



September 30, 2020

Dear Chairman Walker and Commissioners of the East Lyme Zoning Commission:

I am writing to you as President of Save the River-Save the Hills to oppose the Application of Landmark Development Group, et. al., for Amendment to the East Lyme Affordable Housing (AHD) regulations. We are a non-profit 501(c)(3) grassroots environmental organization based on the Niantic River Estuary in Connecticut. Our organization is dedicated to preserving the health of the Niantic River Estuary, its Watershed in the towns of East Lyme, Montville, Salem and Waterford, and the natural beauty of the Oswegatchie Hills.

It is our longstanding position that the best use of the fragile coastal forest is as open space to protect the Niantic River Estuary of Long Island Sound. The land and the water are natural treasures, to be protected now and for future generations.

The Niantic River estuary is a unique habitat for Long Island Sound. While the River is safe for swimming and fishing, the habitat struggles due to nitrogen pollution coming from the people living in the watershed (the area of land that drains to the Niantic River via streams, rivers, and groundwater), coupled with rising temperatures.

The Connecticut Department of Energy and Environmental Protection (CTDEEP) has listed the Niantic River on the impaired waters list of the State of Connecticut (Clean Water Act, 33 U.S.C. §§1313 and 1315); the river is impaired as a habitat for marine fish, other aquatic life, and wildlife. Potential causes for this impairment include eutrophication resulting from nutrients, with sources such as industrial point-source discharges, illicit discharges, remediation sites, ground-water contamination, and insufficient septic systems (Connecticut Department of Energy and Environmental Protection, 2012). Other more general sources of elevated nutrients include atmospheric deposition, stormwater runoff, and ground-water discharge from developed areas, including discharge from septic systems adjacent to the Niantic River.

The proposed text changes to East Lyme's existing AHD regulations appear to be a blatant move by Landmark Development to avoid providing detailed environmental information and development plans to the town's regulatory agencies for their review and final decisions.

Past judicial decisions in the ongoing litigation (Superior Court, Judge Frazzini, J.) have already found that insufficient information was submitted by Landmark Development to the Zoning Commission to make a final decision on the proposed development. The judge remanded the decision back to the Commission to create a preliminary and/or final site plan process to gather such environmental information. Reverting to the use of a Master Plan approval process, with watered-down provisions, as proposed by Landmark, would allow the developer to obtain approval to build in Oswegatchie Hills before providing the meaningful environmental information required by judges who have already ruled that Landmark should provide this information to the Zoning Commission.

Zoning regulations are designed to be applied fairly to ALL proposed projects in town. For five years, the Town of East Lyme and other developers have effectively used the existing AHD regulations, which Landmark Development participated in writing, to obtain several affordable housing approvals in town.

We respectfully request that you recognize the proposed text changes for what they are - self-serving changes aimed at pushing through one project - and not accept them.

Fred Grimsey

Fred Grimsey, President
Save the River-Save the Hills