

**DESIGN REPORT
AFFORDABLE HOUSING DEVELOPMENT
CONN. GEN. STATUTE 8-30g
HOLMES ROAD-ASSESSORS MAP 57.0-Lot 30
EAST LYME, CONNECTICUT
FEBRUARY 8, 2026**

Received

MAY 11 2026

**Town of East Lyme
Land Use**

The proposed Nehantic Highlands Affordable Housing Development has been conceived and designed by the property owner Duval Partners LLC, the applicant Kristen Clarke P.E. and Professional Engineer Timothy May to address the lack of Affordable Housing opportunities in the Town of East Lyme and the New London County Region. The proposed set aside development will consist of twenty (20) Single Family Homes to be constructed on the 12.67 acre property located on Holmes Road. The development will include a privately owned and maintained road system consisting of two 600' +/- Cul de Sacs. As detailed in the submitted plans no public improvements will be necessary.

NATURAL and CULTURAL RESOURCES and SITE ANALYSIS PLAN

A copy of this plan that complies with the requirements of East Lyme Subdivision Regulation 4-2-3 (A) is attached as Exhibit A. Additional copies of the plan in both full size and 11" x 17" have been provided with the application submission documents.

SITE CONTEXT MAP

This map is submitted to provide the Planning Commission with the location of the proposed development within its neighborhood. The map shows the relationship of the subject property to natural and man-made features within 1000 feet of the development site. It also includes topography, wetlands, woodlands, public roads, utility easements, and land protected under conservation easements. The map complies with Subdivision Regulation 5-2-2 (A). See Exhibit B. additional copies of the plan in both full size and 11" x 17" have been provided with the application submission documents.

ARCHAEOLOGICAL SURVEY

The applicant submitted a request to Sarah Sportman, State of Connecticut Archaeologist on November 26, 2024 requesting a waiver of an Assessment Survey. On February 16, 2025 received a response stating in pertinent part "...Due to the level of past disturbance, the proposed undertaking will have no adverse effect on any archaeological resources. OSA recommends no additional archaeological work in the project area, as it is unlikely to yield significant information about the past. A Copy of Ms. Sportman's letter is attached as Exhibit C.

BIOLOGICAL REPORT

No endangered State or Federal Listed Species or Critical Habitat are identified on either the Town of East Lyme GIS Natural Diversity Data Base Area Map ("NDDB") ,Exhibit D, or the State Of Connecticut DEEP National Diversity Data Base Area Map for East Lyme dated June 2024. A NDDB Report has been obtained from the DEEP is attached as Exhibit E . The applicant has retained Rema Ecological Services, LLC to prepare an Environmental Impact Assessment pursuant to Sections 4-14-2 and 4-14-3 of the Subdivision Regulations and to address the NDDB Report.

INLAND WETLANDS

There are no inland wetlands or watercourses on the subject property. A report prepared by Certified Soil Scientist Joseph R. Theroux dated 12/23/2024 is attached as Exhibit F. Additionally, an Alta Survey certified to the current property owner, Exhibit G, demonstrate no inland wetlands or watercourses are located in close proximity to the subject property.

PESTICIDE REPORT

A review of historical Aerial Photographs indicate farming was likely in 1934, Exhibit H, but abandoned sometime before 1965, Exhibit I. Additional historical aerial photographs from 1951 were not available online but have been ordered and will be provided to the Commission as an amendment to this design report upon receipt. This 1951 aerial photo will allow us to more accurately pin point the abandonment of farming activity.

OPEN SPACE

The proposed development benefits by abutting 300+ acres of publicly accessible Open Space owned by the East Lyme Land Trust, Inc. This will provide direct access to the existing trail system for passive recreation purposes. There is no Open Space dedication required as a matter of law. Conn. Gen. Statute Title 8, Chapter 126, Section 8-25(a), Exhibit J , states in pertinent part;

"...if the subdivision is to contain affordable housing, as defined in section 8-39a, equal to twenty percent or more of the total housing to be constructed in such subdivision."

SEWAGE DISPOSAL REPORT

The proposed single family homes will utilize individual septic systems. The applicant has submitted an application to Ledge Light Health District for approval of feasible locations for each of the proposed septic systems as is required by the Subdivision Regulations. Exhibit K.

