

Ch # 7321
5/29/2020

APPLICATION NO. _____



**PLANNING COMMISSION APPLICATION
FOR SUBDIVISION / RE-SUBDIVISION, SUBDIVISION
MODIFICATION, POCD AND SUBDIVISION REGULATION
AMENDMENT**

APPLICATION TYPE: Subdivision _____ Re-Subdivision X Subdivision Modification _____
POCD Amendment _____ Subdivision Amendment _____

NAME OF SUBDIVISION: Darrows Point

PROPOSED ROAD NAME(S): None LENGTH _____ l.f.
(attach list if more than one)

PROPERTY LOCATION: (attach 8 1/2 x 11 location map) _____

APPLICANT: Jason Pazzaglia

Address: 21 Darrows Ridge Phone: 860 961 2364 Fax: _____
East Lyme, CT 06333 e-mail: Jpazz17@gmail.com

OWNER: Same as above

Address: _____ Phone: _____ Fax: _____
e-mail: _____

PRIMARY CONTACT / AGENT: Jason Pazzaglia

Address: 21 Darrows Ridge Phone: 860 961 2364 Fax: _____
East Lyme, CT 06333 e-mail: Jpazz17@gmail.com

ASSESSOR'S MAP(S) & LOT(S) _____ TOTAL ACRES 5.29

ZONING DISTRICT(S) R-40 CONV./O.S. (circle one) CAM _____ # LOTS 2

FLOOD ZONE No AQUIFER No W/IN 500' TOWN BOUNDARY No FARM LAND No

WATER SUPPLY Private Well SEWAGE DISPOSAL _____
(attach letter from Water & Sewer Dept. if public and Ledge Light Health District if on-site)

CONSERVATION COMMISSION APPLICATION: Yes PERMIT#: _____

WAIVER(S) REQUESTED: (attach letter) _____

ZONING VARIANCES: (attach copy from land records) No

PLANS PREPARED BY (Engineer/Surveyor): Robert Pfanner

Address: 37 Grand St. Phone: _____ Fax: _____
Niantic, CT 06333 e-mail: Jpazz17@gmail.com

ATTORNEY: Ted Harris
Address: 351 Main St. Phone: 860 7396906 Fax: _____
Niantic, CT 06357 e-mail: _____

PREVIOUS SUBDIVISION(S) IF RE-SUBDIVISION OR LOT LINE REVISION:

Darrows Ridge - Phase 5 Map 06 Dwr. 449

Map _____ Dwr. _____

Map _____ Dwr. _____


CHECKLIST ATTACHED _____

CONSENTS AND PERMISSIONS:

The undersigned owner, or legally authorized agent, hereby consents to necessary and proper inspections of the property that is the subject of this application by agents of the Commission at reasonable times both before and after approval is granted by the Commission.

The undersigned declares all information submitted with this application is accurate to the best of his/her knowledge and belief. If such information subsequently proves to be false, deceptive, incomplete or inaccurate, the approval may be modified, suspended, or revoked by the Commission.

Jason Pazzaglia
Owner's Printed Name


Owner's Signature

5/28/2020
Date

Jason Pazzaglia
Applicant's Printed Name


Applicant's Signature

5/28/2020
Date

FOR INTERNAL USE ONLY:

SUBMITTED:
APPLICATION FEE:
PROCESSING FEE:
DATE OF RECEIPT:
SET P.H. BY:
PUBLISH LEGAL NOTICE:
HEARING HELD:
DECISION BY:
CONDITIONAL APPROVAL:
LEGAL NOTICE
FINAL APPROVAL:
LEGAL NOTICE:
LETTER OF DECISION:

BOND SUBMITTED:
OPEN SPACE CONVEYED:
MYLARS FILED:
ROAD ACCEPTED:
DEEDS & EASEMENTS FILED:

SUBDIVISION APPLICATION CHECKLIST

- Original & 1 copy application form
- 12 copies 11" x 17" at no less than 1 inch = 200 feet
- 10 copies of all maps required by Sec 4-1-6 through 4-1-8 and 4-1-12.
- Application Fee
- Waiver Request, if applicable
- Design Report
 - Natural & Cultural Resources Map (4-1-4)
 - Archaeological Survey (5-11)
 - Biological Survey
 - Soil Scientist's Report
 - Pesticide Report (5-10)
 - Yield Plan showing Conventional layout
 - N/A Cluster/Conservation Design (for subdivisions > 20 acres)
 - Choice of Design Option Report & Narrative
 - Open Space Report Narrative
 - Zoning Compliance Chart
 - N/A Traffic Report (>100 lots & non-residential)
 - Sewage Disposal Report ((5-5)
 - Water Supply Report ((5-6)
 - Stormwater Management Plan / Hydrological Report (5-7)
 - Drainage calcs. W/map showing proposed drainage areas
- Record Subdivison Plan (5-1)
- Site Development Plan (Grading & E&S)
- N/A Road Construction (Plan & Profile)
- Construction Plans
- N/A CAM application if applicable
- Easements and Deeds
- N/A Construction Cost Estimate for Public Improvements
- List of Adjacent Property Owners
- Notification of Adjacent Property Owners (Certificates of Mailing) if public hearing
- Post Sign

Review By Others:

- East Lyme Inland Wetlands Agency
- N/A Regional Planning Commission (abuts or straddles an adjacent municipality)
- N/A Adjacent Municipality (abuts or straddles an adjacent municipality)
- N/A Environmental Review Team
- N/A CT Department of Public Health (if located w/in public water supply aquifer protection area)

The Commission has the authority to determine whether a submission constitutes a complete application in accordance with the regulation requirements. If after reviewing a submission, the Commission finds the application to be incomplete in any material respects, it may vote to deny the application. Prior to taking this action, the applicant will be given the opportunity to withdraw the incomplete application. No fees shall be refunded upon withdrawal of an incomplete application.

APPLICATION FEE CALCULATION SHEET

2.1 Subdivision Application Review. For subdivisions and re-subdivisions, the following fees shall be paid at the time of application to the Planning Commission:

2.1.1	# Lots <u> 1 </u> X \$100.00	<u> 100 </u>
2.1.2	Base Fee	\$750.00
2.1.3	Public Hearing Fee, if applicable (\$1250.00)	<u> 1,250 - </u>
2.1.4	Design Review Fee -LF new road _____ X \$1.00	<u> Ø </u>
2.1.5	Professional/Legal Consultations (actual cost)	<u> Ø </u>
2.1.6	State of Conn. Fee	\$60.00
	SUBTOTAL	<u> 2,160 - </u>

2.2 Subdivision Application Processing and Inspection. Upon approval of a subdivision/ re-subdivision by the Planning Commission, the following fees shall be paid prior to the Chair’s signing the approved subdivision plan:

2.2.1	# Lots _____ X \$100	_____
2.2.2	Base Fee	\$100.00
2.2.3	Road/Utility Document Review Fee (\$400.00)	_____
2.2.4	Inspection Fee - LF of new road _____ X \$1.00	_____
2.2.5	E & S Control Fee - # Lots _____ X \$50.00	_____
	SUBTOTAL	_____

2.3 Coastal Area Management Review

Lots _____ X \$10.00 (\$25.00 min.) _____

2.4 Application for Revision of Lot Line \$150.00

TOTAL FEES _____

Fees based on Section 2 of the Town Ordinance Establishing Schedule of Fees for Conservation Planning and Zoning Commissions as amended.

Town of



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

Phone: (860) 691-4114

Fax: (860) 860-691-0351

P.O. Drawer 519

**Department of Planning &
Inland Wetlands**

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

April 18, 2017

Jason Pazzaglia
PO Box 817
East Lyme, CT 06333

REGULAR AND CERTIFIED MAIL – RETURN RECEIPT REQUESTED

RE: Request of Jason Pazzaglia of Pazz & Construction LLC for an extension of time of 90 days to file Mylars for a one lot re-subdivision of 5.29 acres of property located at 24 Darrows Ridge Rd.

Dear Mr. Pazzaglia,

The East Lyme Planning Commission at a special meeting held on Tuesday, April 4, 2017, at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut, voted to APPROVE your first request for a 90-day extension of time to file mylars for a 1-lot Re-Subdivision of 5.29 acres located at 24 Darrows Ridge Rd, East Lyme, Connecticut. The time to file Mylars for the above referenced subdivision will expire on July 9, 2017.

If you have any further questions please do not hesitate to contact the Director of Planning at (860) 691-4105 or visit the East Lyme Planning Department.

Sincerely,

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

Cc: Mark Nickerson, First Selectman
William Mulholland, Zoning Official
Victor Benni, Town Engineer
Joe Bragaw, Director of Public Works
Bill Scheer, Deputy Director of Public Works
Joseph Smith, Chief Building Official
File

March 1, 2017

**Town of East Lyme
Planning Commission
108 Pennsylvania Avenue
Niantic, CT 06357**

To whom it may concern:

Pazz Construction is requesting a 90-day extension on filing the mylars for the subdivision of 24 Darrows Ridge. This request is being asked due to the fact that the housing market and lot sales are slow at this current time.

Regards,



Jason Pazzaglia

Town of

P.O. Drawer 519

Department of Planning &
Inland Wetlands

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



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

Phone: (860) 691-4114

Fax: (860) 860-691-0351

January 12, 2017

Certified Mail: 7015 0640 0003 5838 2783

Jason Pazzaglia
PO Box 817
East Lyme, CT 06333

REGULAR AND CERTIFIED MAIL – RETURN RECIEPT REQUESTED

RE: Re-subdivision 24 Darrows Ridge Road, East Lyme; Jason Pazzaglia, Applicant; Pazz and Construction LLC, Owner; Application and Waiver Request from Section 23.5 B of the East Lyme Zoning Regulations for a 1-lot Re-subdivision of 5.29 acres of land within the R-40 Zoning District located at 24 Darrows Ridge Road, East Lyme, Connecticut

Dear Mr. Pazzaglia,

The East Lyme Planning Commission at a regular meeting held on Tuesday, January 10, 2017, at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut, voted to APPROVE your request for a waiver of section 23.5 B of the East Lyme Zoning Regulations and an application for a proposed 1-lot Subdivision of 5.29 acres located at 24 Darrows Ridge Road, East Lyme, Connecticut, Tax Assessor's Map# 44.0, Lot#8-31; and plans entitled "Darrows Point Conservation Design Development, 24 Darrows Ridge Road, East Lyme, Connecticut, prepared for Pazz & Construction LLC, by J. Robert Pfanner & Associates, P.C., Engineers and Land Surveyors, dated August 23, 2016 revised through October 4, 2016" which is further subject to the following administrative requirements and required modifications to the site plan and/or other materials submitted in support of this application:

1. Pursuant to Section 4-4-10 of the Subdivision Regulations any revisions of the approved construction must be approved by the Town Engineer. Such revisions shall be incorporated on an as-built construction plan.
2. A conservation easement shall be extended to include the existing natural wooded buffers along both side yard property boundaries.
3. The suitable easements and deeds as applicable, shall be submitted to the Director of Planning for approval.
4. A deed restriction requiring the maintenance of the retention basins shall be filed on the land records at the time of filing of the approved subdivision plan.

The above items shall be accomplished prior to the filling 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 the application known as 24 Darrow's Ridge Road, East Lyme; Jason Pazzaglia, Applicant; Pazz and Construction LLC, Owner: Application and Waiver Request from Section 23.5 B of the East Lyme Zoning Regulations for a 1-Lot Re-subdivision of 5.29 acres of land within the R-40 Zoning District located at 24 Darrow's Ridge Road East Lyme, Connecticut and plans entitled "Darrows Point, Conservation Design Development, 24 Darrows Ridge Road, East Lyme, CT dated August 23, 2016 revised through October 4, 2016," prepared by J. Robert Pfanner, P.E.,L.S. of J. Robert Pfanner & Associates, P.C., 37 Grand Street, Niantic, Connecticut. Any changes in the resubdivision plan shall require prior approval from the Commission and/or the Director of Planning. 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.

If you have any further questions please do not hesitate to contact the Director of Planning at (860) 691-4105 or visit the East Lyme Planning Department.

Sincerely,



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

Cc: Mark Nickerson, First Selectman
William Mulholland, Zoning Official
William Scheer, Public Works
Victor Benni, Town Engineer
Joseph Smith, Chief Building Official
File



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New London, CT 06320
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www.theday.com

Classified Advertising Proof

Order Number: d00700753

Gary Goeschel
EAST LYME PLANNING COMMITTEE
P.O. Box 519
NIANTIC, CT 06357
860-691-4105

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Insertions: 1 | **Lines:** 0 ag

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Start date: 1/17/2017 | **Stop date:** 1/17/2017 |
Insertions: 1 | **Lines:** 0 ag

A preview of your ad will appear between the two solid lines.

22497

TOWN OF EAST LYME
PLANNING COMMISSION
Notice of Decision

The East Lyme Planning Commission at a Regularly Scheduled Meeting on January 10, 2017 at 7:00 p.m., at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT, took the following action:

APPROVED: Re-Subdivision 24 Darrows Ridge Road, East Lyme; Jason Pazzaglia, Applicant; Pazz and Construction LLC, Owner: Application and Waiver Request from Section 23.5 B of the East Lyme Zoning Regulations for a 1-Lot Re-subdivision of 5.29 acres of land within the R-40 Zoning District located at 24 Darrows Ridge Road East Lyme, Connecticut

APPROVED: Request of Theodore A. Harris, Esq., for a two-year extension of time within which to complete the public improvements for the Walnut Hill Chase Phase I Subdivision Approval will expire on March 3, 2019.

Brian Schuch, Chairman

Total Order Price: \$159.50

Please call your ad representative by 3PM today with any ad changes.

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Email: b.durgin@theday.com

Town of

P.O. Drawer 519

**Department of Planning &
Inland Wetlands**

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



East Lyme

**108 Pennsylvania Ave
Niantic, Connecticut 06357**

Phone: (860) 691-4114

Fax: (860) 860-691-0351

MEMORANDUM

To: East Lyme Planning Commission

From: Gary A. Goeschel II, Director of Planning

Date: January 10, 2017

RE: Re-Subdivision 24 Darrow's Ridge Road, East Lyme; Jason Pazzaglia, Applicant; Pazz and Construction LLC, Owner: Application and Waiver Request from Section 23.5 B of the East Lyme Zoning Regulations for a 1-Lot Re-subdivision of 5.29 acres of land within the R-40 Zoning District located at 24 Darrow's Ridge Road East Lyme, Connecticut (Date of Receipt: Sept. 6, 2016. Public Hearing Opened: October 4, 2016).

