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August 28, 2024

Gary A. Goeschel II, Director of Planning/Inland Wetlands Agent
Town of East Lyme
P.O. 519
Niantic, CT 06357

Re: Proposed Light Manufacturing
296 Flanders Road

Dear Mr. Goeschel:

We are in receipt of your review comments dated August 15, 2024, regarding the project noted above. Our response is shown below in ***bold italic*** type and is as follows:

1. The Application indicates the site address as 296 Flanders Road, East Lyme, CT. The Town's Tax Assessor's Field Card and GIS website indicates the parcel's current address as 294-2 Flanders Road, East Lyme, CT. In addition, the Application indicates 296 Flanders, LLC is the owner of record. However, the Cover Sheet of the proposed plan set indicates the owner is Cash Home Center, Inc. As such, these items need to be clarified and corrected. A corrected and revised Application Form should be submitted, and all other supporting documents submitted should updated to reflect the parcel's correct address and ownership.

   Response: The plans, application and all supporting documents have been revised to indicate the correct address and property owner in accordance with the Town GIS information.

2. According to the in the Wetland Protection Analysis in the Narrative to Accompany Wetlands Application indicate BL's "Certified Professional Soil Scientist (CPSS) has conducted, and extensive review of the potential wetlands and watercourse impacts for the proposed light manufacturing facility development." However, while highly credential and experienced according to the resumes of Mr. Wolf, PWS and Ms. Schuetz which were provided, it does not appear either are Certified Soils Scientists.

   Response: The Wetland Protection Analysis in the Narrative to Accompany Wetlands Application and the Wetland and Watercourse Evaluation Report, dated January 5, 2024, have been updated to include Sagan M. Simko, CPSS, PWS as the wetland delineator and report writer / reviewer for this project.

3. Pursuant to Section 7.6 of the Regulations, at the discretion of the Agency or its agent, or when the proposed activity involves a significant impact, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, is required:

   a. site plans for the proposed activity and the land which will be affected thereby which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect or landscape architect licensed by the state, or by such other qualified person.

      Response: The provided site plans indicate the land which will be affected by the proposed development and include existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the land and the proposed activity, prepared by a professional engineer have been provided as part of the application. – I would add : there are no proposed or planned alterations or uses of wetlands and watercourses associated with this application

   b. engineering reports and analyses and additional drawings to fully describe the proposed activity including any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan;

      Response: Engineeering reports and analyses as well as a comprehensive erosion control plan have been provided with the application materials for the proposed regulated activities including Narrative to Accompany Wetlands Application, Stormwater Management Report, Stormwater Management Report Appendix, Operations and Maintenance Report and Soil Test Results Report.

   c. mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service; the wetlands shall be delineated in the field by a soil scientist and the soil scientist's field delineation shall be depicted on the site plans;

      Response: Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service is included as Figure 3 within the Wetland And Watercourse Evaluation Report, dated January 5, 2024, submitted by BL Companies.

   d. a description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions;

Response: The description of the ecological communities and functions of the wetlands or watercourses involved with the application are included within the Wetland and Watercourse Evaluation Report, dated January 5, 2024, and is also included below:

1. WETLANDS

Wetland A - (Appendix B Photos #1 & 2)
Cowardin Classification: PFO; NWI Mapped – PFO1E
Location: N 41.361952 W 72.216634

Wetland A is located on the western boundary of the Project Area and continues off-site to the west and to the north. Wetland A is a Palustrine Forested/Shrub, Broad-leaved Deciduous, Seasonally Flooded/Saturated (PFO1E) wetland area. Dominant vegetation within the vicinity of Sample Point 1 (SP1) and Sample Point 2 (SP2) in Wetland A consisted of Acer rubrum (red maple) and Betula alleghaniensis (swamp birch) in the canopy layer, Lindera benzoin (northern spicebush) in the shrub layer, and Carex stricta (tussock sedge) in the herbaceous layer. Soils exhibited a Histosol (A1) hydric soil indicator. One (1) primary indicator of hydrology: Surface Water (A1) and two (2) secondary indicators of hydrology: Geomorphic Position (D2) and FAC Neutral (D5) were observed. Wetland Functions and Values associated with Wetland A consist of ground water recharge/discharge, floodflow alteration, fish and shellfish habitat, sediment/toxicant retention, sediment/shoreline stabilization, and wildlife habitat.

2. WATERCOURSES

Stream 1 (Pattagansett River) (Appendix B, Photo #3)
Stream Classification: PER
Cowardin Classification: NWI Mapped - R5UBH
Waters Type: RPW
Location: N 41.362266 W 72.217014

Stream 1 originates off-site to the north and is a portion of the Pattagansett River. Stream 1 appears to originate from the Pattagansett Pond. Stream 1 is located along the western boundary of the Project Area and continues off-site to the south. The riparian corridor of Stream 1 consisted of Wetland A. Stream 1 widths from the top of banks range from approximately 5.0 feet to 10.0 feet, depending on location. Stream 1 substrate consisted of silt, gravel, and cobble.

C. FUNCTIONS & VALUES

The functions and values of Wetland A include ground water recharge/discharge, floodflow alteration, fish and shellfish habitat, sediment/toxicant retention,

sediment/shoreline stabilization, and wildlife habitat. Nutrients and sediments from the adjacent commercial properties, as well as roadways, can be absorbed and retained within the wetland. This wetland also provides a contrasting habitat to the surrounding commercial and upland areas.

