

**EAST LYME WATER AND SEWER COMMISSION
PUBLIC HEARING AGENDA *AMENDED*
October 22, 2024
6:30 PM**

**Public Hearing Regarding a Request for Sewer Capacity – Parkers Place LLC
East Lyme Town Hall
(Upstairs Main Meeting Room)**

- 1. Call to Order / Pledge of Allegiance**
- 2. Presentation on the Determination of Capacity for Parkers Place Proposed Development**
- 3. Public Comment**
- 4. Adjournment**

**EAST LYME WATER AND SEWER COMMISSION
REGULAR MEETING AGENDA
Regular Meeting
Immediately Following the Public Hearing**

- 1. Call to Order**
- 2. Approval of Minutes**
 - a. Regular Meeting Minutes – September 24, 2024**
 - b. Public Hearing Minutes – September 24, 2024**
- 3. Delegations**
- 4. Correspondence Log**
- 5. Discussion and Possible Action on a Consideration of Sewer Capacity Allocation to Parkers Place, LLC Located at Park Place, East Lyme**
- 6. Billing Adjustments/Disputes - None**
- 7. Approval of Bills – None**
- 8. Finance Director Report**
- 9. Discussion on Proposed Water and Sewer Rates for FY25 and Set Public Hearing**
- 10. Chairman's Report**

RECEIVED FOR RECORD
EAST LYME, CT
2024 OCT 18 A 10:12
Cynthia M. M...
TOWN CLERK

11. Staff Updates

- a. Water Department Monthly Report
- b. Sewer Department Monthly Report

12. Future Agenda Items

- a. Capital Projects Subcommittee
- b. Sewer Capacity Subcommittee

13. Adjournment

Request for Water & Sewer Commission

TO: Water & Sewer Commission
FROM: Ben North, Chief Operating Officer
DATE: October 16, 2024

SUBJECT: Application for Sewer Capacity Allocation - Parker Place LLC

Summary of Agenda Item:

The East Lyme Sewer Department has received an application for sewer capacity allocation for a development to be located on Park Place, East Lyme by Parker Place LLC. The applicant is requesting capacity to build 60 residential units comprised of two-bedroom dwellings, for a total of 120 bedrooms. The applicant has followed the Sewer Department's procedure for requesting allocation according to the "Applications for Determination of Adequacy of Sewer Capacity Pursuant to General Statutes §7-246a(a)(1)" and is requesting a sewer capacity allocation of 8,124 gallons per day of sewer capacity. The capacity request is a deviation from the standard 150 gallon/day per bedroom calculation and was performed using water consumption data over three years from three similar developments in the Town of East Lyme that were comparable in size and land use type. These developments have readings from individual meters to give accurate per unit sewer usage data. After deriving the average, a 1.5 times safety factor was also applied to the results of this analysis and is figured into the applicant's revised capacity request.

Potential Motion:

Motion to approve the allocation of 8,124 gallons per day of sewer capacity to Parker Place LLC (located on Park Place Map 11.1 Lot 11 on East Lyme Tax Assessor's Mapping) based on the application for capacity dated August 14, 2024.

Attachments: Parker Place LLC sewer capacity allocation application and related documents, "Applications for Determination of Adequacy of Sewer Capacity Pursuant to General Statutes §7-246a(a)(1)" regulations, a September 2024 analysis of available sewer capacity, revised from February 2023.

Prepared By: Ben North, Chief Operating Officer

W&S Agenda
Item No. 5
Date: 10/16/24

EAST LYME
WATER & SEWER COMMISSION

OCT 22 2024

AGENDA# 2

Exhibit A
Page 1

TOWN OF EAST LYME
WATER AND SEWER COMMISSION
Notice of Public Hearing

The East Lyme Water and Sewer Commission will hold a Public Hearing on September 24, at 6:30 p.m., at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT, to consider the following:

Application for determination of sewer capacity filed by Parkers Place LLC, regarding the properties set forth in the application and identified on the East Lyme Tax Assessor's Map as Map/Lot 11.1/11.

Copies of the application are available for public viewing in the offices of the Town Clerk and the Water and Sewer Department.