The Commission received the above referenced Subdivision Application on September 6, 2016 and commenced a Public Hearing on October 4, 2016, continued the public hearing to November 15, 2016, and again to December 6, 2016. The Public Hearing for said application was closed at the Commission's December 6, 2016 meeting. The Commission received testimony from the applicant and the public. Town staff also provided the Commission with comment concerning this applications compliance with local requirements and regulations.

At the November 15, 2016 Public Hearing Mr. Robert Pfanner Jr. presented the application on behalf of the applicant indicating the application proposes resubdividing an existing building lot to create one (1) additional building lot in an existing subdivision off an existing shared driveway. The proposed resubdivision utilizes the Conservation Development by Design zoning regulations as the proposed new lot will not have any frontage on an existing street. However, it will have legal access via an easement across the existing shared driveway. Mr. Pfanner also indicated that the plan proposes two (2) retention basins to control stormwater runoff and a deed restriction will used to ensure the basins will be maintained. In addition, Mr. Pfanner indicated both the existing building lot and the proposed new lot will have independent subsurface sewage disposal systems. Mr. Pfanner also noted the East Lyme Inland Wetlands Agency issued a wetlands permit in October 2016, to conduct the proposed regulated activities. Mr. Pfanner pointed out the grade of proposed driveways to each house would be paved due as zoning requires driveways over 10% to be paved. He indicated the existing slope is too steep to try and terrace it, which would require an additional 40 feet of fill and would likely result in greater erosion. He explained taking advantage of the natural terracing on the site with the location of the proposed houses minimizes disturbance and potential erosion.

At the December 6, 2016 Public Hearing, Mr. Pfanner and Mr. Harris presented Exhibit V (Connecticut Testing Laboratories Results and Exhibit W (Site Plan sheets SD3 & SD6 revised through 12/1/16, in addition to the previous Site Plan), for the record. Exhibit V indicates that two soil samples from the site

were tested and that none of the parameters that were tested for were detected in the samples. They also provided Exhibits V, V1 and Z for the record; aerial shots of the site from 1934, 1951 and 1970. Attorney Harris also explained a driveway permit was not required because the proposed lot uses an existing private driveway, that this application has received a wetlands permit and Ledge Light septic approval. He further stated the archaeological study is not necessary because there was nothing of archeological significance found ten years ago and it is not believed that anything new will be found now.

In addition, Chairman Schuch noted that I had provided a draft motion (attached) if the Commission chooses to use it. As the public hearing was continued to and closed December 6, 2016, the Commission was granted a total of 63 days of extension time. The Commission has 65 days from the close of the public hearing to render a decision. As such, a decision must be rendered by February 9, 2017.

As the Public Hearing is closed, please note that no further testimony or new information may be received by the Commission for consideration in its deliberations to render a decision.

Town of

P.O. Drawer 519

Department of Planning &
Inland Wetlands

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



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

Phone: (860) 691-4114

Fax: (860) 860-691-0351

MEMORANDUM

To: East Lyme Planning Commission

From: Gary A. Goeschel II, Director of Planning

Date: November 14, 2016

RE: Re-Subdivision 24 Darrow's Ridge Road, East Lyme; Jason Pazzaglia, Applicant; Pazz and Construction LLC, Owner: Application and Waiver Request from Section 23.5 B of the East Lyme Zoning Regulations for a 1-Lot Re-subdivision of 5.29 acres of land within the R-40 Zoning District located at 24 Darrow's Ridge Road East Lyme, Connecticut (Date of Receipt: Sept. 6, 2016. Public Hearing Opened: October 4, 2016).

Upon review of the above referenced application, supporting documentation, and proposed subdivision plans entitled "Darrow's Point, Conservation Design Development, 24 Darrow's Ridge Road, East Lyme, CT dated August 23, 2016 revised through October 4, 2016," prepared by J. Robert Pfanner, P.E., L.S. of J. Robert Pfanner & Associates, P.C., 37 Grand Street, Niantic, Connecticut, below are my findings:

WAIVER REQUEST

In regard to evaluating the Waiver Request from Section: 23.5 B of the Zoning Regulations against the Waiver criteria in Section 4-12 of the Subdivision Regulations, I found the following:

FINDINGS

Whereas: Pursuant to Section 23.5 B (1) of the Zoning Regulations states, "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."

Whereas: 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 and the Commission must require a public hearing.

Whereas: At the time of application, the applicant provided a waiver request in writing from Section 23.5 B of the Zoning Regulations.

Whereas: The Commission commenced a Public Hearing on October 4, 2016 and continued the hearing to November 15, 2016. The Public Hearing for said application was closed at the Commission's _____ meeting. The Commission has reviewed the application and received testimony from the applicant and the public. Town staff also provided the Commission with comment concerning this application's 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 in writing.
- (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;
 - The subject property is an existing subdivision lot created as part of a previously approved 30-lot open space/cluster subdivision located in a Rural Residential (R-40) zone. The existing lot is currently vacant and approved for the construction of single family dwelling. The existing lot as well as the proposed lot will have a well and septic. As depicted on the Natural and Cultural Resources Plan in Exhibit "J", the parcel contains an area of wooded wetlands along the north east property boundary that runs south to the rear of the lot ultimately terminating at a watercourse known as Darrow Pond which swath is approximately 100-160-feet wide. Along the southwest property boundary is an existing wooded swath of vegetation approximately 200-240-feet wide. Further, the lot is encumbered by an existing 100-ft wide conservation easement which runs along the rear property boundary adjacent to Darrow Pond.
 - As demonstrated by Exhibit "C", Written Waiver Request, these naturally occurring conditions that exist to the northeast and southwest sides of the property obviate the need for a wooded or otherwise landscaped buffer along the perimeter of the Conservation Design Development to screen development on the proposed lots from existing contiguous lots.
- (3) Physical features of the property or its location causes exceptional difficulty or unusual hardship in meeting the requirements of these Regulations;
- (4) The parcel contains an area of wooded wetlands along the north east property boundary that runs south to the rear of the lot ultimately terminating at a watercourse known as Darrow Pond which swath is approximately 100-160-feet wide. Along the southwest property boundary is an existing wooded swath of vegetation approximately 200-240-feet wide. Further, the lot is encumbered by an existing 100-ft wide conservation easement which runs along the rear property boundary adjacent to Darrow Pond. It does not appear that the watercourse to the rear and wetlands to the north east of the property create an exceptional difficulty or unusual hardship. However, as the subject parcel has already been part a previous open space/cluster subdivision and as evidenced by Exhibits "J" and "C", the existing natural features on the property obviate the need for a wooded or otherwise landscaped buffer along the perimeter to screen development on the proposed lots from existing contiguous lots.
- (5) The granting of a waiver will not have a significantly adverse effect upon adjacent property, the environment, or the public health and safety;
 - The granting of this waiver would not have a significantly adverse effect upon adjacent property, the environment, or the public health and safety as evidenced by Exhibit "J" which proposes to leave the existing wooded vegetation along both side property boundaries and the area encumbered by the existing Conservation Easement is also a 100-ft wood swath along Darrow Pond. In addition, the East Lyme Inland Wetlands Agency issued Permit#16-23, which permits the construction of two, single family dwellings, the installation of subsurface sewage disposal systems (aka septic systems) associated with the proposed resubdivision, and more specifically regulates the construction of a residential driveway within the upland review area.

- As evidenced by Exhibit "I", Memo from LLHD both lots are recommended suitable for a subsurface sewage disposal system.
- (6) The granting of the waiver will not be in conflict with the Plan of Conservation and Development;
- The proposed plan proposes the construction on the portions of the parcel best suited for development, minimizes grading and excavation, it protects environmentally sensitive areas such as wetlands by implementing best management practice such as erosion and sedimentation controls. Further, it will not increase the density any more than is allowed under the existing Zone of RU-40 as each lot will meet the 40,000 square foot minimum as required by the Zoning Regulations. Therefore, the proposed plan would be consistent with POCD Chapter 3, Section 3.1.1 Single-Family Housing. In addition, the proposed modification furthers the purposes of the Conservation by Design Development by minimizing disturbance and utilizing the existing natural features of the site. As such, the granting of the waiver will not be in conflict with the Plan of Conservation and Development.
- (7) 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 standards.
- (8) The requested waiver is the minimum deviation from the requirements of these Regulations necessary to permit subdivision of subject land.
- The applicant is requesting to waive the Buffer Requirements of Section 23.5 B of the Zoning Regulations. In my opinion, as this is the only waiver being sought and as evidence by Exhibits "J", "C", "I", "P" and the above findings, it is the minimum deviation from the requirements of the Subdivision Regulations necessary to permit the subdivision of the subject land.

In granting a waiver, the Commission must state upon its record, the reasons for granting any waiver. 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. As such, I offer the following language for such a motion:

MOTION FOR THE WAIVER REQUEST:

I hereby move to GRANT the Waiver request from Section 23.5 B associated with the Application submitted as Application of Jason Pazzaglia, Applicant; Pazz and Construction LLC, Owner: Application and Waiver Request from Section 23.5 B of the East Lyme Zoning Regulations for a 1-Lot Re-subdivision of 5.29 acres of land within the R-40 Zoning District located at 24 Darrow's Ridge Road, East Lyme, Connecticut based on the above Findings indicated in the Memorandum from Gary A. Goeschel II, Director of Planning, dated November 14, 2016 and the following additional reasons: (if any, list them here)

- (1)
- (2) , etc....

RESUBDIVISION APPLICATION

In regards to my review of the above referenced application, supporting documentation, and proposed subdivision plans entitled "Darrows Point, Conservation Design Development, 24 Darrows Ridge Road, East Lyme, CT dated August 23, 2016 revised through October 4, 2016," prepared by J. Robert Pfanner, P.E.,L.S. of J. Robert Pfanner & Associates, P.C., 37 Grand Street, Niantic, Connecticut, below are my findings:

FINDINGS

The East Lyme Planning Commission based on the record before it with respect to this application, finds this application to be in conformance with the Subdivision Regulations of the Town of East Lyme as based on the following:

Whereas: The Commission received a Subdivision Application on September 6, 2016 and commenced a Public Hearing on October 4, 2016 and continued the hearing to November 15, 2016. The Public Hearing for said application was closed at the Commission's _____ meeting. The Commission has reviewed the application and received testimony from the applicant and the public. Town staff also provided the Commission with comment concerning this applications compliance with local requirements and regulations.

Whereas: The parcel of land constituting the property subject to this application is zoned Rural Residential (RU-40). The properties abutting the site to the south are zoned RU-40 and the properties to the west, north, and east are zoned RU-40.

Whereas: The proposed Subdivision is found to meet the requirements of the East Lyme Subdivision Regulations as demonstrated by the following:

Section 3-4 Plan of Development: As the proposed Subdivision is located within a RU-40 zoning district adjacent to existing lots previously approved as part of an open space/cluster subdivision, the proposed subdivision conforms to the comprehensive Plan of Development for the Town of East Lyme (POCD) as adopted by the East Lyme Planning Commission. The proposed subdivision continues following the pattern of development characteristic of the existing residential development.

Section 5-4 Sanitation Report: As indicated in Exhibit "I" correspondence from Ryan McCammon, Sanitarian to J. Robert Pfanner, PE and Robert Pfanner dated September 27, 2016, both lots are suitable in their current condition to support a septic system.

Section 5-5 Water Supply Report: As indicated in Exhibit "I" correspondence from Ryan McCammon, Sanitarian to J. Robert Pfanner, PE and Robert Pfanner dated September 27, 2016, both lots are suitable in their current condition to support a well.

Section 5-2-2(E) and 6-8 Stormwater Management Plan: As indicated in Exhibit "K", Memo from Victor Benni, P.E., Town Engineer, dated October 4, 2016, indicates the proposed design meets the intent of the stormwater regulations and all of the exemption requirements as stated in Section 6-8-7. The Engineering Department does recommend an Erosion & Sedimentation bond in the amount of \$8000.00 dollars (\$4,000.00/lot) be posted to secure the site. As evidenced in Exhibit "P", letter from G. Goeschel II, Director of Planning to Jason Pazzaglia, dated October 24, 2016, Re: Inland Wetland Application-24 Darrows Ridge Road and Inland Wetlands Permit#16-23 Approved: October 24, 2016 and Expires: October 24, 2021, requires as a condition of approval an erosion and sedimentation control bond in the amount of \$8,000.00 dollars (\$4,000.00/lot) be posted with the Town of East Lyme.

Section 5-2-2(G) Erosion and Sedimentation Control Plan: The proposed Stormwater Management, Grading and Erosion & Sedimentation Plan as indicated by Exhibit "J", Re-Subdivision Plan entitled "Darrows Point, Conservation Design Development, 24 Darrows Ridge Road, East Lyme, CT dated August 23, 2016 revised through October 4, 2016", contains proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site as evidenced by Exhibit "K" previously noted above. As such, the Planning Commission

may hereby certify that the Soil Erosion and Sediment Control Plan complies with the requirements and objectives of this Subdivision Regulation.

Section 5-6 Pesticide Report: There are no known regular applications of pesticides on the subject site. In addition, based on the supporting documentation within the application as evidenced by Exhibit "B" the subject site was not known to be classified as farm land in accordance with Section 12-107c of the Connecticut General Statutes.

Section 5-7 CAM Coastal Site Plan Review Required: The subject site is not within the Coastal Management Review Area

Section 5-8 Archeological Survey: As Evidence by Exhibit "E" Archeological Report from Frank J. Dirrigl, Jr., PhD, supporting documentation from State Archeologist Nicholas Bellantoni, and as shown in Exhibit "J" sheet SD 4, indicates there is no need to for an archeological survey of the site as the archeological sensitive areas are off site.

Section 6-2 Lot Design Specifications: The proposed subdivision complies with all applicable Zoning Regulations for the purposes of the subdivision of land as evidenced by Exhibit "O" correspondence from William Mulholland, Zoning Official received November 9, 2016.

