

Town of

P.O. Drawer 519

Department of Planning &
Inland Wetlands Agency

Gary A. Goeschel II, Director of Planning /
Inland Wetlands Agent



East Lyme

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MEMORANDUM

To: East Lyme Inland Wetlands Agency

From: Gary A. Goeschel II, Director of Planning/ Inland Wetlands Agent

Date: February 2, 2021

Re: Inland Wetlands Application – North Bride Brook Road - Application of Harvest Christian Fellowship of Niantic, for the construction of a Church; Construction of an 8,450 square foot church building, a 72-car paved parking lot, and associated improvements on a 21.7± acre parcel located at North Bride Brook Road, East Lyme Assessor's Map 24.0, Lot 7. Limited clearing, grading and replanting of previously cultivated areas are proposed within a portion of the 100' upland review area. There will be no proposed activity within any wetlands area.

Upon review of the above referenced application and the proposed plans entitled "Harvest Christian Fellowship, Prepared for Harvest Christian Fellowship of Niantic, Inc., North Bride Brook Road, Map 24, Lot 76, East Lyme, CT, dated September 8, 2020 revised through December 10, 2020, Prepared by Joe Wren, P.E. of Indigo Land Design, LLC of 40 Elm Street, Old Saybrook, CT" and several meetings with the Applicant's engineer, Town staff, and two (2) evenings of public hearing, I offer the following:

FINDINGS:

Whereas: In accordance with Section 7, Application Requirements, of the Inland Wetlands Regulations the applicant has provided all the information required by Section 7.5 and the necessary additional information required by Section 7.6, including but not limited to proposed alternatives, engineering reports and analyses, a description of ecological communities and the functions of the wetlands and watercourse and the effects of the proposed activity on these communities and wetland functions, an alternative which would cause less or no environmental impact to wetlands or watercourses, as well as an operations and maintenance plan for stormwater structures, stormwater management plan, erosion and sedimentation control plan, and site development plans. As such, the application appears to be complete.

Whereas: In accordance with Section 7.6, the Agency required information to be submitted including but not limited to site plans which show; the land which will be affected by the activity, shows existing and proposed conditions, wetland and watercourse boundaries, contours, and other pertinent features of the land, and the proposed activity.

Whereas: The Agency may find this application to be in conformance with the Inland Wetlands Regulations of the Town of East Lyme and more specifically based on the following:

https://elctownhall-my.sharepoint.com/personal/ggoeschel_eltownhall_com/Documents/GG_Memo_HarvestChristianFellowship_NorthBridebrookRd_DRAFT_Motion_2-2-2021.docx

Whereas: The Agency received an Inland Wetlands Application from Harvest Christian Fellowship, Inc. and the Agency commenced a review of the application at their regular meeting of October 19, 2020 and voted to hold a public hearing as the proposed project may have a significant impact.

Whereas: The Agency scheduled a Public Hearing for their next regularly scheduled meeting of November 16, 2020 and published notice of said hearing in the November 4th and November 12, 2020 editions of the Day Newspaper.

Whereas: The Agency commenced a Public Hearing on November 16, 2020 of the Application and was continued to the Agency's Regularly scheduled December 14, 2020 meeting which, was canceled due to a lack of quorum.

Whereas: The Agency met at a Special Meeting on January 4, 2021 to adopt an annual calendar and voted to continue the Public Hearing to the regularly scheduled meeting of February 8, 2021.

Whereas: The Agency, commenced the continuation of the Public Hearing on February 8, 2021.

Whereas: Town staff provided the Agency with comment concerning this application's compliance with local requirements and regulations as well as received testimony from the Applicant's professionals, and the general public.

Whereas: The Application submitted includes all the information required pursuant to Section 7.5 of the East Lyme Inland Wetlands and Watercourses Regulations and includes site plans, engineering reports, and wetlands delineation by a soil scientist depicted on the site plans. As such, the Application submitted in accordance with Section 7.1 of the East Lyme Inland Wetlands Regulations is complete.

Whereas: There is no direct impact on the wetlands or the watercourse as all proposed construction activities will be conducted either within the 100-foot upland review area from an inland wetland and watercourse or beyond. Therefore, there are no irreversible and irretrievable loss of wetlands or watercourse which would be caused by the proposed regulated activity.

