

East Lyme Planning Commission

Regular Meeting

Tuesday, April 15, 2014

PRESENT: Brian Schuch, Rita Palazzo, Frank Balantic, Joan Bengtson, Ernie Covino, Francine Schwartz

ALSO PRESENT: Gary Goeschel, Planning Director, Anne Thurlow, Alternate, Michael Hess, Alternate

ABSENT: Ex-Officio, Rose Ann Hardy, John Birmingham, Alternate

Chairman Schuch called this Regular Meeting of the Planning Commission to order at 7:12 PM.

**Pledge of Allegiance**

The Pledge was observed.

FILED IN EAST LYME  
CONNECTICUT  
April 22, 2014 AT 9:50 AM/PM  
KAREN GALBRAITH  
EAST LYME TOWN CLERK

**Additions to the Agenda**

There were none.

**II. Public Delegations**

Public Delegations is the time when members of the public are invited to speak to the Commission about certain matters. Issues or concerns related to approved subdivisions under construction (Item VI) and in-house proposals or general topics of discussion (Item VII) are open to comment. Items, referrals, or applications subject to a decision by the Commission, a public hearing, or in litigation may not be discussed. The members of the Commission will not directly answer questions or make comment during delegations.

There were none.

**III. Approval of Minutes**

A. Regular Meeting Minutes of April 1, 2014.

There were no corrections.

• **\*\*Motion (1)**

Ms. Palazzo moved to approve the Planning Commission Meeting Minutes of April 1, 2014.

Ms. Schwartz seconded the motion.

Vote: 5-0-1. Motion passed.

Ms. Bengtson abstained from the Vote since she left before the Meeting was over.

#### IV. Subdivisions and Resubdivisions

- A. Pazz Construction, LLC, applicant/owner; Application for a waiver request from Section 23.58 of the East Lyme Subdivision Regulations to reduce a buffer along the northern property line for a proposed eight lot subdivision of property located at 233 Upper Pattagansett Road, East Lyme, CT, property identified on the East Lyme Assessor's Map 39.0, Lot 6.

Mr. Schuch reminded the Commission that the Public Hearing conducted by the Planning Commission closed on March 18<sup>th</sup> 2014. He noted that the Commission still has until May 22<sup>nd</sup> 2014 to render a decision. Mr. Schuch called attention to the report completed by Mr. Goeschel, (Exhibit 3), which is included in the Member packet. Mr. Goeschel stated that at the last Meeting, he was asked to look into several questions which are addressed in his report. Mr. Goeschel said that one of the questions concerned the pedestrian easement to the north; it has been determined that this is a private easement reserved for Nottingham Hills Subdivision, and Mr. Goeschel noted this in his report. Mr. Goeschel explained that he consulted with the Town Attorney regarding the Legal Notice and they agreed that the error was not a significant defect; A Public Hearing was held and the Public were aware of what the hearing concerned regardless of whether the word zoning or subdivision was used.

Mr. Goeschel noted that the Commission asked him to review the Application against the waiver criteria in the Subdivision Regulations, which he has done and included in his report. He explained that there are seven different criteria and that the bullet items on his report, are his opinion as to how the Application meets this criteria. Mr. Goeschel called attention to number (2) *and his bullet comment that there is an existing Private Right-of-Way (ROW) to access open space on the adjacent parcel along the northern property line as well as steep slopes.* Mr. Goeschel also noted number (4) and stated that he believes that the proposed plan, by planting evergreen alongside the driveway, effectively provides a vegetative buffer intended by the regulations. Mr. Goeschel went on to summarize how the granting of the waiver will not be in conflict with the Plan of Conservation and Development, Engineering Standards or Subdivision Regulations. Page 3 of Mr. Goeschel's report details Section 23.5 B of the Zoning Regulations and how it relates to this Application (see attached Exhibit 3).

