

Water & Sewer
August 26, 2025
Public Hearing Minutes

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Minutes of East Lyme Water and Sewer Commission Public Hearing - 08/26/25

Date and time: 08/26/25 6:30 PM to: 08/26/25 7:01 PM

Present: Brooke Stevens, Recording Secretary, Commission Members:, Carol Russell, Dan Cunningham, Chairman, David J. Murphy, David R. Zoller, Roger L. Spencer, David B. Bond, Ken Roberts, Absent:, Michelle Royce Williams, Lindsay Bollenbach

CC: Joe Bragaw, Director of Public Works, Joe Blanchard, Utility Engineer, Ben North, Chief Operating Officer, Attorney Timothy Bleasdale

Location: East Lyme Town Hall, Upper Conf. Room, 108 Pennsylvania Ave., Niantic, CT, 06357

Topics

1. Call to Order / Pledge of Allegiance

Note Mr. Cunningham called the Public Hearing to order at 6:30 p.m. and led those assembled in the Pledge of Allegiance; a quorum was present.

2. Public Hearing: Presentation on the Determination of Capacity for 283 BPR LLC Concerning a Development at 225 & 235 Flanders Rd

Note Jason Pazzaglia, the owner, was in attendance and noted that his attorney had not yet arrived.

Note see attachment.

 [283_BPR.pdf](#)

Note Mr. North noted the publication certificate for this public hearing, which was included in the Member Packet (Exhibit 1.)

 [Exhibit_1.pdf](#)

Note He explained that this allocation is for 3,250 gallons of sewer capacity for a proposed 48-unit housing development.

Note Mr. North further reviewed the exhibits entered into the record:

Exhibit 2- Application for determination of adequacy of sewer capacity pursuant to CT General Statutes §7-246a(1).

 [Exhibit_2.pdf](#)

Note *Exhibit 3- Sewer Department Capacity Update (May 2025).*

 [Exhibit_3.pdf](#)

Note *Exhibit 4- Supporting documentation, including

1. Letter from J. Robert Pfanner & Associates.

 [Exhibit_4.pdf](#)

Note 2. A-2 property survey and sewer shed location.

Note 3. Proof of ownership.

4. Capacity analysis comparing three similar East Lyme developments (Pondcliff, Village Crossing, King Arthur) with three years of usage data each.

5. Application of a 1.5x safety factor to usage data to provide a buffer for unanticipated demand.

 [Exhibit 4.1.pdf](#)

Note Exhibit 5- Legal letter (Waller Smith & Palmer) clarifying that the pending sewer connection moratorium does not affect applications submitted prior to its enactment.

 [Exhibit 5.pdf](#)

Note The Commission discussed reordering the sequence of public hearings since Mr. Pazzaglia's attorney had not yet arrived.

Decision MOTION (1)

Mr. Bond moved to reorder the Public Hearing Agenda and move the Public Hearing of 283 BPR LLC to the end of the Public Hearing session.

Mr. Roberts seconded the motion.

Motion carried, 7-0-0.

3. Public Hearing: Presentation on the Determination of Capacity for Landmark LLG and Jarvis LLC Concerning a Development at Calkins Rd

Note Chairman Cunningham noted that this item was cancelled at the request of the Applicant and will be rescheduled during the regular meeting.

4. Public Hearing: Proposed Supplemental Sewer Assessments Pursuant to the Resolution Adopted on August 27, 1991

Note see attachment.

 [Sewer_Assessment_Resolution.pdf](#)

Note see attachment.

 [Resolution.pdf](#)

Note Mr. North and Attorney Bleasdale reviewed and discussed the following with the Commission:

The original resolution was enacted on August 27th, 1991, and amended on March 24th, 1992.

The sewer main extension resolution (Boston Post Road Extension No. 5) was adopted on April 28th, 2009.

Note *The purpose of this is to assess properties that have connected to the sewer system since March of 2023.

*Properties connecting to the system are placed into the sewer assessment program.

*Interest rates and term periods are determined, with a maximum term of 20 years.

*Assessments vary based on whether properties are in the original 1991 system or in later sewer extensions, which can result in different rates.

Note Mr. Bond noted that many properties have recently connected ("tied in") to the sewer system over the last few years.

Note Mr. North also detailed the following:

*Forms issued since March 2023 provide property owners with information on what they will owe when connecting, but earlier forms were sometimes imprecise.

*Supplemental assessments apply to properties that have tied in and are now required to pay their assessment fees.

*Fees cover the cost of connection to the system.

*The proposed terms are a 20-year repayment period at a 5% interest rate, which has been reviewed with the Finance Director.

*Existing payments from previous assessments remain unchanged.

Note *Original 1991 assessments were 7,838.89–\$8,900 (condos at ¾ of that amount).

Example- 138 Boston Post Road still pays lower rates (\$58.79) due to original 1990s construction assessment. Later developments (such as The Orchards, 2009) have different rates reflecting newer construction and system costs.

Note *The proposed supplemental assessments will not retroactively change previously agreed-upon terms for property owners already paying or tied in.*

Note Mr. North referenced the New London Day Newspaper publication of this hearing for the record, and Mr. Cunningham called for public comments but there were none.

Decision MOTION (2)

Mr. Zoller moved to close the Public Hearing regarding supplemental sewer assessments at 6:45 p.m.

