed.

“We’re not proposing to remove anything, we’re not proposing to move anything, we’re not proposing to construct anything,” Wren said. “And of course we’re not proposing to restart a gravel operation at this time.”

Wren attributed flooding issues near the site entrance to beaver activity that often blocks the culvert system. He said the culvert would be inspected and cleaned out by hand at least twice a month to prevent blockages, with prior approval required if Swaney needs to use heavy equipment to remove material from the pipes.

The Carons in their petition to intervene in the case argued that Swaney would not have received permission for the changes if he’d asked up front and should not be granted approval retroactively. They described the information provided in the application as incomplete.

They said exercising their rights as intervenors is “integral to ensure that these environmental impacts are properly and clearly presented for evaluation, and that unsubstantiated or misleading statements can be contested or verified by those most affected.”

A permit from the zoning department authorizing Swaney to excavate the site expired in May. Land Use Coordinator Eric Knapp on Tuesday acknowledged Swaney has submitted a new application to continue the gravel operation, but added he would take no action on it until the wetlands violations were resolved.

The expired permit was authorized in 2022 by then-Zoning Enforcement Officer Dan Bourret for then-owner Eastport South LLC, with Glastonbury-based attorney Peter Jay Alter listed as trustee. Swaney bought the property, where he’d worked for decades, the next year.

Land use documents show the commercial venture is allowed on the residential property because it was being used that way before zoning regulations were updated in 1988.

e.regan@theday.com



COMMENTS (0)