Section 6-7 Open Spaces: As demonstrated by Exhibit "J" sheet SD1, Note #11, between the open space provided in Phase 1-5 (56.84AC) and the additional open space being proposed (0.51AC) there is 20.5AC or 16.7% extra open space being provided. As such, the maximum number of additional lots allowed based on the extra open space provided is 2.5. Therefore, the proposed subdivision meets the requirements of Section 6-1-3 (B) Potential Density Increase and Section 7 Open Space and Easements as there only 1-lot proposed and there has been 20AC of open space over the minimum of 36.83 provided.

Section 6-9 Requirements Regarding Flooding: As demonstrated by Exhibit "K", Memo from Victor Benni, P.E., Town Engineer, dated October 4, 2016, the proposed design meets the intent of the stormwater regulations.

Pursuant to Section 4-5-4 of the Subdivision Regulations the Commission, after the public hearing, if any, shall give approval to the application if it finds that the application, plans and documents conform to the requirement of these Regulations. Such approval shall be conditioned upon presentation of suitable easement and deeds as applicable, as specified in Section 10, and shall be conditioned upon completion of all required subdivision improvements. In granting approval, the Commission may attach such conditions that it deems necessary to modify the subdivision map, plans, or documents, and to preserve the purpose and intent of these Regulations. As such, I offer the following language for such a motion:

MOTION FOR THE RESUBDIVISION APPROVAL:

Based on the above Findings indicated in the Memorandum from Gary A. Goeschel II, Director of Planning, dated November 10, 2016, I hereby Move to APPROVE the application known as 24 Darrow's Ridge Road, East Lyme; Jason Pazzaglia, Applicant; Pazz and Construction LLC, Owner: Application and Waiver Request from Section 23.5 B of the East Lyme Zoning Regulations for a 1-Lot Re-subdivision of 5.29 acres of land within the R-40 Zoning District located at 24 Darrow's Ridge Road East Lyme, Connecticut and plans entitled "Darrows Point, Conservation Design Development, 24 Darrows Ridge Road, East Lyme, CT dated August 23, 2016 revised through October 4, 2016," prepared by J. Robert Pfanner, P.E.,L.S. of J. Robert Pfanner & Associates, P.C., 37 Grand Street, Niantic, Connecticut which, is further subject to the following

administrative requirements and required modifications to the site plan and/or other materials submitted in support of this application:

1. Pursuant to Section 4-4-10 of the Subdivision Regulations any revisions of the approved construction must be approved by the Town Engineer. Such revisions shall be incorporated on an as-built construction plan.
2. An Erosion & Sedimentation Control bond in the amount \$8,000.00 dollars (\$4000.00/lot) shall be posted with the Town in a form acceptable to the Commission and satisfactory to the Town Attorney or Planning Director prior to the start of any site work including but not limited to clearing, grubbing, filling and grading.
3. A conservation easement shall be extend to include the existing natural wooded buffers along both side yard property boundaries.
4. The suitable easements and deeds as applicable, shall be submitted to the Director of Planning for approval.

The above items shall be accomplished prior to the filling 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 the application known as 24 Darrow's Ridge Road, East Lyme; Jason Pazzaglia, Applicant; Pazz and Construction LLC, Owner: Application and Waiver Request from Section 23.5 B of the East Lyme Zoning Regulations for a 1-Lot Re-subdivision of 5.29 acres of land within the R-40 Zoning District located at 24 Darrow's Ridge Road East Lyme, Connecticut and plans entitled "Darrows Point, Conservation Design Development, 24 Darrows Ridge Road, East Lyme, CT dated August 23, 2016 revised through October 4, 2016," prepared by J. Robert Pfanner, P.E.,L.S. of J. Robert Pfanner & Associates, P.C., 37 Grand Street, Niantic, Connecticut. Any changes in the resubdivision plan shall require prior approval from the Commission and/or the Director of Planning. 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.

Client Name: Pazz Construction	Date Extracted: 11/21/16
CTL Lab No.: 1116312	Date Analyzed: 11/22/16
Job/PO No. NA	Analyst: SM
Report Date : 11/23/16	

EPA METHOD 8081A

Date Samples Rec'd: 11/21/16

Matrix Type:	S	S
CTL Sample #:	17483	17484
Field ID :	Sample 1	Sample 2

Parameters-ug/kg	RL				
Aldrin	25	ND	ND		
a - BHC	50	ND	ND		
b - BHC	50	ND	ND		
d - BHC	50	ND	ND		
Lindane	20	ND	ND		
Chlordane	50	ND	ND		
4,4' - DDD	50	ND	ND		
4,4' - DDE	50	ND	ND		
4,4' - DDT	50	ND	ND		
Dieldrin	5	ND	ND		
Endosulfan I	100	ND	ND		
Endosulfan II	100	ND	ND		
Endosulfan Sulfate	100	ND	ND		
Endrin	50	ND	ND		
Endrin Aldehyde	50	ND	ND		
Heptachlor	10	ND	ND		
Heptachlor Epoxide	20	ND	ND		
Methoxychlor	50	ND	ND		
Toxaphene	300	ND	ND		

RL= Reporting Limit ND= Not Detected

Matrix Types: W = Water/Aqueous S= Soil/Solid O= Oil/Hydrocarbon

Ex "V"

Tuesday, Nov. 15, 2016

Good Evening Mr. Chairman and other Planning Commission Members,

My name is John Bialowans Jr. of 61 Walnut Hill Road. I have some comments to make about this re-subdivision:

1. Rain garden for 2 houses
2. How does Jason know if there wasn't any farming or sawmills on that property – because there were. Also, he wasn't even thought of yet.
3. Mr. Torrance did whatever he wanted to do on this subdivision – and the Town let him, and they cannot deny that fact. The Town was nervous about another lawsuit from Torrance, and he stuck up for his rights as a taxpayer.
4. January 11, 2006 – Wetlands Survey done
5. September 5, 2006 – Archeological Sensitivity Assessment Survey done
6. These studies are over 10 years old. How can they still be allowed, when other taxpayer's studies and reports are no good after 2 years???
7. It looks like different regulations are used for different taxpayers (meaning Wetlands & Planning)
8. This parcel of land should stay as 1 lot because of the steepness, the terrain – and already has put silt into Mostowy Lake and damaged their silt fence already for years.
9. These lots are going to be always harmful for erosion, sedimentation and pollute Mostowy Lake,
10. Is there a driveway permit and bond for these lots?? (Marilyn at the Engineering Dept. 9-12-16 says "no permit was issued")

Thank you for your time,

John Bialowans, Jr.

A handwritten signature consisting of the letters "Ex" followed by a double quote, the letter "T", and another double quote, all enclosed within a hand-drawn oval.

September 12, 2016

Good Evening Mr. Chairman and Other Board Members,

My name is John Bialowans, Jr. of 61 Walnut Hill Road. I have concerns, the Wetlands and Planning Commissions should have, about this driveway at 24 Darrow's Ridge Road. I'll list the concerns about this driveway that should be looked into further before any action is taken:

1. No driveway permit was taken on this lot (I called Marilyn at the Engineering Dept. at 8:30 AM, Monday 9-12-16) to ask about the driveway permit and who took it out. She said No permit was taken out, or maybe it could be in the construction permit. Never received a call if she found one at all.
2. Is there an alternative entrance to this lot – not to be in the wetlands buffer? (it has 5 acres)
3. A cease and desist order should be given on this lot for not getting a driveway permit, and the driveway is 400 ft long? Partly in the 100 upland review area Pfanner said it was done during the construction permit of this development. This one lot re-subdivision should be held to regulations now.
4. Was an Archeological survey done?
5. Was a Biological & Pesticide survey and report done on this lot?
6. There were sawmills working on this land and sheds – oil, grease, spills, etc.
7. Was a topography mapped and survey done?
8. Were all the requirements of the Planning Commission executed for a 1-Lot re-subdivision done yet?
9. Was an impact study on the wetlands done?
10. Was a soil scientist hired, and a report given and wetlands marked?
11. Are wetlands precautions taken and maintained?
12. Another site walk should be taken because Gary said No one showed up 9-10-16 at the Town Hall. He did mention one woman called and cancelled out.
13. EVERYONE should be treated the same – then there are no conflicts and problems later, on actions taken now for past mistakes made on this one lot re-subdivision and all other items.

Thank You,

John Bialowans, Jr.

DECLARATION OF COMMON EASEMENT AND MAINTENANCE

1932

This Declaration executed this 10 day of June, 2008 by NEW ENGLAND NATIONAL, LLC, hereinafter referred to as "Declarant";

WHEREAS, the Declarant is the owner of Lot 12, 26, 27, 28, 29 & 30 Darrow's Ridge as shown on a map or plan entitled, "That certain piece or parcel of land shown as Lot #27 on a map or plan entitled "BOUNDARY SURVEY PLAN LOT LINE REVISION LOTS 27 & 28 RESUBDIVISION DARROW'S RIDGE PHASE 5 MOSTOWY ROAD EAST LYME, CONNECTICUT PROPERTY OF NEW ENGLAND NATIONAL, LLC DATE: MAY 12, 2008 SCALE 1" = 80' JAMES BERNARDO LAND SURVEYING, LLC 102A WATERFORD, CONNECTICUT 06385 SHEET 1 THROUGH 3" which map is on file in the land records of the Town of East Lyme";

WHEREAS, said lots are to be served by a common driveway as more particularly shown on said plan as "Driveway Easement Area", and;

WHEREAS, said driveway is for the benefit of all of the above-referenced lots.

NOW THEREFORE, the following shall be the rights, responsibilities and burdens of each of said lots with regard to said common drive way:

1. Each of said lots shall be burdened and benefitted by the common driveway as shown on the above-referenced plan.
2. Said driveway shall be used by the respective lot owners for access to each of the individual lots and for the purposes of installation and maintenance of utilities serving such lots, and no individual lot may interfere with, block or otherwise impede the access to any other lot over said common driveway.
3. Each of said lots shall share equally the obligation to maintain said common driveway including, but not limited to snowplowing, repairing and/or replacement of pavement, repairing or replacement of the bridge, and landscaping and maintaining the landscaped area adjacent to the paved portion of the driveway.
4. Each lot owner shall have one vote in determining the nature and extent of an required maintenance, repair and/or replacement, and the vote, either in person or by consent, of the majority of lot owners shall be sufficient to bind all lot owners with regard to any common expenses needed for the repair, replacement and/or maintenance of said common driveway.
5. The successful party of any litigation regarding the obligations hereunder shall be entitled to all costs including reasonable attorney's fees.

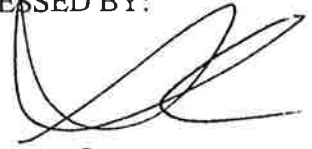
EX "U"

NO CONVEYANCE TAXES COLLECTED
ESTH B Williams
TOWN CLERK OF EAST LYME

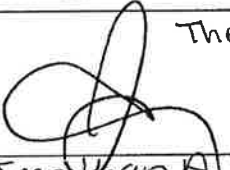
The rights, responsibilities and benefits and burdens shall inure to the benefit of all of the above-referenced lots, and shall bind the Declarant, its successors and assigns, and shall be deemed a real covenant which shall run with the land.

Signed this 10th day of June, 2008.

WITNESSED BY:



Theodore A Harris



Jonathan A Peck

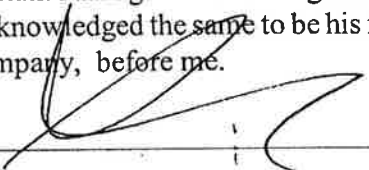
NEW ENGLAND NATIONAL , LLC



by: Jeffrey Torrance, its Assistant Manager
DULY AUTHORIZED

STATE OF CONNECTICUT)
) ss: Niantic
COUNTY OF NEW LONDON)

Personally appeared, Jeffrey Torrance, Assistant Manager of New England National, LLC, signer and sealer of the foregoing instrument, and acknowledged the same to be his free act and deed and the free act and deed of said limited liability company, before me.



Commissioner of the Superior Court
Notary Public
My Commission expires:

Recorded June 11 2008
2:21 ^{AM} _{PM} Esther B. Williams
East Lyme Town Clerk



PUBLIC NOTICE
This Property Proposed for
SUBDIVISION
For information, contact
PLANNING DEPARTMENT
EAST LYME TOWN HALL



Certificate Of Mailing

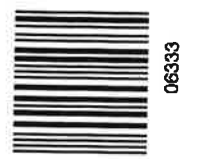
To pay fee, affix stamps or meter postage here.

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: Pazz Construction
PO Box 817
East Lyme, CT 06333

To: Jerry & Kerry Salan
28 Darrows Ridge Road
East Lyme, CT 06333

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U.S. POSTAGE
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20 Darrows Ridge Road
East Lyme CT 06333



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P.O Box 817
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To: Laurel & Jason Kan
19 Darrows Ridge Road
East Lyme, CT 06333

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From: Pazz Construction
P.O. Box 817
East Lyme CT 06333

To: James Condon Jr
30 Darrows Ridge Road
East Lyme CT 06333

PS Form 3817, April 2007 PSN 7530-02-000-9065

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From: Pazz Construction, Jason Pazzaglia
P.O Box 817
East Lyme CT 06333

To: Vicki & Marshall Prouty
2 Darrows Ct
East Lyme, Ct 06333

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From: Pazz Construction
P.O Box 817
East Lyme, CT 06333

To: Janelle Soleau
22 Darrows Ridge Road
East Lyme, CT 06333

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\$1.30
R2305K135137-07



06333



1000



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From: Pazz Construction
P.O. Box 817
East Lyme, CT 06333

To: Amy Tausignant
11 Darrows Ridge Road
East Lyme, Ct. 06333

U.S. POSTAGE
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06333



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From: Pazz Construction
PO Box 817
East Lyme, CT ⁰⁶³³³ ~~06360~~

To: Lynne Cesario
15 Darrows Ridge Road
East Lyme, Ct 06333

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\$1.30
R2305K135137-07



Town of East Lyme

Planning Commission

P.O. Box 519

Niantic, Connecticut 06357

September 7, 2016

TOWN OF EAST LYME PLANNING COMMISSION Notice of Public Hearing

The East Lyme Planning Commission will hold a Public Hearing on October 4, 2016, at 7:00PM, at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT, to consider the following:

Application of Jason Pazzaglia, Applicant/ Owner; Application for a 1-Lot Resubdivision of approximately 5.29-acres Zoned RU-40 at 24 Darrows Ridge Rd, East Lyme, Assessor's Map# 44.0 Lot# 8-31 and Waiver Request from Sec. 23.5 B of the East Lyme Subdivision Regulations.

