



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

REGULAR MEETING

OLD LYME INLAND WETLAND AND WATERCOURSES COMMISSION

TUESDAY, March 25, 2025

6:00PM

MEETING HALL – 52 LYME STREET

OLD LYME, CT

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

ABSENT:

ALSO IN ATTENDANCE: Eric Knapp (Wetland Officer), Falyn McQuarrie (Land Use Technician), Ed Cassella (Counsel), about 35 members of the public attended the meeting.

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

The Chair moved to the amend agenda and add items to “Old Business” for the reading and approval of minutes from special meeting and public hearing February 18, 2025, and site walk February 25, 2025. John Mesham seconded the motion. The motion passed unanimously.

NEW BUSINESS

- 1. 25-5. 5 Elm Street, Old Lyme Cemetery Association, Applicant.** Application to create secondary access to Duck River Cemetery to provide funerals while the historic bridge over Duck River undergoes partial replacement. All work will occur outside of the adjacent waterway.

Tim Griswold appeared in front of the Commission to represent the Old Lyme Cemetery Association. Mr. Griswold explained that the Cemetery Association is looking to construct a temporary limited roadway for funerals to proceed while construction takes place on the bridge going over Duck River. After construction on the bridge is completed, the road would be removed and returned to the current state. Eric Knapp explained to the Commission that this is the second time this application has come forward, this time with a complete plan and assistance from Davidson Environmental and Nathan L. Jacobson Engineering. M. Aurelia asked if the applicant could have the temporary roadway center lined staked out for the site walk.

A site walk was set for April 15, 2025, at 5:30pm.



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- 2. 25-6. 61 Biscayne Blvd, Johnny Finocchiaro, Applicant.** Application for removal, filling, and grading as well as installing pavers. Replacement of deck with new wood.

Johnny Finocchiaro was present to explain his application. Mr. Finocchiaro stated that this application was turned in after receiving a violation notice letter from the WEO, Eric Knapp, after starting the patio. All work has stopped at this time. Mr. Finocchiaro is now looking to gain approval for the installation of pavers for a patio as well as the future replacement of deck with new wood.

A site walk was set for April 15, 2025, at 6pm.

- 3. 25-7. 9 Duck River Lane, David and Stacey Murdock, Applicant.** Application for the replacement of old shed with a new 14' x 36' shed.

David Murdock was present to explain his application. Mr. Murdock explained that he has purchased a Kloster Farms shed to replace an existing shed. After coming into the Land Use Department looking for a Building Permit, Mr. Murdock learned he would need a wetland application. Mr. Murdock told the Commission that his property is also within the flood zone and the shed would require anchoring. J. Mesham asked about the size of the shed and what kind of anchoring would be used. Mr. Murdock explained that the shed is larger than the existing shed and Kloster would lay down gravel and use Helical Piles as anchoring mechanism on the four corners of the shed.

A site walk was set for April 15, 2025, at 5:45pm.

- 4. 25-8. 69-2 Lyme Street, Chris Kachur, Applicant.** Application for construction of bridge over trail located behind Lyme-Old Lyme High School as a part of Eagle Scout Project.

Chris Kachur was present to explain his application to the Commission. Mr. Kachur stated that there is a trail being used by faculty and students behind the high school that gets swampy and muddy. Mr. Kachur would like to construct a small, simple bridge to allow for easier access over the trail as a part of his Eagle Scout project.

A site walk was set for April 15, 2025, at 5:00pm.

- 5. 25-9. 316 Ferry Road, Old Lyme Open Space Commission, Applicant.** Application to remove and restore vegetation and use of state-permitted use of herbicidal treatment of phragmites.

No one was present to explain the application, IWWC Commissioner Michael Aurelia explained as a past member of the Open Space Commission that there have been permits in the past from the IWWC to do phragmites management. The standing permit has expired so this application is for renewal of past permitted work for herbicidal treatments.

A site walk was set for April 15, 2025, at 5:15pm.



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DEEP Rogers Lake Aquatic Pesticides Treatment

E. Knapp explained that this is a notification from DEEP that there will be usage of aquatic pesticides and that the Rogers Lake Association has already approved this. The Commission had no comments or questions.