Mr. Goeschel stated that the Commission when looking at the pictures included in Exhibit 3, needs to decide if the property is an open agrarian landscape and whether the waiver will eliminate any rural character that the road may have. Ms. Palazzo and Mr. Goeschel discussed how the rural character and country feel of the road is a subjective concept dependent on individual interpretation. Mr. Covino said that in order to meet the regulations the view has to be minimized by enacting a vegetative barrier, which screens the subdivision. Mr. Goeschel said that much of the existing vegetation such as the vines and brush, need to be cleaned up and replaced with more desirable vegetation. Ms. Schwartz asked if some of the larger trees that don't interfere with the new barrier will stay and Mr. Goeschel responded that they would if they are healthy.

Mr. Balantic questioned how some of these trees can be planted in the same area as a septic field and Mr. Goeschel stated that a 100 foot buffer be maintained. He added that this issue can be argued in two ways;

*In open agrarian landscapes, a deep “no-build, no plant” buffer shall be maintained along the public thoroughfare where those views or vistas are predominately or locally significant. Another take on this argument could be that in the case of non-wooded areas or open agrarian landscapes absent of scenic views and vistas, the Planning Commission shall require the planting of evergreen trees...to screen this proposed development from the arterial or collector road (East Lyme Zoning Regulations Section 23.5B. Buffers).* The course of action in regards to the buffer, is dependent on whether one feels there is a view/vista or not. Mr. Schuch asked for clarification of whether the regulations meant the existing condition of the view and Mr. Goeschel stated that in his opinion, it does mean the existing condition. He also added that the whole process of this Application has illustrated for him, that there are numerous places within the Zoning and Subdivision Regulations regarding buffer requirements that should be examined and clarified. He noted that we do not currently have a definition of what a scenic view is and that it therefore becomes a subjective argument.

Mr. Schuch said that one thing he does not see in the memo but that Mr. Goeschel referenced, is that the 40 foot buffer is what the Applicant is seeking a waiver of. The regulations state that where *compatible land uses obviate the need for such a buffer, the Planning Commission may waive or reduce these requirements if it can be shown that such a modification will further the purposes of the Conservation by Design Development (East Lyme Zoning Regulations Section 23.5B., Buffers).* He added that if we consult the purposes in the Zoning Regulations (as listed on page 3 of Mr. Goeschel’s memo) along with Section 6-1-1 of the Subdivision Regulations and the thirteen points listed (that expand upon the intent of the Conservation by Design Development), it states in number 12 *to conserve scenic views and elements of the Town of East Lyme’s rural character and to minimize perceived density by minimizing views of new developments.* If the Regulations require a 40 foot buffer and one can only waive it if you meet the purpose; we would be waiving a buffer and putting a driveway through it. From the road it would appear to be house, house, house, driveway instead of house, house, house, 40 foot buffer.

Mr. Goeschel stated that it is at the discretion of the Commission whether the plantings provide enough of a visual buffer. Mr. Schuch reiterated that the Commission needs to determine whether this view or vista is scenic or not. Mr. Goeschel said that his concern is that if we maintain that this is a scenic view than 200 feet is going to be approximately at the building line of each of the lots. If the line is reduced to 100 feet than it would achieve a deep setback with no vegetation, and whatever scenic view that may have originally been there, will no longer remain. Mr. Schuch asked if a septic system or detention basins would trigger the no build, no plant rule and Mr. Goeschel stated that the intent is to maintain an open landscape if you have one. He added that in his opinion, there is no scenic view but that it is ultimately up to the Planning Commission. He also added that the deliberation process becomes tricky since we are looking at the Zoning Regulations; one has to ask if the Planning Commission has the authority to waiver a Zoning Regulation. He said that he thinks that the intent behind the Regulations is to move development onto buildable land and to preserve vistas.