Copies of the full text are on file in the Land Use Office at the East Lyme Town Hall. All interested persons are invited to attend this hearing.

Jason Pazzaglia

Town of

P.O. Drawer 519

Department of Planning &
Inland Wetlands

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



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

Phone: (860) 691-4114
Fax: (860) 860-691-0351

MEMORANDUM

To: East Lyme Planning Commission

From: Gary A. Goeschel II, Director of Planning

Date: November 14, 2016

RE: Re-Subdivision 24 Darrow's Ridge Road, East Lyme; Jason Pazzaglia, Applicant; Pazz and Construction LLC, Owner: Application and Waiver Request from Section 23.5 B of the East Lyme Zoning Regulations for a 1-Lot Re-subdivision of 5.29 acres of land within the R-40 Zoning District located at 24 Darrow's Ridge Road East Lyme, Connecticut (Date of Receipt: Sept. 6, 2016. Public Hearing Opened: October 4, 2016).

Upon review of the above referenced application, supporting documentation, and proposed subdivision plans entitled "Darrow's Point, Conservation Design Development, 24 Darrow's Ridge Road, East Lyme, CT dated August 23, 2016 revised through October 4, 2016," prepared by J. Robert Pfanner, P.E., L.S. of J. Robert Pfanner & Associates, P.C., 37 Grand Street, Niantic, Connecticut, below are my findings:

WAIVER REQUEST

In regard to evaluating the Waiver Request from Section: 23.5 B of the Zoning Regulations against the Waiver criteria in Section 4-12 of the Subdivision Regulations, I found the following:

FINDINGS

Whereas: Pursuant to Section 23.5 B (1) of the Zoning Regulations states, "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."

Whereas: 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 and the Commission must require a public hearing.

Whereas: At the time of application, the applicant provided a waiver request in writing from Section 23.5 B of the Zoning Regulations.

Whereas: The Commission commenced a Public Hearing on October 4, 2016 and continued the hearing to November 15, 2016. The Public Hearing for said application was closed at the Commission's _____ meeting. The Commission has reviewed the application and received testimony from the applicant and the public. Town staff also provided the Commission with comment concerning this application's compliance with local requirements and regulations.

Ex "Q"

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 in writing.
- (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;
 - The subject property is an existing subdivision lot created as part of a previously approved 30-lot open space/cluster subdivision located in a Rural Residential (R-40) zone. The existing lot is currently vacant and approved for the construction of single family dwelling. The existing lot as well as the proposed lot will have a well and septic. As depicted on the Natural and Cultural Resources Plan in Exhibit "J", the parcel contains an area of wooded wetlands along the north east property boundary that runs south to the rear of the lot ultimately terminating at a watercourse known as Darrow Pond which swath is approximately 100-160-feet wide. Along the southwest property boundary is an existing wooded swath of vegetation approximately 200-240-feet wide. Further, the lot is encumbered by an existing 100-ft wide conservation easement which runs along the rear property boundary adjacent to Darrow Pond.
 - As demonstrated by Exhibit "C", Written Waiver Request, these naturally occurring conditions that exist to the northeast and southwest sides of the property obviate the need for a wooded or otherwise landscaped buffer along the perimeter of the Conservation Design Development to screen development on the proposed lots from existing contiguous lots.
- (3) Physical features of the property or its location causes exceptional difficulty or unusual hardship in meeting the requirements of these Regulations;
- (4) The parcel contains an area of wooded wetlands along the north east property boundary that runs south to the rear of the lot ultimately terminating at a watercourse known as Darrow Pond which swath is approximately 100-160-feet wide. Along the southwest property boundary is an existing wooded swath of vegetation approximately 200-240-feet wide. Further, the lot is encumbered by an existing 100-ft wide conservation easement which runs along the rear property boundary adjacent to Darrow Pond. It does not appear that the watercourse to the rear and wetlands to the north east of the property create an exceptional difficulty or unusual hardship. However, as the subject parcel has already been part a previous open space/cluster subdivision and as evidenced by Exhibits "J" and "C", the existing natural features on the property obviate the need for a wooded or otherwise landscaped buffer along the perimeter to screen development on the proposed lots from existing contiguous lots.
- (5) The granting of a waiver will not have a significantly adverse effect upon adjacent property, the environment, or the public health and safety;
 - The granting of this waiver would not have a significantly adverse effect upon adjacent property, the environment, or the public health and safety as evidenced by Exhibit "J" which proposes to leave the existing wooded vegetation along both side property boundaries and the area encumbered by the existing Conservation Easement is also a 100-ft wood swath along Darrow Pond. In addition, the East Lyme Inland Wetlands Agency issued Permit#16-23, which permits the construction of two, single family dwellings, the installation of subsurface sewage disposal systems (aka septic systems) associated with the proposed resubdivision, and more specifically regulates the construction of a residential driveway within the upland review area.

- As evidenced by Exhibit "I", Memo from LLHD both lots are recommended suitable for a subsurface sewage disposal system.
- (6) The granting of the waiver will not be in conflict with the Plan of Conservation and Development;
- The proposed plan proposes the construction on the portions of the parcel best suited for development, minimizes grading and excavation, it protects environmentally sensitive areas such as wetlands by implementing best management practice such as erosion and sedimentation controls. Further, it will not increase the density any more than is allowed under the existing Zone of RU-40 as each lot will meet the 40,000 square foot minimum as required by the Zoning Regulations. Therefore, the proposed plan would be consistent with POCD Chapter 3, Section 3.1.1 Single-Family Housing. In addition, the proposed modification furthers the purposes of the Conservation by Design Development by minimizing disturbance and utilizing the existing natural features of the site. As such, the granting of the waiver will not be in conflict with the Plan of Conservation and Development.
- (7) 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 standards.
- (8) The requested waiver is the minimum deviation from the requirements of these Regulations necessary to permit subdivision of subject land.
- The applicant is requesting to waive the Buffer Requirements of Section 23.5 B of the Zoning Regulations. In my opinion, as this is the only waiver being sought and as evidence by Exhibits "J", "C", "I", "P" and the above findings, it is the minimum deviation from the requirements of the Subdivision Regulations necessary to permit the subdivision of the subject land.

In granting a waiver, the Commission must state upon its record, the reasons for granting any waiver. 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. As such, I offer the following language for such a motion:

MOTION FOR THE WAIVER REQUEST:

I hereby move to GRANT the Waiver request from Section 23.5 B associated with the Application submitted as Application of Jason Pazzaglia, Applicant; Pazz and Construction LLC, Owner: Application and Waiver Request from Section 23.5 B of the East Lyme Zoning Regulations for a 1-Lot Re-subdivision of 5.29 acres of land within the R-40 Zoning District located at 24 Darrow's Ridge Road, East Lyme, Connecticut based on the above Findings indicated in the Memorandum from Gary A. Goeschel II, Director of Planning, dated November 14, 2016 and the following additional reasons: (if any, list them here)

- (1)
- (2) , etc....

RESUBDIVISION APPLICATION

In regards to my review of the above referenced application, supporting documentation, and proposed subdivision plans entitled "Darrow's Point, Conservation Design Development, 24 Darrow's Ridge Road, East Lyme, CT dated August 23, 2016 revised through October 4, 2016," prepared by J. Robert Pfanner, P.E.,L.S. of J. Robert Pfanner & Associates, P.C., 37 Grand Street, Niantic, Connecticut, below are my findings:

FINDINGS

The East Lyme Planning Commission based on the record before it with respect to this application, finds this application to be in conformance with the Subdivision Regulations of the Town of East Lyme as based on the following:

Whereas: The Commission received a Subdivision Application on September 6, 2016 and commenced a Public Hearing on October 4, 2016 and continued the hearing to November 15, 2016. The Public Hearing for said application was closed at the Commission's _____ meeting. The Commission has reviewed the application and received testimony from the applicant and the public. Town staff also provided the Commission with comment concerning this applications compliance with local requirements and regulations.

Whereas: The parcel of land constituting the property subject to this application is zoned Rural Residential (RU-40). The properties abutting the site to the south are zoned RU-40 and the properties to the west, north, and east are zoned RU-40.

Whereas: The proposed Subdivision is found to meet the requirements of the East Lyme Subdivision Regulations as demonstrated by the following:

Section 3-4 Plan of Development: As the proposed Subdivision is located within a RU-40 zoning district adjacent to existing lots previously approved as part of an open space/cluster subdivision, the proposed subdivision conforms to the comprehensive Plan of Development for the Town of East Lyme (POCD) as adopted by the East Lyme Planning Commission. The proposed subdivision continues following the pattern of development characteristic of the existing residential development.

Section 5-4 Sanitation Report: As indicated in Exhibit "I" correspondence from Ryan McCammon, Sanitarian to J. Robert Pfanner, PE and Robert Pfanner dated September 27, 2016, both lots are suitable in their current condition to support a septic system.

Section 5-5 Water Supply Report: As indicated in Exhibit "I" correspondence from Ryan McCammon, Sanitarian to J. Robert Pfanner, PE and Robert Pfanner dated September 27, 2016, both lots are suitable in their current condition to support a well.

Section 5-2-2(E) and 6-8 Stormwater Management Plan: As indicated in Exhibit "K", Memo from Victor Benni, P.E., Town Engineer, dated October 4, 2016, indicates the proposed design meets the intent of the stormwater regulations and all of the exemption requirements as stated in Section 6-8-7. The Engineering Department does recommend an Erosion & Sedimentation bond in the amount of \$8000.00 dollars (\$4,000.00/lot) be posted to secure the site. As evidenced in Exhibit "P", letter from G. Goeschel II, Director of Planning to Jason Pazzaglia, dated October 24, 2016, Re: Inland Wetland Application-24 Darrows Ridge Road and Inland Wetlands Permit#16-23 Approved: October 24, 2016 and Expires: October 24, 2021, requires as a condition of approval an erosion and sedimentation control bond in the amount of \$8,000.00 dollars (\$4,000.00/lot) be posted with the Town of East Lyme.

Section 5-2-2(G) Erosion and Sedimentation Control Plan: The proposed Stormwater Management, Grading and Erosion & Sedimentation Plan as indicated by Exhibit "J", Re-Subdivision Plan entitled "Darrows Point, Conservation Design Development, 24 Darrows Ridge Road, East Lyme, CT dated August 23, 2016 revised through October 4, 2016", contains proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site as evidenced by Exhibit "K" previously noted above. As such, the Planning Commission

may hereby certify that the Soil Erosion and Sediment Control Plan complies with the requirements and objectives of this Subdivision Regulation.

Section 5-6 Pesticide Report: There are no known regular applications of pesticides on the subject site. In addition, based on the supporting documentation within the application as evidenced by Exhibit "B" the subject site was not known to be classified as farm land in accordance with Section 12-107c of the Connecticut General Statutes.

Section 5-7 CAM Coastal Site Plan Review Required: The subject site is not within the Coastal Management Review Area

Section 5-8 Archeological Survey: As Evidence by Exhibit "E" Archeological Report from Frank J. Dirrigl, Jr., PhD, supporting documentation from State Archeologist Nicholas Bellantoni, and as shown in Exhibit "J" sheet SD 4, indicates there is no need to for an archeological survey of the site as the archeological sensitive areas are off site.

Section 6-2 Lot Design Specifications: The proposed subdivision complies with all applicable Zoning Regulations for the purposes of the subdivision of land as evidenced by Exhibit "O" correspondence from William Mulholland, Zoning Official received November 9, 2016.

Section 6-7 Open Spaces: As demonstrated by Exhibit "J" sheet SD1, Note #11, between the open space provided in Phase 1-5 (56.84AC) and the additional open space being proposed (0.51AC) there is 20.5AC or 16.7% extra open space being provided. As such, the maximum number of additional lots allowed based on the extra open space provided is 2.5. Therefore, the proposed subdivision meets the requirements of Section 6-1-3 (B) Potential Density Increase and Section 7 Open Space and Easements as there only 1-lot proposed and there has been 20AC of open space over the minimum of 36.83 provided.

Section 6-9 Requirements Regarding Flooding: As demonstrated by Exhibit "K", Memo from Victor Benni, P.E., Town Engineer, dated October 4, 2016, the proposed design meets the intent of the stormwater regulations.

Pursuant to Section 4-5-4 of the Subdivision Regulations the Commission, after the public hearing, if any, shall give approval to the application if it finds that the application, plans and documents conform to the requirement of these Regulations. Such approval shall be conditioned upon presentation of suitable easement and deeds as applicable, as specified in Section 10, and shall be conditioned upon completion of all required subdivision improvements. In granting approval, the Commission may attach such conditions that it deems necessary to modify the subdivision map, plans, or documents, and to preserve the purpose and intent of these Regulations. As such, I offer the following language for such a motion:

MOTION FOR THE RESUBDIVISION APPROVAL:

Based on the above Findings indicated in the Memorandum from Gary A. Goeschel II, Director of Planning, dated November 10, 2016, I hereby Move to APPROVE the application known as 24 Darrow's Ridge Road, East Lyme; Jason Pazzaglia, Applicant; Pazz and Construction LLC, Owner: Application and Waiver Request from Section 23.5 B of the East Lyme Zoning Regulations for a 1-Lot Re-subdivision of 5.29 acres of land within the R-40 Zoning District located at 24 Darrow's Ridge Road East Lyme, Connecticut and plans entitled "Darrow's Point, Conservation Design Development, 24 Darrow's Ridge Road, East Lyme, CT dated August 23, 2016 revised through October 4, 2016," prepared by J. Robert Pfanner, P.E.,L.S. of J. Robert Pfanner & Associates, P.C., 37 Grand Street, Niantic, Connecticut which, is further subject to the following

administrative requirements and required modifications to the site plan and/or other materials submitted in support of this application:

1. Pursuant to Section 4-4-10 of the Subdivision Regulations any revisions of the approved construction must be approved by the Town Engineer. Such revisions shall be incorporated on an as-built construction plan.
2. An Erosion & Sedimentation Control bond in the amount \$8,000.00 dollars (\$4000.00/lot) shall be posted with the Town in a form acceptable to the Commission and satisfactory to the Town Attorney or Planning Director prior to the start of any site work including but not limited to clearing, grubbing, filling and grading.
3. A conservation easement shall be extend to include the existing natural wooded buffers along both side yard property boundaries.
4. The suitable easements and deeds as applicable, shall be submitted to the Director of Planning for approval.

