

Town of

P.O. Drawer 519

**Department of Planning &
Inland Wetlands Commission**

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Inland Wetlands Agent*



East Lyme

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MEMORANDUM

To: East Lyme Inland Wetlands Commission

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

Date: May 30, 2023

**Re: Kristen T. Clarke, PE, & Shelly Harney Applicants/Port Side Holdings, LLC Owner;
Application for a 5-lot Subdivision, at property located on the corner of Upper Walnut Hill
Road and Holmes Road, East Lyme Assessor's Map#55.0, Lot# 3.1, Zoned RU-80 (Submitted
5/1/23, Date of Receipt 5/9/23).**

Upon review of the above referenced application and the proposed 5-sheet plan set entitled "Subdivision Plan, Nehantic Highlands Subdivision, Applicant: Kristen Clarke PE & Shelly Harney, Holmes Road & Upper Walnut Hill Road, East Lyme, CT, dated February 7, 2023" prepared by James Bernardo, LS of James Bernado Land Surveying and plans entitled "Applicant: Nehantic Highlands Subdivision, Kristen Clarke & Shelly Harney, Holmes Road, East Lyme, CT, Scale 1" = 50', dated April 28, 2023, Sheets 6-10 of 10" prepared by May Engineering, LLC, I offer the following:

1. Site Plans:

The proposed subdivision plans prepared by James Bernardo should show the 300-foot upland review area boundary. The plans prepared by May Engineering need to be stamped and signed by a professional engineer licensed in the state of Connecticut. Ideally, both sets of plans should be signed by the Soil Scientist, if possible, although not required by the regulations.

2. Biological Report:

The NDDDB New Determination Number 202302137 received from the State of Connecticut Department of Energy & Environmental Protection (DEEP) indicate that there are State-listed species of special concern (Eastern Box Turtle, Spotted Turtle, Easter Ribbon Snake, and the Whip-Poor-Will) that may be influenced by activities within the proposed project area and recommends a herpetologist familiar with preferred habitats assist with proper techniques to ensure the best protection strategies are employed.

DEEP recommends avoiding collision hazards for bats and birds, limit interior and exterior lighting, and ensure construction is designed, built, and operated in accordance with the standards and requirements of the LEED Green Building Rating System (USGBC) Pilot Credit #55.

As the NDDDB report indicates the project is located in a large block suitable for all of the species identified in area, the developer should work with a biologist to plan the construction activities to minimize the impact on these species.

3. Inland Wetlands:

The proposed design narrative indicates a report that has been prepared by Joseph Theroux, CSS as to the wetlands impacts and is being submitted under separate cover. It has not yet been received.

EX "E"

4. Open Space:

According to the Design Report, the 12.4-acres parcel being subdivided was established by a Lot Line Modification and recorded January 2, 2022, and a Conservation Easement held by the Connecticut DEEP was placed on the remainder 264.93-Acres (Together with 36.85 abutting acres located in the Town of Montville) which was recorded on April 14, 2022. As such, the applicant was advised by their Legal Counsel that the dedication of any additional Open Space should not be required.

Pursuant to Section 7-2 of the East Lyme Subdivision Regulations, The Planning Commission shall require the provision of this section in the subdivision of any parcel of 10-acres or more in area or any subdivision of 4 or more lots. In addition, pursuant to Section 7-2-1 of the Regulations, For Conventional Subdivisions, (less than 4 lots or less than 10 acres) dedication of open space shall be in an amount not less than ten (10) percent of the gross land area of the subdivision, unless waived in accordance with Section 4-13 of these regulations. For Conservation Design Development Subdivisions (CDD), designation of open space shall be in accord with the standards set forth in Section 23.6 of the Zoning Regulations. As the Design Report does not indicate whether the proposed subdivision is a Conventional Subdivision or a CDD Subdivision, the amount of required open space is unable to be determined.

5. Yield Plan:

The Design Report indicates of this “Phase of the Subdivision uses a Conservation Design Layout but, the plans submitted also comply with the requirements for a Conventional Subdivision as well as each proposed lot is in excess of two acres in size and has in excess of 200-ft of Road frontage.” As the proposed application does not specify the type of subdivision being proposed, Conventional or Conservation Design Development (CDD), the Zoning Official is unable to determine which Zoning Regulations to apply in the review of the proposed subdivision.

6. Sanitation & Water Supply Report:

A Subdivision Feasibility Application was submitted to the Ledge Light Health District (LLHD) on May 1, 2023. The Town of East Lyme has not yet received the Report from LLHD. It's worth noting the locations of the proposed subsurface sewage disposal systems and drinking water supply wells are shown on the submitted plans.

7. Traffic Report:

The traffic generation from the construction of 5-homes would continue to fall below the threshold for ASHTO Low Volume Road Standards. As such, I would not anticipate any adverse impact to the traffic circulation in the area or a decrease in the Level of Service (LOS) that Holmes Road or Upper Walnut Hill Road currently provide.

8. Stormwater Management Plan:

The Stormwater Management Plan and Drainage Calculations prepared by Timothy A. May, P.E. of May Engineering, LLC are presently under review by the Town Engineer.

