

## MEMORANDUM

**To: Gary Goeschel, Planning Director  
James Bernardo L.S.  
Paul Geraghty, Esq.**

**From: Kristen Clarke P.E.**

**Date: June 6, 2023**

**Subject: Nehantic Highlands Subdivision**



**In response to your May 30, 2023 Memorandum enclosed please find the following;**

**1) SITE PLANS**

**Stamped Plans Prepared by May Engineering (Plan Set Pages 6-10) are enclosed. Please note the Soil Scientist will sign the plans when all staff and commission comments are resolved. As you have noted this is not required by the Town of East Lyme Subdivision Regulations.**

**2) BIOLOGICAL REPORT**

**Minor specific recommendations are provided on pages of 2 & 3 of the NDDB Request Response. The Applicant will adhere to the recommendations which recommends clearing activities occur during the months of April, August, September & October. The NDDB identified area is limited to proposed lots 4 and 5**

*Ex "I"*

### **3) INLAND WETLANDS**

The Wetland Function & Value and Impact Statement prepared by Joseph R. Theroux dated May 1, 2023 is enclosed. The report states there will be no negative impact on Inland Wetlands or Watercourses as a result of the proposed development activities. The development plan reflects no activity in any inland wetland.

### **4) OPEN SPACE**

This will be addressed by legal counsel to the applicants Paul Geraghty, Esq. in a separate communication.

### **5) YIELD PLAN**

As evidenced by the submitted Design Report this application was submitted and complies with the Conservation Design Development requirements of the Town of East Lyme Zoning Regulations Chapter 23. These same plans would also comply with the Conventional Requirements of a Subdivision in the RU-80 Zone. (Lot size >80,000 S.F./200' of Road Frontage) if not burdened by the Conservation Design Development requirements. Accordingly the Yield plan for a Conventional Plan would exceed that provided by the applicants in this application by the addition of one additional lot.

### **6. SANITATION REPORT**

Conditional Approvals have been received for all 5 proposed lots. Mr. Bernardo is providing requested revisions. See attached Ex. 1.

### **7. TRAFFIC REPORT**

No Response Required.

**8. STORMWATER MANAGEMENT PLAN**

**No Response Required unless applicant receives staff comments.**

**9. EROSION & SEDIMENTATION CONTROL PLAN**

**As referenced in your Memorandum the applicant is not a homebuilder. Accordingly, the building permit process will determine the individual responsible for implementation and following the E & S Plan, as may be amended by their own Site Plan.**

**10. NATURAL & CULTURAL RESOURCES MAP**

**A Revised Map has been provided per your memorandum and is enclosed.**

**11. ARCHEOLOGICAL REPORT**

**A Phase 1B Archeological Reconnaissance Survey is being performed on the property by Sarah Holmes PHD. A copy of her report will be provided to the East Lyme Planning Commission upon completion. Ms. Holmes is identified by the State of Connecticut Historic Preservation Office as meeting the Professional Qualifications Standards set by the United States Secretary of the Interior (defined in Appendix A of 36 CFR Part 61). See Exhibit 2.**

**12. CONSTRUCTION SEQUENCE**

**No Response Required.**

**13. ENERGY EFFICIENCY**

**As is identified. No Response Required.**

**14. EASEMENTS and DEEDS**

**None Required.**

**15. PESTICIDE REPORT**

**No Report Required.**

**16. FIRE PROTECTIO**

Site plans in the applicants Plan Set anticipate and scale homes at 2400 S.F.. Accordingly this requirement is exempt from the notice provisions of Section 8-13-1 of the Town of East Lyme Subdivision Regulations.

**17. FINANCIAL GUARANTEE**

Individual home construction plan/permits will include a “Curb Cut Bond” to be approved by the Town of East Lyme Town Engineer. A \$1000.00 “Curb Cut Construction Bond should be anticipated by each approved lot applicant.

# **EXHIBIT 1**

- ☒ **Lot 3 is recommended suitable in its current condition if and when the following plan issues are addressed:**
- Sheet 5 of 10 states that the proposed primary leaching is "62ft of GST6218" – only 60ft of leaching is shown on the site plan (Sheet 4 of 10).
  - Reserve area is described on Sheet 5 of 10 as "100% Reserve area provided" but the proposed leaching product is not provided and the site plan shows only 40ft of leaching
  - MLSS calculation on Sheet 5 of 10 states "percolation factor for up to 10minutes/inch" – the perc rate applicable to this lot is 10.1-20min/in. the correct factor (1.25) is used in the calculation
- ☒ **Lot 4 is recommended suitable in its current condition if and when the following plan issues are addressed:**
- Required ELA is 787.5sq.ft. Proposed primary leaching is stated (Sheet 5 of 10) as "58lf of GST6212" which does not provide enough ELA (580sq.ft).
  - Depicted primary and reserve leaching areas shown are not adequate for a 4 bedroom house with perc 10.1-20min/in.
  - Percs P-1 and P-2 are shown on this lot but P-2 appears on Lot 5 also
- ☒ **Lot 5 is recommended suitable in its current condition if and when the following plan issues are addressed:**
- Perc P-2 appears on this lot as well as Lot 4 – unclear what data applies to this perc.
  - MLSS calculation on Sheet 5 of 10 states "percolation factor for up to 10minutes/inch" – the perc rate applicable to this lot is 10.1-20min/in. the correct factor (1.25) is used in the calculation

**Additional Plan Issues**

- Sheets 6, 7, and 8 (of 10) do not agree with Sheet 4 of 10 – different proposed house bedroom counts are shown and in some cases different leaching sizes. The site plans and data shown on sheets 4 and 5 (of 10) were reviewed, sheets 6, 7, and 8 (of 10) were not.
- The recommended suitability of the proposed lots is based on soil testing presented. Additional soil testing will be needed on all lots prior to individual site plan review.
- All soil testing conducted on the proposed lots must be shown on the plan(s) even if located outside of the proposed septic area.

