

# Town of

P.O. Drawer 519

**Department of Planning &  
Inland Wetlands**

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



# East Lyme

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## MEMORANDUM

**To: East Lyme Planning Commission**

**From: Gary A. Goeschel II, Director of Planning**

**Date: June 1, 2022**

**RE: Application of Kristen T. Clarke, P.E., of Niantic Real Estate LLC, Owner;** Application for a 2-lot re-subdivision of approximately 5.13± acres of land zoned RU-40, located at 9 Upper Kensington Drive, East Lyme, Assessor's Map 40.0, Lot 17 with a Waiver Request from Section 23.5B.1., of the Town of East Lyme Zoning Regulations, Section 6-8-7 Stormwater Management Requirements, Section 5.2.2 G Erosion and Sedimentation Control Requirements, and Section 5-2-2 (B) and (C) ii, Preliminary Resource Impact and Conservation Plan. *(Date of Receipt: 5/10/2022; Public Hearing must be held by 7/14/2022)*

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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 Lot 27 & 2 Lot Re-Subdivision of Lot 27, Prepared for Kristen Clarke, P.E., Dated: October 7, 2021", by Donald L. Gesick Jr. L.S., of Gesick & Associates, P.C., 19 Cedar Island Ave., Clinton, Connecticut, I offer the following:

1. Section 4-12 (2) Waivers; Requires the Commission to find the following:
  - (1) The waiver has been requested in writing by the applicant in the application submission;
  - (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;
  - (3) Physical features if the property or its location cause exceptional difficulty or unusual hardship in meeting the requirements of these Regulations;
  - (4) The granting of a waiver will not have a significantly adverse effect upon adjacent property, the environment, or the public health and safety;
  - (5) The granting of the waiver will not be in conflict with the Plan of Conservation and Development;
  - (6) There 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;
  - (7) The requested waiver is the minimum deviation from the requirements of these Regulations necessary to permit subdivision of subject land.

In granting a waiver, the Commission shall state upon its record, the reasons for granting any waiver.

As such, the application needs to identify the conditions which affect the subject property that are not generally applicable to other land in the area and the physical features of the property or indicated

its location is such that it cause exceptional difficulty or unusual hardship in meeting the requirements of the regulations.

2. Section 5-2-2(D) xiv – Energy Efficiency; Requires a written statement outlining how the energy efficiency and conservation provisions of Section 6-2-6 of these Regulations have been met. Section 6-2-6(A) Energy Efficiency and Conservation; require the applicant to demonstrate to the Commission that in developing the subdivision plan, the use of passive solar energy techniques which would not significantly increase the cost of the housing to the buyer, after any available tax credits, subsidies, and exemptions, has been considered.
3. Although the driveway was previously approved to serve 2-lots, Section 6-2-5(B) Lot Access; requires no driveway be greater than 15% slope at any point. Any driveway having a grade of 10% or more, but not exceeding 15%, shall be paved for the entire length of the driveway. Shared driveways shall not exceed 10% or more on the shared portion of driveway. In addition, the plans identify the existing gravel driveway as a Common Driveway/ Private Road. I recommend removing the words “Private Road” and indicated indicate the proposed driveway as being paved. As the proposed driveway is a driveway serving 3-single family homes, I recommend relabeling the driveway as a “proposed paved common driveway”. Further, the grading associated with the proposed driveway on Lot 27 and 27-1 needs to be shown on the plan. Moreover, the driveway associated with Lot 27-2 shown extending into the proposed structure should be revised to end at the exterior of the structure.
4. Section 5-4 requires soils testing for on-site sewage disposal and a letter from the Health Department be provided certifying the land to be subdivided and the subdivision pan are satisfactory for on-site sewage disposal.
5. Section 5-5 and Section 6-16 require a report from the Health Department certifying the land to be subdivided and the subdivision plans are satisfactory for the installation of private water supply when public water supply is unavailable.
6. Section 6-17-1 Underground Utilities; requires electrical transmission lines, telephone, and cable lines be located and installed underground. As such, the proposed plans should show the location of the proposed utilities from the street to each proposed home.
7. The applicant has requested a waiver from Section 6-18 Soil Erosion and Sedimentation Control Plan. However, the proposed plans provide an erosion and sedimentation control narrative and associated details for the installation of a haybale sediment barrier versus sit-fence that meets the 2002 CT E&S Guidelines. The proposed sedimentation barrier/ silt fence needs to be shown on the proposed grading plan or on a separate sheet. In either case, it is my opinion, the plan could be certified by the Commission provided the erosion and sedimentation controls are shown on the proposed plans.