



TOWN OF OLD LYME

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Inland Wetlands and Watercourses Commission

52 Lyme Street | Old Lyme, CT 06371

Tel. (860) 434-1605 ext. 234

MINUTES

SPECIAL MEETING & PUBLIC HEARING

INLAND WETLAND AND WATERCOURSES COMMISSION

FEBRUARY 18, 2025

PRESENT WERE: Rachael Gaudio, Tom Machnik, Jared Bombaci, Michael Aurelia, John Mesham, Todd Crolius and Peter Friel

ABSENT: Scott Basham

ALSO IN ATTENDANCE: Eric Knapp (Wetland Officer), Falyn McQuarrie (Land Use Technician), and Edward Cassella (Counsel), William McCoy (Attorney for 308-1 Mile Creek Applicant), Joe Theroux (Certified Social Scientist), Joe Wren (Professional Engineer, Indigo Land Design)

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

The Chair moved to move the items of “Old Business” ahead of the public hearing. The motion was seconded by Peter Friel. The motion passed unanimously.

The Chair then further moved to amend the agenda to include an item of new business, application 25-4, 19 Edge Lea Rd. The motion was seconded by John Mesham. The motion passed unanimously.

NEW BUSINESS

1. Application 25-4. 19 Edge Lea Rd. Christopher and Margaret Brodeur, Applicants.

Application to construct a 24’ x 24’ garage in the upland review area. No one appeared on behalf of the application. A site walk was set for February 25, 2025, at 5:00pm.

OLD BUSINESS

2. 25-1. Lyme Academy Apartments, LLC, 77-1 and 77-1 Lyme Street.

Improvements associated with construction of two apartment buildings, including access drive, parking areas, stormwater drainage and basin, septic system and rain garden.

The Applicant’s engineer, Jim Cassidy made the presentation for the applicant. He reviewed the ownership, the phase I development and the proposal for phase II. He discussed the location of the septic systems, the well, the fire tank, as well as the two buildings and the parking lot area. Mr. Cassidy reviewed the storm water



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management plan, stating that the capacities in phase 1 were designed to hold both phases, but new features had been added to improve the treatment and capacity of the system. He introduced Matt Davison, the soil scientist, who reviewed the location of the wetlands on the site, flagged by Eric Davison. Matt Davison reviewed the possible location of the vernal pools and the areas of work in the upland review area. One area of work, near the stormwater management basin, totaled 11,572 square feet of disturbance in the upland review area. The other area of work, where the septic systems were proposed, totaled 9,938 square feet of disturbance in the upland review area. The larger area of the wetland was forest wetlands and very flat. The smaller area was headwater wetlands, with a lobe of seasonally saturated wetlands. To the east was an emergent marsh.

M. Aurelia asked about the watersheds. Cassidy replied that all of the water eventually heads to Duck River.

M. Aurelia asked about the erosion and sedimentation control plan. Cassidy discussed the plan's features.

M. Aurelia asked about the cuts and fills. Cassidy acknowledged that there was a hill that had to be reduced in height, but insisted that the site was balanced, with an equal amount of fills and cuts, by volume.

Motion by M. Aurelia, seconded by J. Mesham to APPROVE the application with the following conditions:

- 1) That an erosion and sedimentation control bond be set in an amount to be determined by the town's consulting engineer.
- 2) That the construction be supervised and inspected on a schedule prepared by the Applicant and reviewed and approved by the town's consulting engineer.

The motion passed unanimously.

3. 25-2. Rodney & Deborah Hornbake, 16 Town Woods Rd. Removal of existing buildings, select tree removal, and construction of a new 4-bedroom dwelling and associated improvements.

The Applicant's engineer, Joseph Wren, made the presentation for the applicant. Mr. Wren reviewed the location of Mill Brook, the structures to be removed, the new location of improvements, including a new pervious driveway replacing the prior impervious one. Mr. Wren reviewed the erosion and sedimentation control plan. He indicated that the septic system had already been approved by the Ledge Light Health District.