The above items shall be accomplished prior to the filling 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 the application known as 24 Darrow's Ridge Road, East Lyme; Jason Pazzaglia, Applicant; Pazz and Construction LLC, Owner: Application and Waiver Request from Section 23.5 B of the East Lyme Zoning Regulations for a 1-Lot Re-subdivision of 5.29 acres of land within the R-40 Zoning District located at 24 Darrow's Ridge Road East Lyme, Connecticut and plans entitled "Darrows Point, Conservation Design Development, 24 Darrows Ridge Road, East Lyme, CT dated August 23, 2016 revised through October 4, 2016," prepared by J. Robert Pfanner, P.E.,L.S. of J. Robert Pfanner & Associates, P.C., 37 Grand Street, Niantic, Connecticut. Any changes in the resubdivision plan shall require prior approval from the Commission and/or the Director of Planning. 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.

Town of

P.O. Drawer 519

**Department of Planning &
Inland Wetlands Agency**

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



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

Phone: (860) 691-4114

Fax: (860) 860-691-0351

October 24, 2016

CERTIFIED MAIL: 7015 0640 0003 5838 2745

Jason Pazzaglia
21 Darrows Ridge Rd
East Lyme CT 06333

CERTIFIED MAIL RETURN RECEIPT REQUESTED

RE: Inland Wetlands Application – 24 Darrow’s Ridge Rd, East Lyme, Jason Pazzaglia,
Application for a one-lot re-subdivision, specifically for a residential driveway that existed prior to the purchase of the lot, the area of which is 400’ in the upland review area. East Lyme Assessor’s Map 44.0, Lot 8-31.

Dear Mr. Pazzaglia,

The East Lyme Inland Wetlands Agency at a Special Meeting held on Monday, October 24, 2016, at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut, voted to APPROVE your application for a one-lot re-subdivision, specifically for a residential driveway that existed prior to the purchase of the lot, the area of which is 400’ in the upland review area. East Lyme Assessor’s Map 44.0, Lot 8-31, with the following conditions:

1. Notify Wetlands Enforcement Officer at least two (2) days prior to construction to inspect erosion controls.
2. Notify Wetlands Enforcement Officer at completion of work for final inspection and sign off of permit compliance.
3. Changes to the plan shall require additional approval, a new plan will be submitted prior to construction.
4. Additional work beyond this permit in the wetlands or watercourse or its 100’ regulated area will require approval from the Inland Wetland Agency or its certified agent.
5. Applicant will add regulated area tags on trees along the conservation easement to the satisfaction of the Inland Wetlands Agent.
6. A note will be placed on the plan that additional activity in the wetlands or upland review area requires approval by the Inland Wetlands Agency or their Agent.

EX "P"

7. An erosion and sedimentation bond in the amount of \$8,000.00 to be held until the site is stabilized, (\$4,000.00 per lot) shall be posted prior to the commencement of work.

This approval is specific to the application submitted as 24 Darrows Ridge Rd, East Lyme, Assessor's Map# 44.0, Lot# 8-31, dated August 23, 2016. Any significant change in the plan, other than those identified herein, and any modifications of this approval or change in the site development plan layout other than those identified herein shall constitute a new application unless prior approval from the Agency or its Agent is granted and authorized.

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

If you have any further questions regarding this letter or any of the Inland Wetland Regulations, please do not hesitate to contact me at (860) 691-4105 or visit our office.

Sincerely,



Gary A. Goeschel II
Director of Planning/
Wetlands Enforcement Officer

cc: Bill Scheer, Deputy Director Public Works
William Mullholand, Zoning Official
Joe Smith, Building Official
Victor Benni, Town Engineer
Mark C. Nickerson, First Selectman
File



EAST LIME INLAND WETLANDS AGENCY

Approved On: 10/24/2016

PERMIT NUMBER: 16-23

Expires On: 10/24/2021

24 DARROWS RIDGE RD

Map Lot: 44.0 8-31

Approved By:

Inland Wetland Agency

Applicant Name: Jason Pazzaglia

Owner Name: Jasson Pazzaglia

Owner Address: PO Box 817
East Lyme CT 06333

Site Plan Title:

Darrows Point Conservation Design Development, 24 Darrows Ridge Road, East Lyme, Connecticut, Owner Pazz & Construction, LLC PO BOX 817, East Lyme, Connecticut prepared by J Robert Pfanner and Associates, PC

Erosion and Sedimentation Control Agent:

Jason Pazzaglia (860) 961-2364

Activity Permitted:

One-lot re-subdivision, specifically for a residential driveway that existed prior to the purchase of the lot, the area of which is 400' in the upland review area at property identified in the application as 24 Darrows Ridge Rd, East Lyme, Connecticut, East Lyme Assessor's Map 44.0, lot 8-31.

Conditions:

1. Standard Conditions Apply.
2. Applicant to add regulated area tags on trees along conservation easement to the satisfaction of the Inland Wetlands Agent.
3. Additional work beyond this permit in the wetlands or watercourse or its 100' regulated area will require approval from the Inland Wetlands Agency or its certified agent.
4. Applicant shall provide an \$8,000.00 bond for erosion and sedimentation control; \$4,000.00 for each lot.

STANDARD CONDITIONS

1. NOTIFY WETLANDS ENFORCEMENT OFFICER AT LEAST 2 DAYS PRIOR TO CONSTRUCTION TO INSPECT EROSION CONTROLS.
2. NOTIFY WETLANDS ENFORCEMENT OFFICER AT COMPLETION OF PERMIT FOR FINAL INSPECTION AND SIGN OFF.
3. ADDITIONAL WORK BEYOND THIS PERMIT IN THE WETLANDS OR WATERCOURSE OR ITS 100' REGULATED AREA WILL REQUIRE APPROVAL FROM THE INLAND WETLANDS AGENCY OR ITS CERTIFIED AGENT.
4. CHANGES TO THE PLAN LISTED ON THIS PERMIT REQUIRE NOTIFICATION TO THE WETLANDS ENFORCEMENT OFFICER AND MAY REQUIRE AGENCY APPROVAL- A NEW PLAN WILL BE GIVEN TO AGENT BEFORE WORK BEGINS.

PERMIT NOTES

1. ANY APPLICATION TO RENEW A PERMIT SHALL BE GRANTED UNLESS THE AGENCY FINDS THAT THERE HAS BEEN A SUBSTANTIAL CHANGE IN CIRCUMSTANCES. NO PERMIT SHALL BE VALID FOR MORE THAN 10 YEARS.
2. NO PERMIT SHALL BE ASSIGNED OR TRANSFERRED WITHOUT THE WRITTEN PERMISSION OF THE INLAND WETLANDS AGENCY OR ITS AGENT.
3. THIS AGENCY HAS RELIED IN WHOLE OR PART ON INFORMATION PROVIDED BY THE APPLICANT, IF SUCH INFORMATION PROVES TO BE FALSE, DECEPTIVE, INCOMPLETE OR INACCURATE, THE PERMIT MAY BE MODIFIED, SUSPENDED OR REVOKED.
4. CONSERVATION TAGS, IF REQUIRED FOR THIS PERMIT, ARE PROVIDED BY THE WETLANDS ENFORCEMENT OFFICER AND INSTALLED BY PERMIT OWNER.
5. IF THE ACTIVITY AUTHORIZED BY THE AGENCY'S PERMIT ALSO INVOLVES AN ACTIVITY WHICH REQUIRES ZONING OR SUBDIVISION APPROVAL, SPECIAL PERMIT, VARIANCE, OR SPECIAL EXCEPTION, UNDER SECTIONS 8.3G, 8-3C, OR 8-26 OF THE CT GENERAL STATUTES, NO WORK PURSUANT TO THE WETLAND PERMIT MAY BEGIN UNTIL SUCH APPROVAL IS OBTAINED.



EAST LIME INLAND WETLANDS AGENCY

PERMIT NUMBER: 16-23

Approved On: 10/24/2016

Expires On: 10/24/2021

24 DARROWS RIDGE RD

Approved By:

Map Lot: 44.0 8-31

Inland Wetland Agency

6. THE PERMITEE SHALL IMPLEMENT SUCH MANAGEMENT PRACTICES CONSISTENT WITH THE TERMS AND CONDITIONS OF THE PERMIT AS NEEDED TO CONTROL STORM WATER DISCHARGES AND PREVENT EROSION AND SEDIMENTATION AND TO OTHERWISE PREVENT POLLUTION OF WETLANDS AND WATERCOURSES. EROSION DEVICES SHALL BE REMOVED UPON COMPLETION OF THE WORK, AND THE DISTURBED AREAS SHALL BE STABILIZED.

Town of East Lyme


P.O. DRAWER 519

NIANTIC, CONNECTICUT 06357



Town Engineer
Victor A. Benni, P.E.

860-691-4112
FAX 860-739-6930

To: Gary Goeschel, Director of Planning
From: Victor Benni, P.E., Town Engineer 
Date: October 4, 2016
Re: 24 Darrows Ridge Road – Resubdivision / Site Plan Review
(Darrows Point Conservation Design Development)

Information submitted by the Applicant which was considered in this review:

- Darrows Point Conservation Design Development, 24 Darrows Ridge Road, East Lyme, Connecticut, Owner/Applicant: Pazz & Construction LLC, 6-Sheet Drawing Set, Date: August 23, 2016, Revised to: 10/4/16, by: J.Robert Pfanner & Associates, P.C.
- Drainage Report, Prepared for Pazz and Construction LLC, Location: 24 Darrows Ridge Road, East Lyme, CT, Date: August 23, 2016, by J.Robert Pfanner & Associates, P.C.

This office has reviewed the above referenced information and has the following comments:

1. Erosion and Sedimentation controls include siltfence backed by haybales at southern section of development; adjacent to the Conservation Area and the 100' Upland Review Area (Sheet SD-3). Long term maintenance and inspection notes and outlet protection included for stormwater drainage basins (Sheet SD-6).
2. The *Drainage Report* verifies that the drainage basins have been designed to treat the first inch of runoff and have been sized to minimize and maintain the peak flows off site to the pre-development rates and volumes. The proposed design meets the intent of the stormwater regulations by addressing stormwater quality, peak flow, and volume discharges offsite for up to the 100-year storm event.
3. An Erosion and Sedimentation bond in the amount of \$ 8,000 (\$ 4,000 per Lot) is recommended by this Department.

EAST LYME DEPARTMENT OF PLANNING

SUBDIVISION REVIEW SHEET

TITLE OF PLAN:	Darrows Point Conservation Design Development, 24 Darrow's Ridge Rd, East Lyme, Connecticut Owner/Applicant Pazz & Construction LLC, PO Box 817, East Lyme, Connecticut prepared by J. Robert Pfanner & Associates, PC, dated August 23, 2016
DATE RECEIVED:	August 25, 2016
DATE DISTRIBUTED:	September 7, 2016
REVIEW DEADLINE:	September 23, 2016

	Application	Plans
WILLIAM MULHOLLAND, ZONING	✓	✓
LEDGE LIGHT HEALTH DISTRICT	✓	✓
VICTOR BENNI, TOWN ENGINEER	✓	✓
RICHARD MORRIS, FIRE MARSHAL	✓	✓

PUBLIC HEARING IS SCHEDULED FOR October 4, 2016

COMMENTS:

ok zoning

REVIEWED BY: _____

[Signature]

DATE: _____

Ex "0"

Town of East Lyme
Planning Commission
P.O. Box 519
Niantic, Connecticut 06357

September 7, 2016

Account #D20604 Planning
Vendor # 55554

Advertising Department
The Day Publishing Co.
Eugene O'Neill Drive
New London, CT 06320

FILED

Sept 7 2016 AT 2:30 AM/PM

Julian ATC
EAST-LYME TOWN CLERK

Please publish the following notice on September 22, 2016 and September 30, 2016.

TOWN OF EAST LYME
PLANNING COMMISSION
Notice of Public Hearing

The East Lyme Planning Commission will hold a Public Hearing on October 4, 2016, at 7:00PM, at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT, to consider the following:

Application of Jason Pazzaglia, Applicant/ Owner; Application for a 1-Lot Resubdivision of approximately 5.29-acres Zoned RU-40 at 24 Darrows Ridge Rd, East Lyme, Assessor's Map# 44.0 Lot# 8-31 and Waiver Request from Sec. 23.5 B of the East Lyme Subdivision Regulations.

Copies of the full text are on file in the Land Use Office at the East Lyme Town Hall. All interested persons are invited to attend this hearing.

Brian Schuch, Chairman

Ex "M"



47 Eugene O'Neill Drive
New London, CT 06320
860-442-2200
www.theday.com

Classified Advertising Proof

Order Number: d00682481

Gary Goeschel
EAST LYME PLANNING COMMITTEE
P.O. Box 519
NIANTIC, CT 06357
860-691-4105

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Start date: 9/22/2016 | **Stop date:** 9/30/2016 |
Insertions: 2 | **Lines:** 0 ag

Title: Day Website | **Class:** Public Notices 010
Start date: 9/22/2016 | **Stop date:** 9/30/2016 |
Insertions: 2 | **Lines:** 0 ag

A preview of your ad will appear between the two solid lines.

21839

TOWN OF EAST LYME
PLANNING COMMISSION
Notice of Public Hearing

The East Lyme Planning Commission will hold a Public Hearing on October 4, 2016, at 7:00PM, at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT, to consider the following:

Application of Jason Pazzaglia, Applicant/ Owner;
Application for a 1-Lot Resubdivision of approximately 5.29-acres Zoned RU-40 at 24 Darrows Ridge Rd, East Lyme, Assessor's Map# 44.0 Lot# 8-31 and Waiver Request from Sec. 23.5 B of the East Lyme Subdivision Regulations.

Copies of the full text are on file in the Land Use Office at the East Lyme Town Hall. All interested persons are invited to attend this hearing.