Mr. Spencer seconded the motion.

Motion carried, 7-0-0.

5. Return to Public Hearing #1: Presentation on the Determination of Capacity for 283 BPR LLC Concerning a Development at 225 & 235 Flanders Rd

Note Attorney Harry Heller of 736 Route 32 in Uncasville came forward and highlighted the following:

*This project is for 48 one-bedroom elderly housing units at 225 & 235 Flanders Road.

*This is located in the CA District, and this use is allowed by special permit.

Note *They're requesting an allocation of 3,250 gallons of sewer capacity for the proposed development.

Note *The proposed flow rate is 67.7 gallons per day per unit, calculated in conjunction with the Water & Sewer Department and past project evaluations such as Parkers Place, LLC.

Note *They've applied the town's sewer allocation ordinance for determining eligibility.

*The ordinance criteria is a flow rate exceeding 5,000 gallons/day – this project is below that threshold.

Note *The number of proposed units exceeds 20 units which makes this process necessary.

Note *The Commission is required to formally review the allocation request in accordance with the ordinance.

Note The first exhibit entered into the record was a plan prepared by J. Robert Pfanner & Associates, showing that the property lies within the sewer shed area.

 [Exhibit A from Harry Heller.pdf](#)

Note At a previous meeting, a question arose about whether the property at 225 & 235 Flanders Road could be served by on-site septic systems. Although septic feasibility is not a formal criterion in the sewer allocation regulations, the matter was addressed for informational purposes.

Note A site plan was submitted as part of the original sewer allocation request. The plan included soil mapping showing three soil categories.

 [Exhibit B from Harry Heller.pdf](#)

Note These soils are suitable for on-site septic systems under public health code standards.

Note Mr. Heller explained that the property lies entirely within an Aquifer Protection Overlay District. Both municipal and state plans of conservation and development discourage the use of on-site septic systems in aquifer protection areas.

 [Exhibit C from Harry Heller.pdf](#)

Note The proposed project also aligns with Department of Energy and Environmental Protection (DEEP) regulations, which discourage on-site septic systems for lots smaller than two acres.

Note Mr. Heller entered an excerpt from the State Plan of Conservation and Development into the record. The excerpt shows the property is located within a Suburban District classification.

Note A Suburban District is defined by the State Plan of Conservation and Development, as characterized by town centers or peripheral areas with strong commercial, civic, and transportation uses. 225 and 235 Flanders Road is appropriate based on zoning, the East Lyme Plan of Conservation and Development, and the state plan.

Note Mr. Heller stressed that East Lyme has a variety of housing, including age-restricted active adult communities for purchase. This project proposes for-rent elderly housing, a type of housing currently limited in the community. The population over 65 years is increasing, while younger age groups are declining, highlighting a need for this housing type.

Note He reminded the Commission that the Applicant request is for an allocation of 3,250 gallons of sewer capacity for the project. And allocation would be granted subject to parameters in the sewer allocation ordinance, including permit filing and construction timelines.

Note Questions were raised by Mr. Roberts about whether portions of the property, including a cul-de-sac, fall within the aquifer protection area.

Note Mr. Heller explained that the exhibit shows hatched areas representing aquifer protection boundaries, though the map is hard to read. All development areas are encompassed within the overlay. The property contains Canton Charlton soils (60B, 60C, 60D) which are well-drained soils suitable for on-site septic systems capable of handling 3,000 gallons per day.

Note Ms. Russell inquired how the Clean Water Act comes into play and Mr. Heller replied that the Clean Water Act discourages on-site septic systems in aquifer protection zones, recommending less than one home per two acres. Mr. Heller noted that this guidance is a policy only, and not a law.

Note Mr. Heller added that concerns about extra development from connecting to the municipal sewer are not considered under the town's sewer allocation rules and that information on soils and aquifer protection was provided only to answer questions and clarify feasibility.

Note Mr. Heller further emphasized that the Commission's action must comply only with existing ordinance criteria.

Note Attorney Bleasdale noted that he doesn't disagree with any of the remarks Attorney Heller made.

Note There were no public comments.

Decision MOTION (3)

Mr. Murphy moved to close the Public Hearing at 7:01 p.m.

Mr. Bond seconded the motion.

Motion carried, 7-0-0.

6. Adjournment

Decision MOTION (4)

Mr. Bond moved to adjourn the August 26th, 2025, Water & Sewer Commission Public Hearing at 7:01 p.m.

Mr. Zoller seconded the motion.

Motion carried, 7-0-0.

Decision MOTION (4)

Mr. Bond moved to adjourn the August 26th, 2025, Water & Sewer Commission Public Hearing at 7:01 p.m.

Mr. Zoller seconded the motion.

Motion carried, 7-0-0.

Decision MOTION (4)

Mr. Bond moved to adjourn the August 26th, 2025, Water & Sewer Commission Public Hearing at 7:01 p.m.

Mr. Zoller seconded the motion.

Motion carried, 7-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary

Next Meeting

Meeting title: East lyme water and sewer commission regular meeting

Date and time: 08/26/25 07:02 pm to: 08/26/25 07:37 pm

Location: East Lyme Town Hall, Upper Conf. Room, 108 Pennsylvania Ave., Niantic, CT, 06357