Daniel Cunningham,
Chairman

PUBLISHER'S CERTIFICATE

Exhibit A
Page 2

State of Connecticut
County of New London,

Personally appeared before the undersigned, a Notary Public within and for said County and State, Kelly Johnson, Legal Advertising Clerk, of The Day Publishing Company Classifieds dept, a newspaper published at New London, County of New London, state of Connecticut who being duly sworn, states on oath, that the Order of Notice in the case of

TOWN OF EAST LYME WATER AND SEWER COMMISSION Notice of Publi

A true copy of which is hereunto annexed, was published in said newspaper in its issue(s) of

09/13/24, 09/18/24

Cust: TOWN OF EAST LYME - SEWER DEPT

Ad #: d01085244

Kelly Johnson

Subscribed and sworn to me

This Thursday, September 19, 2024

Marylin Connolly

Notary Public

My commission expires *5/31/29*

d01085244

TOWN OF EAST LYME
WATER AND SEWER COMMISSION
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Daniel Cunningham,
Chairman

d01085244

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Daniel Cunningham,
Chairman

APPLICATIONS FOR DETERMINATION OF ADEQUACY OF
SEWER CAPACITY PURSUANT TO GENERAL STATUTES §7-246a(a)(1)

Sewage treatment for the Town of East Lyme is limited. Pursuant to an agreement with the City of New London and Town of Waterford, East Lyme is currently entitled to a maximum of 1.5 million gallons per day of sewer treatment capacity at the New London Regional Water Pollution Control Facility. In order to ensure that there is adequate capacity for all customers, the Commission adopts the following regulation for applications for sewer treatment capacity pursuant to General Statutes §7-246a(a)(1).

- I. Application. For all development projects that either (a) request a connection for more than 20 residential units or (b) require more than 5,000 gallons per day of sewage treatment capacity, an application, pursuant to General Statutes §7-246a(a)(1), for determination of adequacy of sewer capacity related to a proposed use of land, shall be submitted to the East Lyme Water and Sewer Commission ("Commission") on a form satisfactory to the Commission, and shall include all of the following:
 1. A class A-2 survey of the property to be developed, showing the general layout of the proposed use of land;
 2. Proof that the applicant owns the property to be developed, or has the right to develop the property, and
 3. Documentation supporting the amount of capacity being requested.
 - a. Documentation related to a proposed residential development shall include the number of residential units, the numbers of bedrooms per unit, and the methodology used in calculating the amount of capacity being requested.
 - b. Documentation related to a proposed non-residential or commercial development shall include the methodology used in calculating the amount of capacity being requested, and any special circumstances (i.e. the type of sewage being treated, design specifications, etc.) that would affect the amount of capacity being requested.
 - c. The Commission reserves the right to request from an applicant such other information that it deems necessary.

4. A non-refundable application fee of \$500.00 shall be paid when an application is submitted. An additional public hearing fee of \$450.00 may be assessed if applicable.

II. Duration.

1. Within 12 months after the expiration of the appeal period of a capacity allocation, the applicant shall (1) apply for all necessary land use approvals for the proposed use of land, and (2) provide proof of all such applications to the Commission. If an applicant fails to apply for all necessary land use approvals, or fails to provide proof of such applications to the Commission within this 12-month period, the sewer capacity allocated to the applicant shall terminate and be considered null and void.
2. If the applicant fails to obtain all land use approvals required for the proposed use of land, the sewer capacity allocated to the applicant shall terminate and be considered null and void.
3. The Commission will notify an applicant in writing when an allocation has terminated. The failure of the Commission to provide written notice in a timely manner shall not constitute or be construed as a waiver of the Commission's right to declare a terminated allocation null and void.
4. A capacity allocation shall be in effect for a period not to exceed 48 months from the expiration of the appeal period of the applicant's last land use approval with no appeal having been taken therefrom or an unappealed decision of a court of competent jurisdiction adjudicating such land use appeal. The Commission may extend an allocation of sewer capacity beyond 4 years if it determines, in its sole discretion, that good cause exists.
5. If the amount of sewer treatment capacity needed by an applicant decreases during the land use approval process, the applicant shall notify the Commission immediately.

III. Public Hearing. The Commission may, in its sole discretion, hold a public hearing on any application. Any such public hearing shall be in accordance with the provisions of General Statutes 8-7d.

IV. Criteria. In making a decision on an application the Commission may consider, without limitation, the following:

Need for service in the proposed development area

Other pending applications and areas in town designated for sewer service

Pollution abatement and public health

Limitations and policies for sewer service

Local and state Plans of Conservation and Development

Effect of inflow and infiltration on available capacity

Whether the proposed development area can be serviced by other means

Whether the proposed development area is within the East Lyme Sewer Service District

Size of property proposed to be developed

Remaining sewerred and unsewered land area of town

Effect of the allocation on remaining capacity

Safe design standards of the East Lyme sewer system

- V. Prior Regulation. This Regulation shall supersede the Interim Sewer Connection Procedure adopted by the Commission on September 25, 2018.

