



# 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

#### OLD LYME INLAND WETLANDS AND WATERCOURSES COMMISSION

TUESDAY, AUGUST 26, 2025

6:00 PM

MEETING HALL – 52 LYME STREET  
OLD LYME, CT

The Old Lyme Inland Wetland and Watercourses Commission held a Regular Meeting on Tuesday, July 22, 2025, in the Meeting Hall at 6:00PM at 52 Lyme Street.

Present: Tom Machnik, John Mesham, Rob Janes, Michael Aurelia, Peter Friel, Todd Crolius, Scott Basham, Jared Bombaci

Absent: Rachael Gaudio

Also Present: Eric Knapp (Land Use Coordinator), Faly McQuarrie (Land Use Technician), Caroline O'Hagan (Indigo Land Design), Olindo and Frank Nocito (16 Neck Rd & 2 Sharon Dr), Ron Swaney (308-1 Mile Creek Road), about 10 members of the public.

**T. Machnik called the meeting to order at 6:00PM.**

#### NEW BUSINESS

1. **25-25. 71 Buttonball Road, Old Lyme Open Space Commission, Applicant.** Application to rebuild bridge on the Bartholomew Open Space Trail.

No one from the Open Space Commission was present to explain the application, a Site Walk was set for Thursday, September 11<sup>th</sup> at 5:30 PM.

2. **25-26. 7 Thomas Waite Drive, Ben Roche, Applicant.** Application to build a new home for family and guest house for landowners.

Jason Nemergut, professional engineer of Nemergut Consulting, was present to explain the application to the Commission. Mr. Nemergut explained that this lot was approved as a part of a 10-lot subdivision in 1988, the lot is 4.2 acres and with 2.2 acres of wetlands. In 1988 the Upland Review Area was 50ft, they included both the original 50ft Upland Review Area and the current 100ft Upland Review Area on the site plan. Mr. Nemergut pointed out the septic system and stated it is outside of the 100ft review area. T. Machnik requested that the wetlands be flagged on the property as well as where the proposed building will be. A Site Walk was set for 5:15 on September 11, 2025.

3. **25-27. 8 Whippoorwill Road, James Carmante, Applicant.** Application for removal of 7 trees, installation of shed, fence and retaining walls, removal and replacement of shed.



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Mr. James Caramante was present to explain his application to the Commission. He started by apologizing to the Commission for starting work on his property before obtaining a permit, he was unaware of the wetlands on his property as well as the restrictions of activity that can be done within the 100ft area. Mr. Carmante asked for the process of obtaining a retroactive permit and how to get back in good standing with the Commission. J. Mesham asked for clarification about the number of trees removed from the property, Mr. Caramante explained that it was a total of seven trees removed from the site with no planned additional cuttings. Mr. Caramante stated after receiving a letter from WEO Knapp he stopped all work besides making the property safe and installed silt fencing. A site walk was set for September 11, 2025, at 5pm.

## OLD BUSINESS

1. **25-22. 16 Town Woods Road, Rodney & Deborah Hornbake, Applicant.** Construction of a 24' x 24' detached accessory building.

Caroline O'Hagan, Project Engineer at Indigo Land Design was present to explain the application to the Commission. Ms. O'Hagan reminded the Commission that they decided not to do a site walk because they were familiar with the property and the proposed project as this is just an amendment to the application. They are removing the shed from their previously approved plan and constructing this detached accessory building to be used as a studio by the property owner. E. Knapp told the Commission that he has been regularly visiting the site, and everything is in good condition. T. Machnik made a motion to approve the application as revised. J. Bombaci seconded the motion. The motion passed unanimously.

2. **25-23. 40 Flatrock Hill Road, Michael & Elizabeth Lamarre, Applicant.** Installation of a gravel access drive on the property with associated utilities for future home.

The applicant was present to explain the application to the Commission. The beginning of the driveway is located within the 100'~~ft~~ buffer zone but the rest of the driveway is outside of the buffer. The applicant explained the home will not be within the buffer zone and there will be very minimal disruption to the 100ft review area. M. Aurelia asked what the gravel driveway would be used for, the applicant stated it'll be used for construction vehicles to come in as well as bring materials. Eventually part of the existing driveway will be used for the home. The applicant stated there will be no significant clearing for this application and they will come back to the Commission with new applications for anything further. There will be silt fences put in place. T. Machnik made a motion to approve as submitted. R. Janes seconded. The motion passed unanimously.

3. **25-11. 9 Tantummaheag Road, Carey Meltzer, Applicant.** Application for pond maintenance/restoration.

Carey Meltzer was present and explained that of the proposals sent to the Commission, they will be doing the most modest of the proposals to make the pond better, they will not be completing the fullest extent of the project. M. Aurelia asked about the amount of material they were expecting to take out. Ms. Meltzer stated they expect about 230 cubic yards. M. Aurelia asked about the erosion control measures they will be putting in place. The Meltzer's explained they~~'ll~~ will be using silt fencing and hay bales and all the work be done during a period of low flow. The Meltzer's also stated that they



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will have their engineer out to ensure that work is being done properly as well as to make sure S&E control measures are in place. J. Mesham stated that the applicants have come back multiple times, they have cooperated and answered all questions the Commission had and that the Commission could agree to approve the permit with conditions. Commission members agreed, T. Machnik made a motion to approve the application with the conditions that S&E Controls were in place as recommended by their engineer Richard Snarski and WEO Knapp check on the status of the control measures, and that the work be done during a period of low flow. J. Mesham seconded the motion. The motion passed unanimously.

