

Town of

P.O. Drawer 519

**Department of Planning &
Inland Wetlands Agency**

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



East Lyme

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Memorandum

To: East Lyme Inland Wetlands Agency

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

Date: December 6, 2022

Re: **Application of Soapy Noble LLC, applicant/owner;** for a 3,425± square-foot car wash facility with associated drive aisles, parking, vacuum spaces, drive-up lanes, stormwater measures and utility infrastructure at 230 Flanders Road, East Lyme Assessor's Map # 26.1, Lot # 27

Upon review of the above referenced application and plans entitled 230 Flanders Road, East Lyme Assessor's Map # 26.1, Lot # 27, and plans entitled "Proposed Soapy Noble Express Car Wash, 230 Flanders Road, East Lyme, Connecticut, dated November 29, 2022 revised through December 2, 2022, scale 1" = 20', prepared by Kevin M. Solli, P.E. of Solli Engineering, 501 Main Street, Munroe, CT 06468 for Soapy Noble, LLC, 131 Buckingham Street, Suite 301, Hartford, CT.", I offer the following findings and motion:

FINDINGS

The East Lyme Inland Wetlands Agency ("Agency") based on the record before it with respect to this application, finds this application to be in conformance with the Inland Wetlands Regulations of the Town of East Lyme and more specifically based on the following Findings:

Whereas: The Agency has received an Inland Wetlands Application from Soapy Noble LLC, applicant/owner; for a 3,425± square-foot car wash facility with associated drive aisles, parking, vacuum spaces, drive-up lanes, stormwater measures and utility infrastructure at 230 Flanders Road, East Lyme Assessor's Map # 26.1, Lot # 27, and plans entitled "Proposed Soapy Noble Express Car Wash, 230 Flanders Road, East Lyme, Connecticut, dated November 29, 2022 revised through December 2, 2022, scale 1" = 20', prepared by Kevin M. Solli, P.E. of Solli Engineering, 501 Main Street, Munroe, CT 06468 for Soapy Noble, LLC, 131 Buckingham Street, Suite 301, Hartford, CT."

Whereas: The Agency received this application on December 6, 2022 and opened, conducted, and closed a Public Hearing for the aforesaid application on January 10, 2023.

Whereas: As evidenced by Exhibit “M”, the notice of Public Hearing was published in the December 29, 2022 and January 6, 2023 editions of The Day newspaper.

Whereas: The Agency reviewed the application, received testimony from the applicant, opened the floor to hear testimony from the public which, there was none; and the Town’s staff provided the Agency with comment concerning this application’s compliance with local requirements and regulations.

Whereas: The Application submitted includes all the information required pursuant to Section 7.5 of the East Lyme Inland Wetlands and Watercourses Regulations and includes site plans, engineering reports, wetlands delineation by a soil scientist depicted on the site plans, a description of the ecological communities and functions of the wetlands and watercourses, a description of how the applicant will change, diminish or enhance the ecological communities and function of the wetlands or watercourse and of each alternative, and management practices and other measures designed to mitigate the impact of the proposed activity pursuant to Section 7.6 of the East Lyme Inland Wetlands Regulations. As such, the Application submitted in accordance with Section 7.1 of the East Lyme Inland Wetlands Regulations is complete.

Whereas: The project proposes to demolish the existing building located at 230 Flanders Road and construct a 3,398-square foot enclosed car wash facility with associated vacuums, parking spaces, sidewalks, dumpster enclosure, utilities, site lighting, stormwater improvements, and landscaping.

Whereas: The regulated activities include construction of a rigid frame structures, grading, and paving as well as a stormwater detention basin, the mitigation of invasive vegetation, and the creation of new inland wetlands soils within the 300-foot upland review area (URA).

Whereas: The proposed project will result in the disturbance of approximately 52,536-square feet within the 300-foot upland review area from wetlands and watercourses and will disturb approximately 3,176-square feet of inland wetlands.

Whereas: The project proposes the use of erosion controls that have been designed in accordance with the CT DEEP 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control Handbook including but not limited to perimeter silt fence, inlet protection, an anti-tracking pad, and outlet protection.

Whereas: Mitigation Measures to minimize and mitigate the potential impacts from the creation of new impervious surface on the site and to protect the wetlands and watercourses, stormwater management structures such as, a hydrodynamic separator or water quality unit, are being proposed which, will pre-treat and control runoff, promote groundwater recharge, and reduce thermal pollution.

Whereas: There are no anticipated impacts to flood flow, nor are there any changes to the natural channel; and nor will the project inhibit the natural dynamics of the existing Pattagansett River watercourse system.

As such, the project will not adversely impact the ability of the wetland to supply and store water or convey natural drainage patterns.

Whereas: The project will not impact the ability of the wetland to assimilate waste beyond that of pre-project levels.

Whereas: The project will not impede the capacity of the wetland to provide recreation or open space values.