Exhibit C

East Lyme Sewer Department Sewer Capacity Allocations - August 2024 Update							all figures in gallons	
Average Daily Flow Capacity Allocation							1,022,000	
Average Daily Flow - 2 Year Average							815,000	
Average Daily Flow Remaining - 2 Year Average							207,000	
A	Applicant/Development	Type of Use	Additional Project Description	Sewer Capacity Requested or Need Anticipated	Sewer Capacity Allocated and Anticipated			
1	Landmark Dev. Group	Residential	Apartments	118,400	118,400			
2	Nehantic Village	Medical / Residential		75,000	75,000			
Subtotal Gallons Per Day (Group A)							193,400	
B	Prior Approved Projects Under Construction (>5,000 gpd and greater)			Original Capacity Requested	Construction Completion to date %			
1	Village Crossing (Not Updated)	Residential	Condominiums	14,400	66%		4,752	
2	Orchards Subdivision (Not Updated)	Residential	Single Family	42,600	81%		8,307	
3	183-185 Main St (ZDM)	Residential	Condominiums	3,600	0%		3,600	
4	Brookside Apartments - About 1/3 Occupied	Residential	Multi-family	35,400	31%		24,600	
Subtotal GPD (Group B)							41,259	
C	Estimated Future Development Needs Based on Previously Assessed Properties Not Presently Connected (Last Updated 2/2023)							
1	Existing Buildings Assessed but not Connected	Res/ Comm/ Ind	Sewer	76,300			76,300	
2	Vacant Properties in Assessed Areas	Res/ Comm/ Ind	Sewer	60,700			60,700	
3	Pennsylvania Ave Sewer Area	Res/ Comm/ Ind	Area to be	37,347			37,347	
Subtotal GPD (Group C)							174,347	
D	Sewer Capacity Requested by Parkers Place LLC (Group D)							
Total Sewer Capacity Allocated, Anticipated, and Requested (A+B+C+D)							18,000	
Average Daily Flow Remaining 2 Year Average							427,006	
Sewer Capacity Remaining							207,000	
							-220,006	

Exhibit D



①

August 14, 2024

Ben North, Utilities Engineer
East Lyme Water & Sewer Commission
108 Pennsylvania Avenue
Niantic, CT 06357-1510

RE: Proposed Multi-Family Development
Tax Assessor's Map 11.1 Lot 11
Park Place, Norwich, CT

Dear Mr. North

On behalf of the owner and applicant, Parkers Place, LLC enclosed please find the following documents in support of a request for determination of adequacy of sewer capacity related to a proposed 60-unit multi-family development on a parcel located on Park Place and identified as Map 11.1 Lot 11 on Tax Assessor's Mapping.

- a. Proof that the applicant, Parkers Place, LLC is also the property owner
- b. Survey of the property to be developed certified to horizontal accuracy Class A-2
- c. Plan entitled "Concept Layout – Sewer Allocation" depicting the development, including 2 multi-family buildings with (20) 2-bedroom units and (40) 1-bedroom units totaling 60 units and 80 bedrooms. Also included on the plan are the following:
 - o Site Location Map
 - o Sewer Shed Location Map
 - o Unit & Sewer Flow Table with calculated sewer use based on quantity/type of units and a daily flow rate of 150 GPD per bedroom
 - o Soil Test Data

We have completed our preliminary evaluation of the site in support of the proposed development, including survey, soil testing, preliminary, site layout, and traffic impact review. Once a determination of adequacy of sewer is made by the Water & Sewer Commission, we will move forward with the full site design, including utility plans, profiles, and details, which will be submitted as part of site plan review.

Should you have any questions or need additional information, please don't hesitate to contact me at (860) 367-7264 or via email brandon@yrc-ne.com.

Sincerely,

A handwritten signature in black ink that appears to read "Brandon".

Brandon Handfield, PE
Civil Engineer

Enc.

Cc: Parkers Place, LLC (1 copy)

2



Secretary of the State of Connecticut Certificate of Organization

Domestic Limited Liability Company

Filing Details

Filing Number: 0010677956

Filed On: 7/12/2022 3:50:27 PM

Primary Details

Name of Limited Liability Company: Parkers Place, LLC
Business ALEI: US-CT.BER:2597618
Business Email Address: pazzooffice@gmail.com
NAICS Information: New Single-Family Housing Construction (except For-Sale Builders) (236115)

Business Location

Principal Office Address: 172 Boston Post Rd, East Lyme, CT, 06333-1764, United States

Mailing Address: PO Box 817, East Lyme, CT, 06333, United States

Appointment of Registered Agent

Type: Individual
Agent's Name: Jason Pazzaglia
Business Address: 172 Boston Post Rd, East Lyme, CT, 06333-1764, United States
Residence Address: 172 Boston Post Rd, East Lyme, CT, 06333-1764, United States
Mailing Address: PO Box 817, East Lyme, CT, 06333, United States

Agent Appointment Acceptance

Agent Signature:
This signature has been executed electronically

Manager or Member Information

Name	Title	Business Address	Residence Address
Jason Pazzaglia	Member	172 Boston Post Rd, East Lyme, CT, 06333-1764, United States	172 Boston Post Rd, East Lyme, CT, 06333-1764, United States

Filing Number: 0010677956

Filed On: 7/12/2022 3:50 PM



Secretary of the State of Connecticut Certificate of Organization

Domestic Limited Liability Company

Acknowledgement

I hereby certify and state under penalties of false statement that all the information set forth on this document is true.