M. Aurelia asked about the trees to be removed along the riverbank and about efforts to protect the banks. Wren indicated that the buyers were gardeners and did not intend to have a large lawn. He indicated that they planned to landscape this area.

MOTION by J. Mesham, seconded by T. Machnik, to APPROVE the application with the standard conditions of approval. The MOTION passed unanimously.



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4. 25-3. Paul and Dana Neves, Applicants, Eric and Mary Kate Parker, Owners, 30 Old Shore Rd.

Construction of a new 4-bedroom dwelling, a 24' x 20' barn and other associated improvements.

The Applicant's engineer, Joseph Wren, made the presentation for the applicant. Mr. Wren reviewed the site history and located the wetlands on the map. He laid out the areas covered by lot setbacks and upland review areas, indicating that there was only a small area on the lot that could easily be used. He reviewed the site walk and the items field located during that visit. Mr. Wren showed that the barn was proposed to be in the upland review area, but other than a small piece of the driveway, the rest of the development avoided the upland review area. Mr. Wren showed the erosion and sedimentation control measures detailed on the plan.

Motion by T. Machnik, seconded by J. Bombaci, to APPROVE the application with the standard conditions of approval. The MOTION passed unanimously.

24-32. 304- & 308-1-Mile Creek Rd, 308-1 Mile Creek Road, LLC. Placing of Material and Clearing of Soil and Brush within 100' of Wetland.

Attorney William McCoy, Counsel for the applicant, with Heller, Heller & McCoy located at 736 Norwich-New London Turnpike, Uncasville, CT, introduced the proposed application.

Mr. McCoy introduced Joseph Theroux, who detailed the two remediation areas. He discussed the reasons for these locations being chosen and explained the "pit and mound" feature of Area #2.

Theroux reviewed his proposal, point by point, explaining why each step was important to the success of the project. The need to remove the invasive species and monitor the site for an extended period of time were key to the success of the project.

J. Mesham asked why the proposed topography for Area #2 matched the current topography. Theroux responded that this was done on purpose to avoid creating disturbances due to the need to excavate the area.

Mr. Peter Caron 442 Shore Road – Spoke in opposition of the application.

Mrs. Millie Caron 442 Shore Road – Spoke in opposition of the wetlands mitigation report based on areas #1 and #2 as well as the unpermitted work done.

PUBLIC COMMENT:

Chair Gaudio reiterated her instructions for the public hearing process.

Chair Gaudio read the 6 conditions of approval pertaining to the application.



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1. *Clear cutting within 100' of a wetlands or watercourse on 304 Mile Creek Road.*
2. *Deposition of materials and grading, smoothing and compacting materials along the dirt roadway leading from the entrance to 308-1 Mile Creek Road to the interior of the site.*
3. *Removal of an outcropping of material located adjacent to the culvert draining the Three Mile River under the dirt roadway.*
4. *Placement of fill and creation of berm along the eastern side of the dirt roadway within 100' of the Three Mile River.*
5. *Insufficient and inadequate erosion control measures leading to siltation in ponds located on site.*
6. *Placement of boulders and other large rocks within the banks of the Three Mile River.*

Christopher Kirk, 5 Holly Lane – commented on the change in compliance towards The Commission since earlier hearings.

Raina Volovski, 184 Four Mile River Road – spoke about improper sediment and erosion controls at the site (noticed at site walk) and how they will be maintained. Also spoke about how creating new mitigation areas will be purposeful when there is already wetland vegetation established. As well as questioning who will be receiving monitoring reports during construction.

Raina Volovski stated on the record that she is a professional wetland scientist as well as a certified professional in erosion and sediment control.

Olaf Bertram-Nothnagel, 3 Jean Drive – Confirming that The Commission received letter dated February 14, 2025, by 53 residents. Asked a clarifying question regarding the approval of this application and what it would mean for future zoning permits, confirming that granting the application does not mean there won't be future applications submitted.

Paul Tresnan, 1 Ascot Lane – Asked The Commission, should they approve the application that there be penalties imposed for failing to monitor or providing video to The Commission after a significant rain event. Also asked that no further permits be approved for this site until there is a monitoring probationary period of 12 months of compliance before any other permits be approved.

