

FILED IN EAST LYME ^P
Oct 6, 2004 AT 3:45 M

**EAST LYME ZONING COMMISSION
PUBLIC HEARING I
Wednesday, SEPTEMBER 29th, 2004
MINUTES**

L. Blais, arc
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held the Application of Landmark Development Group, LLC and Jarvis of Cheshire, LLC Public Hearing on September 29, 2004 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the continued Public Hearing and called it to order at 6:12 PM.

PRESENT: Mark Nickerson, Chairman, Ed Gada, Secretary, Norm Peck,
Shawn McLaughlin, Pamela Byrnes, Rosanna Carabelas,

ALSO PRESENT: Attorney Michael Zizka, Representing the Applicant
Glenn Russo, Applicant & Manager Landmark Development
Jason Sarojak, ASW Consulting, Engineering & Surveyors
Ted DeSantos, Sr. Traffic Engineer, Fuss & O'Neill Inc.
Attorney Edward O'Connell, Town Counsel
Attorney Paul Geraghty, Representing the Intervenors
Attorney Aaron Sarra, Representing the NAACP
Court Stenographer, retained by the EL Zoning Commission
Meg Parulis, Planning Director
William Mulholland, Zoning Official
Rose Ann Hardy, Ex-Officio, Board of Selectmen
Marc Salerno, Alternate
William Henderson, Alternate

ABSENT: William Dwyer, Alternate

PANEL: Mark Nickerson, Chairman, Ed Gada, Secretary,
Norm Peck, Shawn McLaughlin, Pamela Byrnes,
Rosanna Carabelas

Pledge of Allegiance

The Pledge was observed.

Public Hearing I

- 1. Application of Landmark Development Group, LLC and Jarvis of Cheshire, LLC for approval of the proposed development of the residential community as shown in plans entitled "River View Heights, (a residential community)" as an affordable housing development as defined in Connecticut General Statutes 8-30g(a)(1).**

Mr. Nickerson explained that this Public Hearing had been continued and that they were calling it back to order. He also explained the speaking procedure to the audience.

Mr. Gada, Secretary read the following correspondence into the record:

- ◆ Letter dated 9/29/04 to Wm. Mulholland, ZO from Michael Giannattasio, PE Town of EL Director of Public Works – Re: Affordable Housing Development: Riverview Heights A Residential Community – noting that he had met with the applicant on 9/16/04 to review plans that were revised on or about 8/24/04 and that the applicant was accompanied by legal counsel and based on the recommendation of Town Counsel through Mr. Fraser, the meeting was cancelled without any review – based on this, his comments of 8/5/04 are unchanged.

Mr. Nickerson said that Marcy Balint had also faxed them a three-page letter today.

Mr. Nickerson read the following correspondence into the record, which includes a lot of attachments that were entered as **Exhibit 43** of the record:

(Note: the attachments were not read into the record however they are a part of the Exhibit 43)

- ◆ Letter dated (and faxed) 9/29/04 to Mr. Ed Gada, Secretary EL Zoning Commission from Marcy Balint, Sr. Coastal Planner OSLLIP – Re: Possible Zone Change Application and Amendment Proposal, Coastal Site Plan Review Application for an Affordable Housing Conservation District Regulation (AHCD) by Landmark Development Group, LLC – noting the finding of inconsistent with comments – and noting that a letter was attached from Dennis Greci, PE DEP Water Management Bureau.

Mr. Gada read the following correspondence into the record:

- ◆ Letter dated 9/29/04 to the Zoning Commission from Mary Gadbois – Re: The issue of the development by Mr. Russo – noting that she would like the following State Statute to be considered and followed CGS 22a-93 – Item 15 Adverse Impacts on Coastal Resources referencing water quality.
- ◆ Letter dated received 9/28/04 to Mark Nickerson, Chairman from Paul Whitehouse of Niantic, CT – Re: his environmental concerns for the River – noting that he has fished the Niantic River for over 35 years and observing that now there are many huge houses along the River rather than the scattered summer cottages and that you can fish all day and not catch a 'meal of flounder'.

Mr. Nickerson explained that they had left the Public Hearing open for the applicant to respond and make a full application. He called upon them to speak.

Attorney Michael Zizka, representing the applicant said that the purpose of leaving this hearing open was so that they would have the time to respond to the comments. Here, again this evening, Ms. Balint faxed a three-page letter to them after 5 PM this evening. She had stated to them that she did not have the time to meet with them to go over their application, as she was only part time and had other things to do, however she had the time to write and send another letter. The first that they were aware of the letter was when they arrived here tonight. They therefore will need more time, as they obviously cannot address the concerns in the letter. That staff member of the DEP has also told them that she does not have time to meet with them. They have also received a letter from Town Counsel stating that Town Staff now might not be able to meet with them. The reference in the letter from Mike Giannattasio regarding the NAACP representative was not the applicant bringing an attorney with him, although that was what caused that meeting to go off. The NAACP has an interest in general in Affordable Housing in this State. The letter from the Town Attorney explained the reasoning, behind calling the meeting off. He said that he would not read this into the record but submitted this for the record as well as his response to this letter from Attorney O'Connell.

Mr. Nickerson entered the following Exhibits into the record: Attorney Zizka's response to Attorney O'Connell's letter to him dated September 23, 2004 as **Exhibit 44** and Attorney O'Connell's letter to Attorney Zizka dated September 23, 2004 as **Exhibit 45**.

Attorney Zizka continued that there is one letter, that given the fact that they chose to read Marcy Balint's letter into the record, that he would read into the record and that is the letter from Dennis Greci of the DEP dated September 29, 2004 to Meg Parulis, Planning Director.

Mr. Mulholland said that it is a part of **Exhibit 43** already entered.

Attorney Zizka said that he understands that it is a part of **Exhibit 43** however, he would read this letter into the record and he proceeded to do so. He noted that this letter shows that some of the area in question does in fact lie within the proposed sewer service area. He said that it was important to read this letter into the record as part of the Judge's decision in upholding the Town side in the appeal was based upon the misinformation regarding this property being outside of the sewer shed area. He noted that this goes to show how misinformation gets passed along and that the decision of the Judge is based on this 2002 misinformation. He also noted that they have not had problems meeting with other people such as Mr. Wetteman and find it interesting that Ms. Balint does not have the time to meet with them but does have the time to write three-page letters and fax them after 5 PM. He said that they would now respond to information that they did have from the last hearing.

Glenn Russo, Manager, Landmark Development LLC said that he would respond to the issue of the POD and their property as it relates to the goal of preserving Oswegatchie Hills and as it relates to Open Space. The Town has also misinterpreted this, as the map does not include all of their property but only a portion of it. The

POD also clearly says to acquire the property and the Town has had 30 years to acquire the property and has clearly failed to do so. They have also made offers to the Town that would not cost them any money and that would in fact be paid for by future taxpayers. It has been 30 years and there have been many, many opportunities and this is another opportunity and at some point in time that plan is no longer a plan and is just wishful thinking. Also, the POD talks about if they cannot buy the Open Space then they should promote cluster development as a way of maximizing the Open Space. He put up two examples for them to see – one of their proposed cluster development which offers more open space than the conventional three-acre development would. (The map on the left showed a conventional three-acre subdivision spread out over the area and the map on the right showed a clustering into the center of the site with open space along the waterfront.) He noted that the cluster set-up would also be under common interest ownership.

Mr. Nickerson asked if the density per acre is the same.

Mr. Russo said that it was not the same. He said that the POD says that if they cannot purchase the land for Open Space then they should promote cluster type development.

Mr. Nickerson asked what the density per acre was and if it is the same.

Mr. Russo said that the clustering is greater however, the impact on stormwater run-off and impervious surface is 11.82% and the DEP calculation states that anything less than 20% impervious surface is acceptable. So, this is considered to be very low density, especially when compared to the Saturn dealership that has an 85% impervious surface area and was approved by this Commission. There is 144 acres with 352 units proposed however, the number of units is not directly related to the impact on the river via the stormwater. 60 units spread out would have more impervious surface with all of the roads running through it.

Mr. Nickerson asked why they did not develop according to the three-acre zoning and build houses there that they would make a killing on. And - too bad for the Town if they do not want to purchase the land – even though that is not under the purview of this Commission to discuss.

Mr. Russo said that they feel that this is a good location as it relates to the casinos and has access to the highways and includes the fact that the Town does not meet the State requirement of having 10% affordable housing. That means that 90% of the homes do not have to be affordable and the 10% is really not a high number.

Mr. Nickerson said that they had not always wanted to build affordable housing and asked how it changed to being that.

Mr. Russo cited an example of how as a developer, land is sometimes bought for a specific purpose and due to one reason or another the zone is not changed and they are not allowed to develop it for that purpose and another project is built on the site instead. Plans change, just as they have here as well. He also commented that there have been quite a few front-page articles in the local newspapers regarding the lack of affordable housing in the area and in this Town in particular.

Mr. Nickerson asked if his Company concentrates on Affordable Housing.

Mr. Russo said that they are getting farther and farther away from the subject and that he would answer the question only if they are not going to be cut off when they are responding to issues regarding the application. Their Company is in the multi-family housing business and this seemed to be a logical expansion of their product. He noted that Middletown does not have a need for Affordable Housing as they are exempt because they have more than the State required 10% Affordable Housing. They have built many successful multi-family housing developments.

Mr. Russo continued that clusters of units do in fact fall within the sewer-shed boundary. They also have an application for review for community septic before the State now.

Mr. Mulholland asked if they have filed that application with the State.

Mr. Russo said that it is a two-stage process and that they have filed for suitability based on the number of gallons and that they are following the DEP guidelines and methods. He continued that the conceptual site plan does not even remotely resemble the reality of the numbers that they would be able to reach and that it is not part of this application. The concerns they had regarding Latimer Brook have been eliminated as they have eliminated the road in the vicinity of Latimer Brook and therefore there is no stormwater impact. Regarding the access ways to the property, they have secured the existing ROW down King Arthur Drive to the Rte. 161 traffic light. They will still have the emergency access via Calkins Road with a breakaway gate.

Mr. Russo also noted with respect to Mr. Thumm's comments - that as their property abuts to that serviced by sewer, they feel that via that sewer ordinance of the Town, they are also entitled to sewers on that area of their property that is not directly serviced by sewers. With respect to Ms. Parulis's comments - she has said that she is confused if this is a zone change - they have filed since May 2004 a zone change request and an affordable housing plan. Ms. Parulis goes on to say that the Town has Affordable Housing text now and that they are not following it. They do not have to follow it - the Town only created it because of them and when they filed their application, Affordable Housing had been in effect for 10 years and the Town did nothing until they came along and the regulations here were written to exclude this property.

Mr. Nickerson said that they do not just exclude this property, but quite a few areas in the Town. Mr. Russo said that he acknowledges that they do not agree. He said that Ms. Parulis also said that they have units located within 250' of the river when, in fact the closest unit to the river is 300'.

Mr. Mulholland asked to be clear if this is a revision of the plans being discussed tonight or the original plans. Mr. Russo explained that they received two sets of comments from the Town and that the plans reflect those comments. The number of units and the configuration of the units are the same. The Town and OSLIP have refused to meet with them, therefore they cannot address what they would have received as comments from those meetings.

Mr. Mulholland asked for the most recent date on the plans.

Mr. Russo said that the Engineer would address that later when he addresses Mr. Giannattasio's comments.

Mr. Gada asked about the lots along the waterfront.

Mr. Russo said that they are not now and never have been a part of this application. They are four building lots of record. He then introduced Ted DeSantos from Fuss & O'Neill to address the peer review traffic comments.

Ted DeSantos, Sr. Traffic Engineer, with Fuss & O'Neill Inc. passed out a 'Response to Peer Review of Riverview Commons Traffic Study - East Lyme Residential Complex' to the Commission members dated September 29, 2004. (Attached at end of Minutes)

Mr. Nickerson entered this into the record as **Exhibit 46**.

Mr. DeSantos noted that they had testified at length on August 5, 2005 regarding the traffic study and that this was a response to the peer review comments as provided by Wilbur Smith Associates in a letter dated August 31, 2004 to Meg Parulis, Town of East Lyme Planning Director. He noted that the development proposes to provide 253 parking spaces for the apartments and that parking for the condos will be provided by their own driveways and garages.

Mr. Mulholland asked about the number of condos for a determination on the number of spaces.

Mr. DeSantos said that he would get that information for them.

Mr. Mulholland asked if the CT DOT had any comments on recommended traffic improvements for the area.

Mr. DeSantos said that no planned improvements were identified to date within the study area. However, it will be taken up by the STC and that will be the time for that to be discussed and considered.

(Note: A break was taken here)

Jason Sarojak, ASW Consulting, Engineers and Surveyors said that he would be discussing the comments made in the letter from Mr. Giannattasio dated August 5, 2004.

Mr. Nickerson asked Mr. Sarojak for the date on the plans.

Mr. Sarojak said that there are different dates based upon finalization of the plans. The index sheet is dated August 28, 2004.

Mr. Mulholland said that they need the dates specified on the plans on a sheet by sheet basis.

Mr. Sarojak said that the plans were revised based on the comments in the above stated letter.

Mr. Sarojak said that the dates on the plan sheets are as follows: O-1, O-2 & O-3 dated Sept. 23, 2004; R-1 dated Sept. 9, 2004; B-1, B-2 & B-3 dated Nov. 17, 2000; SD-1, SD-2, SD-3, SD-4 & SD-5 dated Sept. 27, 2004; SD-6 dated July 1, 2004; SD-7 dated Sept. 27, 2004; SE-1, SE-2, SE-3, SE-4, SE-5, SE-6 & SE-7 dated Sept. 27, 2004; UT-1, UT-Alt. A-1, UT-A2, UT-A3, UT-A4, UT-A5, UT-A6 & UT-A7 dated July 1, 2004; UT-B1 Alt B dated Sept. 14, 2004; UT-B2, UT-B3, UT-B4, UT-B5, UT-B6 & UT-B7 dated July 1, 2004; PP1 & PP2 dated Sept. 17, 2004; D-1 & D-2 dated Sept. 27, 2004; D-3 dated Sept. 14, 2004; D-4 dated Sept. 1, 2004; D-5 dated June 14, 2004 and E-1 dated April 1, 2004.