Mr. Goeschel stated that he is comfortable with the Application; that the two rows of plantings do achieve a more attractive landscape. Mr. Schuch said that since a decision is not due until the 22<sup>nd</sup> of May, he would be fine tabling this matter again. The additional time would allow the Commission the means to adequately review the Regulations. He also cautioned the Commission that they need to be

careful and not make a subjective decision. Mr. Goeschel reminded the Commission that this Plan has been approved by the Zoning Department and that the Commission needs to consider if they have the authority to waive a Zoning Regulation; however, the Commission does have the authority to waive their own Regulations, namely the Subdivision Regulations.

Mr. Balantic stated that he does not feel that the Plan addresses 23.5B at all. He said that he didn't feel we could call this an open agrarian landscape and struggles to see how anyone with a septic system wanting a buffer planted by it. He added that this Plan does not just deal with one driveway that three other driveways would go through this buffer zone. Mr. Balantic noted that Mr. Pazzaglia and his team have worked very hard on their Application and that he would like to see them be successful in their endeavors. He said that the Applicant has done everything he can with the tools he has to work with, and he questions if we need to revisit the entire regulation and open it up to 50 acres in size where this regulation would better apply. When the ten or twelve acres that you are working with are not a square but a long lot like this, he does not see a better course of action but still struggles with it pertaining to the second paragraph of 23.5B.

Mr. Schuch stated that he understands Mr. Balantic's argument, that the Public Hearing has been closed, and that the Public did not have the opportunity to comment on the subjective decision that the Planning Commission is tasked with making. Mr. Goeschel stated that his interpretation from the Public Hearing is that the public did not want to see the Development occur at all and given this, would be hard pressed to see them opposing the screening of the Development. Mr. Schuch said that he wanted to tread carefully because the Commission has a responsibility to the public. The Planning Commission chose to table this discussion until the next Planning Commission Meeting.

#### **V. Zoning Referrals**

There were none.

#### **VI 8-24 Referral**

There were none.

#### **VII Other Business**

##### **A. New Business**

There was none.

##### **B. Old Business**

There was none.

## **VIII Reports**

### **A. Chairman**

Nothing to report.

### **B. Ex-Officio- Rose Ann Hardy**

Ms. Hardy was not in attendance.

### **C. Zoning Representative**

Mr. Balantic stated that most of the April 3, 2014 Zoning Meeting was spent discussing outside dining and outside bar regulations. The Ex-Officio discussed the golf cart proposal and the upcoming Public Hearing regarding it.

Ms. Palazzo stated that she would be attending the April 17, 2014 Zoning Meeting if it occurs.

### **D. Regional Planning Representative- Brian Schuch**

Mr. Schuch stated that the Council of Governments have increased their geographic scope to include Norwich, New London and Westerly. The addition of Westerly changes the Council's eligibility for different grants.

### **E. Sub-Committees**

- a. Sustainable Development and Climate Adaptation Subcommittee (F. Schwartz and G. Goeschel)

Mr. Goeschel stated that he sent out email to the Commission about different upcoming workshops they might wish to attend. Ms. Schwartz reminded the Commission that they are still in need of another Member.

- b. Subdivision Regulations Bonding Review Subcommittee (B. Schuch, J. Bengtson and G. Goeschel)

Mr. Goeschel stated that they have met and that several revisions to the regulations have been made, and sent to Attorney O'Connell for review. He suggested that they postpone their Thursday Meeting until Mr. O'Connell could attend.

### **F. Staff/Communications**

- a. Route 11 Greenway Authority Commission Update

Nothing to report at this time.

- b. Staff Reports

Mr. Goeschel said that based on this evening's discussion as well as the exercise and review of tonight's Application, this suggests that we need to look more closely at our regulations. The Zoning Commission has a subcommittee which reviews their regulations. Mr. Goeschel suggests having a Planning Member, Zoning Chair, Mr. Mulholland, himself, and Town Council together to revise regulations. He noted that Mr. O'Connell mentioned several times that he did not review the regulations before they were revised

and adopted. Ms. Palazzo and Mr. Schuch stated that they both would be interested in participating in such a subcommittee.