There will be very little effects due to the proposed activity on these communities and wetland functions, based on a lack of direct wetland impacts proposed. The only effect will be that the stormwater from the site entering the wetland / stream area will now be collected and treated prior to being released into the wetland / stream area.

e. a description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative which would cause less of no environmental impact to wetlands or watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent;

Response: The ecological communities will not be changed or diminished due to the proposed activity at the site and there will be very little effects based on a lack of direct wetland impacts proposed. Based on the desired Light Manufacturing Facility design, no other layout configuration would be feasible as an alternative. The alternative of not constructing the Light Manufacturing Facility would result in the continuation of the current condition of the site, which is the stormwater passing over the site untreated prior to entering the wetland / stream area. Our proposed stormwater system will collect and treat the stormwater prior to entering the wetland / stream area, resulting in cleaner hydrologic input into the ecological communities.

f. analysis of chemical or physical characteristics of any fill material; and

Response: The fill material is an unknown at this time. Providing fill will be the task of the selected site Contractor. The site Contractor will not be selected until all permitting is completed. At that time, we can make provisions such that the Contractor must provide the appropriate information for subsequent review and approval.

g. management practices and other measures designed to mitigate the impact of the proposed activity.

Response: The proposed project plans and associated supporting information include a comprehensive stormwater management plan for the proposed development. The management plan has been designed in accordance with the current CT DEEP Stormwater Quality Manual as well as all local requirements. Also included in the proposed application materials is the erosion and sediment control plans designed to mitigate any potential impact associated with development

during construction. Additionally provided is a Operations and Maintenance Manual developed to provide guidance for the stormwater management plan components with regard to the inspection and maintenance being performed on a regular basis to ensure proper function and thereby appropriate mitigation of potential impacts into the future.

While the plans are stamped and signed by both the Land Surveyor and Professional Engineer and depict delineated wetlands, the plans do not identify the Certified Soil Scientist or the individual qualified to delineate inland wetlands in the State of Connecticut. Section 7.6c of the East Lyme Island Wetlands and Watercourses Regulations states "the wetlands shall be delineated in the field by a soil scientist and the soil scientist's field delineation shall be depicted on the site plans;" As such, the plans should identify the Certified Soil Scientist as well as be signed by the Certified Soil Scientist.

Response: The Plans have been updated to include Sagan M. Simko, CPSS, PWS as individual qualified to delineate inland wetlands in the State of Connecticut for this project.

4. The Application indicates 3,800-square feet fill will be required on-site. Pursuant to Section 7.6f of the Regulations, please provide an analysis of the chemical or physical characteristics of the proposed fill material.

Response: The fill material is an unknown at this time. Providing fill will be the task of the selected site Contractor. The site Contractor will not be selected until all permitting is completed. At that time, we can make provisions such that the Contractor must provide the appropriate information for subsequent review and approval.

5. While the design team concludes that "all technical concerns and design parameters set forth by the Town and State, as presently identified, have been "fully met to the maximum extent achievable" suggests the standards set forth by the Town and State were not one hundred percent achievable on the site and the project does not completely meet all the regulations. For example, in the Conclusions & Recommendation of the Narrative to Accompany Wetlands Application, the on-site drainage collection system is sized or designed for the 10-year storm to operate without ponding or surcharging. As there is no specific Zoning or Inland Wetlands & Watercourses regulation requiring the retention of the 100-year storm event and the drainage system having not been designed to accommodate the 100-year storm event, which is the typically the standard the Town recommends, will the stormwater from storms greater than the 10-year storm event cause or exacerbate any downstream flooding? If so, how frequently would such flooding occur and what impact would such flooding have on the rivet and any associated wetlands both on-site and downstream.

Response: The stormwater management system is comprised of conveyance components, water quality treatment components and stormwater detention and infiltration components. The detention and infiltration components consist of four (4) subsurface chamber systems and two (2) surface basins. All of these systems have been designed to accommodate for runoff from up to the 100-year storm event.

The Stormwater Management Report describes the design of each component as well as reports the overall decrease in stormwater runoff peak flow rate and volume to the wetlands.

As part of the review process, the Town Engineer has reviewed the design and has no significant concerns. In addition, the Town Engineer suggests we consider utilizing the larger surface basin as an infiltration basin as well as detention. The revised project design has incorporated this into the stormwater management plan which has further reduced the peak runoff rates and volumes to the wetlands.

6. The application provides a "Narrative In Support of an application for site plan approval under Section HA.2.1 Light Manufacturing Facilities Draft", dated April 4, 2024 indicating the proposed use is permitted within the Gateway Planned Development District (GPDD). However, based on the Zoning Official's cursory review of the application (see Memorandum from William Mulholland to the East Lyme Inland Wetlands Agency dated August 15, 2024, attached) a Master Development Plan (MDP) was adopted in 2008 which, eliminated the standard uses found in the underlying zone (GPDD) and the MDP became the controlling code. According to Mr. Mulholland's memorandum, adoption of the GPDD provided a completely new list of Zoning use categories, of which Light Manufacturing Use is not included and therefore the proposed use is not permitted in this zone. In addition, Mr. Mulholland indicates the proposed development would be considered as Phase III of the Gateway Planned Development District which requires a bridge be constructed connecting the roadway in the multi-family development to the west of the commercial project on the easterly side of the Pattagansett River. As such, a bridge design and site plan along with an analysis of its impact on the wetlands and the watercourse would also need to be provided.

Response: The consultant has discussed the above with Mr Mulholland and agreed a way forward as not to hold up the inland wetland approval process. Mr Mulholland has agreed to provide a revised letter detailing such.

We trust this addresses your concerns. Should you require additional information, please call me at 860-760-1925.

Sincerely,

Gareth Wilson
Project Manager I