Mr. Nickerson said that they usually approve an application based on a set of plans. (Note: The tape ran out and a portion of the comment was lost here)

Mr. Sarojak said that usually the plans are left with the Town Engineer to review and then go over in a meeting with him. These plans were revised based on the comments from Mr. Giannattasio in the above stated letter.

Mr. Sarojak then went into an extremely detailed response regarding the nearly 40 issues raised in the four-page letter from Mr. Giannattasio dated August 5, 2004. (See attached copy of this letter with brief notes regarding the response of Mr. Sarojak to these issues).

Mr. Mulholland asked if they have met with Mr. Giannattasio after Sept. 27, 2004 or looked to contact him with these changes.

Mr. Sarojak said that the date reflects their finalization date as they had hoped to meet again with Mr. Giannattasio but because this did not happen this is the date.

Mr. Russo said that he did request to meet again with Mr. Giannattasio but heard nothing.

Mr. Nickerson said that it is his understanding that they would be continuing this hearing.

Mr. Mulholland asked if they should consider this set of plans as an Exhibit.

Attorney Zizka said that they would be leaving this set of plans with them. He also said that while he did not read the two letters into the record previously – that at that time his understanding was that the reason why the meeting was called off was because the Town felt uncomfortable with the NAACP person being present there. He suggested that a non-lawyer NAACP representative attend however that issue was not resolved and they still do not know who can meet with them. Their purpose was to meet with Mr. Giannattasio before tonight and iron this out. However, they are getting the same types of ‘criticisms’ from Mr. Mulholland and the Commission that they have had before regarding submitting these things at the last minute. He said that he has represented issues in more than 40 Towns within this State and has not had this type of problem with Towns that have representative staff such as this Town. They know that the only reason why they get comments on the night of the hearing is precisely because it is the night of the hearing. They are always put in the position of addressing the comments the night of the hearing. They would love to be able to have the applicant sit down with Mr. Giannattasio or Marcy Balint before the meeting and discuss these issues and then finalize them at the hearing.

Mr. Nickerson said that there is a lawsuit going on with the Town and that a NAACP representative could be an issue.

Mr. Mulholland explained his understanding of the Staff meeting with the applicant and Mr. Giannattasio and the NAACP Attorney and the fact that while he was not present his understanding was that Mr. Giannattasio felt uncomfortable as the NAACP Attorney did not identify himself at the outset of the meeting. Mr. Giannattasio felt that he should have representation also.

Attorney Zizka said that the NAACP person is present tonight and that he will tell them what happened at that meeting. He can speak to it himself.

Attorney Zizka said that they do need a continuance because of the issues that were raised this evening. He also said that in being honest, he does feel the conviction that some of the members do not have an open mind to this application. He asked that those who do, please try to impose upon the others to have the DEP and others get the comments to them prior to the next meeting so that they do have the time to respond to them – or the same thing is going to happen again. He said that they do have time to continue this again.

Attorney O'Connell, Town Counsel suggested that they take a short break and that they discuss the time frame so that they can look into it and come to some sort of agreement on if there is time. He said that in the meantime that he would like to close the loophole regarding the letters back and forth regarding the NAACP representative and the meeting being called off. He said that the Town's concern with the involvement of the NAACP stems from the fact that there is a pending federal lawsuit against the Town alleging racial discrimination and that the people named as plaintiffs in the pending federal action were recruited by the NAACP. In the normal course, litigants deal with each other through their attorneys and that appears to be the

best course to follow here. He submitted his letter dated September 28, 2004 for the record and this was entered into the record as **Exhibit 48**.

(Note: A short break was taken here for the Attorneys to have a discussion regarding a date for the public hearing continuation.)

Attorney Zizka said that he had one other thing to give them and he passed it out to the Commission members – Excerpts of the Soil Survey of New London County Connecticut. Mr. Nickerson entered this into the record as **Exhibit 49**.

Attorney Zizka said for the record that he used to be a Geologist, that he has two degrees in Geology and years ago worked for the DEP for a number of years. The reason that he is providing these excerpts is once again to clear up some misconceptions such as those in how Judge Quinn ruled. He wants the record to be clear on how these soils can be used. The HrC and HrD – Hollis-Charlton-Rock outcrop soil types state that on-site septic systems need careful design and installation however such areas provide an attractive setting for homes. It does not say that you cannot develop this type of soil, it just states that you have to be careful in the way that you do it. Therefore, it is not accurate to say that you cannot do anything on this site. Further, in Table 11 of the Soil Survey, it states potential concerns for all of the 83 soil types found in New London County. He noted that if they read this that they will see that out of the 83 soil types that 67 of them are listed as severe and have absorption issues – hence 81% of the soils are listed as problematic in the New London County area. He also noted that if they look at the map that they will see that the land around their site which also has the same type of soils is zoned for much denser (R-10, RU-40) development than they are. So, this doesn't mean that the land cannot be used, it just means that you have to be careful in how you do it.

Mr. Russo said that he wished to comment. He said that he thinks that they are being unfairly criticized regarding their plans. They filed their set of plans in May 2004. Three months went by with no comments from the Town. Usually three weeks go by and you hear something from the Town regarding their analysis of the plans. They heard nothing so they sent a certified letter to the Town and they still did not hear anything from the Town. The first time that they heard anything was on August 5, 2004 – the night of the first Public Hearing. This is very unusual. Normally you hear from staff within a month and you have a long list that you then rework and you eventually end up with a very short list of items that come to the Commission and that would require some type of compromise. He explained in detail how the process works and how the revisions go. He said that he has done numerous developments where in the end when they have gone to the public hearing that they have read into the record letters from staff who have signed off on the plans even though that is not how it started when the application was first filed.

Mr. Nickerson said that hopefully the attorneys would talk and decide who can be present at these meetings.

Attorney Zizka said that he would formally request that the public hearing be continued.

Mr. Nickerson said that before he continues this public hearing that he would give the public an opportunity to speak as they have sat here for many hours.

Mr. Nickerson called for anyone from the public who wished to speak in favor of the application –

Attorney Aaron W. Sarra, Plainville, CT said that he is the individual who was present at the meeting that caused no one else to meet. He said that he would like to tell them what happened versus what everyone has said happened as he was there. He was told that there was going to be a meeting between the developer, his engineer (Mr. Sarojak), Mr. Giannattasio and Mr. Mulholland. When they arrived, Mr. Mulholland was not there. He arrived a few minutes later and explained who he was and that he was not there to represent the developer or the application. Mr. Giannattasio immediately said that 'Glenn had bagged him' and went upstairs to Mr. Fraser. When he came down he said that Mr. Fraser had cancelled the meeting. He asked why and was told that it was because he represents the developer. So, he told him that he does not represent the developer and that there is no pending litigation from the NAACP, they are not a party to the litigation, and they are just observing Affordable Housing applications. He then asked Mr. Giannattasio if he could speak with Mr. Fraser. Mr. Giannattasio went up and asked and came back and told him that he could not meet with him today but he could set up a meeting with him for another time. He then asked Mr. Giannattasio if the meeting was cancelled because of him because if it were, he would leave so that the meeting could continue. Mr. Giannattasio said no, Mr. Fraser had said that the meeting was over. He offered again to leave the building and was told no the

meeting was over. He then went upstairs to speak with Mr. Fraser's secretary to set up an appointment and was told that she was out on vacation. He left his name and phone number with Karen, the receptionist and was told that he would hear from Mr. Fraser in three days and Wayne has not called him to this date. So, that is how that meeting went.

Attorney Sarra continued - next, the NAACP does not care about prior applications, the only thing they care about is affordable housing and East Lyme does not meet the 10% current mandate for the affordable housing Statute. And, as far as the comment made about the 'right part of Town' for affordable housing, the affordable housing statute trumps the zoning regulations so there is no right part of Town. Also, he has met with the DEP Officials Mr. Greci and Mr. Wetteman today. Mr. Greci said that some of the property falls within the sewer shed and should be approved for sewer. Mr. Wetteman said that septic systems could be built up and eventually approved. Ms. Balint was working on the comments that they received at 5 PM today. He asked if he could come back in a few hours and was told yes. When he did he was told that she still could not meet with him. His office received her comments at 5:20 PM long after he had to leave to come here. As Ms. Balint is part time, this is the second hearing that they have had when they have received the comments on the day of the hearing. That is not normal practice and maybe the Town and the applicant should request that the DEP have someone who is not part time be the person dealing with this so that they can get the comments well ahead of time to be able to address them.

Attorney Sarra said that he represents the NAACP State Conference. The NAACP has long stood in support of the working class citizen, the common folk – those who work in the casinos, those who strive to put food on their table, the elderly who live on a fixed income and must decide between paying for their rent or their medication. They stand for all those hardworking citizens who work far too many hours a week for far too little money. The affordable housing statute was designed to help these people and to that end, the NAACP stands in support of the application for affordable housing as set forth by Mr. Russo and encourages them to approve it for their constituents. However, it has come to the attention of the NAACP that several issues might impede the progress of this application. These include – East Lyme sat on the application for three months without looking at it or commenting on the application until the public hearing. This is a most unusual series of events. He noted that he sits on a Planning & Zoning Commission in Plainville and that is not a normal sequence of events to sit on an application for three months. Next, the Town has not exactly been truthful regarding sewer and water access per the Town sewer shed maps. As Mr. Greci has stated, part of the property falls within the sewer shed. After much testimony to the contrary, the NAACP became involved in monitoring this application. Subsequently, the Town has refused to hold any meetings where a NAACP representative might be present. He wished to make it clear that the NAACP is not suing anyone, nor are they a party to any lawsuit and if it will allow the process to flow smoothly without any interruption, they will send non-lawyers to sit in these meetings if that is the issue. He would implore the Town to do the right thing and to work with the developer on this affordable housing application as it works and the Town does not meet the affordable housing 10% Statute requirement. It does not benefit anyone to throw up roadblocks to this process.

Mr. Nickerson asked if anyone else from the public wished to speak in favor of this application –
Hearing no one –

Mr. Nickerson asked if anyone from the public wished to speak against this application -

Attorney Paul Geraghty representing the Intervenors said that he will reserve any comments until the next hearing to avoid duplication.

Mr. Nickerson called for any other comments –
Hearing none –

Mr. Nickerson said that they would be continuing this public hearing until Thursday, November 4, 2004 to begin at 6 PM. To comply with the FOI, he said that the first hour and a half – from 6:00 PM to 7:30 PM would be considered a Special Meeting and then from 7:30 PM until they close would be considered their Regular Meeting time.

Mr. Nickerson then called for a motion to adjourn and continue this Public Hearing.

****MOTION (1)**

Ms. Byrnes moved that this Public Hearing be adjourned and continued to Thursday, November 4, 2004 at 6:00 PM.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson adjourned this Public Hearing at 9:55 PM and continued it until Thursday, November 4, 2004 commencing at 6:00 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

** Exhibit 46
Entered 9/29/04*



Fuss & O'Neill Inc. Consulting Engineers

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Shelburne, Vermont

September 29, 2004

Mr. Glenn Russo
Landmark Development Group
460 Smith Street, Suite A
Middletown, CT 06457

** Note - This is duplexed
Read both sides*

Re: Response to Peer Review of Riverview Commons Traffic Study
East Lyme Residential Complex

Dear Mr. Russo:

We have prepared this letter in response to peer review comments as provided by Wilbur Smith Associates in a letter dated August 31, 2004 to Ms. Meg Parulis, Town of East Lyme Planning Director.

Our numbered responses correspond to the comments in the "Summary" section of the Wilbur Smith letter:

1. Fuss & O'Neill has conducted capacity analysis of the intersection of King Arthur Drive, Deerfield Village Drive, and Woodridge Village Drive for both the AM and PM combined conditions (with the proposed development). The analyses were performed conservatively, assuming that all traffic entering and exiting King Arthur Drive from the Route 161 intersection will travel through the Deerfield/Woodridge intersection despite the presence of other developments on King Arthur Drive between this intersection and Route 161. In addition, this three-way "Y" shaped intersection was analyzed as an all-way stop. Currently, the King Arthur Drive approach has no control.

It is our finding that the intersection will operate efficiently at level of service (LOS) A during both peak periods. The intersection has sufficient capacity available to accommodate traffic from the proposed development. Copies of the analysis are provided with this letter.

2. The development proposes to provide 253 parking spaces for the apartments. Parking for the condominiums will be provided in the respective driveways and garages for each unit. *will get info on condos*
3. Fuss & O'Neill has reviewed the volumes and notes that the imbalance is minor in nature. In both the morning and afternoon peak hours, the northbound traffic volumes on Route 161 leaving the signalized I-95 Northbound Off Ramp/King Arthur Drive intersection were higher than the northbound traffic volumes entering the unsignalized intersection with the I-95 Northbound On Ramp. To

Entered as exhibit 46 Attachment *Zoning spec mtg. 9/29/04*



the capacity analyses. No change to our findings or recommendations resulted from the re-balance. The Route 161 Southbound left turn movement onto the I-95 Northbound On Ramp will continue to operate efficiently at LOS A during both peak periods. Copies of the analysis are provided with this letter.