Brian Schuch, Chairman

Total Order Price: \$301.60

Please call your ad representative by 3PM today with any ad changes.

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Telephone: 860-701-4276 ext 4276 | **Fax:** 860-442-5443
Email: b.durgin@theday.com

STEVENS, HARRIS, GUERNSEY & QUILLIAM, P.C.

ATTORNEYS AND COUNSELORS AT LAW

351 MAIN STREET

P. O. DRAWER 660

NANTIC, CONNECTICUT 06357

RONALD F. STEVENS
THEODORE A. HARRIS
PAUL M. GUERNSEY
PAIGE STEVENS QUILLIAM
MICHAEL L. McGLINCHEY

TEL (860) 739-6906
FAX (860) 739-2997
E-MAIL shg-realestate@snet.net

October 4, 2016

Mr. Brian Schuch, Chairman
East Lyme Planning Commission
P.O. Box 519
Niantic, CT 06357

Re: Application of Pazz & Construction, LLC scheduled for Public Hearing on 10/4/16

Dear Chairman:

Please accept this letter as the request of the Applicant to open the scheduled public hearing and continue it without testimony to your next regularly scheduled meeting. This request is being made due to a family emergency of the Project Engineer, without whom an effective presentation to the Commission or Public cannot be made. In addition, please also accept this letter as the Applicant's consent to an extension of time within which to close the public hearing, should one be necessary to reach the next regular meeting.

I appreciate your consideration in this matter.

Yours very truly,



Theodore A. Harris

TAH:jpl

Ex "L"

Town of East Lyme


P.O. DRAWER 519

NIANTIC, CONNECTICUT 06357



Town Engineer
Victor A. Benni, P.E.

860-691-4112
FAX 860-739-6930

To: Gary Goeschel, Director of Planning
From: Victor Benni, P.E., Town Engineer 
Date: October 4, 2016
Re: 24 Darrows Ridge Road – Resubdivision / Site Plan Review
(Darrows Point Conservation Design Development)

Information submitted by the Applicant which was considered in this review:

- Darrows Point Conservation Design Development, 24 Darrows Ridge Road, East Lyme, Connecticut, Owner/Applicant: Pazz & Construction LLC, 6-Sheet Drawing Set, Date: August 23, 2016, Revised to: 10/4/16, by: J.Robert Pfanner & Associates, P.C.
- Drainage Report, Prepared for Pazz and Construction LLC, Location: 24 Darrows Ridge Road, East Lyme, CT, Date: August 23, 2016, by J.Robert Pfanner & Associates, P.C.

This office has reviewed the above referenced information and has the following comments:

1. Erosion and Sedimentation controls include siltfence backed by haybales at southern section of development; adjacent to the Conservation Area and the 100' Upland Review Area (Sheet SD-3). Long term maintenance and inspection notes and outlet protection included for stormwater drainage basins (Sheet SD-6).
2. The *Drainage Report* verifies that the drainage basins have been designed to treat the first inch of runoff and have been sized to minimize and maintain the peak flows off site to the pre-development rates and volumes. The proposed design meets the intent of the stormwater regulations by addressing stormwater quality, peak flow, and volume discharges offsite for up to the 100-year storm event.
3. An Erosion and Sedimentation bond in the amount of \$ 8,000 (\$ 4,000 per Lot) is recommended by this Department.

Ex "K"
3



Date: 9/27/16

To: J Robert Pfanner, P.E. and Robert Pfanner

Subject Property: Darrows Point Conservation Design Development, 24 Darrows Ridge Rd, East Lyme, CT

Plan Designed by: J. Robert Pfanner, PE Plan Date: 8/23/16 Last Revision Date: 9/23/16 Date Paid: 8/31/16

The plan and associated information submitted to our office on 9/26/16 for a proposed 2 lot division/commission review. Lots 30-1 and 30-2 range from 1.76 to 3.5 acres and are to be served by private water wells and individual onsite septic systems, in the Town of East Lyme

The Ledge Light Health District (LLHD) does not issue approvals for Subdivision or Commission reviews, but we do issue recommendations on suitability and approvals or denials for lot line revisions (Section 19-13-B100a of the Connecticut Public Health Code). Our recommendation for suitability of the previously stated plan/lots to accommodate the LLHD Subdivision Submission Requirements and Connecticut Public Health Code are as follows:

X Lots 30-1 and 30-2 are recommended suitable in their current condition (approved for 19-13-B100a lot split) with the following "notes":

"Noted"

- 1. A site visit on 9/26/16 by Ryan McCammon, RS revealed the filled area within 10' horizontal and 25' downslope of the septic primary for lot 30-1 had been repaired by the developer utilizing c-33 sand. A percolation test was conducted in the repaired fill package and found to be faster than 5 minutes per inch. In addition, the elevation of the top of the fill package in the area of the leaching system is ~125.5' (based upon the surveyed set benchmark at 149.91 on the ledge outcrop) and thus is considered suitable for installation of the engineered designed septic system per the plan by J. Robert Pfanner, PE dated 12/7/15 and last revised 5/31/16.

The following are not currently required by CT Public Health Code and/or LLHD Plan Review Policies but are encouraged/recommended to protect the proposed structures, onsite septic system, water treatment discharge system and/or water supply/groundwater.

- 1. All proposed well arcs should be kept on the property they serve (to allow neighbors full use of their properties) and all well casings should be located at least 10' from driving surfaces and/or structures to prevent future damage and allow for future maintenance of the wells.
2. The designer should take into consideration the location of potential future water treatment discharge systems, rain gardens and footing/gutter drain discharge locations.

*Please note that soils testing indicated on this plan are representative of actual soils conditions and additional deep test pits and percolation tests may be required by the Ledge Light Health District if the building or system location is altered and/or the suitable septic area is limited. Applicant should be aware that subdivision approval IS NOT sufficient for individual lot approval. Each lot must be reviewed by the Ledge Light Health District at the time of building permit application in order to obtain lot approval and issue a septic/well permit.

Please call me at 860-448-4882 ext 301 with any questions regarding this matter.

Sincerely,

[Handwritten signature]

Ryan McCammon, RS
Supervisor of Environmental Health

Cc: Owner- Jason Pazzaglia (Pazz & Construction LLC)
Town of East Lyme Planning/Wetlands and Zoning Officials and Commissions (G. Goeschel & W. Mulholland)
Other- Kimberly White, LLHD

[Handwritten initials and "I" in a circle]



Date: 9/19/16

To: J Robert Pfanner, P.E. and Robert Pfanner

Subject Property: Darrows Point Conservation Design Development, 24 Darrows Ridge Rd, East Lyme, CT

Plan Designed by: J. Robert Pfanner, PE Plan Date: 8/23/16 Last Revision Date: none Date Paid: 8/31/16

The plan and associated information submitted to our office on 8/30/16 for a proposed 2 lot division/commission review. Lots 30-1 and 30-2 range from 1.76 to 3.5 acres and are to be served by private water wells and individual onsite septic systems, in the Town of East Lyme

The Ledge Light Health District (LLHD) does not issue approvals for Subdivision or Commission reviews, but we do issue recommendations on suitability and approvals or denials for lot line revisions (Section 19-13-B100a of the Connecticut Public Health Code). Our recommendation for suitability of the previously stated plan/lots to accommodate the LLHD Subdivision Submission Requirements and Connecticut Public Health Code are as follows:

X Lots 30-1 and 30-2 are not recommended suitable in their current condition (denied for 19-13-B100a lot split) and the following issues are to be addressed:

"Additional Suitability Issues"

1. Per the note on sheet SD3 (#2), the septic primary area for 30-1 was prepared with select fill and then approved by LLHD on 6/1/16 as having 4' to ledge within, 10' around and 25' downslope of the proposed primary leaching area. A site visit of the lot on 9/12/16 revealed that a swath approximately 4-5' wide and 1' deep had washed out from the center of the proposed fill area/proposed leaching system area, making the prepared area unsuitable. This area will need to be repaired by the installer and inspected by LLHD in order for reconfirm suitability of said lot. The owner and design engineer (Robert Pfanner) were notified by e-mail and in person/phone discussion of this situation and requirement on 9/12/16.
2. The proposed reserve area for lot 30-2 is unsuitable due to depth to ledge in TP 619 and TP 618. It is recommended the reserve area be redesigned and/or relocated to an area with suitable depth to ledge. TP 619 has ledge at 12" below grade, which does not allow for preparation of the site.
3. Show test pits and data for PC1-3 conducted 11/28/12 by Ryan McCammon, Jason Pazzaglia and Robert Pfanner on the plan (data write-up attached).
4. Provide the perc data (readings/results/depth/presoak) for the perc test on lot 30-2.
5. Show the footing drain discharge location for the house on lot 30-2.

The following are not currently required by CT Public Health Code and/or LLHD Plan Review Policies but are encouraged/recommended to protect the proposed structures, onsite septic system, water treatment discharge system and/or water supply/groundwater.

1. All proposed well arcs should be kept on the property they serve (to allow neighbors full use of their properties) and all well casings should be located at least 10' from driving surfaces and/or structures to prevent future damage and allow for future maintenance of the wells.
2. The designer should take into consideration the location of potential future water treatment discharge systems, rain gardens and footing/gutter drain discharge locations.

*Please note that soils testing indicated on this plan are representative of actual soils conditions and additional deep test pits and percolation tests may be required by the Ledge Light Health District if the building or system location is altered and/or the suitable septic area is limited. Applicant should be aware that subdivision approval IS NOT sufficient for individual lot approval. Each lot must be reviewed by the Ledge Light Health District at the time of building permit application in order to obtain lot approval and issue a septic/well permit.

Please call me at 860-448-4882 ext 301 with any questions regarding this matter.

A handwritten signature and initials, possibly "J.R. Pfanner", are written in black ink and enclosed within a hand-drawn oval.

Promoting healthy communities

216 Broad Street • New London, CT 06320 • phone. 860.448.4882 • fax. 860.448.4885 • www.llhd.org

LEDGE LIGHT HEALTH DISTRICT SITE INVESTIGATION FOR A SUBSURFACE SEWAGE DISPOSAL SYSTEM

Location: 24 (lot.30) Darrow's Ridge Dr, East Lyme Weather: Overcast
 Percent Slope: 10-15% Parent Material: _____ Ledge Date: 11/28/2012 Time: Afternoon
 Completed by: Ryan McCammon P.E. or Certified Local Health Agent Accuracy Assured by (if P.E. completed form): Ryan McCammon
 Certified Local Health Agent

Others Present for Site Investigation: Bob Pfanner Jr., Jason Pazzaglia, Brad Brusseau
 (Installer, Developer, P.E., etc.)

Test Pit #: PC1-56" Depth to Observed Ground-Water (inches): Weeping: 48" Standing: Observed Ledge 56"									
Soil Horizon	Depth (inches)	Matrix Color (moist)	Redoximorphic Features		Soil Texture (USDA)	Gravel Percent	Soil Consistence	Roots	Other
			Depth	Color					
A	0-7"	Dark Brown			topsoil	0	very friable	Yes	
B1	7-25"	Orange Brown			fine sandy loam	10	friable	Yes	
C1	25-56"	Light Grey	25"	Orange	20% fine silty loam	5	firm	No	wet

Test Pit #: PC2-77" Depth to Observed Ground-Water (inches): Weeping: 74" Standing: Observed Ledge 77"									
Soil Horizon	Depth (inches)	Matrix Color (moist)	Redoximorphic Features		Soil Texture (USDA)	Gravel Percent	Soil Consistence	Roots	Other
			Depth	Color					
A	0-3"	Dark Brown			topsoil	0	very friable	Yes	
B1	3-21"	Medium Brown			med sandy loam	5	friable	Yes	
C1	21-35"	Light Grey	21"	Orange	15 fine silty loam	0	firm	No	
Rr	35-77"	Grey			rotten rock/sandy loam	25	friable	No	

Test Pit #: PC3-63" Depth to Observed Ground-Water (inches): Weeping: 46" Standing: Observed Ledge 63"									
Soil Horizon	Depth (inches)	Matrix Color (moist)	Redoximorphic Features		Soil Texture (USDA)	Gravel Percent	Soil Consistence	Roots	Other
			Depth	Color					
A	0-3"	Dark Brown			topsoil	5	very friable	Yes	
B1	3-27"	Orange Brown			fine sandy loam	10	friable	Yes	
Rr	27-63"	Grey	27"	Orange	15 medium sandy loam/rotten rock	15	friable	No	wet

Town of



Last Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

Phone (860) 691-4114
Fax (860) 691-0351

P.O. Drawer 519
Department of Planning

September 7, 2016

Via Certified Mail: 7016 0910 0002 1755 9627

Jason Pazzaglia
21 Darrow's Ridge Rd
East Lyme, CT 06333

RE: PUBLIC HEARING NOTICE
24 Darrows Ridge Rd, East Lyme, Subdivision

Dear Mr. Pazzaglia,

Please be advised that the above referenced Subdivision application has been scheduled for public hearing on October 4, 2016. Pursuant to Section 4-4-3 of the Town of East Lyme Subdivision Regulations as the applicant you shall mail notification of the pending application to at least one owner of each property within 200 feet or less, not more than fifteen days nor less than two days before the date set for the public hearing, and evidence of such mailing, in the form of US Post Office Certificates of Mailing shall be submitted for inclusion into the record of the hearing. The applicant is further required to post a sign, at least fifteen days prior to the public hearing. Please see the attachment for specific information on both requirements.

If you have any further questions please do not hesitate to contact the Director of Planning at (860) 691-4105 or visit the East Lyme Planning Department.