I hereby electronically sign this document on behalf of:

Name of Organizer: Jason Pazzaglia
Organizer Title: Member

Filer Name: Jason Pazzaglia
Filer Signature: Jason Pazzaglia
Execution Date: 07/12/2022

This signature has been executed electronically

VOL: 1084 PG: 309
INST: 00002099

Return to:
Jason Pazzaglia
PO Box 817
East Lyme, CT 06333

WARRANTY DEED-STATUTORY FORM

DANIEL E. COFFEY and SUSAN COFFEY of the Town of Waterford, County of New London and State of Connecticut

For consideration of TWO HUNDRED TWENTY-FIVE THOUSAND AND 00/100 (\$225,000.00) Dollars paid, grant to PARKERS PLACE, LLC, of the Town of East Lyme, County of New London and State of Connecticut

With WARRANTY COVENANTS

A certain tract or parcel of land and the improvements thereon known as. Park Place located in the Village of Niantic, Town of East Lyme, County of New London and State of Connecticut more particularly described on Schedule A attached hereto and made a part hereof by this reference.

Said premises are conveyed subject to any and all provisions of any ordinance, municipal regulation or public or private law, including planning and zoning.

Said premises are conveyed subject to municipal and utility easements as of record may appear.

The Grantee herein assume and agree to pay any and all taxes and/or assessments on the property being conveyed by this deed and hereinafter coming due.

CONVEYANCE TAX RECEIVED
STATE \$ 1627.50
TOWN \$ 562.50
EAST LYME, CT TOWN CLERK

SCHEDULE A

VOL: 1084 PG: 311
INST: 00002099

commencing at a point in a stonewall three hundred (300) feet northwesterly from an iron pipe at the highway line of Route 150, also known as West Main Street, as measured along said stonewall; and thence running
 Northwesterly along said stonewall and land now or formerly of Charles W. and Anne M. Wyman to a drill hole; and thence continuing
 Northwesterly, one hundred sixty-four and four-tenths (164.4) feet along a stonewall and said Wyman's land and along a line forming an interior angle of 131° 57' to a drill hole; and thence running
 Southwesterly, thirty-eight and two-tenths (38.2) feet along a stonewall and said Wyman's land and along a line forming an interior angle of 268° 43' with the last line to a drill hole; and thence running
 Northwesterly, one hundred sixty-nine and five-tenths (169.5) feet along a stonewall and along land now or formerly of Rose E. Kuntley and along a line forming an interior angle of 107° 15' with the last line to a drill hole; and thence continuing
 Northwesterly one hundred one and five-tenths (101.5) feet along a wall and said Kuntley land and along a line forming an interior angle of 175° 36' with the last line to an angle; and thence continuing
 Northwesterly, seventy-eight and eight-tenths (78.8) feet along said wall and said Kuntley land and along a line forming an interior angle of 161° 32' with the last line to a drill hole; and thence running
 Northwesterly, one hundred twenty-nine and one-tenth (129.1) feet along a stonewall and said Kuntley land and along a line forming an interior angle of 130° 43' with the last line to an angle; and thence

Northwesterly, one hundred forty-six (146) feet along a wall and said Kuntley land and along a line forming an interior angle of 178° 48' with the last line to a drill hole; and thence running
 Easterly, nineteen and seven-tenths (19.7) feet along said Kuntley land and along a line forming an interior angle of 231° 30' with the last line to a drill hole; and thence running
 Northwesterly, one hundred thirty-two and six-tenths (132.6) feet along a line forming an interior angle of 42° 41' with the last line to an iron pipe at the base of a large boulder; and thence running
 Easterly, one hundred sixty-two and seven-tenths (162.7) feet along land now or formerly of Joseph Romagn and along a line forming an interior angle of 117° 54' with the last line to a drill hole; and thence continuing
 Easterly, one hundred forty-nine and seven-tenths (149.7) feet along said Romagn land and along a line forming an interior angle of 134° 21' with the last line to a drill hole in a boulder; and thence continuing