4. The peer review letter notes a sight line deficiency for egress from Calkins Road looking left and right along Route 1. The project proposes an emergency entrance connection from Calkins Road. Egress from the site to Calkins Road is not proposed, therefore existing sight lines to Route 1 need not be considered by the project.
5. Trip distribution was based on a detailed analysis of existing traffic patterns in the study area and engineering assumptions of origins and destinations. An argument could be made to increase trips to/from I-95, however, in our opinion it is more conservative to assume that more of the traffic will remain on the local roadway network. In this manner, these trips are analyzed for their potential impact to these local intersections providing a more conservative assessment of the project impact.
6. The Connecticut Department of Transportation Project Concept Unit, and State Traffic Commission were contacted and did not identify any planned improvements within the study area.
7. During the morning peak hour of traffic, the signal timings at the Route 161 and I-95 Northbound Off Ramp/King Arthur Drive intersection were adjusted to mitigate southbound queues on Route 161. Although this improvement will result in an increase in delay for the westbound right turn movement, the overall intersection will continue to operate efficiently at LOS B. In addition, Synchro analyses indicate that the westbound 95th percentile right turn queues will only be approximately 40 feet (or two vehicle lengths). The increase in delay for the westbound right turn movement will not have a significant impact to overall intersection operations.
8. Vehicle queuing on Route 161 between the I-95 Northbound Off Ramp/King Arthur Drive intersection and the I-95 Southbound Ramps intersection already occurs in the existing condition. The increase in traffic from this development is not anticipated to have a significant impact to queues on Route 161. Synchro queuing analyses reveal that southbound queues on Route 161 at the I-95 Northbound Off Ramp/King Arthur Drive intersection will increase by less than one vehicle length in the morning peak hour and four vehicle lengths in the afternoon peak hour with the proposed timing improvements. Similarly, northbound queues on Route 161 at the I-95 Southbound ramps intersection will increase by less than one vehicle length during both peak hours as a result of the additional development traffic.

Not significant
impacts



9. Fuss & O'Neill testified at length during the Planning and Zoning Commission hearing on August 5, 2004 that operational improvements to the intersection of Route 161 at the I-95 Southbound ramps are not warranted by this project. The off ramp already operates at LOS F in the Background Conditions afternoon peak hour. The overall delay experienced by vehicles on the I-95 Southbound Off Ramp is primarily the result of the delay experienced by left turning vehicles onto Route 161 Northbound. This development will not add any additional left turning vehicles to the off ramp. In addition, only 4 and 18 right turning vehicles will be added to this approach during the morning and afternoon peak hours respectively as a result of this development. This represents only a 1% increase in traffic on the off ramp during the morning peak hour and a 3% increase during the afternoon peak hour. Therefore, mitigation is not required by this project.
10. The traffic impact study has analyzed conditions at the interchange system in great detail and concludes that, with the recommended improvements, the adjacent roadway system will not be significantly impacted by the projects site generated traffic. The widening of Route 161 under the I-95 bridge, associated bridge modifications, ramp geometry, traffic signal, and street lighting changes is not warranted by additional site generated traffic, and is well beyond the scope of this project. *Mitigation projects of huge scale not warranted by this project.*
11. Fuss & O'Neill has obtained and reviewed accident data from the Connecticut Department of Transportation (ConnDOT) for the 3 most recent years of available data, 1999 through 2002. The following roadway segments and intersections were analyzed:
 - Route 161 at King Arthur Drive and I-95 Northbound Off-Ramp intersection
 - Route 161 from King Arthur Drive to I-95 Northbound On-Ramp
 - Route 161 and I-95 Northbound On-Ramp intersection
 - Route 161 from I-95 Northbound On-ramp to I-95 Southbound Ramps
 - Route 161 and I-95 Southbound Ramps intersection
 - Route 161 from I-95 Southbound Ramps to Route 1
 - Route 161 at Route 1 intersection

A review of the accident data within 200 feet of the intersection of Route 161 (Flanders Road) at King Arthur Drive and Interstate 95 Northbound Off-Ramp revealed that an average of 8 accidents per year have occurred within the time period analyzed. The majority of these accidents were turning collisions resulting from drivers failing to grant the right of way or rear end collisions resulting from drivers following too closely. Both of these are common types of accidents at signalized intersections.

An average of 3 accidents per year occurred at both the intersection of Route 161 at the Interstate 95 Northbound On-Ramp and the intersection of Route 161 at the Interstate 95 Southbound Ramps. The majority of the accidents were rear



Fuss & O'Neill Inc. *Consulting Engineers*

end or turning collisions and the frequency is not considered uncommon for either intersection.

On Route 161, between the intersections with the I-95 southbound ramp and Route 1, there was an average of 11 accidents per year during the time period analyzed. Most of these accidents were either rear end or turning collisions related to the number of commercial drives along the road. This stretch of roadway is listed on ConnDOT's Suggested List of Surveillance Study Sites (SLOSSS). This publication lists roadways that have a higher than average frequency of accidents in the State of Connecticut. The traffic generated by this development is not anticipated to significantly impact the existing accident patterns on Route 161.

The intersection of Route 161 and Route 1 had an average of 17 accidents per year during the study period. This intersection was not listed on the SLOSSS List. This accident frequency is not considered unusual by ConnDOT for the traffic volumes experienced at this location.

A summary of the accident data is provided in the attached table. Based on our review of accident history, there were no existing accident patterns identified which may be exacerbated by the proposed development's site generated traffic.

We trust that this letter provides sufficient information, however, if you have additional questions please call our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ted J. DeSantos', with a long horizontal flourish extending to the right.

Ted J. DeSantos, P.E., P.T.O.E.
Senior Project Manager

2007 AM Combined Conditions w/Improvements 2: King Arthur Drive & Deerfield Village Drive
 Lanes, Volumes, Timings East Lyme, CT



Lane Group	EBL	EBR	NWL	NWR	SWL	SWR
Lane Configurations	T		T		T	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Turning Speed (mph)	15	9	15	9	15	9
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.931				0.865	
Flt Protected	0.976		0.950			
Satd. Flow (prot)	1693		0 1770		0 1611 0	
Flt Permitted	0.976		0.950			
Satd. Flow (perm)	1693		0 1770		0 1611 0	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Link Speed (mph)	30		30		30	
Link Distance (ft)	997		775		730	
Travel Time (s)	22.7		17.6		16.6	
Volume (vph)	40	41	121	0	0	121
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	43	45	132	0	0	132
Lane Group Flow (vph)	88	0	132	0	132	0
Sign Control	Stop		Stop		Stop	

Intersection Summary
 Area Type: Other
 Control Type: Unsignalized

2007 AM Combined Conditions w/Improvements 2: King Arthur Drive & Deerfield Village Drive
 HCM Unsignalized Intersection Capacity Analysis
 East Lyme, CT



Movement	EBL	EBR	NWL	NWR	SWL	SWR
Lane Configurations	Y		Y		Y	
Sign Control	Stop		Stop		Stop	
Volume (veh/h)	40	41	121	0	0	121
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (veh/h)	43	45	132	0	0	132

Direction, Lane #	EB 1	NW 1	SW 1
Volume Total (vph)	88	132	132
Volume Left (vph)	0	132	0
Volume Right (vph)	45	0	0
Hadj (s)	-0.3	0.2	0.0
Departure Headway (s)	4.1	4.6	4.3
Degree Utilization, x	0.10	0.17	0.16
Capacity (veh/h)	851	750	807
Control Delay (s)	7.5	8.5	8.1
Approach Delay (s)	7.5	8.5	8.1
Approach LOS	A	A	A

Intersection Summary			
Delay		8.1	
HCM Level of Service		A	
Intersection Capacity Utilization	30.6%	ICU Level of Service	A

2007 PM Combined Conditions w/ Improvements 2: King Arthur Drive & Deerfield Village Drive
 Lanes, Volumes, Timings East Lyme, CT



Lane Group	EBL	EBR	NWL	NWR	SWL	SWR
Lane Configurations	T		T		T	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Turning Speed (mph)	15	9	15	9	15	9
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.932				0.865	
Flt Protected	0.976		0.950			
Satd. Flow (prot)	1694	0	1770	0	1611	0
Flt Permitted	0.976		0.950			
Satd. Flow (perm)	1694	0	1770	0	1611	0
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Link Speed (mph)	30		30		30	
Link Distance (ft)	997		756		785	
Travel Time (s)	22.7		17.2		17.8	
Volume (vph)	142	142	96	0	0	95
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	154	154	104	0	0	103
Lane Group Flow (vph)	308	0	104	0	103	0
Sign Control	Stop		Stop		Stop	

Intersection Summary
 Area Type: Other
 Control Type: Unsignalized

2007 PM Combined Conditions w/ Improvements 2: King Arthur Drive & Deerfield Village Drive
 HCM Unsignalized Intersection Capacity Analysis
 East Lyme, CT



Movement	EBL	EBR	NWL	NWR	SWL	SWR
Lane Configurations	↔		↔		↔	
Sign Control	Stop		Stop		Stop	
Volume (veh/h)	142	142	96	0	0	95
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (veh/h)	154	154	104	0	0	103

Direction, Lane #	EB 1	NW 1	SW 1
Volume Total (vph)	309	104	103
Volume Left (vph)	0	104	0
Volume Right (vph)	154	0	0
Hadj (s)	-0.3	0.2	0.0
Departure Headway (s)	4.0	5.0	4.5
Degree Utilization, x	0.34	0.14	0.13
Capacity (veh/h)	878	676	767
Control Delay (s)	9.1	8.8	8.1
Approach Delay (s)	9.1	8.8	8.1
Approach LOS	A	A	A

Intersection Summary			
Delay		8.8	
HCM Level of Service		A	
Intersection Capacity Utilization	40.2%	ICU Level of Service	A

2007 AM Combined Conditions w/Improvements-95 NB on ramp & Route 161 (Flanders Road)
 Lanes, Volumes, Timings

East Lyme, CT



Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations			↑↓			↑↓
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	11	11	11	11
Turning Speed (mph)	15	9		9	15	
Lane Util. Factor	1.00	1.00	0.95	0.95	0.95	0.95
Frt			0.935			
Flt Protected						0.996
Satd. Flow (prot)	0	0	3133	0	0	3316
Flt Permitted						0.996
Satd. Flow (perm)	0	0	3133	0	0	3316
Headway Factor	1.00	1.00	1.04	1.04	1.04	1.04
Link Speed (mph)	30		30		30	
Link Distance (ft)	351		231		402	
Travel Time (s)	8.0		5.3		9.1	
Volume (vph)	0	0	671	515	57	716
Peak Hour Factor	0.92	0.92	0.93	0.93	0.91	0.91
Heavy Vehicles (%)	2%	2%	5%	3%	15%	4%
Adj. Flow (vph)	0	0	722	554	63	787
Lane Group Flow (vph)	0	0	1276	0	0	850
Sign Control	Stop		Free			Free

Intersection Summary

Area Type: Other

Control Type: Unsignalized

2007 AM Combined Conditions w/Improvements-95 NB on ramp & Route 161 (Flanders Road)
 HCM Unsignalized Intersection Capacity Analysis
 East Lyme, CT



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations			↑↑			↑↑
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	0	0	671	515	57	716
Peak Hour Factor	0.92	0.92	0.93	0.93	0.91	0.91
Hourly flow rate (veh/h)	0	0	722	554	63	787
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage (veh)						
Upstream signal (ft)			231		402	
pX, platoon unblocked						
vC, conflicting volume	1517	638			1275	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1517	638			1275	
tC, single (s)	6.8	6.9			4.4	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.4	
p0 queue free %	100	100			87	
cM capacity (veh/h)	95	420			475	
Direction, Lane #	NB 1	NB 2	SB 1	SB 2		
Volume Total	481	794	325	525		
Volume Left	0	0	63	0		
Volume Right	0	554	0	0		
cSH	1700	1700	475	1700		
Volume to Capacity	0.28	0.47	0.13	0.31		
Queue Length (ft)	0	0	11	0		
Control Delay (s)	0.0	0.0	4.4	0.0		
Lane LOS			A			
Approach Delay (s)	0.0		1.7			
Approach LOS						
Intersection Summary						
Average Delay			0.7			
Intersection Capacity Utilization			67.9%		ICU Level of Service	B

2007 PM Combined Conditions w/ Improvements 95 NB on ramp & Route 161 (Flanders Road)
 Lanes, Volumes, Timings East Lyme, CT



Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations			↑↑			↑↑
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	11	11	11	11
Turning Speed (mph)	15	9		9	15	
Lane Util. Factor	1.00	1.00	0.95	0.95	0.95	0.95
Frt			0.949			
Flt Protected						0.997
Satd. Flow (prot)	0	0	3279	0	0	3447
Flt Permitted						0.997
Satd. Flow (perm)	0	0	3279	0	0	3447
Headway Factor	1.00	1.00	1.04	1.04	1.04	1.04
Link Speed (mph)	30		30			30
Link Distance (ft)	351		231			402
Travel Time (s)	8.0		5.3			9.1
Volume (vph)	0	0	1041	544	65	1174
Peak Hour Factor	0.92	0.92	0.97	0.97	0.91	0.91
Heavy Vehicles (%)	0%	0%	1%	1%	0%	1%
Adj. Flow (vph)	0	0	1073	561	71	1290
Lane Group Flow (vph)	0	0	1634	0	0	1361
Sign Control	Stop		Free			Free

Intersection Summary

Area Type: Other

Control Type: Unsignalized

2007 PM Combined Conditions w/ Improvements 95 NB on ramp & Route 161 (Flanders Road)
 HCM Unsignalized Intersection Capacity Analysis East Lyme, CT



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations			↑↑			↑↑
Sign Control	Stop		Free		Free	
Grade	0%		0%		0%	
Volume (veh/h)	0	0	1041	544	65	1174
Peak Hour Factor	0.92	0.92	0.97	0.97	0.91	0.91
Hourly flow rate (veh/h)	0	0	1073	561	71	1290
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage (veh)						
Upstream signal (ft)			231			402
pX, platoon unblocked	0.80					
vC, conflicting volume	2142	817			1634	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	2177	817			1634	
tC, single (s)	6.8	6.9			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	100	100			82	
cM capacity (veh/h)	27	324			402	

Direction, Lane #	NB 1	NB 2	SB 1	SB 2
Volume Total	715	919	501	860
Volume Left	0	0	71	0
Volume Right	0	561	0	0
cSH	1700	1700	402	1700
Volume to Capacity	0.42	0.54	0.18	0.51
Queue Length (ft)	0	0	16	0
Control Delay (s)	0.0	0.0	5.5	0.0
Lane LOS			A	
Approach Delay (s)	0.0		2.0	
Approach LOS				

Intersection Summary			
Average Delay	0.9		
Intersection Capacity Utilization	92.0%	ICU Level of Service	E

INTERSECTION ACCIDENT DATA SUMMARY
 Riverview Commons Residential Community
 East Lyme, Connecticut

INTERSECTIONS/ROAD SEGMENTS	ACCIDENTS PER YEAR				
	10/1/99- 12/31/99	2000	2001	1/1/02- 9/30/02	Avg. Per Year
Route 161 (Flanders Road) at King Arthur Drive and I-95 northbound off ramp intersection	3	11	5	3	8
Route 161 (Flanders Road) from King Arthur Drive to I-95 northbound on ramp	0	0	0	0	0
Route 161 (Flanders Road) and I-95 northbound on ramp intersection	1	3	2	3	3
Route 161 (Flanders Road) from I-95 northbound on ramp to I-95 southbound ramps	0	0	0	0	0
Route 161 (Flanders Road) and I-95 southbound ramps intersection	0	3	1	4	3
Route 161 (Flanders Road) from I-95 southbound ramps to Route 1	4	10	8	9	9
Route 161 (Flanders Road) at Route 1 (Boston Post Road) intersection	8	18	17	6	17

*Values indicated are number of accidents in the vicinity of each intersection during the time period shown.
 Data provided by the Connecticut Department of Transportation.

