

Landmark appeals Oswegatchie Hills decision; environmental groups intervene

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East Lyme — Landmark Development is appealing the town's latest decision on an affordable housing proposal in the Oswegatchie Hills, but three environmental groups are attempting to have the case dismissed.

The Middletown-based development company, which has been proposing an 840-unit development in the hills by the Niantic River, had filed an appeal in September in New London Superior Court against the Zoning Commission.

The appeal claims the commission went "beyond its statutory authority" in its August decision that conditionally approved the developer's preliminary site plan and rezoning application.

The commission had ruled that only the portion of Landmark's property that falls within the town's sewer service district will be rezoned as an affordable housing district. The ruling also states that Landmark must meet several requirements, including providing information on the development's potential environmental and coastal effects, while submitting a final site plan application.

Landmark's appeal alleges that the commission did not meet the requirements of state affordable housing law to justify that the protection of the public interest in health or safety outweighs the need for affordable housing.

In court proceedings filed this month, Connecticut Fund for the Environment, Save the River-Save the Hills and Friends of Oswegatchie Hills Nature Preserve, three intervenors in the case, say the appeal should be dismissed because the commission's decision is not a final ruling. Landmark still needs to submit to the commission additional information with a final site plan application, the intervenors' documents state.

"Courts are not supposed to hear decisions until final," said Roger Reynolds, legal director for Connecticut Fund for the Environment.

"We're going to try to oppose their motion," said Attorney Timothy Hollister, who represents Landmark.

Mark Zamarka, an attorney for the town, said the appeal has been filed recently and the town has filed a response.

In court documents, the town denied Landmark's claim that the Zoning Commission's decision did not meet the requirements of the affordable housing law.

The appeal of the Zoning Commission's decision comes at a time when an appeal from Landmark against the Water and Sewer Commission is still ongoing in Hartford Superior Court.

For years, the town and Landmark Development have been at odds over development in the Oswegatchie Hills, and over the years Landmark has filed several appeals of town's decisions.

Glenn Russo, the developer for Landmark, and First Selectman Mark Nickerson had signed a memorandum of understanding last spring to try to find an alternative property to swap for Landmark's property in the hills, but a specific property has not been announced.

Russo said last Wednesday, "We've been working with both state and federal agencies as well in order to facilitate the land swap, but as of today we have no progress to report regarding any specific location."

Nickerson said several potentially suitable properties have been identified, but it is now up to the legislative bodies to move it forward.

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