

# Russo attorney recommends appeal of East Lyme ruling on development

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Publication: The Day

Published 12/13/2012 12:00 AM

Updated 12/13/2012 12:06 AM

**East Lyme** - The attorney for the companies seeking to develop the Oswegatchie Hills said Wednesday that he has recommended that his client appeal a Tuesday decision by the Water and Sewer Commission.

The commission decided unanimously on Tuesday that the application of Landmark Development Group and Jarvis of Cheshire requested a "disproportionately large" amount of the town's remaining sewer capacity. The resolution passed at the meeting stated that there were areas in sewer service districts that the town still needed to connect to sewers.

It also stated that less than 60 percent of the proposed development fell within a sewer service district.

Glenn Russo, the developer, has for more than a decade submitted several applications to build housing in the Oswegatchie Hills. He has also appealed Zoning Commission decisions in Superior Court several times.

The courts ruled in favor of the commission in 2004 and 2008. In 2011, Judge Stephen F. Frazzini ordered that the Zoning Commission review its regulations governing affordable housing, which the commission did last week.

Attorney Timothy Hollister of Shipman & Goodwin, who represents Russo, said Wednesday that he and his client are reviewing the commission's decision, but a decision has not been made on whether or not to appeal that decision.

Hollister said the proposed development within the Oswegatchie Hills, which would include affordable housing units, is in a sewer district. The town has enough sewer capacity for the project but is not allowing the proposed development to use the remaining capacity, he said. "I think it's going to be very difficult for the Sewer Commission to sustain these denials," he said.

First Selectman and Water and Sewer Commission Chairman Paul Formica said the commission would defend the decision rendered Tuesday, but he understood that the developers have the right to appeal.

"The commission was very thorough in their investigation of the question and I thought rendered a very fair and concise decision," Formica said.