

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: September 13, 2021

Re: Application of Howard W Hale, Applicant; Habitat for Humanity, Owner; to conduct regulated activities, including but not limited to construction of two new proposed single-family dwellings and associated appurtenances at property identified in the application as 99, 101, and 103 S Beechwood Road, East Lyme Assessor's Map 07.14, Lots 43, 42 and 41.

Upon review of the above referenced application, supporting documentation, and the public hearing record, I offer the following findings and draft resolutions:

FINDINGS:

Whereas: In accordance with Section 7 Application Requirements of the Inland Wetlands Regulations, the applicant has provided all the information required pursuant Section 7.5 and the necessary additional information required by Section 7.6, including but not limited to proposed alternatives, site plans, engineering reports and analyses, and wetlands delineation by a Ian T. Cole, Soil Scientist depicted on the site plan, 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. As such, the Application submitted in accordance with Section 7.1 of the East Lyme Inland Wetlands Regulations is complete.

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:

Whereas: The Agency received an Inland Wetlands Application from Howard W. Hale and the Agency commenced a review of the application at their regular meeting of July 12, 2021 and voted

to hold a public hearing as the proposed project may significantly impact the inland wetlands and watercourses of East Lyme.

Whereas: The Agency scheduled a Public Hearing for their next regularly scheduled meeting of August 9, 2021, and published notice of said hearing in the July 28, 2021 and August 5, 2021 editions of the Day Newspaper.

Whereas: The Agency commenced a Public Hearing on August 9, 2021, for the application and closed the public hearing the same evening.

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 proposed development will require the permanent fill of 1,780-square feet of a wetland which, irreversible and irretrievable loss of wetlands or watercourse which would be caused by the proposed regulated activity.

Whereas: The project has been designed to mitigate the direct impact by providing 1,792-square feet of plantings and enhancements located on lot 99, which will remain undeveloped.

Whereas: Mitigation measures to minimize and mitigate the direct impacts from the creation of new impervious surfaces on the site, minimize disturbance to the wetlands, and manage stormwater to pre-treat and control runoff include the creation of a plunge pool along with the installation of drainage structures sized for a 10-year storm to alleviate the increase in flow and improve conditions in the right-of-way.

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 "L", Memorandum from B. Scheer, P.E., L.S., Deputy Director of Public Works (acting Town Engineer) to G. Goeschel II, Wetlands Officer, dated August 6, 2021 Re: 99, 101, 103 South Beechwood Road Wetlands Application Review, indicates the revised plan dated July 6, 2021 revised through August 8, 2021 reflects a reasonable and effective solution to provide protection from any adverse impacts of stormwater runoff for a site that is extremely small with many difficult parameters and resources to consider.

Whereas: Demonstrated by Exhibit "F", the Storm Drainage Computations, prepared in accordance with the 2004 Connecticut Stormwater Quality Manual, indicates the stormwater runoff volume is expected to increase by 0.35cfs, which will be alleviated with a 6-inch pipe that conveys the water to the proposed drainage within the right-of-way and downstream. As such, the proposed stormwater management system attenuates the volume up to a 10-year storm resulting in a 0.35cfs increase in run off from the development.

Whereas: Best management Practices (BMPs) have been incorporated into the proposed plan including but not limited to; breaking up of impervious surfaces, limiting point discharges of stormwater, and encouraging overland flow of stormwater by utilizing open swales and promoting infiltration and groundwater recharge through the open swales and mitigation area.

Whereas: The E&S Narrative and Construction Details provide 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 and as Demonstrated in Exhibit "L, a memorandum from B. Scheer, P.E., L.S., Deputy Director of Public Works (acting Town Engineer) to G. Goeschel II, Wetlands Officer, dated August 6, 2021, Re: 99, 101, 103 South Beechwood Road Wetlands Application Review, an Erosion and Sedimentation Control Bond or Financial Guarantee in the amount of \$10,000 dollars is recommended.

Whereas: As demonstrated by Exhibit "A" the application and supporting documentation including the proposed plans entitled "99, 101, & 103 South Beechwood Road, Site Plan Application, 99, 101, and 103 South Beechwood Road, East Lyme, Connecticut, MBLU#07.14-41, 42, & 43, dated July 6, 2021 revised through August 3, 2021, Prepared by Suzanne Choate, P.E. of Design Professional, Inc. 21 Jeffery Drive, South Windsor, CT 06074", there are no other prudent and feasible alternatives yielding an two single family dwelling footprints of 840-square feet on land consisting primarily of inland wetlands and watercourses that would eliminate or further reduce the potential for impacts to the wetlands or watercourse. As such, it is the preferred alternative.

DRAFT RESOLUTION TO APPROVE

Based on the Findings in the memorandum from Gary A. Goeschel II, Director of Planning/Inland Wetlands Agent to the Inland Wetlands Agency dated September 13, 2021 and the record before the Agency, I move the Agency **APPROVE** the Application known as Application of Howard W. Hale, Applicant; Habitat for Humanity, Owner; to conduct regulated activities, including but not limited to construction of two new proposed single-family dwellings and associated appurtenances at property identified in the application as 99, 101, and 103 S Beechwood Road, East Lyme Assessor's Map 07.14, Lots 43, 42 and 41, 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 through all phases of lot build out and construction.
6. A performance bond or financial guarantee 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, the Inland Wetlands Agency, and will be eligible for release after two (2) full growing seasons provided the planting plan achieved an 80% survival rate.
7. As indicated in Exhibit "L", Memorandum from B. Scheer, P.E., L.S., Deputy Director of Public Works (acting Town Engineer) to G. Goeschel II, Wetlands Officer, dated August 6, 2021 an Erosion and Sedimentation Control Bond in the amount of \$10,000.00 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.
8. 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.
9. 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.
10. No site work shall commence until all applicable conditions are satisfied.
11. 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 Howard W. Hale to construction of two new proposed single-family dwellings and associated appurtenances as shown on plans entitled "99, 101, & 103 South Beechwood Road, Site Plan Application, 99, 101, and 103 South Beechwood Road, East Lyme, Connecticut, MBLU#07.14-41, 42, & 43, dated July 6, 2021 revised through August 3, 2021, Prepared by Suzanne Choate, P.E. of Design Professional, Inc. 21 Jeffery Drive, South Windsor, CT 06074."

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.

OR;

FINDINGS:

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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. As such, the Application submitted in accordance with Section 7.1 of the East Lyme Inland Wetlands Regulations is complete.

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DRAFT RESOLUTION TO DENY

Based on the Findings in the memorandum from Gary A. Goeschel II, Director of Planning/Inland Wetlands Agent to the Inland Wetlands Agency dated September 13, 2021 and the record before the Agency, I move the Agency **DENY** the Application known as Application of Howard W. Hale, Applicant; Habitat for Humanity, Owner; to conduct regulated activities, including but not limited to construction of two new proposed single-family dwellings and associated appurtenances at property identified in the application as 99, 101, and 103 S Beechwood Road, East Lyme Assessor’s Map 07.14, Lots 43, 42 and 41, as a feasible and prudent alternative exists, specifically as the applicant has control of all three lots, the number of homes could be reduced to one (1) single-family dwelling with an 840-square foot footprint. Thus, reducing the area of filled wetlands.