WATER SUPPLY REPORT

The proposed residences will all be served by individual wells. The applicant has submitted an application to Ledge Light Health District for approval of feasible locations for each of the proposed wells as is identified in the Subdivision Regulations Section 6-10-3 (H).

STORM WATER MANAGEMENT PLAN

The Subdivision plans provide the site's Storm Water Management capabilities and comply with the 2023 State of Connecticut DEEP Stormwater Management Guidelines. A Drainage Report and Drainage Calculations will be finalized by May Engineering upon completion of the initial plan review by this Commission so that any requested revisions can be incorporated into the computations required or requested. Rain gardens will be added to the final design plans to capture roof run off from each of the proposed homes.

EROSION AND SEDIMENT CONTROL PLAN

The Erosion and Sediment Control Plans for this Affordable Housing Development will comply with the DEEP Guidance Documents effective March 30, 2024

ROAD CONSTRUCTION/PUBLIC IMPROVEMENTS

The Private Internal Road System will be built in phases as approved by this Commission. A Private Road Access and Maintenance Agreement will be recorded in the Land Records as is identified in Subdivision Regulation 6-10-3 (H). A draft of the proposed agreement is attached as Exhibit L. The private roads will be deeded to a Homeowners Association in accordance with the requirements of Section 3-8-1 (A) of the Town of East Lyme Subdivision Regulations. A draft of the proposed warranty deed is attached as Exhibit M

EASEMENTS

Easements in favor of this proposed Affordable Housing Development property for use in Stormwater Management, Drainage, Irrigation and Fire Protection are already in existence. See Exhibit N.

Utility Easements in Favor of Eversource dba the Connecticut Light & Power Company will be obtained upon approval of the affordable housing application. Eversource will not commence the Utility Easement nor the Utility Design until approval has been obtained from this Commission.

ENERGY EFFICIENCY and CONSERVATION STATEMENT

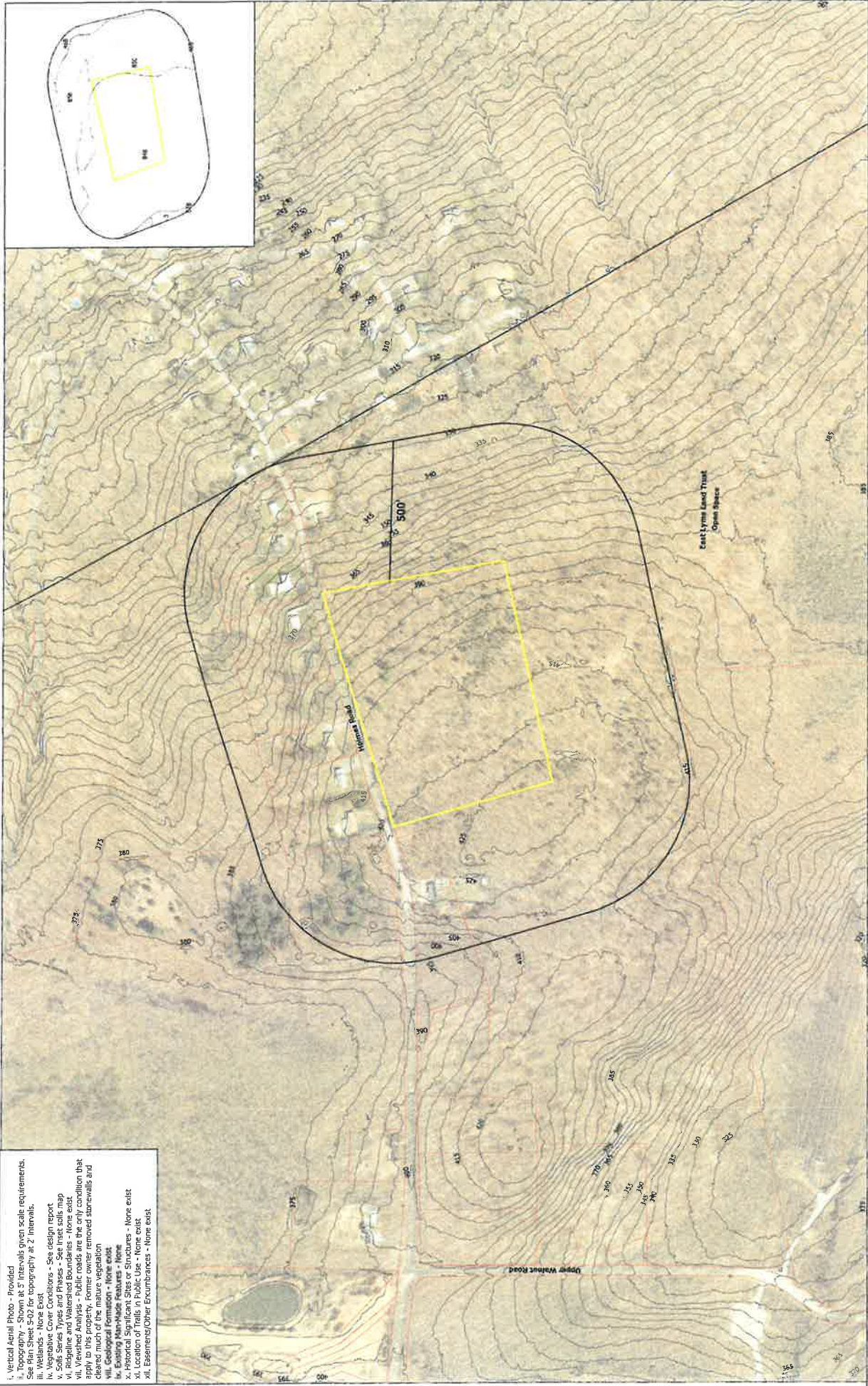
Per Section 6-2-6 of the Subdivision Regulations the applicant's Final Site Plans for each home will;