OLD BUSINESS

1. **308-1 Mile Creek Road, LLC, Applicant, 304 & 308-1 Mile Creek Road.** Placing material and clearing of soil and brush within 100' of wetlands.

Chair Gaudio explained that the public hearing was closed during the Special Meeting on February 18, 2025, and that this meeting would be for the Commission to discuss whether or not they would like to make a motion.

T. Machnik stated he had drafted some conditions he would like to add to an approval of the application. E. Cassella encouraged T. Machnik to make a motion to approve the application and tailor it around the prepared list to conditions for approval.

T. Machnik made a motion to APPROVE the application based on the following conditions:

1. Clear cutting within 100' of wetlands:

Cutting / mowing has not continued, the area has begun to regrow and will restore itself.

2. Deposition of materials along the roadway:

Millings are not a suitable material where the river frequently overtops the road, likely to was asphalt fines downstream. Remove millings and install 2"-3" washed crushed stone to act as an anti-tracking mat and road surface.

3. Removal of an outcropping of material adjacent to the culvert:

Because the culvert must remain clear to prevent flooding, the wetlands enforcement officer shall be notified via email prior to any debris removal to be done with a machine. Work will not commence until approval by the WEO is given via email. WEO may request before and after pictures of the work and/or an inspection.

4. Placement of fill and creation of a berm along roadway:

This area was subject to the most disturbance and loss of wetland habitat. The limits of this area will be staked by Joe Theroux and added to the survey. Eric Knapp will inspect the staked area to confirm that the full extent of the berm within 100' of the wetland is included. The area will be remediated using the same methods in Mr. Theroux's recommended actions outlined in the application. Excavated materials from this work will be



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stockpiled or disposed of outside of the 100' review area. This work will be supervised by Mr. Theroux. Eric Knapp will be notified prior to work and given daily updates as work occurs.

5. Insufficient and inadequate S&E controls, leading to siltation of the ponds:

Disturbed areas and stockpiles will have silt fences or straw wattled installed down gradient and are to be maintained and kept in functioning order. These areas are to be seeded if not being worked for a two-week period. Periodic inspections of S&E controls will be performed by the WEO, these inspections will be coordinated between the WEO and the owner.

6. Placement of boulders:

These boulders are to be removed and moved outside the 100' review area. Any boulders that are beyond the reach of a machine without unreasonable effort or disturbance may be left in place. This work will be supervised by Joe Theroux and inspected upon completion by WEO.

7. The commission finds that the allegations set forth in the Intervention dated December 9, 2024, have not been proven.

- a. The allegations contained in Paragraph 5 all relate to alleged environmental damages caused by the gravel operation, which is not the subject of this permit. Those allegations should be addressed through intervention in some future zoning application.
- b. The allegations contained in Paragraphs 6 and 7 all relate to the alleged incomplete nature of the application. These are not specific environmental damages and cannot be addressed through a C.G.S. Section 22a-19 filing.
- c. No information has been provided demonstrating damage to obligate vernal species based upon the work which is the subject of this application.

J. Mesham seconded the motion. The Commission started their discussion.

M. Aurelia stated he was opposed to granting a permit at this time based on the fact that he believes the application is incomplete. M. Aurelia stated he would like a more detailed plan regarding removal of the berm and further explained some of the history of the site.

J. Mesham questioned if there could be some foliage planted on the berm rather than woodchips and would be in favor of remediation for the berm.

M. Aurelia stated he would like the Commission to consider a substantial bond to ensure the work is done.

R. Gaudio asked E. Cassella a clarifying question on what would happen to the pending lawsuit if they were to approve the application. E. Cassella explained that the lawsuit does not have to go away, approval of permit and could continue go through the court process.



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The commission discussed additional conditions they would like to see upon the approval of the application. T. Machnik discussed including the use of a turbidity curtain as a part of the conditions as a measure of sediment control. The Commission discussed putting a time condition in the approval to ensure the Commission and WEO receive a mitigation plan in a timely manner. Failure to comply with time regulations would result in another violation.

R. Gaudio stated a motion to approve would include the litigation staying open.

J. Mesham stated he would like to see Condition 2 include the complete removal of the millings.

The Commission amended the Conditions for approval to include:

1. Clearcutting within 100' of wetlands:

Cutting/mowing has not continued, the area had begun to regrow and will restore itself.

