



# TOWN OF OLD LYME

[www.oldlyme-ct.gov](http://www.oldlyme-ct.gov)

Inland Wetlands and Watercourses Commission

52 Lyme Street | Old Lyme, CT 06371

Tel. (860) 434-1605 ext. 234

## MINUTES

### REGULAR MEETING

#### INLAND WETLAND AND WATERCOURSES COMMISSION

TUESDAY OCTOBER 28, 2025

6:00PM

MEZZANINE MEETING ROOM, 52 LYME STREET

OLD LYME, CT

**PRESENT WERE:** Rachael Gaudio, Michael Aurelia, Peter Friel, Rob Janes, Todd Crolius, Scott Basham, John Mesham

**ABSENT:** Tom Machnik, Jared Bombaci, Scott Basham

**ALSO IN ATTENDANCE:** Eric Knapp, WEO, Julie Carlos (Land Use Technician), Falyn McQuarrie (Recording Clerk)

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

#### 1. NEW BUSINESS 1.Old Colony Beach Association; Structures, Dredging and Fill permit

Chair Gaudio noted that there is no formal application at this time, but a letter from DEEP was received regarding the Old Colony Beach sewer project. The Chair explained that the DEEP letter outlined the preliminary staged of the sewer project that will encompass both tidal and inland wetlands. Mr. Knapp confirmed that the Wetlands Commission will receive a formal application once submitted but that this item was placed on the agenda for informal awareness of the current standings of the project.

No action was taken.

#### Old Business

##### 1. 25-28. 43-2 Saunders Hollow Road, Evric Development, LLC, Applicant. Application to build a new single-family residence.

Mike Zarotney with Evric Development was present to explain the application. M. Aurelia questioned if there were a lot of deep tests that were completed to find location where the septic suitability. The applicant



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explained prior testing done on the lot and confirmed suitable sandy soils south of the ledge and outside of the wetland buffer. The Commission had no further questions. J. Mesham made a motion to approve the application, R. Gaudio seconded the motion. M. Aurelia requested that the standard conditions of approval be placed upon the application per WEO guidance. The motion passed unanimously. P. Friel abstained.

The application was approved with standard conditions.

### 2. 308-1 Mile Creek Road, Status Violation Update.

WEO E. Knapp explained to the Commission the current status of the site at 308-1 Mile Creek Road. He reported that he has been in continued communication with Town Counsel Ed Cassella. The draft stipulation for judgement has been transmitted to property owner's counsel. The purpose is to close the pending litigation and recover Town costs and nominal damages.

Mr. Swaney was present at the meeting and explained that at the advice of his attorney, they do not plan to agree to the current stipulation and wish to resolve and close the matter, having completed compliance work and incurred significant costs. He emphasized his intent to operate their gravel pit operations in good faith. M. Aurelia questioned if the Commission wanted to discuss the ongoing lawsuit if the meeting would go into Executive Session. Chair Gaudio confirmed that the Commission went into Executive Session during the September 2025 Regular Meeting and they would be able to go into it again if needed. Chair Gaudio stated that Town Counsel requires a stipulated judgement to formally close the case and explained that the stipulation process is procedural and protects both the Town and property owner from future violations.

No action was taken. The Town and property owner will continue negotiations through counsel and further review of the stipulation if revised.

### 3. 3. 25-24. 308-1 Mile Creek Road, Application for a spillway pipe replacement.

Mr. Swaney was present to explain his revised plans to replace the failing culvert on his property with a check dam to prevent siltation and overflow from beaver activity. Mr. Swaney shared that he feels that the Commission continues to ask for review from the town engineer, Mr. Swaney stated that he came up with an alternative method to the spillway pipe replacement that generated a new round of questions for the town engineer and finally a check dam. The applicant maintains he will not pay for the engineers accrued by the Town Engineer. Mr. Swaney shared with the Commission that if there were to be a large rain event, there would be overflow that would potentially silt the wetlands. Mr. Swaney stated that if the check dam were to fail, he



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would come back with a revised application. Mr. Knapp shared with the Commission that the Town Engineer (Nathan L. Jacobson and Associates) is unable to review the plans that were provided because there was not enough information provided. M. Aurelia stressed that due to prior issues at this property, the Commission must rely on professional engineered design to protect wetlands and reduce liability. J. Mesham agreed with M. Aurelia. Chair Gaudio concurred that an engineered plan protects both the applicant and the Town. Mr. Swaney argued that the Commission selectively requires engineering and expressed frustration with the process, noting prior Commission decisions. Commissioners reaffirmed that this specific site involved significant waterway impacts and therefore requires professional design documentation. J. Mesham stated he agreed with M. Aurelia and Chair Gaudio that the application as it stands is incomplete.

M. Aurelia made a motion to deny without prejudice the application for incompleteness due to lack of engineered plans, seconded by J. Mesham. The motion passed unanimously.

### **4. 4. 16 Neck Road & 2 Sharon Drive, Status Violation Update.**

E. Knapp provided an updated memo outlining continued noncompliance with the existing Cease and Correct Order, including 1) bond remains unposted, 2) failure to notify staff of work, 3) lack of required engineered report and planting plan, 4) unstable soils and inadequate erosion controls are present on site. R. Janes asked why a bond had not been collected, Mr. Knapp stated that the Commission has asked for a bond but it has not been paid. J. Mesham stated that the property owner continues to fail to make contact with Mr. Knapp and he would like to see the Commission start litigation for this application.

R. Gaudio made a motion to direct the Town Attorney to commence litigation against the property owners of 16 Neck Road and 2 Sharon Drive, J. Mesham seconded the motion, the motion passed unanimously.

## **Regular Business**

### **1. WEO report**

**Miami Beach:** Unauthorized soil piling near the riverbank was corrected; the site has been regraded and restored.

**16 Meeting House Lane:** The property owner has clear-cut within the 100ft review area on a steep slope above a watercourse and a temporary woodchip has been installed. The property owner has retained counsel and obtained an application to be filed retroactively.

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

**September 23rd - Regular Meeting**



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R. Gaudio made a motion to approve the minutes as posted, T. Crolius seconded the motion.

M. Aurelia and R. Janes abstained.

The motion passed unanimously.

### **September 29th, 2025 - Special Meeting Site Walk**

J. Mesham made a motion to approve the minutes as submitted.

R. Gaudio, M. Aurelia, R. Janes and P. Friel abstained.

The motion passed unanimously.

The meeting adjourned at approximately 6:52pm.

Respectfully submitted,

Falyn McQuarrie (Substitute Recording Clerk)