Easterly, one hundred twenty and nine-tenths (120.9) feet along said Romagn land and along a line forming an interior angle of 183° 59' with the last line to a drill hole; and thence continuing
 Easterly, one hundred forty-six and five-tenths (146.5) feet along said Romagn land and along a line forming an interior angle of 131° 19' with the last line to a drill hole; and thence continuing
 Easterly, one hundred fifty (150) feet along said Romagn land and along a line forming an interior angle of 192° 46' with the last line to a drill hole; and thence continuing
 Easterly, twenty-four and two one-hundredths (24.02) feet along said Romagn land and along a line forming an interior angle of 179° 03' to land now or formerly of Coffey; and thence running
 Southerly, two hundred forty-nine and seventy-six one-hundredths (249.76) feet along said Coffey land and along a line forming an interior angle of 90° with the last line to an angle; and thence running
 Easterly, one hundred forty-five (145) feet, more or less, along said Coffey land and along a line forming an interior angle of 90° with the last line to the westerly line of Park Place; and thence running
 Southerly and Southwesterly along Park Place one hundred fifty (150) feet; and thence running
 Westerly, along other land of George A. Pappas to the place of beginning.

RECEIVED FOR RECORD
Jul 20, 2022 01:00:22P
Karen Miller Galbo
TOWN CLERK
EAST LYME, CT

Being a portion of the premises described in a warranty deed from Strata Unlimited, Inc. to George A. Pappas, on file in the East Lyme Land Records.
 Said premises are subject to a right of way to said land now or formerly of Joseph Romagn.

SOIL TESTING SUMMARY

TEST NO.	TEST DATE	TEST TYPE	TEST RESULT	TESTER
1	10/15/10	Standard Penetration Test (SPT)	15	J. Smith
2	10/15/10	Standard Penetration Test (SPT)	18	J. Smith
3	10/15/10	Standard Penetration Test (SPT)	20	J. Smith
4	10/15/10	Standard Penetration Test (SPT)	22	J. Smith
5	10/15/10	Standard Penetration Test (SPT)	25	J. Smith
6	10/15/10	Standard Penetration Test (SPT)	28	J. Smith
7	10/15/10	Standard Penetration Test (SPT)	30	J. Smith
8	10/15/10	Standard Penetration Test (SPT)	32	J. Smith
9	10/15/10	Standard Penetration Test (SPT)	35	J. Smith
10	10/15/10	Standard Penetration Test (SPT)	38	J. Smith
11	10/15/10	Standard Penetration Test (SPT)	40	J. Smith
12	10/15/10	Standard Penetration Test (SPT)	42	J. Smith
13	10/15/10	Standard Penetration Test (SPT)	45	J. Smith
14	10/15/10	Standard Penetration Test (SPT)	48	J. Smith
15	10/15/10	Standard Penetration Test (SPT)	50	J. Smith
16	10/15/10	Standard Penetration Test (SPT)	52	J. Smith
17	10/15/10	Standard Penetration Test (SPT)	55	J. Smith
18	10/15/10	Standard Penetration Test (SPT)	58	J. Smith
19	10/15/10	Standard Penetration Test (SPT)	60	J. Smith
20	10/15/10	Standard Penetration Test (SPT)	62	J. Smith
21	10/15/10	Standard Penetration Test (SPT)	65	J. Smith
22	10/15/10	Standard Penetration Test (SPT)	68	J. Smith
23	10/15/10	Standard Penetration Test (SPT)	70	J. Smith
24	10/15/10	Standard Penetration Test (SPT)	72	J. Smith
25	10/15/10	Standard Penetration Test (SPT)	75	J. Smith
26	10/15/10	Standard Penetration Test (SPT)	78	J. Smith
27	10/15/10	Standard Penetration Test (SPT)	80	J. Smith
28	10/15/10	Standard Penetration Test (SPT)	82	J. Smith
29	10/15/10	Standard Penetration Test (SPT)	85	J. Smith
30	10/15/10	Standard Penetration Test (SPT)	88	J. Smith
31	10/15/10	Standard Penetration Test (SPT)	90	J. Smith
32	10/15/10	Standard Penetration Test (SPT)	92	J. Smith
33	10/15/10	Standard Penetration Test (SPT)	95	J. Smith
34	10/15/10	Standard Penetration Test (SPT)	98	J. Smith
35	10/15/10	Standard Penetration Test (SPT)	100	J. Smith