9. Erosion & Sedimentation Control Plan (E&S Plan):

Pursuant to Section 5-2-2 (G) of the Subdivision Regulations, to be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology. As a general rule, the area disturbed at any one time shall be kept to a minimum.

The Erosion Control and Grading Plan Lots 1-4, prepared Tim May, P.E., indicates the E&S Plan is based on the Connecticut Guidelines for Soil Erosion and Sediment Control. It provides a brief narrative which indicates less than ½ - acre of disturbance is being proposed. It states silt fence shall

be installed down gradient of any disturbed areas, requires the inspection of E&S controls after each rain event, and to make any repairs as necessary.

The Plan also indicates that all disturbed areas will be loamed and seeded after final grading and any vegetation that does not survive one growing season will be replaced. Further, it states all construction activity is to occur between March 15 and October 15th to avoid adverse impacts on downstream flows.

The E&S Plan does not provide the identification of a designated on-site individual responsible for installation, monitoring, and correction of sediment control plan requirements and who is authorized to take corrective actions, as required, to ensure compliance with certified plans as required by Section 5-2-2 (G) i.7 of the Regulations. However, as each home may be constructed by a different builder, the individual responsible for the implementation and following the E&S Plan, should be identified upon making an application for a building and zoning permit.

10. Natural & Cultural resources Map:

As required by Section 5-2-2 (B) of the East Lyme Subdivision Regulations the Commission and its staff shall review the Plan to assess its accuracy and likely impact upon the natural and cultural resources on the property. Unless otherwise specified by the Planning Commission, such plans shall generally be prepared at the scale of 1" = 100' or 1" = 200', whichever would fit best on a single standard size sheet (24" x 36").

The Natural and Cultural Resources Map lacks the following information which, with the exceptions of items **i** and **ii** which have been provided, shall be included in this Plan:

- i.** A vertical aerial photograph enlarged to a scale not less detailed than 1 inch = 400 feet, with the site boundaries clearly marked.
- ii.** Topography, the contour lines of which shall generally be at two-foot intervals, determined by photogrammetry (although 10-foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps). The determination of appropriate contour intervals shall be made by the Planning Commission, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated. Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.
- iii.** The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands as delineated by a certified soil scientist licensed in the State of Connecticut. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
- iv.** Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a caliper in excess of fifteen inches, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
- v.** Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).
- vi.** Ridge lines and watershed boundaries shall be identified.

- vii. A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.
- viii. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
- ix. All existing man-made features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
- x. Locations of all historically significant sites or structures on the tract, including but not limited to cellar holes, stone walls, earthworks, and graves.
- xi. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
- xii. All easements and other encumbrances of property, which are or have been filed on record with the office of the Town Clerk, shall be shown on the plan.
- xiii. Total acreage of the tract.

11. Archeological Survey

Pursuant to Section 5-8 of the East Lyme Subdivision Regulations, Archeological Surveys shall be conducted by a professional archaeologist whose credentials are recognized by the Connecticut Historical Commission and/or State Archaeologist. In addition, a report of all surveys conducted shall be sent to the State Historic Preservation Office a minimum of 35 days prior to submission of the subdivision application to the Planning Commission. The Design Report indicates a request for review was submitted to the Office of State Archaeology on February 2, 2023, which recommended a Phase 1B Archeological Reconnaissance Survey be conducted on the property. A report of all surveys conducted has not yet been received by the East Lyme Planning Commission. The Design Report indicates the applicant has retained an Archeological Consultant to prepare the recommended survey.

12. Construction Sequence Report

According to the Design Report, the applicant does not propose to build the homes themselves and others will obtain the building, zoning, health, and inland wetlands permits for the construction of said homes.

13. Energy Efficiency

Based on the design report, the proposed home orientation is such that South facing roofs are being provided to allow placement of unobstructed solar energy systems and the vegetation to the north of each lot is being utilized as a wind break

14. Easements and Deeds

According to the design report, no easements are required for the proposed subdivision. As there is no proposed open space or public rights-of-way being conveyed, there would be no easements or deeds necessary at this time.

15. Pesticides Report:

According to the Design Report, the parcel has an abundance of mature Oak and Maple tree's indicative of no farming during the preceding 100-years and that there is no evidence that farming, or pesticide use exists on the property.

16. Fire Protection:

Pursuant to Section 8-13 of the East Lyme Subdivision Regulations, in subdivisions where public water is not and will not be available, the Planning Commission may require the provision of alternative

sources of water supply, such as a pond or cistern with dry hydrant connections, if it finds that the size of the proposed subdivision requires such a supply for fire protection purposes in order to insure public health and safety.

In addition, Section 8-13-1 of the Regulations states, "In any subdivision or portion of any subdivision having structures greater than 2,800 square-feet, the minimum water supply for fire fighting shall be satisfactory to the Fire Marshal, and approved by the Commission. It shall be the responsibility of the applicant to notify the Fire Marshal of any application made under this Section and notice shall be sent by Certified Mail within seven (7) days of the submission of an application to Department of Planning." It is uncertain the total square footage of the proposed homes based on the information provided.

17. Financial Guarantee

As there are no public improvements proposed or to be made, no financial guarantee for the completion of public improvements is necessary.