Adjournment

- **\*\*Motion (3)**

**Ms. Palazzo moved to adjourn the Planning Commission Meeting at 8:28 PM.**

**Ms. Bengtson seconded the motion.**

**Vote: 6-0-0. Motion passed.**

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Brooke D. Stevens".

Brooke Stevens,  
Recording Secretary

# Town of

P.O. Drawer 519

**Department of Planning &  
Inland Wetlands**

*Gary A. Goeschel II, Director of Planning /  
Inland Wetlands Agent*



# East Lyme

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## MEMORANDUM

TO: East Lyme Planning Commission

FROM: Gary A. Goeschel II, Director of Planning / Inland Wetlands Agent

DATE: April 11, 2014

RE: **Application of Pazz and Construction, LLC**, for a waiver request from Section 23.5 B of the East Lyme Subdivision Regulations to reduce a buffer along the northern property line and an eight lot subdivision of 14.75 acres of property located at 233 Upper Pattagansett Road, East Lyme, CT, property identified on the East Lyme Assessor's Map 39.0, Lot 11.

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As requested by the Commission on April 1, 2014, I reviewed the above referenced application, supporting documentation, and proposed subdivision plans entitled "Conservation Design Development, 233 Upper Pattagansett Road, East Lyme, Connecticut; dated December 19, 2013 and revised through January 29, 2014 prepared for Pazz and Construction, LLC by J. Robert Pfanner, P.E., L.S. of J. Robert Pfanner & Associates, P.C., Niantic, Connecticut, against the Waiver criteria in Section 4-9 of the Subdivision Regulation. Below are my findings.

### FINDINGS

Pursuant to Section 4-12 of the East Lyme Subdivision Regulations, only as specifically authorized within the Regulations may the Commission waive certain requirements by a three-quarters vote of all members, when it is demonstrated that strict compliance will cause an exceptional difficulty or undue hardship.

Also, the applicant must submit a waiver request in writing at the time of application,

**Whereas:** At the time of application, the applicant provided a waiver request from Section 23B for a reduced buffer along the northern property line; and

The Commission must require a public hearing,

**Whereas:** The Commission commenced a Public Hearing and received testimony on March 4, 2014. The Public Hearing for said application was continued to March 18, 2014 and closed at the Commission's March 18, 2014 meeting. The Commission has reviewed the application and received testimony from the applicant and public. Town staff also provided the Commission with comment concerning this applications compliance with local requirements and regulations.

Further, the Commission shall not grant a waiver unless it finds the following conditions are met:

- (1) The waiver has been requested in writing by the applicant in the application submission;
  - As previously stated, at the time of application the applicant provided a waiver request from Section 23B for a reduced buffer along the northern property line.
- (2) The property for which the waiver is sought is affected by conditions, which affect the property and are not generally applicable to other land in the area;
  - There is an existing Private Right-of-Way (ROW) to access open space on the adjacent parcel along the northern property line as well as steep slopes.
- (3) Physical features of the property or its location causes exceptional difficulty or unusual hardship in meeting the requirements of these Regulations;
  - The parcel contains an area of steep slopes and on site inland wetlands on the easterly end of the property. In addition, there are existing stones walls along the Upper Pattagansett ROW .
- (4) The granting of a waiver will not have a significantly adverse effect upon adjacent property, the environment, or the public health and safety;
  - Although, the applicant seeks a waiver from the buffer requirement along the northern property line, the proposed plan indicates the installation of evergreen plantings along both sides of the proposed common driveway effectively providing a vegetative buffer intended by the regulations. As such, the granting of this waiver would not have a significantly adverse effect upon adjacent property, the environment, or the public health and safety. Additionally, the abutting property affected by the waiver request, is slated for a 60 unit +/- affordable housing development. As indicated by Exhibit "T" the current owner of the abutting property affected by the waiver request, has no objection to the granting of the requested waiver.
- (5) The granting of the waiver will not be in conflict with the Plan of Conservation and Development;
  - As the proposed plan utilizes the use of smaller lots allowing the construction to be concentrated on the portion of the parcel best suited for development, protects environmentally sensitive areas such as wetlands, and minimizes grading, excavation, and impervious surface, the proposed plan would be consistent with Section 3.1.1, Single-Family Housing, of the POCD. As such, the granting of the waiver will not be in conflict with the Plan of Conservation and Development
- (6) Where it is proposed to vary any engineering standard contained in these Regulations, a report from the Town Engineer has been requested and considered by the Commission;
  - The requested waiver does not propose to vary any engineering standard.
- (7) The requested waiver is the minimum deviation from the requirements of these Regulations necessary to permit subdivision of subject land.
  - The applicant is requesting only to waiver the buffer requirement in order to construct a driveway within the required 40-foot buffer. However, the applicant proposes the installation of evergreen plantings along both sides of the proposed common driveway effectively providing a vegetative buffer to screen development on the proposed lots from existing contiguous lots as intended by the regulations.

