

No Sewers for Landmark Development

- By [Jayne Keedle](#)
- The Lymes Patch

East Lyme Water and Sewer Commission says the town doesn't have the sewer capacity to accommodate Landmark Development's affordable housing development

After [three public hearings](#) that included hours of testimony and mountains of documents, East Lyme Water and Sewer Commission last night denied Landmark Development Group LLC and Jarvis of Cheshire's application for confirmation of available sewage capacity for an affordable housing development it proposes to build in the Oswegatchie Hills area of East Lyme.

Landmark initial request, made on June 1, 2012, was for confirmation of the availability of 237,090 gallons per day of sewage disposal capacity. On August 24, that request was downsized to 118,000 gallons per day. Even with the reduction, however, the commission unanimously concluded that the town doesn't have capacity to grant this request.

Some of the reasons given for the denial are as follows:

- Less than 60 percent of Landmark's proposed residential development adjacent to Caulkins Road is located within the town's sewer service district.
- The town's Facilities Plan already provides for sewers to be constructed in other areas of town, upon which assessments have already been levied and which are wholly located within the existing sewer service district.
- East Lyme has supplied sewer service to areas of town where customers have the option to connect to the sewer system as a result of assessments levied but who have not yet hooked up to the system.
- The town's Facilities Plan also provides for sewers to be constructed in other areas of town wholly within the sewer service district where sewers are not currently available.

East Lyme's Current and Projected Sewage Treatment Capacity

A report by Fuss & O'Neill, Inc. in 2007 estimates that when all the areas designated for sewer service come online, it will require about 3,645,000 gallons per day of sewage treatment capacity.

Under the current agreement with Waterford and New London, East Lyme is entitled to use 15 percent of the treatment capacity of New London's Waste Water Treatment Facility. Right now, the facility can handle 10,000,000 gallons of sewage per day, of which East Lyme is entitled to 1,500,000 gallons per day.

The Connecticut Department of Energy and Environmental Protection also requires the town to reserve 478,000 gallons per day of its available sewage treatment capacity for state facilities, such as Rocky Neck State Park, which are located within East Lyme.

When all that is added up, the town has between 130,000 and 225,000 gallons per day of remaining sewage treatment capacity. Landmark's request for 118,000 gallons per day would eat up 52 to 90 percent of that and would amount to more than 10 percent of East Lyme's daily sewage flow.

The Commission's Conclusion—What It Means Going Forward

Based on that, the Commission determined that the capacity requested by Landmark was disproportionately large and, if granted, would make it difficult if not impossible to serve the customers already slated to receive sewage treatment services from the town.

By state law, affordable housing developments are exempt from many zoning regulations but as sewers are a public health concern, East Lyme's Water and Sewer Commission has "wide discretion" when it comes to determining whether a project can connect to the town's sewer system.

The Commission's denial of Landmark's application won't stop the development. But it will make it more onerous and costly for Landmark, which now bears the responsibility to provide sewage treatment for the 840 housing units it proposes to build.

"He'll be back, but so will we," said Fred Grimsey, president and founder of [Save the River, Save the Hills](#), a nonprofit organization that has intervenor status and opposes Landmark's proposed development for environmental reasons.