GENERAL NOTES



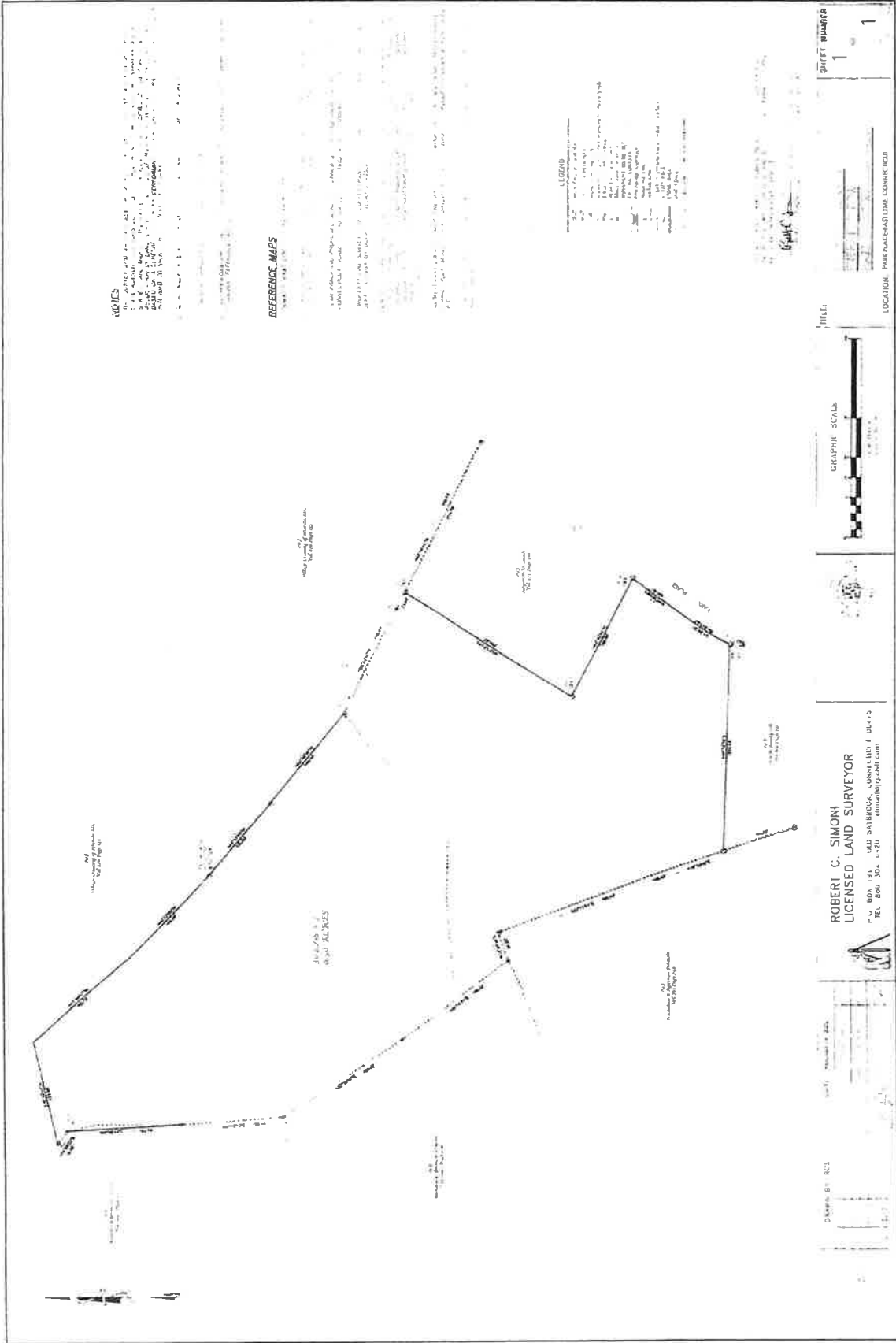
UNIT & SEWER FLOW TABLE

UNIT NO.	UNIT TYPE	SEWER FLOW (GPD)
1-10	2-BR	100
11-20	1-BR	75
21-30	2-BR	100
31-40	1-BR	75
41-50	2-BR	100
51-60	1-BR	75
61-70	2-BR	100
71-80	1-BR	75
81-90	2-BR	100
91-100	1-BR	75



CONTRACT INFORMATION:
 CONTRACT NO. 10-10-10-10
 PROJECT NO. 10-10-10-10
 SHEET NO. 10-10-10-10
 DATE: 10/15/10

YRC
 YOUNG & RUBICAM
 ARCHITECTS
 1000 PINE STREET
 SUITE 1000
 NEW YORK, NY 10028
 TEL: 212 333 3333
 FAX: 212 333 3333
 WWW.YOUNGANDRUBICAM.COM



NOTES

1. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT, R.S. 48:101, AND THE RULES AND REGULATIONS THEREUNDER.

2. THE BOUNDARIES SHOWN ON THIS MAP ARE THE RESULT OF A FIELD SURVEY MADE BY ME OR UNDER MY SUPERVISION.

3. THE DISTANCES AND BEARINGS SHOWN ON THIS MAP ARE THE RESULT OF MEASUREMENTS MADE BY ME OR UNDER MY SUPERVISION.

4. THE AREA SHOWN ON THIS MAP IS THE RESULT OF A CALCULATION MADE BY ME OR UNDER MY SUPERVISION.

5. THE LOCATION OF THIS MAP IS AS SHOWN ON THE ATTACHED LOCATION MAP.

REFERENCE MAPS

1. THE LOCATION OF THIS MAP IS AS SHOWN ON THE ATTACHED LOCATION MAP.

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4. THE AREA SHOWN ON THIS MAP IS THE RESULT OF A CALCULATION MADE BY ME OR UNDER MY SUPERVISION.