Whereas: The project has been designed to protect the wetlands and watercourses as the building structures, driveways, and drainage structures are designed to be situated primarily outside of the 100-foot upland review area including the utilities (septic, water, electric, etc..) which, are being installed within existing upland areas outside the existing 100-foot URA.

Whereas: As the proposed activity only disturbs approximately 27,000-square feet or 0.62 acres within the URA, the proposed activity proposes a minimal intrusion into the URA for the purposes of grading associated with the construction of the parking lot and stormwater management basins.

Whereas: Mitigation measures to minimize and mitigate potential impacts from the creation of new impervious surfaces on the site and to protect the wetlands and watercourses, such as stormwater management structures (catch basins) and the stormwater management basins will pre-treat and control runoff and promote groundwater recharge.

Whereas: Potential impacts are mitigated by the implementation of temporary erosion and sedimentation controls as well as stormwater controls throughout all phases of construction.

Whereas: The upland review process does not forbid activity based solely on proximity to wetlands. Rather, the upland review process merely provides a basis for determining whether activities will have an adverse impact on the adjacent wetland or watercourse, and if necessary, regulating them.

Whereas: Pursuant to Section 10.5 of the East Lyme Inland Wetlands and Watercourses Regulations, for the purpose of those Sections (1) “wetlands and watercourses” includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) “habitats” means areas or environments in which an organism or biological population normally lives or occurs.

Whereas: Pursuant to Section 10.5 of the East Lyme Inland Wetlands and Watercourses Regulations, a municipal inland wetlands agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.

Whereas: Demonstrated by Exhibit “F”, Memorandum from V. Benni, P.E. Town Engineer to G. Goeschel II, Wetlands Officer, dated November 13, 2020 Re: Harvest Christian Fellowship Wetlands Application Review, indicates both the Project Narrative and Stormwater Management Basin Maintenance Plan have incorporated Low Impact Development (LID) features to provide protection from any adverse impacts of stormwater runoff.

Whereas: Demonstrated by Exhibit “H”, the Drainage Report, prepared in accordance with the 2004 Connecticut Stormwater Quality Manual, states “the cumulative peak rates of runoff and runoff volumes for the post-development condition are equal to or less than the pre-development conditions. As such, the proposed stormwater management basins attenuates peak flow rates and volumes as compared to the pre-development conditions, resulting in a net zero (0) increase in run off from the development for the 2 through 100-year storm events.

Whereas: A series of Best management Practices (BMPs) and LIDs techniques have been incorporated into the proposed plan including but not limited to: breaking up of impervious surfaces, limiting or avoiding point discharges of stormwater, encouraging overland flow of stormwater by utilizing open swales, and promoting infiltration and groundwater recharge through the use of stone aprons along downgradient edges of the parking lot.

Whereas: Demonstrated by Exhibit “F”, Memorandum from V. Benni, P.E. Town Engineer to G. Goeschel II, Wetlands Officer, dated November 13, 2020 Re: Harvest Christian Fellowship Wetlands Application Review, the E&S Narrative and Construction Details provides compliance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (CT DEEP), and includes a narrative with a step-by-step construction sequence and vegetative turf establishment procedures.

Whereas: Demonstrated by Exhibit “F”, Memorandum from V. Benni, P.E. Town Engineer to G. Goeschel II, Wetlands Officer, dated November 13, 2020 Re: Harvest Christian Fellowship Wetlands Application Review, although the proposed construction would pose an intrusion into the upland area, introducing a new and more intensive use than the present condition and risks to the wetlands, the proposed activity proposes to restore two previously cultivated areas in the upland review area with native grasses and shrubs. As such, there is no substantial evidence in the record to support a likely adverse impact on the wetlands and watercourse from the proposed upland intrusion.

Whereas: Demonstrated by Exhibit “A”, which includes the Project Narrative, the proposed activity will avoid any direct impacts to the wetlands or watercourses and the design has been prepared to minimize the potential for secondary and indirect impacts through implementation of the Erosion and Sedimentation Control Plan.

Whereas: The record before the Agency of the current application contains no specific evidence that the impacts on the wetland and watercourse are significant, adverse, and would likely impact or affect the physical characteristics of such wetlands or watercourse.