2. Deposition of materials along the roadway:

Millings are not a suitable material where the river frequently overtops the road, likely to wash asphalt fines downstream. **The complete removal of millings from the entrance of the site to the culvert and install 2"-3" of washed crushed stone to act an anti-tracking mat and road surface.**

3. Removal of an outcropping of material adjacent to the culvert:

Because the culvert must remain clear to prevent flooding, the wetlands enforcement officer shall be notified via email prior to any debris removal to be done with a machine. Work will not commence until approval by the WEO is given via email. WEO may request before and after pictures of the work and/or an inspection.

4. Placement of fill and creation of a berm along roadway:

This area was subject to the most disturbance and loss of wetland habitat. The limits of this area will be staked by Joe Theroux and added to the survey. Eric Knapp will inspect the staked area to confirm that the full extent of the berm within 100' of the wetland is included. The area will be remediated using the same methods in Mr. Theroux's recommended actions outlined in the application. Excavated materials from this work will be stockpiled or disposed of outside of the 100' review area. This work will be supervised by Mr. Theroux. Eric Knapp will be notified prior to work and given daily updates as work occurs. **A turbidity curtain will be used in the river as silt and erosion control during work. A wetland mitigation/planting plan, adjacent to the river where the berm was developed and reviewed by Staff. As well as a detailed S&E control plan that includes a turbidity curtain within 60 days of this motion.**

5. Insufficient and inadequate S&E controls, leading to siltation of the ponds:



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Disturbed areas and stockpiles will have silt fences or straw wattled installed down gradient and are to be maintained and kept in functioning order. These areas are to be seeded if not being worked for a two-week period. Periodic inspections of S&E controls will be performed by the WEO, these inspections will be coordinated between the WEO and the owner.

6. Placement of boulders:

These boulders are to be removed and moved outside the 100' review area. Any boulders that are beyond the reach of a machine without unreasonable effort or disturbance may be left in place. This work will be supervised by Joe Theroux and inspected upon completion by WEO. **A wetland mitigation plan, adjacent to the river where the berm was developed and reviewed by Staff. As well as a detailed S&E control plan that includes a turbidity curtain, work needs to be done during a low flow period, and upon removal of the boulders, the shoreline needs to be stabilized.**

7. **The Commission set a 60-day period for the Applicant to provide a remediation plan and set a bonds for planting and erosion control, which bond amounts should equal 100% of the total cost of the work, and a remediation plan bond which bond amount should equal 50% of the total cost of the work**
8. The commission finds that the allegations set forth in the Intervention dated December 9, 2024, have not been proven.
 - a. The allegations contained in Paragraph 5 all relate to alleged environmental damages caused by the gravel operation, which is not the subject of this permit. Those allegations should be addressed through intervention in some future zoning application.
 - b. The allegations contained in Paragraphs 6 and 7 all relate to the alleged incomplete nature of the application. These are not specific environmental damages and cannot be addressed through a C.G.S. Section 22a-19 filing.
 - c. No information has been provided demonstrating damage to obligate vernal species based upon the work which is the subject of this application.

T. Machnik made a motion to APPROVE as amended, J. Mesham seconded the motion. The motion passed unanimously.

2. **11-22. Lyme Academy Apartments, LLC, 77 Lyme Street.** Construction of 2 buildings for multi-family housing. Release of Bond Request.
Eric Knapp explained why the bond was held for the original bond of Phase One of the Lyme Academy Apartments in the amount of \$11,700.76.

M. Aurelia made a motion to APPROVE the release of 77 Lyme Street Bond. J. Bombaci seconded the motion. The motion passed unanimously.



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READING AND APPROVAL OF MINUTES

1. Minutes of Special Meeting dated January 28, 2025

R. Gaudio made a motion to APPROVE the minutes, M. Aurelia seconded the motion. The motion passed unanimously.

2. Site Walk Minutes from February 25, 2025

J. Mesham made a motion to APPROVE the minutes, P. Friel seconded the motion. R. Gaudio and T. Machnik abstained. The motion passed unanimously.

Chair Gaudio made a motion to adjourn the meeting at 7:23pm, J. Bombaci seconded the motion. The motion passed unanimously.

Respectfully submitted,

Falyn McQuarrie, Land Use Technician