LEGEND

---	BOUNDARY LINE
---	ADJACENT PROPERTY
---	ADJACENT TO HIGHWAY
---	ADJACENT TO RAILROAD
---	ADJACENT TO WATER
---	ADJACENT TO ROAD
---	ADJACENT TO FENCE
---	ADJACENT TO UTILITY
---	ADJACENT TO POWER LINE
---	ADJACENT TO TELEPHONE LINE
---	ADJACENT TO GAS LINE
---	ADJACENT TO WATER MAIN
---	ADJACENT TO SEWER
---	ADJACENT TO DRAINAGE
---	ADJACENT TO EROSION
---	ADJACENT TO FLOODING
---	ADJACENT TO WIND
---	ADJACENT TO HAIL
---	ADJACENT TO SNOW
---	ADJACENT TO ICE
---	ADJACENT TO RAIN
---	ADJACENT TO SUN
---	ADJACENT TO MOON
---	ADJACENT TO STARS
---	ADJACENT TO PLANETS
---	ADJACENT TO GALAXIES
---	ADJACENT TO UNIVERSE

SHEET NUMBER

1 of 1



ROBERT C. SIMONI
 LICENSED LAND SURVEYOR
 P.O. BOX 141, 1500 S. HURLOCK, MONROE, LA 70001
 TEL. 804 304 4720 email@rcsimoni.com



DATE: 11/11/11
SCALE: 1" = 100'

LOCATION: PARLACE/STINE CONNECTION

Parkers Place LLC Sewer Capacity Analysis

10/16/2024

Development	Data	Unit count	Bedrooms	Average /unit	Average/bdrm	1.5X Safety Factor	Parkers Place LLC
Pond Cliff	3 Years	95-Units	All 2 bedroom	90	45.0		2 bedroom units
Village Crossing	3 Years	23-Units	All 2 bedroom	76	37.8		120 Bedrooms
King Arthur	3 Years	99-Units	All 2 bedroom	105	52.5		
Total/Unit, Bedroom				90	45.1	67.7	Gallons Requested 8,124

Exhibit I

East Lyme Sewer Department						Exhibit J
Sewer Capacity Allocations - September 2024 Update						<i>all figures in gallons</i>
Average Daily Flow Capacity Allocation						1,022,000
Average Daily Flow - 2 Year Average						811,000
Average Daily Flow Remaining - 2 Year Average						211,000
A	Applicant/Development	Type of Use	Additional Project Description	Sewer Capacity Requested or Need Anticipated	Sewer Capacity Allocated and Anticipated	
1	Landmark Dev. Group	Residential	Apartments	118,400	118,400	
2	Nehantic Village	Medical / Residential		75,000	75,000	
Subtotal Gallons Per Day (Group A)						193,400
B	Prior Approved Projects Under Construction (>5,000 gpd and greater)			Original Capacity Requested	Construction Completion to date %	
1	Village Crossing (Not Updated)			14,400	66%	4,752
2	Orchards Subdivision (Not Updated)			42,600	81%	8,307
3	183-185 Main St (ZDM)			3,600	0%	3,600
4	Brookside Apartments - About 1/3 Occupied			35,400	31%	24,600
Subtotal GPD (Group B)						41,259
C	Estimated Future Development Needs Based on Previously Assessed Properties Not Presently Connected (Last Updated 2/2023)					
1	Existing Buildings Assessed but not Connected			Res/ Comm/ Ind	Sewer	76,300
2	Vacant Properties in Assessed Areas			Res/ Comm/ Ind	Sewer	60,700
3	Pennsylvania Ave Sewer Area			Res/ Comm/ Ind	Area to be	37,347
Subtotal GPD (Group C)						174,347
D	Sewer Capacity Requested by Parkers Place LLC (Group D)					
Total Sewer Capacity Allocated, Anticipated, and Requested (A+B+C+D)						8,124
Average Daily Flow Remaining 2 Year Average						417,130
Sewer Capacity Remaining						211,000
						-206,130

PUBLISHER'S CERTIFICATE

Exhibit K

State of Connecticut
County of New London,

Personally appeared before the undersigned, a Notary Public within and for said County and State, Kelly Johnson, Legal Advertising Clerk, of The Day Publishing Company Classifieds dept, a newspaper published at New London, County of New London, state of Connecticut who being duly sworn, states on oath, that the Order of Notice in the case of

TOWN OF EAST LYME WATER AND
SEWER COMMISSION Notice of Public
Hearing

A true copy of which is hereunto annexed, was published in said newspaper in its issue(s) of