Town of East Lyme

P.O. DRAWER 519

NIANTIC, CONNECTICUT 06357

TOWN ENGINEER
Michael Giannattasio, P.E.

860-691-4102
FAX 860-739-6930
MIKEG@ELTOWNHALL.COM



** Note - These are duplexed
Read both sides*

TO: Bill Mulholland, Zoning Enforcement Officer

FROM: Michael Giannattasio, P.E., Town Engineer *[Signature]*

DATE: August 5, 2004

RE: Riverview Heights - A Residential Community - Plans Dated 3/14/04 Revised 7/23/04 (7/1/04 majority of sheets)

This office has reviewed the above noted plans for the proposed development of a residential community. Comments are as follows:

- Do the steep slopes provide for enough handicapped accessible units to meet Building Code? The nature of the steep terrain does not lend itself to allowing handicapped accessibility on some units. The Building Code requires them throughout the development.
- What is the treatment level, the pre/post volume and the pre/post peak flow of storm water generated from this site:

*Revised regarding
plans have been
revised
Plans*

*Sheet #19 -
Need to
delete
disagree*

No velocity from drainage outlets has been provided. The velocity with which the flow leaves the outlet pipe has a great effect on the soils, wetlands and water bodies it enters. The impact or lack of impact cannot be determined.

Stormwater Coles Given provided for each outlet

*Provided
index sheet*

No sizing of riprap pads has been determined nor shown that they are adequate to prevent scour and erosion into Latimer Brook, the Niantic River or anywhere else.

*Sizing is based on new 2004 DEP
Stormwater manual -*

The pre/post flow contributing areas do not coincide in the drainage computations submitted. The pre area is clearly shown but the post is not, i.e., the post for Latimer shows i. DA 2B ii. DA 3B iii. other flows. Flows with unequal time-of-concentrations are used. This is not accurate. Unknown areas are used, therefore I cannot review. What "other flows" is the author referring

*Mr. Soripaki
comments
in brief*

*Use re-routed drainage
to Eastern section
to site reduced
damage along
Latimer Brook*

*Attachment - Zoning Comm.
9/29/04*

Pre-post flows relate
identify to those
as engineer

to? Show area of post flow as done in pre flow. Please resubmit with post flow impact areas clearly defined so that a comparison can be made.
net zero
TO site development

- The drainage computations and the drainage maps included in the computations do not match the latest site layout, i.e. continuation of River Road into project no longer exists. Please provide drainage comps to match the development.

- There are infiltrator systems used with inadequate details. Provide permeability values. Provide perc data. Label infiltrators on plan. (I don't know where they are.) What is elevation of maximum water in area of infiltrator? How is rate of infiltration determined?

- I cannot determine total area of pre flow in computations to compare to the total area of post flow. These should match but cannot determine as presented.

They do match

- Show time-of-concentrations paths on plan.

- Only post flow for Latimer Brook and River Road are provided. What happened to Niantic River and off-site flow? Do these have significant increases?
Redesigned plan based on TOWN CONCERNS with problems they have -

- In general I find the pre coefficient of runoff (C) values too high and the post too low. The pre (C) should fall within the typical woodland range. The post should include the use of steep, heavy soil lawns. (This includes potential septic system areas.)
Disagree - feel they are typical for this type of calculation.

- Provide pre areas at same scale map as post areas.
have provided these + they have remained consistent.

- Include "off-site" drainage area into Latimer Brook where appropriate. The majority of the "off-site" area flows to Latimer Brook. This office cannot determine impact to areas of concern. Consider using study areas for Latimer Brook, River Road outlet, Niantic River and "off-site" area.
did not feel this is appropriate as is the western portion of property not being developed -

• Land grading should follow practices and recommendations of the CT E&S manual.
All land grading follows DEP Bulletin #34 Standards

- Provide benched slopes when slope face exceeds 15' vertically. In many cases this may force disturbance and encroachments into the conservation review area or environmentally sensitive areas.
These are only recommended on grass slopes greater than 3:1 and all of yours are flatter than that

- Some slopes are greater than 2:1. This is not acceptable. Also, when corrected will force some slopes and outlets into the conservation review area or environmentally sensitive areas.
flatter than that on slopes 6:1 or less have provided S+E

No slopes on this site have been designed 2:1 - riprap slopes were proposed (by DEP manual) at area adjacent to Niantic River

noted that detention basins are not being used on this site

- Provide detailed information on detention basins. Notes stated that "plans are not to be scaled" therefore provide dimensions, inverts and details.
- Provide detailed computations on how detention basins work. Show stage storage, hydrographs, water table and infiltration values. *not necessary - no detention basins*
- Will "other" land be developed and further increase impacts of stormwater to natural resources? Are the detention basins, piping and outlets and improvements designed to handle additional development? *nothing to object this area*
- Applicant has not addressed traffic in any way. How will this increase in traffic effect existing roads. What plans are there for upgrading roads to serve increased traffic. This will have an impact on Town roads and the health, welfare and safety of the public. Should the applicant submit a traffic report, this office has not had opportunity to review. *Just + 0' NER addressed traffic*

no planned dev. or parking in wetlands area -

Can see this on plan
No E&S shown on plans. This site will require a detailed E&S plan with measures to protect the natural resources. None has been submitted at this time. *did provide them - but were difficult to read - so provided 7 SE plans so they are clear + easy to read*

- Phasing plan should be implemented. A complete build-out of entire project has a greater potential for failure and therefore impacts to the natural resources. A detailed narrative on phasing implementation should be included. *Have provided one drawing # 0-1 - (Phase I AFT + condos, Phase II - condos, Phase III condos + AFT, Phase IV - last of condos)*
- State flood zones on plan for entire site. Provide delineation between zones. *drawing # R-1 overall resource plan - shows flood zones + etc. and there really aren't any*
- Show soil type delineation on plans provided from the New London County Soils Map. Soil types on this site typically have 17" of soil over bedrock. How does such shallow bedrock figure into this plan. If blasting is required, what is plan for excess trap rock? *have been depicted on map from plan - beams - etc. - we'll do over 100 test pits on property*
- Eight-inch pipes are not acceptable for drainage for carrying surface water. Pipe should be 12"-15" minimum to prevent clogging. *> no problem - will go with this sizing*
- Pipes should not exceed 10%. *have been designed not to exceed 10%*
- Roads (with exception of width) shall be built to Town standards. *their roads meet or exceed design standards + private roads*
- Has CAM been submitted? The nature of the resources on this site have a direct correlation to the drainage and grading proposed. Without a CAM report, impact cannot be determined. *Cam report was submitted under separate cover*
- What is "East Lyme topo map?" This site has steep slopes throughout. The proposed improvements require flat areas in which to build the structures. This is all based on topo by others. Has this been field checked or verified in any way? The reference does

DEP 80 foot pits

has been checked & rechecked, laid out not have a date, title or preparer. If this topo is inaccurate the proposed plan for development may be seriously impacted. All has been clarified in the plan -

- Sheet SD-3 has missing pipe beyond CB No. 4B. Did in fact change this

- Swales are shown throughout site. Some swales are shown in 2:1 slopes. How is a swale constructed between two contours, 4' wide. Have clarified this - are located where they could be constructed properly

has been added to the plans

- Why is emergency break-away fence located in middle of drive? Are there signs proposed as "Emergency Vehicles Only" or equal to prevent vehicles from entering without ability to turn around? has been located on farthest point of property - middle of drive - would be happy to move to town property -

- Sheet SD-4; grades too steep along southern property line. When corrected the slope of this basin will go over the line. Are at 3:1 or flatter - have been revised - grass swales - nothing over property line

- Sheet SD-7; grading along wetlands buffer is too steep. When graded properly the toe of slope will be in the wetlands review area. Clarified boundary of wetlands have regraded to be off of 100' buffer not just wetlands

- Sheet D-1; E&S Note #9 states that sedimentation barrier to be installed as shown on plans. None is shown. This note also refers to individual lots, please clarify. Note 6 in the Engineering notes is unclear. Have clarified with plans SE 1-7 -

- Sheet D-2; show type of riprap required at each outlet. Also, each outlet shall be set on a gravel base with filter fabric below. outlets utilize 2004 Stormwater quality manual -

- Sheet D-5; E&S Control Notes state in Note 2 that slopes shall be restricted to 3:1. The plans show slopes which are approaching 1:1. made one area for these -

- Sheet D-5; clarify Engineering Notes 1, 2, 3 and 5. Note 1, "Existing Site Plan Layout is Not Part of This Certification" and Note 2, "Property Layout, Utility Locations by others and are not a part of this design and certification." Which part of these plans are being certified to? Revised the notes to certify everything on these plans - easier to understand

Also
Sheet D-2 has more details on level spreaders etc.

Sheet D-3 has proposed septic system - necessary on this property - notes etc. mit

Sheet D-4 - further detail on pits + hydraulics per test data notes mit hydraulics etc.

Sheet D-1 - profile + plan access rd. + grading etc.

Town of



East Lyme

P.O. Drawer 519

Niantic, Connecticut 06357

Michael Giannattasio, P.E.

Director of Public Works

Phone (860) 739-6931 Ext. 102

Fax (860) 691-0773

mikeg@eltownhall.com

TO: William Mulholland, Zoning Official

FROM: Michael Giannattasio, P.E. 

DATE: September 29, 2004

RE: Affordable Housing Development: Riverview Heights
A Residential Community

On August 5, 2004 I sent the Zoning Commission review comments on the above noted project. At the request of the applicant you and I met with the applicant to review plans that were revised on or about August 24, 2004. The plans were changed with regard to storm water and land grading but not enough detail to revise my comments. The applicant did not leave plans with town staff. At the request of the applicant I scheduled an additional review meeting for September 16, 2004. In addition to scheduling this meeting I asked the applicant to submit plans for review prior to any meeting which was not done. At this meeting the applicant was accompanied by legal counsel (which was not previously made known to me). Based on the recommendation of Town Counsel through Mr. Fraser I cancelled the meeting without any review. I offered to receive the plans at this time and begin the review on my own but the applicant declined. My typical review procedure is to receive initial or revised plans through the zoning office and provide a review with comments before any meeting is set. Based on the above events I consider my comments of August 5, 2004 to be unchanged.

MG:mw

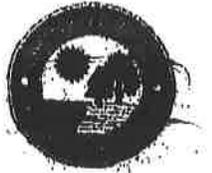
 9/29/04 Zoning Spec. Mtg.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Exp. 9.4 43
9/29/04

September 29th, 2004
Faxed Sept. 29th, 2004



Mr. Edward P. Gada, Chairman
East Lyme Zoning Commission
P.O. Drawer 519
Niantic, Connecticut 06357

Fax Transmittal Memo

of Pages 10

To: 1) Bill Mulholland 2) Glenn Russo
From: Marcia Gelina

Subject: Possible Zone Change Application and Amendment Proposal, Coastal Site Plan Review Application for an Affordable Housing Conservation District Regulation (AHCD) by Landmark Development Group LLC,

Finding: Inconsistent, with comments

Dear Commissioners:

As the Commission is aware, OLISP submitted detailed comments on August 4 and September 2, 2004 regarding the above referenced application. Since then, OLISP met with the applicant and his representatives on September 15th (with other DEP Water Bureau representatives) and again responded with two follow-up memos to Landmark's manager Glenn Russo (dated 9/23 and 9/27, attached).

Since September 2nd, OLISP has received the following additional information: 1) a Coastal Site Plan Review Application received yesterday on 9/28/04 and 2) a full set of plans and ASW Drainage Calculations Report received on 9/21/04.

Based on this additional information, OLISP provides the following additional comments, which do not alter our previous recommendations or comments except as specifically described below.

1. The CSPR application is incomplete in that it has not identified all the coastal resources on and adjacent to the site nor addressed the corresponding CCMA resource protection and use policies, as previously outlined in our 8/04/04 and 9/02/04 comments. Specifically, resources OLISP has observed on-site which are not identified nor addressed in the coastal site plan application review application include beaches, bluffs and escarpment, rocky shoreline, shellfish concentration areas and tidal wetlands. Further, anadromous and marine fisheries and submerged aquatic vegetation resources are not identified nor addressed.
2. Based on revisions dates and side by side comparison, the revised site plans received by us on 9/21/04 do not appear substantially different except for the apparent minor addition of adding "area" numbers in sheet I-1 and the removal of a 7/3/04 "revised survey closing" notation on sheet B-1. Otherwise, no significant modifications to address our comments have been provided.
3. The following issues have not been adequately addressed in the CSPR application: 1) potential adverse impacts to resources and water quality through sedimentation, erosion and nutrient input resulting from clearcutting, grading, and filling; 2) the rock and ledge OLISP has observed extensively throughout the site has not been identified on plans or in the CSPR application nor the potential need for blasting been discussed; 3) the grading plan in proximity to on-site wetlands has not been addressed and appears technically problematic given the steep slopes and required fill and will likely impact on-site vernal pools and the undisturbed upland adjacent to on-site vernal pools; 4) the proposed filling and grading has not been fully addressed in plans or the CSPR application. Based on the slopes and exposed ledge on site, extensive filling and

East Lyme ZC

- 2 -

September 29, 2004

grading could lead to sedimentation and erosion impacts to nearby inland wetlands and coastal resources including the Niantic River and Latimer Brook 5) some slopes appear to be greater than 2:1 which could be infeasible; if such slopes are corrected the area of fill may impact areas of inland wetland regulated area; 6) while the CSPR application has a number of stormwater management measures, no additional detail has been provided as to how the proposal complies with the goals of OLISP's Stormwater Fact Sheet, Erosion and Sedimentation (E&S) Checklist (per 2002 Ct Guidelines of Soil and Erosion Control) as well as Appendix D Checklist of the 2004 CT Stormwater Quality Manual that were provided to the applicant by OLISP. Other than notations, no E&S structures are shown on plans or E&S Phasing plan proposed.

