

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 11, 2021

RE: **Continuation of Application of Kristen T. Clarke, P.E., for English Harbour Asset Management LLC, Owner;** Application for a 4-lot re-subdivision of approximately 3.8± acres of land zoned RU-40, located at 22 and 24 Upper Kensington Dr, East Lyme, Assessor's Map 40.0, Lot 22 and 23.

Upon review of the above referenced application, supporting documentation, and proposed subdivision plan (5-Sheet Drawing Set) entitled "Nottingham Hills Subdivision Lot Line Revisions of Existing Lots 19 & 21 & Conservation Design Development, 1 Lot Re-Subdivision of Portions of Lots 19 & 21 Dated: January 29, 2020, revised to: December 9, 2020", by Donald L. Gesick Jr. L.S., of Gesick & Associates, P.C., 19 Cedar Island Ave., Clinton, Connecticut, I offer the following:

FINDINGS

Whereas: The Commission commenced a Public Hearing on July 27, 2020. The Public Hearing for said application was continued to Commission's meetings of August 4th, August 11th, September 1st, October 6th, October 27th, November 10th, December 1st, and December 10th 2020.

Whereas: The Commission has reviewed the application and received testimony from the applicant, his professionals, representatives, and the public. In addition, Town staff also provided the Commission with comment concerning this application's compliance with local requirements and regulations.

Whereas: The parcel of land constituting the property subject to this application is zoned RU-40 Rural Residential and the property abutting the site to the north and east (Darrow Pond) is zoned SU-E Special Use Elderly Housing and has been preserved as Town owned open space. The abutting properties to the south and east are Zoned RU-40 Rural Residential.

Whereas: The East Lyme Inland Wetlands Agency determined that "No Permit is Required" as there is no activity occurring in the upland review area, wetlands, or watercourse as evidenced by Exhibit "F".

Whereas: The proposed Subdivision is found to meet the requirements of the East Lyme Subdivision Regulations and the East Lyme Plan of Conservation and Development (POCD) as demonstrated by the following:

Section 3-4 Plan of Development: As the proposed Subdivision is located completely within an RU-40 zoning district adjacent to existing residential lots zoned RU-40 and SU -E, the proposed subdivision continues to follow the pattern of development characteristic of the existing residential development.

As such, the proposed subdivision conforms to the comprehensive Plan of Development for the Town of East Lyme (2020 POCD) as adopted by the East Lyme Planning Commission.

Section 5-4 Sanitation Report: As indicated in Exhibit "BBB" e-mail correspondence from Danielle Holmes, REHS/RS, dated December 10, 2020, indicates the proposed lots are able to be served by subsurface sewage disposal systems.

Section 5-5 Water Supply Report: As indicated in Exhibit "BBB" e-mail correspondence from Danielle Holmes, REHS/RS, dated December 10, 2020, indicates the proposed lots are able to be served by on-site water supply wells.

Section 5-2-2(E) and 6-8 Stormwater Management Plan: As indicated in Exhibit "BB", Memo from Victor Benni, P.E., Town Engineer, dated October 19, 2020, indicates that "Waiver of Stormwater Management Report" demonstrates that the water quality of the receiving aquifer, wetland or watercourse will not be affected and that the proposed development will not cause or exacerbate downstream flooding." As such, the proposed design meets the overall intent of Section 6-8 of the East Lyme Subdivision Regulations.

Section 5-2-2(G) Erosion and Sedimentation Control Plan: As indicated by Exhibit "BB" dated October 23, 2020, memorandum from Victor Benni, P.E., Town Engineer, indicates the proposed Plan was updated to contain generalized Erosion and Sedimentation Control Notes. As such, the appropriate notes, details, and provisions regarding erosion control measures adequate to control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site have been incorporated into the proposed plan. Therefore, 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: As evidence by the applicant's testimony during public hearing, there have been no known regular applications of pesticides on the subject site currently or historically. In addition, the site was previously approved for two (2) building lots.

Section 5-8 Archeological Survey: As Evidence by the Design Report in Exhibit "A", the Archeological Survey was provided to the Commission as part of the Nottingham Hills Phase 1 and 3 Subdivision and was incorporated into the public hearing record by testimony of the Applicant. In addition, the site was previously approved for the construction of two (2) single family dwellings. As such, there are no archeological resource issues on the site.

Section 6-2 Lot Design Specifications: As evidenced by Exhibit "CC" correspondence from William Mulholland, Zoning Official, October 23, 2020 and the Exhibit "U" correspondence from Attorney Paul Geraghty, dated August 26, 2020, and Exhibit "KKK" letter correspondence from Mark Zamarra, Esq./Town Attorney, to William Mulholland, Zoning Official, indicate the proposed subdivision meets the lot design specifications under the Conservation Development by Design (CDD) pursuant to Section 23 of the Zoning Regulations as well as Section 6-2 of the East Lyme Subdivision Regulations. Therefore, the proposed subdivision complies with all applicable Zoning Regulations for the purposes of the subdivision of land.