Pursuant to Section 23.5B of the Zoning Regulations, the Planning Commission may waive reduce or the requirements of Section 23.5B if it can be shown that such a modification will further the purposes of the Conservation by Design Development.

The purpose of Section 23 of the Zoning Regulations is to provide more flexible standards (Conservation Design Development Subdivisions) to permit residential lots in specified districts to be reduced in dimension and designed to occupy less than the total tract to be subdivided. The undeveloped portion of the tract would be dedicated as open space. It is intended that use of these flexible standards and requirements will direct development to those land areas most suitable for development, will produce a more attractive, creative and efficient use of land and will achieve the following objectives:

- A. The preservation of natural or agricultural open space within new residential developments, the maintenance, and enhancement of the appearance, character and natural beauty of an area.
- B. The protection of the local ecology and the quality and quantity of underground and surface water; the preservation of significant stands of trees, steep slopes, ridge lines, vistas and archaeological and historic sites and stone walls and other areas of value including significant geological features, water bodies, wetlands, watercourses and other areas of environmental and aesthetic value; the minimization of flood hazards; and the prevention of soil erosion.
- C. The provision of Active and Passive recreation areas in close proximity to residents.
- D. The reduced cost of providing public services and infrastructure such as shorter more narrow roads and water & sewer infrastructure.
- E. The subdivision open space land shall be shown on the plan and shall be labeled to specify the open space purpose. The plan will specify that the open space land shall not be further subdivided and is permanently reserved for open space purposes.
- F. The subdivision open space land shall be conveyed by the applicant in accordance with Section 10 of the Subdivision Regulations.

Section 23.5 B., Buffers, states:

1. A wooded or otherwise landscaped buffer shall be provided along the perimeter of the Conservation Design Development to Screen Development on the proposed lots from existing contiguous lots. The minimum width of the buffer shall be 40 feet, any portion of which may be either subdivision open space area or area contained within lots (e.g. conservation easement). Where variations in topography, natural features, or compatible land uses obviate the need for such a buffer, the Planning Commission may waive or reduce these requirements if it can be shown that such a modification will further the purposes of the Conservation by Design Development.

- There is an existing Private Right-of-Way (ROW) to access open space on the adjacent parcel along the northern property line as well as steep slopes. As previously noted, the abutting property affected by the waiver request, is Zoned AHD and slated for a 60-unit residential affordable housing development. Granting the requested waiver directs development to those land areas most suitable for development as proposed. As the plan proposes to vegetate both sides of

the proposed common driveway along the northerly property boundary, it allows for a more attractive, and efficient use of land.