4. The CSPR application and site plans do not address the overall level of density proposed in Phase I nor describe how the proposed development is consistent with the CCMA, East Lyme's POD, MCP or Harbor Management Plan.
5. On page 3 of 8 of the CSPR application submitted, it states that the percentage of increased impervious cover over existing condition will be 11.82 percent. The Commission may wish to evaluate this issue carefully, since OLISP staff has calculated the coverage to be 16.3, not 11.82 percent in relation to the entire 248 acres, and including the wetland acreage. Of course, the potential impervious coverage with a Phase II proposal would be greater. Also, if properly calculated, the impervious coverage of Phase I acreage only, leaving out undevelopable wetlands would be considerably higher than OLISP's calculated 16.3 percent. Please refer to our previous comments of 8/2/04 and 9/2/04 regarding impervious coverage.
6. The CSPR application and site plan designs have not detailed nor addressed any of our previous CCMA water-dependent use criteria concerns. While the CSPR notes "public access to the waterfront has been proposed" and that "water access" is "contemplated" through the eastern most walking trail, there is no further discussion as to the nature and extent of the public access and how it would be legally secured. The site plans and all public access areas to be dedicated and given to the town should be clearly marked on plans, deed restricted for such use, and detailed in the application. Only then can a determination of consistency with the water-dependent use criteria of the CCMA occur. Also, our previous water-dependent use concerns detailed in the 8/4/04 and 9/2/04 comments still apply regarding the proposed affordable housing zone change text.
7. Regarding a proposed community septic system, please see OLISP's memos to Mr. Russo of 9/23 and 9/27/04 (attached). As of today's date, Mr. Joe Wettemann of DEP's Bureau of Water Management is still currently reviewing the additional information that has been supplied. However, in the absence of his complete review in time for tonight's hearing, his memo dated August 30, 2004 still applies (attached).
8. Regarding a proposed sewer extension alternative, please see the attached memo dated today from Dennis Greci to Meg Parulis. Also, please see OLISP's memos to Mr. Russo of 9/23 and 9/27/04 (attached).
9. The CSPR application on page 5 of 8 notes that the applicant has "no evidence of endangered, threatened or special concern plant or animal life" located on the subject site. Please find attached a memo from Jenny Dickson, DEP Wildlife Biologist which notes that whip-poor-will, a species of special concern, is noted by the Natural Diversity Data Base in the vicinity of the project. Further, this memo notes that the Wildlife

East Lyme ZC

- 3 -

September 29, 2004

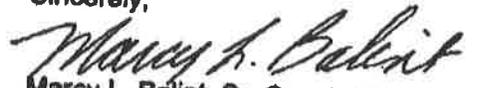
Division has not made any on-site inspections of the project area and that nothing substitutes for site-specific surveys that may be required for a full environmental assessment. Based on the testimony from several speakers at the public hearing who have observed other species at or near the subject site that are either endangered, threatened or special concern, we recommend that a in-depth on-site surveys designed to accurately gauge species presence and use be undertaken. DEP's Wildlife Division is available to assist in advising on the design of a proper survey.

10. The CSPR application on page 8 of 8 speaks to the benefits of "clustering" units for this proposal and the tendency of this design to lead to more open space protection. However, considering that this application if only Phase I and that there are many on-site wetlands or set-aside areas for community septic system, it appears that the area proposed for the residential units may be the only area left for units which is proposed at a very intensive level (on steep and rocky slopes). If dedicated open space areas are to be given to the town per this proposal they should be clearly described and noted in the application materials.
11. The CSPR application refers to vegetated buffers to be preserved and setbacks from resources (p. 3 of 8). However, to reiterate from our 8/4/04 and 9/2/04 comments, neither the proposed zone change text or recently submitted plans detail any non-disturbance buffers or setbacks from the Niantic River and Latimer-Brook. Again, the setback in the proposed zoning text only applies to residential units and does not include a restriction on clear-cutting or other ground disturbances including blasting, grading or filling on steep slopes which can have equal if not greater potential to adversely impact resources and water quality. By contrast, the current zoning allows only one residential unit per 120,000 square feet, which involves significantly less overall disturbance, clear-cutting, blasting, grading and filling in proximity to sensitive coastal resources.

As described in our previous comments of 8/4/04 and 9/2/04, OLISP finds the proposed regulation and zone change and coastal site plan review application inconsistent as proposed with the policies and standards of the Connecticut Coastal Management Act, based on severe development constraints, the proposal's potential to adversely impact resources and water quality, and its inconsistency with the water-dependent use policies, the Town's Plan of Development (POD), Municipal Coastal Program (MCP) and Harbor Management Plan (HMP).

We thank the Commission for the opportunity to comment on this application. Should you have any questions regarding this letter or any other coastal management or Long Island Sound matter, please feel free to contact me at 860-424-3034.

Sincerely,


 Marcy L. Balint, Sr. Coastal Planner
 Office of Long Island Sound Programs

Attachments

CC: Glen Russo, Manager, Landmark
 Aaron Sarra, NAACP
 Dennis Greci, DEP



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



September 29, 2004

Ms. Meg Parulis
Planning Director
Town of East Lyme
P.O. Box 519
Niantic, CT 06357

BY FAX: 860.739.6930
*Ready
Atty Zizka into the
record
9/29/04*

Re: Riverview Heights (proposed)
Oswegatchie Hills area, East Lyme, CT

Dear Ms. Parulis:

In March 2002, I prepared a memo as background for a coastal management review regarding a proposed development possibly relying on sanitary sewer service. The development was proposed in a section of East Lyme known as Oswegatchie Hills, which generally refers to the land on the western side of the Niantic River immediately south of Route 1, extending south for roughly one mile. At the time, I was not in possession of any documents delineating any specific development proposal in the Oswegatchie Hills area, so when the question was posed about the potential for sewer service, I answered (via the aforementioned memo) that "...Oswegatchie Hills is NOT shown as part of the approved sewer service area, nor was it shown as a future sewer service area."

Earlier today, I met with Mr. Glen Russo, representing Landmark Investment Group LLC, who is proposing to develop a portion of Oswegatchie Hills. I received from him a copy of the preliminary drawings for a project entitled Riverview Heights, prepared for Landmark by ASW Consulting Group, LLC. Based on a comparison of those drawings with Plate 1 from the East Lyme Facilities Plan (dated June 1985 and received by DEP on June 28, 1985), I can now state that a portion of the project known as Riverview Heights is within the ultimate tributary area (which I am assuming is intended to be the same as the future sewer service area) for the East Lyme sewer system. That portion (based on ASW's drawing O-1, dated 7/21/04) includes proposed buildings no. 10, 11, 13, 14, 15, 16, and 17. It may, depending on the exact location of the boundary of the tributary area, also include a portion of buildings no. 9, 12 and 18. All other proposed structures to the south of those mentioned lie outside the future sewer service area, as established by the Facilities Plan on file with DEP.

If you have any questions regarding this matter, please feel free to contact me at (860) 424-3751.

Sincerely,

Dennis J. Greci
Dennis J. Greci, P.E.
Supervising Sanitary Engineer
Municipal Facilities Section
Water Management Bureau

cc: Glenn Russo, Landmark Investment Group LLC (by FAX: 860.613.0754)
Michael Zizka (by FAX: 860.240.6150)
Marcy Balint, CT DEP

You also asked many questions regarding OLISP's written comments. We again urged you to carefully consider minimizing land disturbance and consequent resource impacts and nonpoint source pollution by scaling back the project per OLISP comments of August 4 and September 2, 2004. I trust you have received the full copy of our September 2nd comments along with a model coastal site plan review form which I faxed to you on September 15th. Pending receipt of additional information and/or proposed revisions, OLISP's August 4th and September 2nd comments and recommendations are still applicable to this project.

At the meeting, I provided to your engineer a detailed Erosion and Sedimentation Checklist per the 2002 CT Guidelines for Soil and Erosion and Sediment Control as well as Appendix D checklist of the 2004 CT Stormwater Quality Manual for your use during the revision of this project.

An NAACP attorney in attendance with you at the meeting requested verbally to see future correspondence on this project from DEP representatives at the meeting as well as ten years of coastal site plan review applications for East Lyme. As already mentioned, we will be happy to comply with the request for future correspondence upon receipt of the appropriate name and address. With regard to coastal site plan files, the best option would be simply to make an appointment with OLISP's clerical staff at 860-424-3034 to review East Lyme's coastal site plan review files. If you or your development team have any additional questions concerning this matter, please contact me at the same number.

Sincerely,



Marcy L. Balint, Sr. Coastal Planner
Office of Long Island Sound Programs

cc: Bill Mulholland, ZEO
Dennis Greci, DEP
Joe Wettemann, DEP

Memo

To: Marcy Balint, Long Island Sound Programs
79 Elm Street, Hartford, CT (860) 424-3034, Ext. 2777

From: Joseph Wettmann, Permitting and Enforcement Division
79 Elm Street, Hartford, CT (860) 424-3803, Ext. 2230

Date: 8/30/2004

Re: Oswegatchie Hill, East Lyme

On September 25, 2003 and October 9, 2003, I accompanied representatives of ASW Consulting Group during site investigations for the proposed Oswegatchie Hill affordable housing project. Test pits were excavated and logged in two areas where community septic systems were being proposed. From this preliminary evaluation it is most likely that the proposed community system will require a lateral sand filter (constructed fill for renovation of wastewaters) and a wastewater treatment plant to meet the Department's criteria for large scale on-site wastewater systems. As of this writing I have not received a conceptual design or application for the proposed community systems.

P:/working/jwettmann/memos04/Marcy balint083004



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



dead

September 27, 2004
Faxed Sept. 27, 2004

Mr. Glen Russo, Principal
Landmark Development Group, LLC
460 Smith Street Suite A
Middletown, CT 06457

**Subject: Second Follow-up comments on Riverview Heights Application,
East Lyme**

Dear Mr. Russo,

This letter will serve as a follow-up memo in response to your fax to me sent on Friday evening September 24, 2004 (attached). I received the fax this morning.

Your letter states that you have proven to DEP (at our September 15th meeting) "beyond all doubt" that 90 acres in fact falls within the sewer shed map boundary. However, Mr. Greci has not been able to confirm this conclusion because he has not had the opportunity to review your plans, which were not left with Mr. Greci the day of our meeting nor supplied to-date.

Again, I refer you to the memo of September 22nd sent to you which states that Mr. Greci will need the opportunity to conduct a detailed review of your plans prior to commenting in detail.

To date, Mr. Wettemann has not received any additional information other than that described in the September 23rd memo to you. (However, an exact copy of previous information was provided again). Again, once Mr. Wettemann has had a chance to review these submittals in detail, he will provide comments.

Also, after allotting over 3 hours to meet with you on September 15th, I do not have any time available due to my work schedule to meet with you today or this week. I understand however, that Mr. Greci is meeting with you on Wednesday morning this week.

Again, while we have continually requested that missing information (as has been outlined in our most recent correspondence dated 8/4/04 and 9/2/04) be supplied to us prior to any meetings, including a coastal site plan review application, no such written analysis/evaluation has been supplied to date. I would again request that all missing information be supplied prior to setting up

Memo

To: Marcy Balint, Long Island Sound Programs
79 Elm Street, Hartford, CT (860) 424-3034, Ext. 2777

From: Joseph Wettemann, Permitting and Enforcement Division
79 Elm Street, Hartford, CT (860) 424-3803, Ext. 2230

Date: 8/30/2004

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P:/working/jwettemann/memos04/Marcy balint083004



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



DEP Wildlife Division ♦ P.O. Box 1550 ♦ Burlington, CT 06013

August 26, 2004

Ms. Priscilla W. Baillie
Marine and Freshwater Research Service
276 State Street
Guilford, CT 06437

Re: Highlands on the River subdivision in East Lyme, Connecticut

Dear Ms. Baillie:

Materials pertaining to the above project were forwarded to me for review by the DEP Environmental and Geographic Information Center Natural Diversity Database (NDDB). The NDDB indicated that whip-poor-wills occur in the vicinity of this project.

The whip-poor-will (*Caprimulgus vociferus*), a species of special concern in Connecticut, favors open mixed hardwood forest, often second-growth or sapling stage areas. It is a ground-nesting bird that is only found in Connecticut during the breeding season (late May through July) and spends the winter in South America. If construction occurs outside of the breeding season, the potential for destruction of nests, eggs or young is reduced. Without more detailed information on the exact habitat occurring at the above location or proposed activities for this area, it is impossible to provide any assessment of potential impacts to this species.

The Wildlife Division has not made an on-site inspection of the project area. Consultation with this office should not be substituted for site-specific surveys that may be required for environmental assessments. This is a preliminary site review and is not a final determination. A more detailed review may be conducted as part of any subsequent environmental permit applications submitted to the DEP for the proposed site. Please be advised that should state permits be required or should state involvement occur in some other fashion, specific restrictions or conditions relating to the species discussed above may apply. In this situation, additional evaluation of the proposal by the DEP Wildlife Division should be requested and species-specific surveys may be required.