Whereas: As demonstrated by Exhibit “A” the application and supporting documentation including the proposed plans entitled “Harvest Christian Fellowship, Prepared for Harvest Christian Fellowship of Niantic, Inc., North Bride Brook Road, Map 24, Lot 76, East Lyme, CT, dated September 8, 2020 revised through December 10, 2020, Prepared by Joe Wren, P.E. of Indigo Land Design, LLC of 40 Elm Street, Old Saybrook, CT”, there are no other prudent and feasible alternatives yielding an 8,540-square foot religious institution and associated appurtenances on approximately 12.2-acres of a 21-acre parcel of land containing inland wetlands and watercourses that would eliminate or further reduce the potential for wetlands impacts. As the proposed activity is of limited duration with no direct or likely adverse impacts to the wetlands or watercourse, it is the preferred alternative.

DRAFT RESOLUTION

Based on the Findings in the memorandum from Gary A Goeschel II, Director of Planning/Inland Wetlands Agent to the Inland Wetlands Agency dated February 2, 2021 and the record before the Agency, I move the Agency APPROVE the Application known as Application of Harvest Christian Fellowship of Niantic, for the construction of a Church; Construction of an 8,450 square foot church building, a 72-car paved parking lot, and associated improvements on a 21.7± acre parcel located at North Bride Brook Road, East Lyme Assessor’s Map 24.0, Lot 76, which is further subject to the following administrative requirements and required modifications to the site plan and other materials submitted in support of this application:

1. The Erosion and Sedimentation Control Plan and recommended Construction Sequence shall be followed.
2. Pursuant to the Erosion and Sedimentation Control Plan and construction sequence, notify conservation officer at least 2 days prior to construction to inspect erosion controls.
3. Silt fence and other erosion controls shall be and inspected by the Inland Wetlands Agent and/or Town Engineer prior to any site construction, land clearing or other associated construction activities.
4. In areas proposed to be loamed and seeded, a low maintenance lawn such as fescue, which requires minimal application of fertilizers and pesticides, shall be planted.
5. Forested cover within the upland review areas shall be maintained to the extent practicable. The proposed Limits of Disturbance (LOD) shall be strictly adhered to though out all phases of lot build out and construction.
6. A planting plan of the two cultivated areas being restored and revegetated shall be provided to the Inland Wetlands Agent identifying the seed mixture and the number and type of native shrubs proposed.

7. A financial guarantee (aka, Bond) in the amount satisfactory to the Inland Wetlands Agent and the Town Engineer shall be posted with the Inland Wetlands and Watercourses Agency for the purpose of ensuring the survival of the proposed plantings. Said bond shall be in a form acceptable to the Town of East Lyme and will be eligible for release after two (2) full growing seasons and the plantings having achieved an 80% survival rate.
8. As indicated in Exhibit "L", memorandum from Victor Benni P.E., Town Engineer dated November 13, 2021, an Erosion and Sedimentation Control Bond in the amount of \$15,000.00 dollars in a form satisfactory to the Town of East Lyme and the Inland Wetlands Agency shall be posted with the Town of East Lyme.
9. A copy of each inspection report for the Stormwater Management Basins shall be furnished to the East Lyme Inland Wetlands Agent within 7-days of conducting said inspection.
10. Any proposed additional work beyond this permit in the wetlands or watercourse or the **300-foot Upland Review Area** (aka Regulated Area) will require approval from the Inland Wetlands Agency or its certified agent.
11. Any changes to the site plan listed on this permit require notification to the Inland Wetlands Agent and may require commission approval- a new plan will be given to agent before work begins.
12. No site work shall commence until all applicable conditions are satisfied.
13. Notify Inland Wetlands Agent upon completion of all regulated activities for final inspection.

This approval is specific to the site development plan submitted as the application of the Harvest Christian Fellowship of Niantic, for the construction of a Church entitled "Harvest Christian Fellowship, Prepared for Harvest Christian Fellowship of Niantic, Inc., North Bride Brook Road, Map 24, Lot 76, East Lyme, CT, dated September 8, 2020 revised through December 10, 2020, Prepared by Joe Wren, P.E. of Indigo Land Design, LLC of 40 Elm Street, Old Saybrook, CT:"

Any change or modification in the plan or development plan layout other than those identified herein shall constitute a new application unless prior approval from the Agency or its Agent is granted. The applicant/owner shall be bound by the provisions of this Application and Approval.