

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: March 6, 2025

RE: **Application of Stephen Harney, Applicant; Portside Holdings, Inc. & English Harbour Capital Partners, LLC, Owner;** Application for a 3-Lot Subdivision of approximately 6.0 acres of land Zoned RU-40 on property located at Heritage Road, East Lyme, Connecticut, Assessor's Map #35.0, Lot #23-1. (Submitted 1/15/2025, Date of Receipt 2/11/2025, 65-days to render a decision 4/16/2025)

Upon review of the above referenced application, supporting documentation, and proposed subdivision plans (7 Sheet Plan Set) entitled "Lakeside Point Subdivision, A Conservation Design Development (CDD), Property of Port Side Holdings, Inc. and English Harbour Capital Partners, LLC, Tenants in Common, East Lyme, CT, dated March 22, 2023" by John Paul Mereen, L.S. of Gerwick – Mereen, LLC, 191 Boston Post Road, PO Box 565, East Lyme Connecticut, and the Single Plan Sheet entitled "Plan Showing Parcel to be Conveyed to the East Lyme Land Trust, Property of Property of Port Side Holdings, Inc. and English Harbour Capital Partners, LLC, Tenants in Common, East Lyme, CT, scale 1"=40', dated March 3, 2025" by John Paul Mereen, L.S. of Gerwick – Mereen, LLC, 191 Boston Post Road, PO Box 565, East Lyme, Connecticut, 06333 and Timothy May, P.E. of May Engineering, LLC, 1297 RT 163 Oakdale, Connecticut 06370, I have the following comments:

1. Upon review of your letter date March 5, 2025 in response to my email dated February 27, 2025, While the CT DEEP claims ownership "up to and including the highwater mark" and the soils scientist's report indicates the wetlands flags are identified as being located "at the high-water mark" of Pattagansett Lake and the wetlands and water courses locations are identified as adjacent (down gradient) of the high water mark, the proposed subdivision plans do not reflect this. There are 3-notes on the plan indicating the "Property Line is up gradient of the high water line of Pattagansett Lake." However, on Sheet 2 of the Subdivision Plan set, the note identifying the rear property line also points to the same line that represents the inland wetland boundary and identifies the wetlands flags (WF#18-80). More specifically, sheet 2 of the plan set shows Wetland Flag#45 to be beyond the surveyors Tie Line which demonstrates there are inland wetlands on the property being subdivided. As such, the plans need to be revised, stamped, signed and sealed by a land surveyor, licensed in the State of Connecticut, to clearly identify the highwater mark, the rear property boundary, and the inland wetlands boundary on the plans to properly demonstrate that there are no wetlands and watercourse on the parcel being subdivided.
2. The single sheet Plan showing the Parcel to be Conveyed to the East Lyme Land Trust, provides a note indicating a "Hatched Area" of approximately 14,841-square feet (.34+/- Acres) is to be conveyed to the Eat Lyme Land Trust. The symbology (hatching) needs to be shown on the pan it is not identifiable. In addition, it appears conveying this land would remove the inland wetlands from the property. However, at the time of making application, the subject property shared the

inland wetlands boundary with the State of Connecticut along its rear property line. Further, Sheet 2 and 3 of the Subdivision Plan Set, show wetlands flag #45 over the surveyors Tie Line which is clearly on the proposed lots. However, the single sheet plan entitled "Plan Showing Parcel to be Conveyed to the East Lyme Land Trust, Property of Property of Port Side Holdings, Inc. and English Harbour Capital Partners, LLC, Tenants in Common..." show wetland flag no longer over the Tie Line. Please clarify the location of the wetlands delineation, the land to be conveyed to the East Lyme Land Trust, and the rear property line to adequately demonstrate whether there are inland wetlands or not on the subject property.

3. Connecticut General Statutes (CGS), Section 8-26 requires an applicant to submit an application to the local wetlands agency no later than the day the subdivision or resubdivision application is filed. CGS 8-26(e) states: "If an application involves land regulated as an inland wetland or watercourse under the provisions of chapter 440, the applicant shall submit an application to the agency responsible for administration of the inland wetlands regulations no later than the day the application is filed for the subdivision or resubdivision. The commission shall, within the period of time established in section 8-7d, accept the filing of and shall process, pursuant to section 8-7d, any subdivision or resubdivision involving land regulated as an inland wetland or watercourse under chapter 440. The commission shall not render a decision until the Inland Wetlands Agency has submitted a report with its final decision to the commission. Based on the above, an Application to the Inland Wetlands Agency is required. As there has been no application made to Inland Wetlands Agency, procedurally it appears the Subdivision Application is deficient.
4. Section 6-2-5(B) of the Subdivision Regulations require no driveway shall be greater than 15% slope at any point and any driveway with a slope greater than 10% but not exceeding 15% shall be paved. In addition, shared driveways shall not exceed 10% or more on the shared portion of driveway. The proposed driveway scales to 16.66% slope over the shared portion on Sheet 3 and Sheet 4 of 7 show the driveway as an "Existing Common Driveway 18' Wide Crushed Stone" driveway. As such, the plans need to be revised to demonstrate the shared portion of the driveway can be constructed at a slope of 10% or less.
5. Note 7 on Sheet 3 of 7 refers to the driveway as a "private street". This should be revised to "private driveway" as it is not being proposed as a private road which has a more rigorous standard for construction than a driveway. However, it is my understanding this driveway will ultimately serve 4-homes as there is an existing home located on the adjacent 10-acre parcel known as the LLYOD property. Pursuant to Section 6-2-5, the Commission may permit more than two (2) lots to be served by a single access drive if it finds that no traffic hazard will result. If the proposed access will serve more than three (3) lots, then the access shall conform to the requirements of a private street. As such, the "driveway" should be redesigned to meet the requirements of a private street which, would eliminate the requirement of 10% or less on the traveled portion but would require the driveway be paved. Pursuant to Section 5-3 of the Regulations, a construction sequence for the driveway/ private street needs to be provided.
6. Pursuant to Section 7 of the 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. The Planning Commission may apply these provisions to subdivisions of less than 4 lots. As such, determining the appropriateness of an open space and/or recreation area and whether public access shall be required, the Commission shall consider the POCD and objectives 7-2(A-L). As the proposed open space abuts Lake Pattagansett as well as approximately 177-acres of land recently acquired by the Town of East Lyme, I recommend the Commission require public access to the proposed open space.
7. Pursuant to Section 5-4 of the regulations, a letter from the Health Department must be provided certifying the land to be subdivided and subdivision plans are satisfactory for on-site sewage disposal systems.

8. Pursuant to 4-2-11 - Financial Guarantee or Cost Estimate, an estimate of the cost of construction of all subdivision improvements shall be submitted. Estimates shall be made by an engineer licensed as a Professional Engineer in the State of Connecticut.
9. Pursuant to Section 4-2-14, copies of any proposed agreements with utility companies must be submitted. In addition, Section 5-2-2(D)(21) Utility Lines – requires proposed plan views of underground power, telephone, and TV cables shall be included in the submission. These utilities shall be installed prior to paving. Further, **6-17-1** Underground Utilities requires electric transmission lines, telephone lines and cable television lines to be installed underground, unless a waiver is granted in accordance with Section 4-13 of these Regulations. As such, a note indicating the utilities will be installed underground should be added to the plans.
10. Pursuant to Section 4-2-10 Easements and Deeds, it requires copies of all easements and deeds necessary to carry the subdivision plan into effect, conforming to the requirements of these Regulations, including instruments proposed to be executed or delivered after approval of the application shall be submitted.