Please feel free to contact me if you have additional questions regarding whip-poor-wills.

Sincerely,

A handwritten signature in cursive script that reads "Jenny Dickson".

Jenny Dickson
Wildlife Biologist

cc: D. McKay #13399



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



September 23, 2004
 Fax Sept. 23, 2004

Mr. Glen Russo, Principal
 Landmark Development Group, LLC
 460 Smith Street Suite A
 Middletown, CT 06457

Subject: Follow-up comments on Riverview Heights Application, East Lyme

Dear Mr. Russo,

This letter will serve as a follow-up memo to you regarding our meeting held here at DEP on September 15, 2004 with Landmark Development representatives.

OLISP has received as of yesterday, 9/21, the ASW Drainage Calculations Report and a new full set of plans revised to 7/2/04. Once we have had a chance to fully review these documents, we will provide additional comments if needed. However, on first look, we do not anticipate our overall comments and recommendations to change given the overall site plan (O-1) remains the same.

As you are aware, OLISP submitted detailed comments to the East Lyme Zoning Commission on this proposal, or the portions of the proposal we had been provided, on August 4, and September 2, 2004. Since that time, and at your request, we met with you and your representatives, including a NAACP attorney, to discuss OLISP's written comments, sewer and community septic issues and receive additional information.

While we had requested from you that missing information as outlined in our comments be supplied prior to the meeting, including a coastal site plan review application per our previous comments, no such written analysis/evaluation has been supplied to-date.

While we had understood during the meeting that a Sedimentation and Erosion Control Plan as well as a Stormwater Management Plan had been completed by ASW Consulting, the plans were not discussed in detail at the meeting and have not yet been provided to DEP for review and comment. Please forward these materials and plans as soon as possible in order to allow us adequate time to review it.

At our 9/15 meeting we also held general discussions regarding the extent of the sewer service area and community septic. At the end of the meeting it was left that you would mail Dennis Greci of DEP's Bureau of Water Management the applicant's site plans with the sewer service area depicted for his review and comment. As of today's date, no additional information has been provided to Mr. Greci for a detailed review. According to Mr. Greci, in the absence of any additional information, his memo of 8/31/04 still applies.

Regarding the Community Septic System, Joe Wettemann of the Water Bureau had spoken to you and received some additional information prior to September 15th. At the meeting, Mr. Wettemann also received additional revised septic system calculations and plans. Additional cross-sections of the septic system were received on September 21, 2004. Once Mr. Wettemann has had a chance to review these submittals in detail, he will provide comments:

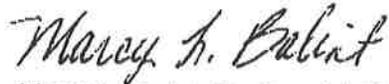
(Printed on Recycled Paper)
 79 Elm Street • Hartford, CT 06106 - 5127
<http://dep.state.ct.us>
 An Equal Opportunity Employer

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At the meeting, I provided to your engineer a detailed Erosion and Sedimentation Checklist per the 2002 CT Guidelines for Soil and Erosion and Sediment Control as well as Appendix D checklist of the 2004 CT Stormwater Quality Manual for your use during the revision of this project.

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Sincerely,



Marcy L. Balint, Sr. Coastal Planner
Office of Long Island Sound Programs

cc: Bill Mulholland, ZEO
Dennis Greci, DEP
Joe Wettemann, DEP



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



September 27, 2004
Faxed Sept.27, 2004

Mr. Glen Russo, Principal
Landmark Development Group, LLC
460 Smith Street Suite A
Middletown, CT 06457

**Subject: Second Follow-up comments on Riverview Heights Application,
East Lyme**

Dear Mr. Russo,

This letter will serve as a follow-up memo in response to your fax to me sent on Friday evening September 24, 2004 (attached). I received the fax this morning.

Your letter states that you have proven to DEP (at our September 15th meeting) "beyond all doubt" that 90 acres in fact falls within the sewer shed map boundary. However, Mr. Greci has not been able to confirm this conclusion because he has not had the opportunity to review your plans, which were not left with Mr. Greci the day of our meeting nor supplied to-date.

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Memo

To: Marcy Balint, Long Island Sound Programs
79 Elm Street, Hartford, CT (860) 424-3034, Ext. 2777

From: Joseph Wettemann, Permitting and Enforcement Division
79 Elm Street, Hartford, CT (860) 424-3803, Ext. 2230

Date: 8/30/2004

Re: Oswegatchie Hill, East Lyme

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P:/working/jwettemann/memos04/Marcy balint083004



Mrs. Robert L. Gadbois
358 Boston Post Rd.
East Lyme, CT 06333-1401

To: 9-29-04
Zoning Commission
Please Read Into The Record:

Regarding the issue of the development by Mr. Russo of The Hills on the banks of the Niantic River I would like the following State Statute to be considered and followed - CT State Statute 22a-93, Item **45** - - - - "Adverse Impacts on Coastal Resources". It is important. It says that "The Applicant

Read
3rd.

bears the burden of proving by
an analysis and water quality
monitoring that he is not de-
grading the water quality."

Mary Johnson

For Public hearing
record

TO Mark Nickerson, Chairman

Subj: (no subject)
Date: 9/13/04 4:26:14 PM Eastern Daylight Time
From: Amywhite1
To: pwhiteho@ebmail.gdeb.com, PWhite5181

received

9/28/04

An overwhelming concern for the health of the Niantic River is what has me writing this letter today. After hearing the developers position that nobody has shown how his development plans for the Oswegatchie Hills would hurt the environment.

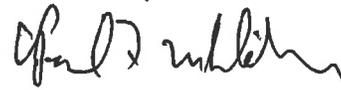
I'm not a marine biologist by any means, but rather a "River rat", who has fished the Niantic River for over 35 years. It was actually my 8-10 year relative absence from the area that is the impetus for my observations. After moving back to Niantic I noticed that many of the scattered summer cottages were gone, replaced by many huge houses along the shores of the river. Upon resuming my "River rat" ways, crabbing, fishing, clamming, and spearing I immediately noticed more disturbing changes. You could fish all day and not catch a meal of flounder. There were no visable eels around to spear or to catch. The smelt no longer come in the late Autumn. Nobody has seen the once abundant blowfish in years. The tomcod are gone, weakfish are rare, bluecrabbing much less productive and of course, the famous scallops have vanished. In short, I'm writing not because the pristine environment of the Niantic River is being threatened, but rather the already severely stressed eco-system of the river could be on the verge of being destroyed. Developing the Oswegatchie Hills, the area which recieves the last and the least of the flushing affects of the tide, would be

Monday, September 27, 2004 America Online: Amywhite1

Read 3rd 4th

catastrophic to the striped bass, bluefish, clams and other surviving species.

Paul Whitehouse
Niantic, Ct.



#44

Exhibit
Ad
9/29/04

MURTHA CULLINA LLP

A T T O R N E Y S A T L A W

CITYPLACE 1
185 ASYLUM STREET
HARTFORD, CONNECTICUT 06103-3469

TELEPHONE (860) 240-6000
FACSIMILE (860) 240-6150
www.murthalaw.com

MICHAEL A. ZIZKA
(860) 240-6144
MZIZKA@MURTHALAW.COM

September 23, 2004

VIA FACSIMILE AND U.S. MAIL

Edward B. O'Connell, Esquire
Waller, Smith & Palmer PC
52 Eugene O'Neill Drive
P.O. Box 88
New London, CT 06320

Re: Landmark Development Group, LLC

Dear Ed:

This is in response to your letter of today's date, which you faxed to me earlier and which I have passed along to Glenn Russo, as you requested.

You stated that you have "advised the town officials that they should not be meeting with Mr. Russo or an attorney about matters pertaining to pending litigation." In fact, as Town staff has (or, at least, should have) told you, the meetings have nothing to do with "pending litigation," but with Mr. Russo's efforts to address and respond to the comments and criticisms that Town staff have submitted regarding the pending affordable housing application. As an attorney for numerous land use agencies throughout Connecticut, I cannot recall another situation in which Town staff simply refuse to discuss their comments on pending applications with the applicants. More commonly, Town staff try to be very helpful to applicants in complying with applicable technical standards.

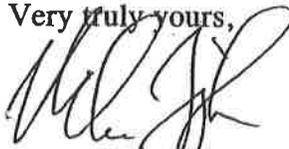
As we have discussed, the NAACP is not even a party to any lawsuit against the Town of East Lyme. Rather, the organization simply has members who are interested in affordable housing opportunities in East Lyme. The NAACP wants to do what it can to help provide for such opportunities and to help the parties come together on a plan, if possible. At any rate, if the Town is uncomfortable about meeting with anyone who is a lawyer, we can ask the NAACP to send non-lawyer representatives. Alternatively, you could attend the meetings to assure yourself that nothing improper is occurring. It does not speak well of the Town that the staff was willing to meet with Mr. Russo until the NAACP became involved.

Edward B. O'Connell, Esquire
September 23, 2004
Page 2

Your comment that Mr. Russo should file revised plans before he meets with Town staff to discuss their comments on the older plans is, with all due respect, a bit silly, and I think you know it. Staff members' comments do not descend from on high, and they are not infallible. It behooves everyone to allow dialogue on the issues presented to see whether they can be addressed informally, clarified, explained, and focused. If I were to send you a letter telling you that the Town's positions on a variety of issues were illegal, without explaining what caused me to say that or what law I was relying on, or if I cited cases that really don't apply to the issues I discussed, would you accept an argument from me that you did not have the right even to talk to me about my comments unless you first made changes in all of the Town's initial positions?

Your final claim, that East Lyme staff suddenly don't have time to talk to Mr. Russo, is painfully hollow. Staff always had time to talk to him before the NAACP representative joined him. This is not a question of time, and you know it.

Very truly yours,



Michael A. Zizka

cc: Landmark Development Group, LLC

15

*Ethel
46
9/29/04*

WALLER, SMITH & PALMER, P.C.

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TRACY WALLER (1892 - 1947)
J. RODNEY SMITH (1906 - 1979)
BIRDSEY G. PALMER (1915 - 2000)

ROBERT P. ANDERSON, JR.
HUGHES GRIFFIS
EDWARD B. O'CONNELL
FREDERICK B. GAHAGAN
TRACY M. COLLINS*
PHILIP M. JOHNSTONE*
DAVID P. CONDON
CHARLES C. ANDERSON
KERIN M. WOODS*
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ANDREW R. CELLEMME*
JOSHUA H. FOLEY#

OF COUNSEL:
WILLIAM W. MINER
ROBERT W. MARRION

*ALSO ADMITTED IN MASSACHUSETTS
*ALSO ADMITTED IN RHODE ISLAND
#ALSO ADMITTED IN NEW YORK

PLEASE REPLY TO

NEW LONDON

September 23, 2004

VIA FACSIMILE (860) 240-6150 AND REGULAR MAIL

Michael A. Zizka, Esquire
Murtha Cullina LLP
Cityplace I
185 Asylum Street
Hartford, CT 06103-3469

Re: Landmark Development Corporation

Dear Mr. Zizka:

I am advised that Mr. Russo has been insisting on meeting with various officials and staff members at the East Lyme town hall, and that on occasion he has been accompanied by a person who identified himself as an attorney for the NAACP who desired to "monitor" the conversations. The identity of this person initially was unrevealed, and he revealed that he was an attorney only when he was directly questioned by an official of the town. (Subsequently, we learned that the attorney might be named Aaron Serra. (sp?)) As you know, there is a pending federal lawsuit against the town and its officials brought at the behest of Mr. Russo with the approval of the NAACP. In these circumstances, I have advised the town officials that they should not be meeting with Mr. Russo or an attorney about matters pertaining to pending litigation..

In addition, I am advised that Mr. Russo has been and desires in the future to engage the town officials in conversations regarding the reports they filed with the zoning commission pertaining to the current affordable housing application, and their testimony to the zoning commission regarding the current application. To my knowledge, he has not filed any revised plans with the zoning commission, yet he is

insisting on appointments with town officials to engage them in conversations about the unrevised application.

As you know, like most municipalities, East Lyme's officials have a multiplicity of matters that require their attention. They do not have any extra time available to engage Mr. Russo in conversation, especially in the presence of undisclosed attorneys who are ostensibly present to "monitor" these conversations. If Mr. Russo wants to request documents that are available to him under the Freedom of Information Act, he should do so in writing, and the town would be pleased to respond as required by the FOIA. Otherwise, I think you will agree that it is only fair that our town officials be given time to devote their attention to other matters that are pending in addition to Mr. Russo's application, rather than consuming large amounts of time in discussing his unrevised application.

We would appreciate it if you could pass this on to Mr. Russo.

Very truly yours,

Edward B. O'Connell, of
Waller, Smith & Palmer, P.C.

EBO:cmc

Exhibit # 48

WALLER, SMITH & PALMER, P.C.

TRACY WALLER (1862 - 1947)
J. RODNEY SMITH (1908 - 1979)
BIRDSEY G. PALMER (1915 - 2000)

ROBERT P. ANDERSON, JR.
HUGHES GRIFFIS
EDWARD B. O'CONNELL
FREDERICK B. GAHAGAN
TRACY M. COLLINS*
PHILIP M. JOHNSTONE**
DAVID P. CONDON
CHARLES C. ANDERSON
KERIN M. WOODS+
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FOUNDED IN 1885 AS WALLER & WALLER

*ALSO ADMITTED IN MASSACHUSETTS
+ ALSO ADMITTED IN RHODE ISLAND
#ALSO ADMITTED IN NEW YORK

PLEASE REPLY TO

NEW LONDON

September 28, 2004

VIA FACSIMILE (860) 240-6150 AND REGULAR MAIL

Michael A. Zizka, Esquire
Murtha Cullina LLP
Cityplace I
185 Asylum Street
Hartford, CT 06103-3469

Re: Landmark Development Corporation

Dear Mike:

This will acknowledge receipt of your fax of September 23. The town's concern about the involvement of the NAACP has nothing to do with the organizational goals or objectives of that group. Rather, it stems from the fact that there is a pending federal lawsuit against the town alleging racial discrimination. We have to keep in mind that the persons named as plaintiffs in the pending federal action were recruited by the NAACP. It is naïve to claim that the NAACP does not have an interest in the pending federal litigation. In the normal course, litigants deal with each other by and through their respective attorneys, and that appears to be the best course to follow here.