Whereas: Section 10.6 of the East Lyme Inland Wetlands Regulations states that the Agency shall not “deny or condition an application for regulated activity in an area outside wetlands or watercourses based on an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourse.”

Whereas: Erosion and Sedimentation Controls will be established along the limits of disturbance to prevent sediment from entering the wetland or watercourse beyond the established limits of disturbance.

Whereas: Evidenced by Exhibits “J” e-mail correspondence from Alex Klose, P.E., Town Engineer, dated December 9, 2022, the project is not anticipated to cause any substantial diminution of flow of groundwater levels of the wetland nor result in the potential to cause pollution of a wetland or watercourse and the use of the upland area is a benefit to the overall water quality.

Whereas: The project does not propose any activates which will damage or destroy any unique wetlands or such areas with demonstrable scientific or educational value.

Whereas: There are no other prudent and feasible alternatives that would eliminate or further reduce potential wetlands impacts and the proposed activity is of limited duration, mitigates the existing stormwater impacts to the wetlands and watercourse, it is the preferred alternative as evidenced in Exhibit “N” Project narrative prepared by William Kenny, PWS, PLA dated January 9, 2023.

PROPOSED MOTION

Based on the findings in the memorandum from Gary A. Goeschel II, Director of Planning/ Inland Wetlands Agent, to the East Lyme Inland Wetlands Agency dated February 1, 2023, the I hereby **MOVE TO APPROVE** the application known as the Application of Soapy Noble LLC, applicant/owner; for a 3,425± square-foot car wash facility with associated drive aisles, parking, vacuum spaces, drive-up lanes, stormwater measures and utility infrastructure at 230 Flanders Road, East Lyme Assessor’s Map # 26.1, Lot # 27, which is further subject to the following administrative requirements and required modifications to the site plan and other materials submitted in support of this application:

1. Erosion and Sedimentation controls shall be installed prior to the start of any demolition, earth work, or construction.
2. Notify conservation officer at least 2-days prior to construction to inspect erosion controls.
3. In areas proposed to be loamed and seeded, a low maintenance lawn such as fescue, which requires minimal application of fertilizers and pesticides, shall be planted.
4. Forested cover within the upland review areas shall be maintained to the extent practicable. The propose LOD shall be strictly adhered to though out all phases of construction.
5. As the site is located within and adjacent to an Aquifer Protection Area, the use of calcium chloride for dust control shall not be used.
6. An Erosion and Sedimentation Control Bond in a form satisfactory to the Town of East Lyme and in an amount acceptable to the Inland Wetlands Agency, its Agent, and Town Engineer shall be posted with the Town of East Lyme prior to the start of any work.
7. A Wetlands Mitigation Planting Performance Bond in a form satisfactory to the Town of East Lyme and in an amount acceptable to the Inland Wetlands Agency, its Agent, and Town Engineer shall be posted with the Town of East Lyme prior to the start of any work. This financial guarantee shall be held for 3-full calendar years.
8. All stormwater catch basin sumps shall be 4-feet deep.
9. Any proposed Additional work beyond this permit in the wetlands or watercourse or its 300-foot regulated area will require approval from the Inland Wetlands Agency or its certified Agent.
10. Any changes to the site plan listed on this permit require notification to the Inland Wetlands Agent and may require Agency approval. A new plan incorporating said changes shall be given to the Agent before any work begins.
11. Inland Wetlands Tags provided by the Wetlands Agency, available in the Land Use Office, Department of Planning & Inland Wetlands, shall be posted along the inland wetlands' boundary ideally at 40-50-foot intervals satisfactory to the Inland Wetlands Agent.
12. No site work shall commence until all applicable conditions are satisfied.
13. Upon completion of construction and all regulated activities, Certification from a Professional Engineer licensed in the State of Connecticut, stating the stormwater management system was constructed and installed pursuant to the approved design along with an "As-Built" or Improvement Location Plan shall be provided to the Inland Wetland Agency or its Agent.

14. Notify Inland Wetlands Agent upon completion of all regulated activities and construction for final inspection.

This approval is specific to the site development plan entitled "Proposed Soapy Noble Express Car Wash, 230 Flanders Road, East Lyme, Connecticut, dated November 29, 2022 revised through December 2, 2022, scale 1" = 20', prepared by Kevin M. Solli, P.E. of Solli Engineering, 501 Main Street, Munroe, CT 06468 for Soapy Noble, LLC, 131 Buckingham Street, Suite 301, Hartford, CT" and submitted as the application known as Soapy Noble LLC, applicant/owner; 230 Flanders Road, East Lyme Assessor's Map # 26.1, Lot # 27. Any change in the plan or development plan layout other than those identified herein shall constitute a new application. Any modifications of this approval and other than those identified herein shall constitute a new application unless prior approval from the Agency or its Agent is granted. The applicant/owner shall be bound by the provisions of this Application and Approval.