Attorney William McCoy reiterated that the application is not an attempt to prevent the truth from coming out. The application is in response to Commission members' requests including a mitigation plan.

Attorney McCoy made it clear that this application has nothing to do with the operation of gravel pit operation, the application has nothing to do with zoning violations.

Joe Wren, professional engineer of Indigo, Old Saybrook, CT, reiterated that the focus of this application are the 6 conditions stated within the application after working with staff and counsel and that there is no new work involved in the application.



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Mr. Peter Caron, Intervenor, questioned if the Commission on if the application had been completed before the work, would they be approving the application?

Chair Gaudio made a motion to close the public hearing, T. Machnik seconded the motion. The motion passed unanimously.

PUBLIC COMMENT CLOSED

Ed Cassella noted that it was important at this point to identify who participated in the deliberations.

Rob Janes recused himself from deliberations.

Peter Friel, alternate, was seated in his place for the deliberation.

Commissioner M. Aurelia was prepared to make a recommendation to deny the application based on incompleteness. Stating this would allow the applicant to come back and address the points of incompleteness.

Commissioner M. Aurelia noted that it is important for the Commission to know where vernal pools are on the site and that the proposed mitigation is not necessarily located where it is needed.

M. Aurelia spoke about the failure to consider the site is within an A Zone 100-year floodplain and that this should have been analyzed by a professional engineer. He also questioned the impacts of the berm at the site as well as the effectiveness of the berm.

M. Aurelia requested that there be feasible and prudent alternatives to be a part of a new application. There was discussion on whether feasible and prudent alternatives were necessary. There was also discussion that there is no requirement to make a motion during the discussion on February 18, 2025. The Commission has 65 days after the closure of the Public Hearing to make a motion for the application.

T. Machnik questioned M. Aurelia about what activities he would like there to be feasible and prudent alternatives too. M. Aurelia discussed one alternative being placing the correct size culvert that would pass the flow of the Three Mile River, requiring engineering calculations. M. Aurelia questioned again, the effectiveness on berm to flooding in the area.

Commissioner J. Mesham discussed the status of the application and the need to judge the application based on things that have already occurred, the Commission has already made efforts to increase the berms and silt fencing and that there is no reason for the applicant to do a study for the culvert.

The commission discussed that there was a need to focus on the 6 cease and desist conditions and limit their discussion to only those six items. Counsel Ed Cassella reiterated that it is important to focus solely on the 6 cease and desist conditions for this permit because that is what the application addresses.



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The Commission discussed pausing the deliberations and continuing during the Regular Meeting on March 25th, 2025, at 6pm.

OTHER CORRESPONDENCE

5. Administrative Update

New Wetland Technician introduction.

Wetlands Officer Eric Knapp notified The Commission of future updates to the Wetland Regulations that will be proposed as a formal amendment later this year.

READING AND APPROVAL OF MINUTES

6. Minutes of Regular Meeting dated January 28, 2025

Chair Gaudio made a MOTION to approve the January 28th Regular Meeting minutes. A member of the public requested the minutes be amended to reflect an inquiry about who removed the beavers. **Chair Gaudio** made a MOTION to request the amended minutes to reflect this inquiry, **T. Machnik** seconded the motion. The motion passed unanimously.

Minutes of Site Walk Meeting dated February 1, 2025

Commissioner M. Aurelia requested that there be a count of attendees be added to the site walk. **T. Machnik** made a MOTION to approve the minutes on the condition that future minutes reflect an attendance count in the future. **J. Mesham** seconded the motion.

Minutes of Site Walk Meeting dated February 6, 2025

Commissioner P. Friel made a MOTION to approve the minutes, it was seconded by R. Janes. The motion passed unanimously.

Chair Gaudio made a motion to adjourn the meeting at 8:20pm. T. Machnik seconded the motion. The motion passed unanimously.

Respectfully submitted,

Falyn McQuarrie, Land Use Technician