With regard to the affordable housing application, we have not and are not saying that the town officials refuse to meet with Mr. Russo; they have in the past and will in the future meet with him. We need to know, however, what will be the subject matter of these meetings. I think you will agree that if Mr. Russo wants to simply rehash the positions that have already been taken at the public hearing, that will not be productive. If he has new information, so that a meeting would cover new ground, he can request a meeting in writing while stating who will be present. As mentioned before, the town

officials have many matters that occupy their attention, but would undertake to accommodate him as best they can.

Inasmuch as Mr. Russo's company is also a plaintiff in the federal discrimination suit, we would leave it to the attorneys defending the town and its' officials in the federal suit to determine whether town officials should have representation at meetings with Mr. Russo. I suspect that the lawyers defending the town in the federal suit would be willing to reach an understanding with the lawyers representing Mr. Russo in the federal suit. Perhaps you can suggest to Mr. Russo's federal lawsuit attorneys that they get in touch with the town's federal lawsuit attorneys on this.

Very truly yours,

Edward B. O'Connell, of
Waller, Smith & Palmer, P.C.

EBO:cmc

cc by facsimile and mail: Attorney Etlinger
Attorney Karsten



United States
Department of
Agriculture

Soil
Conservation
Service

In Cooperation with
Connecticut
Agricultural Experiment
Station and
Storrs Agricultural
Experiment Station

Soil Survey of New London County Connecticut

Exh. # 49

(Excerpts)



drained Merrimac soils, and well drained Agawam and Haven soils. A few areas have a gravelly silt loam surface layer and subsoil. Included areas make up about 20 percent of this map unit.

Permeability of the Hinckley soil is rapid in the surface layer and subsoil and very rapid in the substratum. The available water capacity is low. Runoff is very rapid. Hinckley soil warms up and dries out rapidly in the spring. It is strongly acid or medium acid.

Most areas of this soil are wooded. A few cleared areas are used for pasture, or they are idle.

This soil is poorly suited to cultivated crops because of the steep slopes. Hinckley soil is droughty. The hazard of erosion is severe. Maintaining a permanent plant cover helps to control erosion.

This soil is suited to trees. Machine planting is practical in some areas, but other areas are too steep for the safe operation of planting equipment. Woodland roads need to be carefully laid out to prevent erosion.

Steepness of slopes is the major limiting factor for community development. Onsite septic systems need careful design and installation to prevent effluent from seeping to the surface in areas downslope from the leaching system. In places, onsite septic systems pollute the ground water. Slopes of excavated areas are unstable. Quickly establishing a plant cover and using mulch and netting, temporary diversions, and sediment basins help to control erosion during construction.

This soil is in capability subclass VII.

✓ **HrC—Hollis-Charlton-Rock outcrop complex, 3 to 15 percent slopes.** This gently sloping to sloping complex consists of somewhat excessively drained and well drained soils and Rock outcrop on glacial till uplands. Stones and boulders cover 1 to 8 percent of the surface. Mapped areas are irregular in shape and mostly 2 to 45 acres.

The soils and Rock outcrop in this complex are so intermingled on the landscape that it was not practical to separate them in mapping at the scale used. This complex is about 40 percent Hollis soil, 25 percent Charlton soil, 20 percent Rock outcrop, and 15 percent other soils.

Typically, the Hollis soil has a very dark brown, fine sandy loam surface layer 2 inches thick. The subsoil is dark brown and dark yellowish brown fine sandy loam 15 inches thick. Hard, unweathered bedrock is at a depth of 17 inches.

Typically, the Charlton soil has a very dark grayish brown, fine sandy loam surface layer 3 inches thick. The subsoil is dark yellowish brown, yellowish brown, and light olive brown fine sandy loam 26 inches thick. The substratum is grayish brown fine sandy loam to a depth of 60 inches or more.

Included with these soils in mapping are small areas of well drained Canton and Narragansett soils, moderately well drained Sutton soils, and poorly drained Leicester soils. Many small areas have bedrock at a depth of 20 to

40 inches. A few small areas in the northwestern part of the county have a redder color in the subsoil.

Permeability of the Hollis soil is moderate or moderately rapid above the bedrock. The available water capacity is low. Runoff is medium or rapid. Hollis soil warms up and dries out rapidly in the spring. It is strongly acid or medium acid.

Permeability of the Charlton soil is moderate or moderately rapid. The available water capacity is moderate. Runoff is medium or rapid. Charlton soil warms up and dries out rapidly in the spring. It is strongly acid or medium acid.

Most areas of this complex are wooded. Other small areas are cleared and used for pasture, or they are idle.

These soils are not suited to cultivated crops. Stoniness and the Rock outcrop make the use of farming equipment impractical. The hazard of erosion is moderate to severe. Maintaining a permanent plant cover helps to control erosion.

These soils are suited to trees. Stoniness and the Rock outcrop make machine planting impractical in most places. Woodland roads need to be carefully planned to prevent erosion. Windthrow is common on the Hollis soil because of the shallow rooting depth.

The major limiting factors for community development are the shallow depth to bedrock in many places, and Rock outcrop. Extensive onsite investigations are often needed to locate a suitable site for onsite septic systems. Onsite septic systems need careful design and installation to prevent effluent from seeping to the surface in areas downslope from the leaching system. Stones and boulders need to be removed for landscaping. The Hollis soil is droughty. Rock outcrops provide an attractive setting for homes in many places. Excavations require blasting in many places. Quickly establishing a plant cover and using mulch and netting, temporary diversions, and sediment basins help to control erosion during construction.

These soils are in capability subclass VII.

✓ **HrD—Hollis-Charlton-Rock outcrop complex, 15 to 45 percent slopes.** This moderately steep to very steep complex consists of somewhat excessively drained and well drained soils and Rock outcrop on glacial till uplands. Stones and boulders cover 1 to 8 percent of the surface. Mapped areas are irregular in shape and mostly 2 to 45 acres.

The soils and Rock outcrop in this complex are so intermingled on the landscape that it was not practical to separate them in mapping at the scale used. This complex is about 40 percent Hollis soil, 25 percent Charlton soil, 20 percent Rock outcrop, and 15 percent other soils.

Typically, the Hollis soil has a very dark brown, fine sandy loam surface layer 2 inches thick. The subsoil is dark brown and dark yellowish brown fine sandy loam 15 inches thick. Hard, unweathered bedrock is at a depth of 17 inches.

Typically, the Charlton soil has a very dark grayish brown, fine sandy loam surface layer 3 inches thick. The subsoil is dark yellowish brown, yellowish brown, and light olive brown fine sandy loam 26 inches thick. The substratum is grayish brown fine sandy loam to a depth of 60 inches or more.

Included with these soils in mapping are small areas of well drained Canton and Narragansett soils. Also included are many small areas that have bedrock at a depth of 20 to 40 inches. A few small areas in the northwestern part of the county have redder colors in the subsoil.

Permeability of the Hollis soil is moderate or moderately rapid above the bedrock. The available water capacity is low. Runoff is rapid or very rapid. Hollis soil warms up and dries out rapidly in the spring. It is strongly acid or medium acid.

Permeability of the Charlton soil is moderate or moderately rapid. The available water capacity is moderate. Runoff is rapid or very rapid. Charlton soil warms up and dries out rapidly in the spring. It is strongly acid or medium acid.

Most areas of this complex are wooded. A few small areas are cleared and are idle.

The soils in this complex are not suited to cultivated crops. Stoniness and the Rock outcrop make the use of farming equipment impractical. The hazard of erosion is severe. Maintaining a permanent plant cover helps to control erosion.

The soils in this complex are suited to trees, although stoniness, Rock outcrop, and steep slopes make machine planting impractical. The careful layout of woodland roads reduces erosion. Windthrow is common on the Hollis soil because of the shallow rooting depth.

The major limiting factors for community development are the steep slopes, shallow depth to bedrock, and Rock outcrop. Extensive onsite investigations are generally needed to locate suitable homesites. Onsite septic systems need careful design and installation to prevent effluent from seeping to the surface in areas downslope from the leaching system. Stones and boulders need to be removed for landscaping. Excavations require blasting in many places. Quickly establishing a plant cover and using mulch and netting, temporary diversions, and sediment basins help to reduce erosion during construction.

The soils in this complex are in capability subclass VII.

Ip—Ipswich mucky peat. This nearly level, very poorly drained soil is on tidal marshes adjacent to Long Island Sound and Fishers Island Sound. Areas are dominantly irregular in shape and mostly 2 to 25 acres. Slopes range from 0 to 1 percent.

Typically, this Ipswich soil has very dark grayish brown and very dark brown, mucky peat and muck organic layers more than 51 inches thick.

Included with this soil in mapping are small areas of very poorly drained Pawcatuck and Westbrook soils.

Also included are small areas of Udorthents consisting of sand and silt dredged from the channel of rivers and streams.

The Ipswich soil has a high water table at or above the surface for most of the year. It is subject to daily inundations by saltwater. Permeability is moderate through rapid. The available water capacity is high. Runoff is very slow, or the soil is ponded. The Ipswich soil is slightly acid or neutral. If drained, this soil becomes extremely acid and is toxic to plants.

Most areas of this soil are in their natural state. They provide habitat for wildlife and are suited to the reproduction of shellfish.

This soil is not suited to cultivated crops or trees because of the daily inundations by saltwater.

This soil is not suited to community development because of daily inundations by saltwater.

This soil is in capability subclass VIIIw.

Ln—Limerick Variant silt loam. This nearly level, poorly drained soil is on flood plains along major rivers and streams. Mapped areas are dominantly long and narrow and mostly 2 to 25 acres. Slopes range from 0 to 3 percent.

Typically, this Limerick Variant soil has a very dark brown, silt loam surface layer 8 inches thick. The subsoil is grayish brown, dark grayish brown, and dark gray, mottled loamy fine sand and silt loam 28 inches thick. The substratum is grayish brown gravelly coarse sand to a depth of 60 inches or more.

Included with this soil in mapping are small areas of moderately well drained Pootatuck Variant soils, poorly drained Rippowam soils, and very poorly drained Adrian, Palms, and Carlisle soils. Included areas make up about 15 percent of this map unit.

The Limerick Variant soil has a seasonal high water table at a depth of about 6 inches. It is subject to frequent flooding. Permeability is moderate in the surface layer and subsoil and rapid or very rapid in the substratum. The available water capacity is high. Limerick Variant soil warms up and dries out slowly in the spring. It is strongly acid in the upper part of the soil and strongly acid through slightly acid in the lower part; it is medium acid or slightly acid within a depth of 40 inches.

Most areas of this soil are wooded. Other areas are cleared, or they are idle.

This soil is suited to cultivated crops. Wetness and flooding are the major limitations, but this soil is seldom flooded during the growing season. Artificial drainage helps to dry the soil earlier in the spring. The hazard of erosion is slight. Minimum tillage and the use of cover crops help to control erosion.

This soil is suited to trees. Machine planting is feasible if the soil is not wet. Windthrow is common because of the shallow rooting depth above the high water table.

This soil is poorly suited to community development because of flooding and wetness. Sediment deposited from floodwater can damage landscaped areas.

TABLE 11.--SANITARY FACILITIES

[Some terms that describe restrictive soil features are defined in the Glossary. See text for definitions "slight," "moderate," "good," "fair," and other terms. Absence of an entry indicates that the soil was not rated]

Soil name and map symbol	Septic tank absorption fields	Sewage lagoon areas	Trench sanitary landfill	Area sanitary landfill	Daily cover for landfill
Aa*: Adrian-----	Severe: ponding, poor filter.	Severe: seepage, ponding, excess humus.	Severe: ponding, seepage.	Severe: ponding, seepage.	Poor: ponding, excess humus.
Palms-----	Severe: ponding.	Severe: seepage, excess humus, ponding.	Severe: ponding, excess humus.	Severe: ponding, seepage.	Poor: ponding, excess humus.
AfA, AfB----- Agawam	Severe: poor filter.	Severe: seepage.	Severe: seepage, too sandy.	Severe: seepage.	Poor: seepage, too sandy.
Ba*. Beaches					
BrB----- Broadbrook	Severe: percs slowly.	Moderate: slope.	Moderate: wetness.	Moderate: wetness.	Fair: small stones, wetness.
CbB*: Canton-----	Slight-----	Severe: seepage.	Severe: seepage.	Severe: seepage.	Fair: small stones.
Charlton-----	Slight-----	Severe: seepage.	Severe: seepage.	Severe: seepage.	Fair: small stones.
CbC*: Canton-----	Moderate: slope.	Severe: slope, seepage.	Severe: seepage.	Severe: seepage.	Fair: slope, small stones.
Charlton-----	Moderate: slope.	Severe: seepage, slope.	Severe: seepage.	Severe: seepage.	Fair: slope, small stones.
CbD*: Canton-----	Severe: slope.	Severe: slope, seepage.	Severe: seepage, slope.	Severe: slope, seepage.	Poor: slope.
Charlton-----	Severe: slope.	Severe: seepage, slope.	Severe: seepage, slope.	Severe: seepage, slope.	Poor: slope.
CcB*: Canton-----	Slight-----	Severe: seepage.	Severe: seepage.	Severe: seepage.	Fair: small stones.
Charlton-----	Slight-----	Severe: seepage.	Severe: seepage.	Severe: seepage.	Fair: small stones.
CcC*: Canton-----	Moderate: slope.	Severe: slope, seepage.	Severe: seepage.	Severe: seepage.	Fair: slope, small stones.

See footnote at end of table.