### 4. 308-1 Mile Creek Road, Status Violation Update.

E. Knapp explained the status of 308-1 Mile Creek and updated the Commission on how he thought the site looked. M. Aurelia stated he had concerns about a rock being placed back on the side of the river. E. Knapp stated all of the required work from the Cease and Correct order have now been completed. M. Aurelia stated he had concerns about the boulder going back in, and that he believes at some point the road will wash out because of the small size of the culverts. M. Aurelia stated that it might be beneficial for the town engineer to look over to address concerns of the Commission. R. Swaney was present to explain the need for the rock, that this was an existing condition, the rock was there to stabilize the edge of the river. J. Mesham asked if there were any outstanding items needed to be completed, E. Knapp stated that the only thing outstanding is there was no bond ever given, but all the work required by the C&D order has been restored to his satisfaction E. Knapp said the C&D Order has been complied with and there is nothing the WEO can do to make him do any additional work. J. Mesham stated that if Mr. Swaney has completed everything on the C&D, the Commission should work to lift the C&D and any new work should be included in a new application. There is litigation pending for this application so the Commission may want to wait and discuss it with their counsel next month in Executive Session. E. Knapp stated he would have [the Commission's counsel](#), Ed Casella, at the next meeting to further discuss with the Commission. T. Machnik made a motion to lift the C&D seeing all conditions have been met, seconded by J. Mesham. The motion passed unanimously.

### 5. 25-24. 308-1 Mile Creek Road, Application for a spillway pipe replacement.

R. Swaney submitted a modification to the application for the spillway pipe replacement and brought it to the Commission at the meeting, this was the first time the Commission was reviewing the modification. Mr. Swaney explained that this revised application would be easier to implement as well as a less expensive alternative. Mr. Swaney stated that this modified application has less hurdles with very little impact which would help the downstream flow, existing stone on the property would be utilized. M. Aurelia stated he would like to see this new application on a plan and then to send it to the town engineer. J. Mesham stated he believed that it would be in the best interest of the Commission to obtain an engineered plan as to what work would be done. J. Mesham made a motion to table this application until the September regular meeting. R. Janes seconded the motion, the motion passed unanimously.

### 6. 16 Neck Road & 2 Sharon Drive, Status Violation Update.

Olindo Nocito was present for the application. Mr. Nocito brought a plan created by Rich Snarski that showed where within the wetlands needed to be cleaned up. Mr. Nocito explained to the Commission that the work should take about



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twenty days to complete and will be done by four men, the total cost of the work will be around \$24,000, close to the Town Engineer's estimate. Mr. Nocito stated he would like to start the work now, while the site is dry. The Commission and WEO went line by line through the memo from E. Knapp dated July 24, 2025 to go over what work has been completed and what remains unfinished per the C&D order. E. Knapp stated that Mr. Nocito still has yet to pay for the town engineer's review, which was a requirement of the C&D and has not posted a bond for the project yet. M. Aurelia asked for an updated memo from the WEO. The Commission reviewed the quote prepared by R. Snarski. The Commission asked that Mr. Nocito have the property flagged for where the material is to be removed. T. Machnik stated he would like Snarski to go out and review what work is being done. T. Machnik made a motion to approve start of work and that Mr. Snarski is present to ensure Mr. Nocito follows the plan as submitted and that Mr. Nocito notify the WEO before starting work. J. Bombaci seconded the motion. J. Mesham requested that amended plan include limited work area on the map for wetland remediation only. The motion passed unanimously.

### **7. Fee Schedule Proposal for the Inland Wetlands and Watercourses Commission.**

E. Knapp stated that the proposed fee schedule/application the Commission was reviewing had changed made my M. Aurelia. Mr. Knapp explained to the Commission that it may be better to include the fee schedule at the beginning of the application so that applicants are aware of the cost up front and are aware there are fees for the application. Commission members agreed. Mr. Knapp also noted that there was a proposed \$75 fee for each inspection the WEO goes on, the Commission discussed they did not want to deter applicants from having the WEO come to their project sites and check on work being done. After some conversation, the Commission agreed to change the "site inspection fee" to a "enforcement inspection fee." If there needed to be any enforcement matters after a routine site inspection, the \$75 fee would be imposed. J. Mesham made motion to approve application with the amendment to site inspection fees to be changed to an enforcement action fee.

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

#### **July 22, 2025 - Regular Meeting**

R. Janes made motion to approve the minutes as posted to the town website. T. Crolius seconded the motion. J. Mesham abstained, the motion passed unanimously.

#### **August 5, 2025 - Special Meeting Site Walk**

M. Aurelia motion to approve the minutes as posted on the town website. R. Janes seconded the motion. J. Bombaci abstained, the motion passed unanimously.

**T. Machnik made a motion to adjourn, seconded by J. Mesham. The motion passed unanimously. The Regular meeting on August 26, 2025, adjourned at 7:04PM.**

THE NEXT REGULAR MEETING OF THE INLAND WETLAND AND WATERCOURSES COMMISSION IS  
**TUESDAY, SEPTEMBER 23, 2025, AT 6:00 P.M. IN THE MEETING HALL,**  
MEMORIAL TOWN HALL, 52 LYME STREET, OLD LYME, CT