Sincerely,

Gary A. Goeschel II
Director of Planning

EAST LYME DEPARTMENT OF PLANNING

SUBDIVISION REVIEW SHEET

TITLE OF PLAN:	Darrows Point Conservation Design Development, 24 Darrow's Ridge Rd, East Lyme, Connecticut Owner/Applicant Pazz & Construction LLC, PO Box 817, East Lyme, Connecticut prepared by J. Robert Pfanner & Associates, PC, dated August 23, 2016
DATE RECEIVED:	August 25, 2016
DATE DISTRIBUTED:	September 7, 2016
REVIEW DEADLINE:	September 23, 2016

	Application	Plans
WILLIAM MULHOLLAND, ZONING	✓	✓
LEDGE LIGHT HEALTH DISTRICT	✓	✓
VICTOR BENNI, TOWN ENGINEER	✓	✓
RICHARD MORRIS, FIRE MARSHAL	✓	✓

PUBLIC HEARING IS SCHEDULED FOR October 4, 2016

COMMENTS:

REVIEWED BY: _____ DATE: _____



PLANNING COMMISSION APPLICATION
FOR SUBDIVISION / RE-SUBDIVISION, SUBDIVISION
MODIFICATION, POCD AND SUBDIVISION REGULATION
AMENDMENT

APPLICATION TYPE: Subdivision _____ Re-Subdivision X Subdivision Modification _____
POCD Amendment _____ Subdivision Amendment _____

NAME OF SUBDIVISION: Darrows Point

PROPOSED ROAD NAME(S): None LENGTH _____ l.f.
(attach list if more than one)

PROPERTY LOCATION: *(attach 8 1/2 x 11 location map)* _____

APPLICANT: Jason Pazzaglia

Address: 21 Darrows Ridge Road Phone: 860 961-2364 Fax: _____
East Lyme CT 06333 e-mail: Jpazz17@gmail.com

OWNER: Same ↑

Address: _____ Phone: _____ Fax: _____
e-mail: _____

PRIMARY CONTACT /AGENT : Jason Pazzaglia

Address: 21 Darrows Ridge Rd Phone: 961-2364 Fax: _____
East Lyme CT 06333 e-mail: Jpazz17@gmail.com

ASSESSOR'S MAP(S) & LOT(S) _____ TOTAL ACRES 5.29

ZONING DISTRICT(S) R-40 CONV./O.S. (circle one) CAM _____ # LOTS 2

FLOOD ZONE no AQUIFER no W/IN 500' TOWN BOUNDARY no FARM LAND no

WATER SUPPLY Private well SEWAGE DISPOSAL _____
(attach letter from Water & Sewer Dept. if public and Ledge Light Health District if on-site)

CONSERVATION COMMISSION APPLICATION: Yes PERMIT#: _____

WAIVER(S) REQUESTED: *(attach letter)* _____

ZONING VARIANCES: *(attach copy from land records)* NO

PLANS PREPARED BY (Engineer/Surveyor): Robert Pfanner

Address: 37 Grand St Phone: _____ Fax: _____
Niantic CT 06333 e-mail: Jpazz17@gmail.com

Ex "A"

ATTORNEY: Ted Harris
Address: 351 Main Street Phone: 739-6904 Fax: _____
Niantic Ct e-mail: _____

PREVIOUS SUBDIVISION(S) IF RE-SUBDIVISION OR LOT LINE REVISION:

Darrows Ridge - phase 5 Map 06 Dwr. 449

Map _____ Dwr. _____

Map _____ Dwr. _____

CHECKLIST ATTACHED _____

CONSENTS AND PERMISSIONS:

The undersigned owner, or legally authorized agent, hereby consents to necessary and proper inspections of the property that is the subject of this application by agents of the Commission at reasonable times both before and after approval is granted by the Commission.

The undersigned declares all information submitted with this application is accurate to the best of his/her knowledge and belief. If such information subsequently proves to be false, deceptive, incomplete or inaccurate, the approval may be modified, suspended, or revoked by the Commission.

Jason Pazzaglia
Owner's Printed Name

[Signature]
Owner's Signature

8/19/16
Date

Jason Pazzaglia
Applicant's Printed Name

[Signature]
Applicant's Signature

8/19/16
Date

FOR INTERNAL USE ONLY:

- SUBMITTED:
- APPLICATION FEE:
- PROCESSING FEE:
- DATE OF RECEIPT:
- SET P.H. BY:
- PUBLISH LEGAL NOTICE:
- HEARING HELD:
- DECISION BY:
- CONDITIONAL APPROVAL:
- LEGAL NOTICE
- FINAL APPROVAL:
- LEGAL NOTICE:
- LETTER OF DECISION:

- BOND SUBMITTED:
- OPEN SPACE CONVEYED:
- MYLARS FILED:
- ROAD ACCEPTED:
- DEEDS & EASEMENTS FILED:

SUBDIVISION APPLICATION CHECKLIST

- Original & 1 copy application form
- 12 copies 11" x 17" at no less than 1inch = 200 feet
- 10 copies of all maps required by Sec 4-1-6 through 4-1-8 and 4-1-12.
- Application Fee
- Waiver Request, if applicable
- Design Report
 - Natural & Cultural Resources Map (4-1-4)
 - Archaeological Survey (5-11)
 - Biological Survey
 - Soil Scientist's Report
 - Pesticide Report (5-10)
 - Yield Plan showing Conventional layout :
 - Cluster/Conservation Design (for subdivisions > 20 acres)
 - Choice of Design Option Report & Narrative
 - Open Space Report Narrative
 - Zoning Compliance Chart
 - Traffic Report (>100 lots & non-residential)
 - Sewage Disposal Report ((5-5)
 - Water Supply Report ((5-6)
 - Stormwater Management Plan / Hydrological Report (5-7)
 - Drainage calcs. W/map showing proposed drainage areas
- Record Subdivision Plan (5-1)
- Site Development Plan (Grading & E&S)
- Road Construction (Plan & Profile)
- Construction Plans
- CAM application if applicable
- Easements and Deeds
- Construction Cost Estimate for Public Improvements
- List of Adjacent Property Owners
- Notification of Adjacent Property Owners (Certificates of Mailing) if public hearing
- Post Sign

Review By Others:

- East Lyme Inland Wetlands Agency
- Regional Planning Commission (abuts or straddles an adjacent municipality)
- Adjacent Municipality (abuts or straddles an adjacent municipality)
- Environmental Review Team
- CT Department of Public Health (if located w/in public water supply aquifer protection area)

The Commission has the authority to determine whether a submission constitutes a complete application in accordance with the regulation requirements. If after reviewing a submission, the Commission finds the application to be incomplete in any material respects, it may vote to deny the application. Prior to taking this action, the applicant will be given the opportunity to withdraw the incomplete application. No fees shall be refunded upon withdrawal of an incomplete application.

APPLICATION FEE CALCULATION SHEET

2.1 Subdivision Application Review. For subdivisions and re-subdivisions, the following fees shall be paid at the time of application to the Planning Commission:

2.1.1	# Lots <u> 2 </u> X \$100.00	<u> 200 </u>
2.1.2	Base Fee	\$750.00
2.1.3	Public Hearing Fee, if applicable (\$1250.00)	1250.00 1250.00
2.1.4	Design Review Fee -LF new road _____ X \$1.00	<u> 0 </u>
2.1.5	Professional/Legal Consultations (actual cost)	<u> 0 </u>
2.1.6	State of Conn. Fee	\$60.00
SUBTOTAL		\$2260 2,160.00

2.2 Subdivision Application Processing and Inspection. Upon approval of a subdivision/ re-subdivision by the Planning Commission, the following fees shall be paid prior to the Chair's signing the approved subdivision plan:

2.2.1	# Lots _____ X \$100	_____
2.1.2	Base Fee	\$100.00
2.2.3	Road/Utility Document Review Fee (\$400.00)	_____
2.2.4	Inspection Fee - LF of new road _____ X \$1.00	_____
2.2.5	E & S Control Fee - # Lots _____ X \$50.00	_____
SUBTOTAL		_____

2.3 Coastal Area Management Review

Lots _____ X \$10.00 (\$25.00 min.) _____

2.4 Application for Revision of Lot Line \$150.00

TOTAL FEES _____

Fees based on Section 2 of the Town Ordinance Establishing Schedule of Fees for Conservation Planning and Zoning Commissions as amended.

Pesticide Report

Dear Planning Commission,

Lot 30 Darrow's Ridge has never been used as an for farming .

Owner



Jason Pazzaglia

Ex "B"


Dear Planning Commission,

This is a Waiver Request of section 23.5 B

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."

This lot is in an existing lot within a newer subdivision with compatible land uses. The natural features that exist to the northeast side and southwest side of the property obviate the need for such buffers. The natural features are a combination of a mature tree growth, water course and a wetland area within a 100 review area, that falls within the 40 foot buffer strip. Along with the natural vegetated buffer that exists make it modification in line with the purpose of the Conversion by Design Development.

Regards,


Jason Pazzaglia

Ex "C"



SOIL & ENVIRONMENTAL SERVICES, INC.

61 Plants Dam Road, East Lyme, CT 06333 860-739-6691 FX 739-4150 soilinc@gmail.com

SOILS REPORT DARROWS RIDGE, MOSTOWY ROAD LOT 12 DRIVEWAY CROSSING NIANTIC REAL ESTATE, LLC EAST LYME, CT

Prepared by:

Martina A. Castanho
Certified Soil Scientist No. 2302

Donald J. Fortunato
Certified Soil Scientist No. 2278

January 11, 2006.

Ex "D"

SOIL & ENVIRONMENTAL SERVICES, INC.

61 Plants Dam Road, East Lyme, CT 06333 860-739-6691 FX 739-4150 soilinc@gmail.com

1- Darrows Ridge, E. Lyme, CT

1.0 INTRODUCTION

Wetland investigations were conducted in May, September, and October 2003, on the Darrows Ridge Project in East Lyme, CT. An additional investigation of an intermittent watercourse area at the proposed Lot 12 driveway crossing area was completed in January 2006.

Our literature review included: USDA Soil Conservation Service (SCS, NRCS) "New London County Soil Survey Report" (1983), Soil Taxonomy (USDA Handbook 436, 1975), USDA SCS Soil Survey Manual (1993), US Army Corps of Engineers (USACOE) "Highway Methodology Supplement, Wetland Functions & Values", (Rev.-1999), and available maps from Pfanner Associates.

The area at the proposed crossing is as follows:

- **Flags #53 – 57 and #77 - 81** – CT Intermittent Watercourse **only** at the proposed crossing area. An intermittent watercourse, by CT Statute, must have a defined bed and banks and exhibit two of the following: a) scouring and deposition; b) presence of standing or flowing water *after* a storm event; and/or c) presence of hydrophytic vegetation. Refer to attached State information.

2.0 SUMMARY OF SOILS & WETLANDS INVESTIGATION

The intermittent watercourse is naturally occurring and partially man-made.

- The only function of this intermittent watercourse is to convey surface water from the upgradient wetlands to the downgradient wetlands. Some groundwater may also be intercepted during the "wet season" of December through April. Standing or flowing water does not persist for very long after normal storm events and hydrophytic vegetation is not present in the channel.

Vegetation around the intermittent watercourse included chestnut oak, red oak, white oak, mountain laurel, sassafras, and some scattered sedges (*Carex* spp.). All of these are upland species with the exception of *Carex* which is FAC (USFWS facultative).

A preliminary wetland evaluation was conducted using the USACOE "Highway Methodology Supplement, Wetland Functions & Values", (Rev.-1999). This preferred method by the USACOE does not place a high, medium, or low value on wetlands. The presence or absence of thirteen (13) wetland functions or values is recorded. The wetland in question can then be evaluated by a descriptive approach.

ACOE "work sheets" are quite lengthy and are on file with our office. These work sheets can be made available if requested. The summary is as follows.

Intermittent Watercourse: Wetland functions and values at the intermittent watercourse at the covered bridge are as follows.

- Groundwater recharge/discharge (minor)

As can be seen, the ditch in question serves very little function except to convey surface water. It also has some minor groundwater recharge/discharge value.

After construction, a "conservation seed mix" can be planted along the sideslopes and other disturbed areas. See attached seed mixtures.

No adverse environmental impact would be expected by the crossing of this watercourse.

Please contact us if there are any questions.

Sincerely,

Martina Castanho

Martina Castanho, CSS #2302

Donald Fortunato

Donald Fortunato, CSS #2278

BASIN & BIO-FILTER AREA PLANTS/SEED MIX

SEED MIXES

New England Erosion Control/Restoration Mix **(for Detention Basins and Moist Sites)**

The New England Erosion Control/Restoration Mix contains a selection of native grasses and wildflowers designed to colonize generally moist, recently disturbed sites where quick growth of vegetation is desired to stabilize the soil surface. This mix is particularly appropriate for detention basins which do not normally hold standing water. The plants in this mix can tolerate infrequent inundation, but not constant flooding. In New England, the best results are obtained with a Spring seeding. Summer and Fall seeding can be successful with a light mulching of weed free straw to conserve moisture. Late Fall and Winter dormant seeding require a slight increase in the seeding rate. Fertilization is not required unless the soils are particularly infertile.

APPLICATION RATE: 35 LBS/ACRE; 1245 sq ft/ lb

SPECIES: Switchgrass (*Panicum virgatum*), Virginia Wild Rye (*Elymus virginicus*), Creeping Red Fescue (*Festuca rubra*), Fox Sedge (*Carex vulpinoidea*), Creeping Bentgrass (*Agrostis stolonifera*), Silky Wild Rye (*Elymus villosus*), Partridge Pea (*Chamaecrista fasciculata*), Soft Rush (*Juncus effusus*), Flat-top Aster (*Aster umbellatus*), Nodding Bur-marigold (*Bidens cernua*), Joe-pye Weed (*Eupatorium maculatum*), Boneset (*Eupatorium perfoliatum*), Grass-leaved Goldenrod (*Solidago graminifolia*), Grey Goldenrod (*Solidago nemoralis*).

New England Conservation/Wildlife Mix

The New England Conservation/Wildlife Mix provides a permanent cover of grasses, forbs, wildflowers, legumes and grasses to provide both erosion control, and wildlife habitat value. This mix is designed to produce a no-maintenance cover, and is an appropriate application for cut and fill slopes, detention basins, and disturbed areas adjacent to commercial and residential projects.

APPLICATION RATE: 25 LBS/ACRE; 1743 sq ft/ lb

SPECIES: Big Bluestem (*Andropogon gerardii*), Little Bluestem (*Schizachyrium scoparium*), Switchgrass (*Panicum virgatum*), Fox Sedge (*Carex vulpinoidea*), Silky Wild Rye (*Elymus villosus*), Common Milkweed (*Asclepias syriaca*), Deertongue (*Panicum clandestinum*), Pennsylvania Smartweed (*Polygonum pennsylvanicum*), Silky Smooth Aster (*Aster laevis*), Nodding Bur-marigold (*Bidens cernua*), Flat-top Aster (*Aster umbellatus*).