However, around their site wet areas are zoned R-10 R-40 which is denser than us - at 3 acres

out of 83 soil categories 67 are listed as problematic this equates to 81%

TABLE 11.--SANITARY FACILITIES--Continued

Soil name and map symbol	Septic tank absorption fields	Sewage lagoon areas	Trench sanitary landfill	Area sanitary landfill	Daily cover for landfill
CcC*: Charlton-----	Moderate: slope.	Severe: seepage, slope.	Severe: seepage.	Severe: seepage.	Fair: slope, small stones.
CdC*: Canton-----	Moderate: slope.	Severe: slope, seepage.	Severe: seepage.	Severe: seepage.	Fair: small stones, slope.
Charlton-----	Moderate: slope.	Severe: seepage, slope.	Severe: seepage.	Severe: seepage.	Fair: slope, small stones.
CdD*: Canton-----	Severe: slope.	Severe: slope, seepage.	Severe: seepage, slope.	Severe: slope, seepage.	Poor: slope.
Charlton-----	Severe: slope.	Severe: seepage, slope.	Severe: seepage, slope.	Severe: seepage, slope.	Poor: slope.
Ce----- Carlisle	Severe: ponding.	Severe: seepage, excess humus, ponding.	Severe: ponding, excess humus, seepage.	Severe: seepage, ponding.	Poor: ponding, excess humus.
CrC*: Charlton-----	Moderate: slope.	Severe: seepage, slope.	Severe: seepage.	Severe: seepage.	Fair: slope, small stones.
Hollis-----	Severe: depth to rock.	Severe: slope, depth to rock, seepage.	Severe: depth to rock, seepage.	Severe: seepage, depth to rock.	Poor: thin layer, area reclaim.
CrD*: Charlton-----	Severe: slope.	Severe: seepage, slope.	Severe: seepage, slope.	Severe: seepage, slope.	Poor: slope.
Hollis-----	Severe: slope, depth to rock.	Severe: slope, depth to rock, seepage.	Severe: slope, depth to rock, seepage.	Severe: slope, seepage, depth to rock.	Poor: slope, thin layer, area reclaim.
Du*. Dumps					
HcA, HcB----- Haven	Severe: poor filter.	Severe: seepage.	Severe: seepage, too sandy.	Severe: seepage.	Poor: seepage, small stones, too sandy.
HkA----- Hinckley	Severe: poor filter.	Severe: seepage.	Severe: seepage, too sandy.	Severe: seepage.	Poor: too sandy, seepage, small stones.
HkC----- Hinckley	Severe: poor filter.	Severe: slope, seepage.	Severe: seepage, too sandy.	Severe: seepage.	Poor: too sandy, seepage, small stones.

See footnote at end of table.

TABLE 11.--SANITARY FACILITIES--Continued

Soil name and map symbol	Septic tank absorption fields	Sewage lagoon areas	Trench sanitary landfill	Area sanitary landfill	Daily cover for landfill
HkD----- Hinckley	Severe: slope, poor filter.	Severe: slope, seepage.	Severe: slope, seepage, too sandy.	Severe: slope, seepage.	Poor: slope, too sandy, seepage.
HrC*: Hollis-----	Severe: depth to rock.	Severe: slope, depth to rock, seepage.	Severe: depth to rock, seepage.	Severe: seepage, depth to rock.	Poor: thin layer, area reclai
Charlton----- Rock outcrop.	Moderate: slope.	Severe: seepage, slope.	Severe: seepage.	Severe: seepage.	Fair: slope, small stone
HrD*: Hollis-----	Severe: slope, depth to rock.	Severe: slope, depth to rock, seepage.	Severe: slope, depth to rock, seepage.	Severe: slope, seepage, depth to rock.	Poor: slope, thin layer, area reclai
Charlton----- Rock outcrop.	Severe: slope.	Severe: seepage, slope.	Severe: seepage, slope.	Severe: seepage, slope.	Poor: slope.
Ip----- Ipswich	Severe: ponding, flooding.	Severe: seepage, flooding, excess humus.	Severe: ponding, flooding, seepage.	Severe: ponding, flooding, seepage.	Poor: excess humu ponding, excess salt
Ln----- Limerick Variant	Severe: flooding, wetness.	Severe: flooding, wetness.	Severe: flooding, wetness.	Severe: flooding, wetness.	Severe: wetness.
MyA, MyB----- Merrimac	Severe: poor filter.	Severe: seepage.	Severe: seepage, too sandy.	Severe: seepage.	Poor: seepage, too sandy, small stone
MyC----- Merrimac	Severe: poor filter.	Severe: slope, seepage.	Severe: seepage, too sandy.	Severe: seepage.	Poor: seepage, too sandy, small stone
NaB----- Narragansett	Slight-----	Severe: seepage.	Severe: seepage.	Severe: seepage.	Fair: small stone
NgB----- Narragansett	Slight-----	Severe: seepage.	Severe: seepage.	Severe: seepage.	Fair: small stone
NhC----- Narragansett	Moderate: slope.	Severe: slope, seepage.	Severe: seepage.	Severe: seepage.	Fair: small stone slope.
NhD----- Narragansett	Severe: slope.	Severe: slope, seepage.	Severe: seepage, slope.	Severe: slope, seepage.	Poor: slope.
NlC*: Narragansett-----	Moderate: slope.	Severe: slope, seepage.	Severe: seepage.	Severe: seepage.	Fair: slope, small stone.

See footnote at end of table.

TABLE 11.--SANITARY FACILITIES--Continued

Soil name and map symbol	Septic tank absorption fields	Sewage lagoon areas	Trench sanitary landfill	Area sanitary landfill	Daily cover for landfill
NIC ^o : Hollis-----	Severe: depth to rock.	Severe: slope, depth to rock, seepage.	Severe: depth to rock, seepage.	Severe: seepage, depth to rock.	Poor: thin layer, area reclaim.
Nn----- Ninigret	Severe: wetness, poor filter.	Severe: wetness, seepage.	Severe: wetness, seepage, too sandy.	Severe: wetness, seepage.	Poor: seepage, too sandy, small stones.
Pa----- Pawcatuck	Severe: flooding, ponding, poor filter.	Severe: seepage, flooding, excess humus.	Severe: seepage, flooding, ponding.	Severe: seepage, flooding, ponding.	Poor: excess humus, ponding, excess salt.
PbB ^o : Paxton-----	Severe: percs slowly.	Moderate: slope.	Moderate: wetness.	Moderate: wetness.	Fair: small stones, wetness.
Montauk-----	Severe: percs slowly.	Moderate: slope.	Moderate: wetness.	Moderate: wetness.	Fair: small stones, wetness.
PbC ^o : Paxton-----	Severe: percs slowly.	Severe: slope.	Moderate: wetness, slope.	Moderate: wetness, slope.	Fair: slope, small stones, wetness.
Montauk-----	Severe: percs slowly.	Severe: slope.	Moderate: slope, wetness.	Moderate: wetness, slope.	Fair: slope, small stones, wetness.
PbD ^o : Paxton-----	Severe: slope, percs slowly.	Severe: slope.	Severe: slope.	Severe: slope.	Poor: slope.
Montauk-----	Severe: slope, percs slowly.	Severe: slope.	Severe: slope.	Severe: slope.	Poor: slope.
PdB ^o : Paxton-----	Severe: percs slowly.	Moderate: slope.	Moderate: wetness.	Moderate: wetness.	Fair: small stones, wetness.
Montauk-----	Severe: percs slowly.	Moderate: slope.	Moderate: wetness.	Moderate: wetness.	Fair: small stones, wetness.
PdC ^o , PeC ^o : Paxton-----	Severe: percs slowly.	Severe: slope.	Moderate: wetness, slope.	Moderate: wetness, slope.	Fair: slope, small stones, wetness.
Montauk-----	Severe: percs slowly.	Severe: slope.	Moderate: slope, wetness.	Moderate: wetness, slope.	Fair: slope, small stones, wetness.
PeD ^o : Paxton-----	Severe: slope, percs slowly.	Severe: slope.	Severe: slope.	Severe: slope.	Poor: slope.
Montauk-----	Severe: percs slowly, slope.	Severe: slope.	Severe: slope.	Severe: slope.	Poor: slope.

See footnote at end of table.

TABLE 11.--SANITARY FACILITIES--Continued

Soil name and map symbol	Septic tank absorption fields	Sewage lagoon areas	Trench sanitary landfill	Area sanitary landfill	Daily cover for landfill
Ps----- Pootatuck Variant	Severe: wetness, poor filter, flooding.	Severe: seepage, flooding, wetness.	Severe: flooding, seepage, wetness.	Severe: flooding, seepage, wetness.	Poor: seepage, too sandy.
RaA----- Rainbow	Severe: percs slowly, wetness.	Slight-----	Severe: wetness.	Moderate: wetness.	Fair: area reclaim wetness.
RaB----- Rainbow	Severe: percs slowly, wetness.	Moderate: slope.	Severe: wetness.	Moderate: wetness.	Fair: area reclaim wetness.
RbB----- Rainbow	Severe: percs slowly, wetness.	Moderate: slope.	Severe: wetness.	Moderate: wetness.	Fair: area reclaim wetness.
Rc----- Raypol	Severe: wetness, poor filter.	Severe: seepage, wetness.	Severe: seepage, wetness, too sandy.	Severe: seepage, wetness.	Poor: seepage, too sandy, wetness.
Rd----- Ridgebury	Severe: percs slowly, wetness.	Slight-----	Severe: wetness.	Severe: wetness.	Poor: wetness.
Rn*: Ridgebury-----	Severe: percs slowly, wetness.	Slight-----	Severe: wetness.	Severe: wetness.	Poor: wetness.
Leicester-----	Severe: wetness.	Severe: seepage, wetness.	Severe: seepage, wetness.	Severe: seepage, wetness.	Poor: wetness.
Whitman-----	Severe: percs slowly, ponding.	Slight-----	Severe: ponding.	Severe: ponding.	Poor: ponding.
Ro----- Rippowam	Severe: flooding, wetness, poor filter.	Severe: wetness, flooding, seepage.	Severe: wetness, flooding, seepage.	Severe: wetness, flooding, seepage.	Poor: wetness, too sandy, seepage.
Rp*: Rock outcrop.					
Hollis-----	Severe: slope, depth to rock.	Severe: slope, depth to rock, seepage.	Severe: slope, depth to rock, seepage.	Severe: slope, seepage, depth to rock.	Poor: slope, thin layer, area reclaim.
Sf----- Scarboro	Severe: ponding, poor filter.	Severe: seepage, excess humus, ponding.	Severe: seepage, ponding, too sandy.	Severe: seepage, ponding.	Poor: seepage, too sandy, ponding.
Sg----- Sudbury	Severe: wetness, poor filter.	Severe: wetness, seepage.	Severe: wetness, seepage, too sandy.	Severe: wetness, seepage.	Poor: seepage, too sandy, small stones.
SvA, SvB----- Sutton	Severe: wetness.	Severe: wetness, seepage.	Severe: wetness, seepage.	Severe: wetness, seepage.	Fair: wetness, small stones.

See footnote at end of table.

TABLE 11.--SANITARY FACILITIES--Continued

Well name and map symbol	Septic tank absorption fields	Sewage lagoon areas	Trench sanitary landfill	Area sanitary landfill	Daily cover for landfill
WbB Sutton	Severe: wetness.	Severe: wetness, seepage.	Severe: wetness, seepage.	Severe: wetness, seepage.	Fair: small stones, wetness.
WxB Sutton	Severe: wetness.	Severe: wetness, seepage.	Severe: wetness, seepage.	Severe: wetness, seepage.	Fair: small stones, wetness.
Wt Tisbury	Severe: wetness, poor filter.	Severe: wetness, seepage.	Severe: wetness, seepage, too sandy.	Severe: wetness, seepage.	Fair: seepage, small stones, wetness.
Ua#: Udorthents. Pits.					
Ud#: Udorthents. Urban land.					
Ue#: Urban land					
Wd Walpole	Severe: wetness, poor filter.	Severe: seepage, wetness.	Severe: seepage, wetness, too sandy.	Severe: seepage, wetness.	Poor: seepage, too sandy, wetness.
Wg, Wh Westbrook	Severe: ponding, flooding.	Severe: ponding, flooding, excess humus.	Severe: ponding, flooding, excess humus.	Severe: ponding, flooding.	Poor: excess humus, ponding.
WvA, WvB Windsor	Severe: poor filter.	Severe: seepage.	Severe: seepage, too sandy.	Severe: seepage.	Poor: too sandy, seepage.
WxA Woodbridge	Severe: percs slowly, wetness.	Slight	Severe: wetness.	Moderate: wetness.	Fair: small stones, wetness.
WxB Woodbridge	Severe: percs slowly, wetness.	Moderate: slope.	Severe: wetness.	Moderate: wetness.	Fair: small stones, wetness.
WxC Woodbridge	Severe: percs slowly, wetness.	Severe: slope.	Severe: wetness.	Moderate: slope, wetness.	Fair: slope, small stones, wetness.
WyB Woodbridge	Severe: percs slowly, wetness.	Moderate: slope.	Severe: wetness.	Moderate: wetness.	Fair: small stones, wetness.
Wyc Woodbridge	Severe: percs slowly, wetness.	Severe: slope.	Severe: wetness.	Moderate: slope, wetness.	Fair: slope, small stones, wetness.
WzA#: Woodbridge	Severe: percs slowly, wetness.	Slight	Severe: wetness.	Moderate: wetness.	Fair: small stones, wetness.

See footnote at end of table.

TABLE 11.--SANITARY FACILITIES--Continued

Soil name and map symbol	Septic tank absorption fields	Sewage lagoon areas	Trench sanitary landfill	Area sanitary landfill	Daily cover for landfill
WzA*: Rainbow-----	Severe: percs slowly, wetness.	Slight-----	Severe: wetness.	Moderate: wetness.	Fair: small stone
WzC*: Woodbridge-----	Severe: percs slowly, wetness.	Severe: slope.	Severe: wetness.	Moderate: slope, wetness.	Fair: slope, small stone wetness.
Rainbow-----	Severe: percs slowly, wetness.	Severe: slope.	Severe: wetness.	Moderate: wetness, slope,	Fair: slope, small stone wetness.

* See description of the map unit for composition and behavior characteristics of the map unit.

750 000 FEET