\*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 x 1355 with any questions regarding this matter.

Sincerely,



Wendy K. Brown-Arnold, RS, REHS  
Supervisor, Land Use Activities

cc: Town of East Lyme

19 May 2023

**Plan Title:** "Subdivision Plan Nehantic Highlands Subdivision  
**Applicant:** Kristen Clarke PE & Shelly Harney  
**Holmes Road & Upper Walnut Hill Road East Lyme, CT" February 7, 2023**

Plan Designed by: James Bernardo, LS Plan Date: **February 7, 2023** Last Revision Date:  
Date Paid: 5/3/2023

The plan was submitted to our office on **5/3/2023**

The proposed lots range **from 2.09 to 4.14 acres** and are to be served by **private well water** and **private septic systems**, in the Town of **East Lyme**. The adjoining acreage is not fully shown on the subdivision plan submitted and it is unclear if it belongs entirely to the East Lyme Land Trust or if other boundary changes are proposed.

Existing lot numbers are not provided on the plan. Based on previously submitted plans and current GIS mapping, the following lots and modifications seem to be depicted on the submitted plan:

1. Lot 55.0 3-1 (277.37ac) was created previously ("**Lot Line Modifications, Property of Duval Partners LLC, Holmes Rd, Grassy Hill Rd, & Upper Walnut Hill Rd, East Lyme, CT" September 2, 2021; Revised November 15, 2021**). The recommendation of suitability of this lot was based on the demonstration of a code-complying septic area and private well for a proposed 3-bedroom house located in the northwestern corner of the lot. This area is part of proposed Lots 3 and 4 on the current plan.
2. Lot 55.0 3-1 is proposed to be subdivided to create 5 building lots, identified on the submitted plan as Lots 1, 2, 3, 4, and 5. The size and use of the remaining acreage of Lot 55.0 3-1 is not provided. If the remaining acreage is intended to be a building lot or be further subdivided, additional soil testing may be needed. No demonstration of the suitability of the remaining acreage of Lot 55.0 3-1 is provided on the plan; therefore, no suitability recommendation is provided.
3. All proposed new parcels are unbuilt vacant land with no existing subsurface sewage disposal systems. The proposed activity consists of creating 5 building lots; the adjacent lot appears to be open space but no lot number is provided.

**The Ledge Light Health District (LLHD) does not issue approvals for Subdivision or Commission reviews, but our recommendation for suitability of the previously stated plan/lots to accommodate the LLHD Subdivision Submission Requirements and Connecticut Public Health Code Section 19-13-B103e are as follows:**

- ☒ **Lot 1 is recommended suitable in its current condition if and when the following plan issues are addressed:**
  - Perc tests shown on this lot plan are labelled "6-1" and "6-2" (sheet 4 of 10), but the actual data for these perc tests is unclear – is it labelled as Lot 6 Test No 1 and Lot 6 Test No 2?
  - Sheet 5 of 10 states that the proposed 60lf of GST6212 provides 675sq.ft of ELA – this is incorrect, it provides 600sq.ft of ELA which is adequate for a 4BR dwelling with perc rate 1-10min/in.
- ☒ **Lot 2 is recommended suitable in its current condition if and when the following plan issues are addressed:**
  - Sheet 5 of 10 states that the proposed 60lf of GST6212 provides 675sq.ft of ELA – this is incorrect, it provides 600sq.ft of ELA which is adequate for a 4BR dwelling with perc rate 1-10min/in.

## **EXHIBIT 2**

**TO WHOM IT MAY CONCERN**

The following archaeologists, as known to us, meet the Professional Qualifications Standards set by the Secretary of the Interior (defined in Appendix A of 36 CFR Part 61):

**IN-STATE FIRMS**

**Archaeological Consulting Services (ACS)**

Attn: Dr. Gregory Walwer  
118 Whitfield Street  
Guilford, CT 06437  
Phone: 203-458-0550  
Fax: 203-672-2442  
[acsinfo@yahoo.com](mailto:acsinfo@yahoo.com)

**Archaeological & Historical Services (AHS)**

Attn: Ms. Mary Harper  
569 Middle Turnpike  
Storrs, CT 06268  
Phone: 860-429-2142  
Fax: 860-429-1724  
[mharper@ahs-inc.biz](mailto:mharper@ahs-inc.biz)

**Marc L. Banks, Ph.D., LLC**

11 Lincoln Lane  
Weatogue, CT 06089  
Phone: 860-658-7482  
[banksmarc@sbcglobal.net](mailto:banksmarc@sbcglobal.net)

**Heritage Consultants, LLC**

Attn: Mr. David George  
P.O. Box 310249  
Newington, CT 06131  
Phone: 860-299-6328  
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**Historical Perspectives Inc.**

Attn: Ms. Cece Saunders  
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**Sarah L Holmes, PhD**

31 Mistuxet Ave  
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[slh@att.net](mailto:slh@att.net)

**Public Archaeology Survey Team Inc.  
(PAST)**

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**Raber Associates**

Attn: Dr. Michael S. Raber  
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**TerraSearch Geophysical, LLC**

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