2. In the case of non-wooded areas or open agrarian landscapes absent of scenic views and vistas, the Planning Commission shall require the planting of evergreen trees or similar vegetation (min 3-½ caliper), to screen this proposed development from the arterial or collector road. Scenic views and vistas shall remain unblocked or uninterrupted, particularly as seen from public thoroughfares (arterial & collector road). In open agrarian landscapes, a deep “no-build, no-plant” buffer shall be maintained along the public thoroughfare where those views or vistas are prominently or locally significant. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep “no-build, no-cut” buffer shall be respected, to preserve existing vegetation. Such buffer shall be a minimum of 200-feet. The Planning Commission may waive or reduce such buffer no less than 100-feet if it can be shown that such waiver or reduction shall protect rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads and establishes a buffer zone along the scenic corridor or rural road with historic buildings, stone walls, hedgerows, and so on.
  - The existing view from the public thoroughfare can be seen in the attached photos. As the use of the existing parcel included the keeping of horses and an open paddock area/horse coral, it can be argued such area would be considered an open agrarian landscape. As such, it is clear that the Planning Commission shall require the planting of evergreen trees or similar vegetation (min 3-½ caliper), to screen this proposed development from the arterial or collector road.
  - It can be argued that the view from the public thoroughfare would not be consider a prominent or locally significant view as identified in the 2009 Land of Unique Value Study. In the absence of a prominently or locally significant scenic view, it is my opinion, that the intent of this regulation is to screen the proposed development from the public thoroughfare and protect the rural roadside character. As the Planning Commission may waive or reduce the required 200-foot buffer to no less than 100-feet, I would recommend a vegetative buffer of evergreen of evergreen trees (a mix of white pine, blue spruce, or Norway spruce) staggered approximately 15-20-feet on center be established to adequately screen the prosed development.
3. In either case, wooded or non-wooded areas, natural features such as existing trees, vegetation, unique site features and significant resources such as wetlands and watercourses will be retained and protected to the maximum extent practicable. The Planning Commission may require additional plantings as necessary to enhance screening in the buffer. The buffer area within forty-feet (40’) of the perimeter of a CDD Development shall not be used for the placement of any above ground structures of any type.
  - In order to retain and protect to the maximum extent possible unique site features such as the existing stonewall, I would suggest the Commission consider the removal the existing invasive vegetation and the re-stacking/re-building the existing stone wall to further enhance the roadside character.

- The proposed plan does not propose any above ground structures (i.e. buildings) within any of the 40-foot buffers.

In granting a waiver, the Commission must state upon its record, the reasons for granting any waiver. Note the word “reasons” is plural. Also, the granting or denial of a Waiver is a separate action of the Commission which, in my opinion, requires a separate motion and must occur prior to the approval or denial of a subdivision application. The following is proposed language for such a motion:

### **MOTION FOR THE WAIVER REQUEST:**

Based on the above Findings indicated in the Memorandum from Gary A. Goeschel II, Director of Planning, dated April 14, 2014, the Commission Moves to GRANT/DENY the Waiver request from Section 23.5 B of the Zoning Regulations for a reduction in the buffer along the northern property line associated with the Application of Pazz and Construction, LLC, for a three lot subdivision of 14.75 acres of property located at 233 Upper Pattagansett Road, East Lyme, CT, property identified on the East Lyme Assessor’s Map 39.0, Lot 11 and Plans entitled “Conservation Design Development, 233 Upper Pattagansett Road, East Lyme, Connecticut; dated December 19, 2013 and revised through January 29, 2014 prepared for Pazz and Construction, LLC by J. Robert Pfanner, P.E., L.S. of J. Robert Pfanner & Associates, P.C., Niantic, Connecticut for the following reasons:

- A. As previously stated, at the time of application the applicant provided a waiver request from Section 23B for a reduced buffer along the northern property line;
- B. There is an existing Private Right-of-Way (ROW) to access open space on the adjacent parcel along the northern property line as well as steep slopes.
- C. The parcel contains an area of steep slopes and on site inland wetlands on the easterly end of the property. In addition, there are existing stones walls along the Upper Pattagansett ROW;
- D. Although, the applicant seeks a waiver from the buffer requirement along the northern property line, the proposed plan indicates the installation of evergreen plantings along both sides of the proposed common driveway effectively providing a vegetative buffer intended by the regulations. As such, the granting of this waiver would not have a significantly adverse effect upon adjacent property, the environment, or the public health and safety;
- E. As the proposed plan utilizes the use of smaller lots allowing the construction to be concentrated on the portion of the parcel best suited for development, protects environmentally sensitive areas such as wetlands, and minimizes grading, excavation, and impervious surface, the proposed plan would be consistent with Section 3.1.1, Single-Family Housing, of the POCD. As such, the granting of the waiver will not be in conflict with the Plan of Conservation and Development;
- F. The requested waiver does not propose to vary any engineering standard;
- G. The applicant is requesting only to waiver the buffer requirement in order to construct a driveway within the required 40-foot buffer. However, the applicant proposes the installation of evergreen plantings along both sides of the proposed common driveway

effectively providing a vegetative buffer to screen development on the proposed lots from existing contiguous lots as intended by the regulations; and

- H. There is an existing Private Right-of-Way (ROW) to access open space on the adjacent parcel along the northern property line as well as steep slopes. As previously noted, the abutting property affected by the waiver request, is Zoned AHD and slated for a 60-unit residential affordable housing development. Granting the requested waiver directs development to those land areas most suitable for development as proposed. As the plan proposes to vegetate both sides of the proposed common driveway along the northerly property boundary, it allows for a more attractive, and efficient use of land;

### **MOTION FOR SUBDIVISION APPROVAL/DENIAL:**

Based on the above Findings indicated in the Memorandum from Gary A. Goeschel II, Director of Planning, dated April 1, 2014, the Commission Moves to APPROVE the application known as Application of Pazz and Construction, LLC, for a waiver request from Section 23.5 B of the East Lyme Subdivision Regulations and a three lot subdivision of 14.75 acres of property located at 233 Upper Pattagansett Road, East Lyme, CT, property identified on the East Lyme Assessor's Map 39.0, Lot 11 and Plans entitled "Conservation Design Development, 233 Upper Pattagansett Road, East Lyme, Connecticut; dated December 19, 2013 and revised through January 29, 2014 prepared for Pazz and Construction, LLC by J. Robert Pfanner, P.E., L.S. of J. Robert Pfanner & Associates, P.C., Niantic, Connecticut and further subject to the following administrative requirements and required modifications to the site plan and other materials submitted in support of this application:

1. An erosion and sedimentation bond in the amount of \$8,000.00 dollars shall be posted in a form acceptable to the Planning Commission and satisfactory to the Town Planner for the proposed the installation of the drywells, roof leader tie-ins, rain gardens, and associated site work (e.g. clearing, grading, excavation, and filling).
2. A deed restriction to ensure that the drywells and rain gardens are constructed and maintained in a functional manner. A Note shall be placed on the Record Subdivision Plan with reference to this deed restriction.
3. An Erosion and Sedimentation Plan narrative shall be added to the Record Subdivision Plan.
4. A Conservation Easement for the proposed Open Space shall be filed prior to any construction.
5. Pursuant to Section 23.5 B (2 ) of the East Lyme Zoning Regulations, a 20-40-foot wide vegetative buffer of evergreen trees (min 3-½ caliper) comprised of two (2) rows staggered every 15-20-feet on center along the frontage of the proposed development shall be established to screen the proposed development from the arterial or collector road. In addition, the plantings shall be incorporated into a conservation easement in favor of the Town to ensure they are not removed.
6. The existing invasive vegetation along the frontage shall be removed and the existing stone wall shall be re-built to further enhance the the roadside character.

The above items shall be accomplished prior to the filing of the subdivision on the land records, or other documentation of planning approval and no site work shall commence until all applicable conditions are satisfied.

This approval is specific to the subdivision plan submitted as application of Pazz Construction, LLC, aka Pazz & Construction, LLC, any changes in the subdivision plan other than those identified herein shall constitute a new application and the modifications of this approval and any change in the development plan layout other than those identified herein shall constitute a new application.

The owner/applicant shall be bound by the provisions of this Application and Approval.