10/11/24, 10/16/24

Cust: TOWN OF EAST LYME - SEWER DEPT

Ad #. d01086611

Kelly Johnson

Subscribed and sworn to me
This Wednesday, October 16, 2024

Maryjane Slesady
Notary Public

My commission expires 5/31/29

d01086611

**TOWN OF EAST LYME
WATER AND SEWER COMMISSION
Notice of Public Hearing**

The East Lyme Water and Sewer Commission will hold a Public Hearing on October 22, at 6:30 p.m., at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT, to consider the following:

Application for determination of sewer capacity filed by Parkers Place LLC, regarding the properties set forth in the application and identified on the East Lyme Tax Assessor's Map as Map/Lot 11.1/11.

Copies of the application are available for public viewing in the offices of the Town Clerk and the Water and Sewer Department.

Daniel Cunningham,
Chairman

d01086611

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Daniel Cunningham,
Chairman

TO: East Lyme Water and Sewer Commission
FR: Waller, Smith & Palmer, P.C.
RE: Parkers Place capacity request
DATE: 10/22/2024

Exhibit L

Parkers Place LLC applied to the Commission for an allocation of sewer treatment capacity for a proposed affordable housing development on land it owns on Park Place. The application was made pursuant to the East Lyme capacity regulation that the Commission adopted in 2019. Commission staff determined that the application complied with the regulation. Pursuant to the discretion granted by the regulation, the Commission scheduled a public hearing that opened on September 24 and was continued to October 22.

At the September 24 public hearing the applicant's counsel, Attorney Harry Heller, acknowledged that the Town has little, if any, available treatment capacity. This was confirmed by Mr. North's chart which was entered as an exhibit in the record. Attorney Heller also presented exhibits showing that the Bride Lake project (also owned by the Parkers Place developer, Pazz & Construction) would not use all of its allotted capacity - 35,400 gallons per day ("gpd") – leaving approximately 12,000 gpd unused. Attorney Heller then amended the present application (Parkers Place), lowering the amount requested from 18,000 gpd to 12,000 gpd.

He also re-styled the request as having two alternatives for allocation – (1) if the Commission finds that the Town does have sufficient capacity for the project, then the request is for an allocation of 12,000 gpd; and (2) if there is not sufficient capacity for Parkers Place, then the request is for a re-allocation of 12,000 gpd of unused capacity from Bride Lake to this new project.

As noted by several Commissioners, this raises the question of whether the Commission has the authority to transfer unused capacity from one allocation/project to another. For the reasons set forth below, it is our advice that if the Commission finds there is not adequate capacity for the present application, it may not shift, or re-allocate unused capacity from the Bride Lake project.

The statutory basis for allocations of sewer treatment capacity is found in General Statutes. Section 7-247 (a) allows a water pollution control authority, such as the Commission, to establish regulations for the control and maintenance of a municipal sewer system, including how treatment capacity is allocated. Section 7-246a(a)(1) sets forth the timelines for applications for determination of "adequacy of sewer capacity for a proposed use of land." (Emphasis added).

The Commission has interpreted §7-246a to mean that the capacity allocation is tied to the specific use of land set forth in the application. An allocation can be used only for that use, and no other. Here the Bride Lake allocation is for a separate and distinct housing project, and its allocation is for that particular use of land. Parkers Place LLC is a different entity applying for capacity for a different project located in a different part of

East Lyme. Bride Lake and Parkers Place are separate applicants filing separate applications seeking separate allocations for separate projects. The Bride Lake allocation is unrelated to the present application. Capacity allocated for that project cannot be used on a different, completely unrelated one, even if those projects are owned by the same entity.

East Lyme's sewer capacity is a commodity belonging to the Town. It is allocated according to applicable statutes and the Commission's regulations. Per the 2019 capacity regulation, allocations are subject to benchmarks, or actions that an applicant must take within a proscribed time. If those benchmarks are not met, the allocation is deemed null and void, and reverts back to the Town. Here if the Bride Lake project does not require its entire allocation, any unused amounts would revert to the Town.

Moreover, from a policy perspective, allowing capacity allocations to be swapped, or "re-allocated" is counter to the Commission's statutory duty to manage and supervise the East Lyme sewer system. Re-allocating, or swapping capacity is not provided for in the enabling statutes or the 2019 regulation, and would take the allocation of a precious and limited resource out of the Commission's hands. Taken to its extreme, an applicant could conceivably bypass the application process altogether by receiving a "re-allocation" from another developer, without ever applying to the Commission. There cannot be an unregulated market of East Lyme sewer treatment capacity.

For any or all of the foregoing reasons, it is our advice that any unused capacity from the Bride Lake project cannot be "re-allocated" to the present application.