Section 6-7 Open Spaces: As demonstrated by the Design Report in Exhibit "A", identifies the Nottingham Hills Subdivision as being a division of 107.82- acres and the open space provided totaling 41.35-acres. Based on the subdivision regulation requirement of 30% Open Space, or 32.34-acres, the subdivision had exceeded the required Open Space by 9.1-acres as of the date of the pending application. Subsequent, to the application, the applicant conveyed portions of lot 19, (.51-acres), and Lot 21, (1.27-acres), to the property that was in the process of being conveyed to the East Lyme Land Trust. The combined totaled 37.99-acres which, has been transferred to the East Lyme Land Trust as of December 30, 2020 (Vol. 1046, Pg. 120). Upon recalculating the Open Space, it now totals 79.34-acres of the subdivision's 107.82-acres. As such approximately 73.5% of the subdivision's land is now in open space when only 30% or 32.3-acres is required.

In addition, Exhibit "U" correspondence from Attorney Paul Geraghty, dated August 26, 2020, indicates the Nottingham Hills subdivision has "banked" land to use for Open Space as evidenced in the minutes of the Planning Commission dated November 16, 2010 (see Exhibit "FF") wherein excess Open Space, 10-acres, was provided by agreement with the Town of East Lyme Planning Commission on the condition that it was done so with the reserved right that the 10-acres could be used in future calculations on future applications. Further, pursuant to the Memorandum Dated February 1, 2010 from Mark E. Block, Esq. to G. Goeschel, Director of Planning, as provided in Exhibit "U", correspondence from Attorney Paul Geraghty, dated August 26, 2020, the open space requirement is based on the entire tract and not subsequent re-subdivisions. Therefore, adequate Open Space has not only been dedicated but, has been provided in an amount that exceeds the minimum required under the subdivision regulations. As such, the development has met its Open Space obligations.

Section 6-9 Requirements Regarding Flooding: As demonstrated by Exhibit "Z" Nottingham Hills Re-Subdivision Plan (5-sheet set) dated January 29, 2020 revised to October 19, 2020 which, reduces the proposed division of land from 4-Lots to 3-Lots and Exhibit "BB" dated October 23, 2020, memorandum from Victor Benni, P.E., Town Engineer, the proposed Plan indicates that the Drainage Summary meets the overall intent of Section 6-8 of the East Lyme Subdivision Regulations and the proposed site development will not adversely affect the water quality of downstream water features or exacerbate any downstream flooding.

PROPOSED RESOLUTION

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 above Findings indicated in the Memorandum from Gary A. Goeschel II, Director of Planning, dated January 8, 2021.

NOW THEREFORE, I hereby Move to APPROVE the application known as the Application of Kristen T. Clarke, P.E., for English Harbour Asset Management LLC, Owner; Application for a 4-lot re-subdivision of approximately 3.8± acres of land zoned RU-40, located at 22 and 24 Upper Kensington Dr, East Lyme, Assessor's Map 40.0, Lot 22 and 23, and proposed Subdivision Plan (5-Sheet Drawing Set) entitled "Nottingham Hills Subdivision Lot Line Revisions of Existing Lots 19 & 21 & Conservation Design Development, 1 Lot Re-Subdivision of Portions of Lots 19 & 21 Dated: January 29,2020, revised to: December 9, 2020", by Donald L. Gesick Jr. L.S., of Gesick & Associates, P.C., 19 Cedar Island Ave., Clinton, 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. An Erosion & Sedimentation Control bond in an amount of \$3000.00 dollars shall be posted with the Town in a form acceptable to the Town of East Lyme Planning Commission prior to the start of any site work including but not limited to clearing, grubbing, filling and grading.
2. Contact the Planning Director to inspect the installation of erosion and sedimentation controls within 2-days prior to the start of any construction.
3. An Application for Right-of-Way Permit shall be filled with the East Lyme Engineering Department prior to the start of any site work.
4. The applicable items above 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 the Application of Kristen T. Clarke, P.E., for English Harbour Asset Management LLC, Owner; Application for a 4-lot re-subdivision of approximately 3.8± acres of land zoned RU-40, located at 22 and 24 Upper Kensington Dr, East Lyme, Assessor's Map 40.0, Lot 22 and 23, and proposed Subdivision Plan (5-Sheet Drawing Set) entitled "Nottingham Hills Subdivision Lot Line Revisions of Existing Lots 19 & 21 & Conservation Design Development, 1 Lot Re-Subdivision of Portions of Lots 19 & 21 Dated: January 29,2020, revised to: December 9, 2020", by Donald L. Gesick Jr. L.S., of Gesick & Associates, P.C., 19 Cedar Island Ave., Clinton, Connecticut." Any changes in the subdivision 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.