Source: NE Wetland Plants, Inc.

Year: 2000 22A-38 Name 22A-00-0038-k.doc

Sec. 22a-38. Definitions. As used in sections 22a-36 to 22a-45a, inclusive:

- (1) "Commissioner" means the Commissioner of Environmental Protection;
- (2) "Person" means any person, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof;
- (3) "Municipality" means any town, consolidated town and city, consolidated town and borough, city and borough;
- (4) "Inland wetlands agency" means a municipal board or commission established pursuant to and acting under section 22a-42;
- (5) "Soil scientist" means an individual duly qualified in accordance with standards set by the federal Office of Personnel Management;
- (6) (7) (8) (9) "Material" Waste, Pollution....
- (10) "Discharge" means the emission of any water, substance or material into waters of the state whether or not such substance causes pollution;
- (11) "Remove" includes, but shall not be limited to drain, excavate, mine, dig, dredge, suck, bulldoze, dragline or blast;
- (12) "Deposit" includes, but shall not be limited to, fill, grade, dump, place, discharge or emit;
- (13) "Regulated activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in section 22a-40;
- (14) "License" means the whole or any part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of sections 22a-36 to 22a-45a, inclusive;
- (15) "**Wetlands**" means land, including submerged land, not regulated pursuant to sections 22a-28 to 22a-35, inclusive, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture;
- (16) "**Watercourses**" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon this state or any portion thereof, not regulated pursuant to sections 22a-28 to 22a-35, inclusive. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (A) Evidence of scour or deposits of recent alluvium or detritus, (B) the presence of standing or flowing water for a duration longer than a particular storm incident, and (C) the presence of hydrophytic vegetation;
- (17) (18) "Feasible" "Prudent"



TRITON ENVIRONMENTAL, INC.
Environmental Consulting & Engineering

September 5, 2006

Theodore A. Harris, Esq.
Stevens, Harris, Guernsey, & Quilliam, P.C.
351 Main Street
PO Drawer, 660
Niantic, CT 06357

**RE: Archaeological Sensitivity Assessment Survey
Re-Subdivision Darrow's Ridge, Phase V – East Lyme, Connecticut**

Dear Mr. Harris:

This Letter of Findings is being provided in compliance of the Town of East Lyme's zoning requirement for Archaeological Surveys (Section 5-11) to be conducted as part of permit applications.

Triton Environmental Inc. (Triton) was retained by Stevens, Harris, Guernsey, & Quilliam, P.C. to review the sensitivity for archaeological resources to occur on the proposed Darrow's Ridge Phase V Subdivision, Mostoway Road, East Lyme (the "Site") on behalf of Niantic Real Estate, LLC (the "Applicant"). This letter of findings is based on a documentation search and a field walkover visual survey that evaluated: 1) known archaeological sites, 2) areas of severe ground disturbance, and 3) areas of low to high probability for the existence of unknown archaeological sites. The results of each of these tasks are presented as follows:

Known Archaeological Sites

A search for previous archaeological assessments that include: 1) Historical and Architectural Surveys; 2) Archaeological Surveys; and 3) Documentation Studies archived in the Archives & Special Collection, Thomas J. Dodd Research Center at the University of Connecticut, Storrs found no references to the proposed development site (Connecticut Historic Preservations Collections User's Guide, Interactive Edition, 2000). Because this collection listing has not been updated recently, Triton contacted the Connecticut Office of State Archaeologist.

Survey documents and records from these two sources suggest that the area to the south of Darrow's Pond that includes Latimer Brook is an area of high sensitivity for the potential occurrence of archaeological sites. The Office of State Archaeologist (personal communication) reports that there are several known prehistoric archaeological sites along Latimer Brook as recorded in their files. However, no known archaeological sites are reported for the site or in its immediate vicinity.

EX "E"

Areas of severe ground disturbance

Triton performed a visual survey of the Phase V property boundary that included searching for cultural features (e.g., foundations; rock wall formations; historic features; disturbed locations) to determine if any areas of no to low archaeological potential or moderate to high archaeological potential exist. The area surveyed had been previously cleared and grubbed of trees and excavated. Proposed house lots had been laid out and blasting had occurred to clear rock and construct an access road from the cul-de-sac.

Triton performed a walkover visual survey of the house lots and whenever feasible examined the trenches or back dirt piles of soil test pits. Where earthen cuts existed, the sides of the cuts were scraped clean to expose the stratigraphy and search for signs (e.g., staining) of archaeological features.

The visual survey resulted in finding no presence of historic foundations or stone walls or archaeological features or materials in the areas proposed for house lots. However, it is important to note that previous construction activity resulted in the mixing and deposition of soils throughout this area, which made searching for signs of past cultural activity difficult.

Areas of Low to High Probability for the Existence of Unknown Archaeological Sites

Based on the previous information presented for known archaeological sites and the areas of severe disturbance, Triton can assess the areas on site that have both low to high probability of the existence of unknown archaeological sites. Because of the current conditions of the site and excavation that has already taken place, the potential for archaeological sites to be found in the house lots is low.

Triton identified an area of high probability for the existence of unknown archaeological sites to exist in the areas 1) behind Lots #27; 2) along the top of the terrace of the ridge; and 3) in the vicinity of where the several rock formations exist. Specifically, there is a high potential for two rock formations to have been used as prehistoric rockshelters by past peoples inhabiting this area. The UTM coordinates of these areas are:

Potential Rockshelter #1 18T0731318/4586459

Potential Rockshelter #2 18T0731336/4586470

Recommendations / Mitigation

In the event that an archaeological feature or cultural material is unearthed during construction activities, the construction supervisor would contact a professional archaeologist to determine whether or not an archaeological site has been disturbed. Triton would be able to provide this service. On the confirmation of an archaeological site find, the Connecticut Office of State Archaeologist and Connecticut State Historical Preservation Office will be contacted and informed of any significant findings.

Conclusion

Based on the above information presented, Triton finds that there is no to low potential to find any archaeological resources in the *immediate* boundaries of the Phase V Darrow's Ridge Re-subdivision. However, the assessment identified three (3) areas of moderate to high archaeological sensitivity outside of the proposed house lots but within the overall property line. These three (3) sensitive area are not currently disturbed and *outside* the boundaries of current or proposed construction disturbance. Therefore, Triton finds that the proposed activities will have no effect on archaeological resources and confirms that the Applicant has met the requirements of Section 5-11 Archaeological Surveys of the Town of East Lyme

If you have any questions or need further information please call me at 203-458-7200 or email me at fdirrj1@tritonenvironmental.com

Sincerely,



Frank J. Dirrigl, Jr., Ph D.
Principal Archaeologist/Senior Project Manager

Attachments

cc: Dr. Nicholas F. Bellantoni (OSA)
J. Robert Pfanner
Jeff Torrance

Ref. No 102861R01



TRITON ENVIRONMENTAL, INC.
Environmental Consulting & Engineering

FRANK J. DIRRIGL JR., PH.D.
SENIOR PROJECT MANAGER

Dr. Dirrigl is a Senior Project Manager at Triton Environmental, Inc overseeing the Ecological and Wetland Sciences section of Triton. He has over fifteen (15) years of diversified environmental experience in conducting ecological and wetland impact assessments, wetland permitting and mitigation plans, natural resource inventories, rare species surveys, and college teaching. In Addition, Dr. Dirrigl is experienced in archaeological research (zooarchaeology) for cultural resource management projects. Prior to joining Triton Environmental in 2006, Dr. Dirrigl was a tenured Associate Professor of Environmental Science at Post University, (Waterbury, CT) and a Sr. Zoologist for the New Jersey Department of Environmental Protection, Natural Heritage Program. Additionally, he was owner of a self-employed environmental consulting firm, and he has served as a regular member of the Willington Inland Wetlands and Watercourses Commission since 1998.

Education

University of Connecticut, Ph.D., 1998. Doctor of Philosophy Degree in Anthropology. Concentration in Archaeology. Ph.D. Dissertation: *Zooarchaeology and taphonomy of Gallinaceous birds in the northeastern United States*. Advisor: Robert E. Dewar. 1998.

University of Connecticut, M.A., 1991. Master of Arts Degree in Anthropology. M.A. Thesis: *Archaeozoology of Connecticut tetrapod vertebrates*. 1991.

University of Connecticut, B.A., 1988. Bachelor of Arts Degree in Biological Sciences. Dual Degree Recipient.

Representative Project Experience

Cultural Resource Management (CRM) and Archaeological Research

Dr. Dirrigl is an experienced archaeologist with a specialty in zooarchaeology or the study of animal bones found in prehistoric and historic archaeological sites. He has worked as a archaeological consultant in this area for over 15, analyzing artifacts for private, museum, and academic institutions. Dr. Dirrigl has several publications based on his archaeological research and has completed over 30 research reports that are part of cultural resource management projects with a focus on New England and New York.

FRANK J. DIRRIGL, JR., PH.D.
SENIOR PROJECT MANAGER

Ecological and Wetland Impact Assessments

Dr. Dirrigl's experience in freshwater and terrestrial ecological impact assessments has included identification of natural communities, animal surveys, and inland wetlands and watercourses functional analyses. Dr. Dirrigl has performed many surveys of vernal pools, streams and rivers, swamps and bogs, and wet meadows. With his background working for conservation organizations such as The Nature Conservancy and environmental protection agencies, he brings a balanced, scientifically based perspective between development and preservation into the wetland permitting process.

Wetland Permitting and Mitigation Plans

Dr. Dirrigl has been involved with developing Army Corps of Engineer Wetland Mitigation Plans for projects in Connecticut. He provides technical, scientific assistance for the review and development of wetland applications at the local, state, and federal levels. Dr. Dirrigl also provides objective, peer-review services for towns and municipalities needing assistance with project reviews.

Natural Resource Inventories and Rare Species Surveys

Dr. Dirrigl has extensive experience in inventorying natural resources and conducting surveys for both invertebrate and vertebrate animals. With the Connecticut Natural Diversity Database, he reported noteworthy animal occurrences on seven dam management project areas throughout Connecticut for the Army Corps of Engineers, New England District. Dr. Dirrigl also has found new or rediscovered rare species localities for dragonflies/damselflies, freshwater mollusks, and mammals. His work on the least shrew was instrumental in its protection as a State Endangered mammal.

Professional Training

Natural Heritage Training, The Nature Conservancy, Arlington VA.
Wetland Commissioners Training, Certificate of Completion, Connecticut
Department of Environmental Protection

Selected Publications

- F.J. Dirrigl Jr., G.P. Dalsky, and S.E. Warner. Dual-Energy X-ray Absorptiometry of Birds: An Examination of Excised Skeletal Specimens. *Journal of Veterinarian Medicine Series A*, 51(6):313-319, August 2004.
- F.J. Dirrigl Jr. Differential Identifiability Between Chosen North American Gallinaceous Skeletons and the Effect of Differential Survivorship. *Acta Zoologica Cracoviensia* 45(Special Issue):357-367, 2002.

FRANK J. DIRRIGL, JR., PH.D.
SENIOR PROJECT MANAGER

- F.J. Dirrigl Jr. Bone Mineral Density of Wild Turkey (Galliformes: Meleagridae) Skeletal Elements and its Effect on Differential Survivorship. *Journal of Archaeological Science* 28(8):817-832, 2001.
- F.J. Dirrigl Jr. Exceptional preservation of a shell specimen at the Goldkrest Site (CNGTL470), East Greenbush, New York. *The Bulletin*, New York State Archaeological Association 107:17-19, 1994.
- F.J. Dirrigl Jr., and B. Greenburg. The utility of insect remains to assessing human burials: A Connecticut case study. *Archaeology of Eastern North America* 23:1-7, 1995.
- F.J. Dirrigl Jr. Health issues concerning animal preparation. Pp. 44-47, in *Guide to the curation of archaeozoological collections* (Erin Henry, Ed.). Proceedings of the curation workshop, International Council of Archaeozoology, Sixth International Conference, Washington, D.C., 105 pp, 1991.

Selected Grant / Award Support

The Kosciuszko Foundation, Institute of Systematics and Evolution of Animals,
Polish Academy of Sciences
The Nature Conservancy, Connecticut Chapter
The Nature Conservancy, Eastern Conservation Science Department
Silvio O. Conte National Fish and Wildlife Refuge Challenge Cost Share Program
Endangered Species / Wildlife Income Tax Checkoff Fund, CT DEP
Sigma Xi

Professional Affiliations / Service

Curatorial Affiliate (Visiting), Scientific Collections, Department of Ecology &
Evolutionary Biology, University of Connecticut
Regular Board Member, Willington Inland-Wetland Commission
International Council for Archaeozoology (ICAZ), Bird Working Group
Board of Directors, Archaeological Society of Connecticut, 1994-1996
Wildlife Society Bulletin, Reviewer
Acta Zoologica Cracoviensia, Reviewer
Journal of Archaeological Science, Reviewer

FROM : Museum of Natural History

FAX NO. : 8604860827

Sep. 28 2006 08:35AM P2

EX 23



University of Connecticut
Connecticut State Museum of Natural History
Connecticut Archaeology Center

College of Liberal Arts
and Sciences

28 September 2006

Frank Dirrigl, Jr.
Triton Environmental, Inc.
385 Church Street, suite 201
Guilford, CT 06437

RE: Re-subdivision Darrow's Ridge
East Lyme, Connecticut

Dear Frank,

Thank you for the opportunity to review of the above-named development project for its archaeological sensitivity. A review of the state of Connecticut Archaeological Site files and Maps shows no known archaeological site on the project area, however, we do have information on prehistoric Native American sites to the east of the project area adjacent to Latimer Brook.

Our office has reviewed your archaeological sensitivity assessment survey report, and concur with its conclusions. However, if design plans change and house lots are proposed in archaeological sensitive areas, we would recommend a reconnaissance survey for those areas. As the plans stand, the Office of State Archaeology suggests that the proposed subdivision should have no effect on the state's archaeological resources.

Thank you again for this review opportunity. Please feel free to contact me at the university should you have any questions.

Sincere regards,


Nicholas F. Bellantoni, PhD
Connecticut State Archaeologist

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