- Provide south facing roof surfaces to allow the placement of unobstructed solar energy systems.
- Insure that the abutting Open Space and its vegetation will not interfere with the solar energy systems reflected in this statement by locating the homes outside of the shade line setback required by the proposed solar energy systems.

AFFORDABILITY PLAN

An Affordability plan prepared in accordance with the requirements of Connecticut General Statute §8-3-g-7 is attached to this Design Report as Exhibit O.

EXHIBIT A



- Legend**
- Shaded Relief
 - 5' Contours
 - 10' Contours
 - 500' Buffer

Natural and Cultural Resources Map
Nehantic Highlands Homes Road
Scale: 1" = 200'
Area: 6.5 Acres

Property Owner:
Duvall Partners LLC
1101 Red Ventures Drive
Fort Mill, SC 29707

- i. Vertical Aerial Photo - Provided
ii. Topography - Shown at 5' intervals given scale requirements. See Plan Sheet 5-02 for topography at 2' intervals.
iii. Wetlands - None Exist
iv. Vegetative Cover Conditions - See design report
v. Soil Series Types and Phases - See tract soils map
vi. Viewshed Analysis - Public roads are the only condition that apply to this property. Former owner removed stone walls and cleared much of the mature vegetation
vii. Geological Formation - None exist
viii. Existing Man-Made Features - None
ix. Historical Significant Sites or Structures - None exist
x. Cultural Resources - None exist
xi. Other Encroachments - None exist

EXHIBIT B



Legend

- Subject Parcel
- 1000 ft. Scale
- 1000 ft. Scale
- 1000 ft. Scale

Site Context Map
1101 Red Ventures Drive
Fort Mill, SC 29707
Area: 6.5 Acres

Property Owner:
Duvall Partners LLC
1101 Red Ventures Drive
Fort Mill, SC 29707

EXHIBIT C



February 16, 2025

Mr. Paul Geraghty
38 Granite Street
PO Box 231
New London, CT 06320

Re: Proposed Subdivision, Holmes Road, East Lyme, Connecticut

Dear Mr. Geraghty:

Thank you for the opportunity to review the proposed subdivision on Holmes Road in East Lyme. The proposed project includes the development of 20 building lots on approximately 12.7 acres of land along Holmes Road. The property abuts a large parcel of land owned by the East Lyme Land Trust.

The proposed area of development is situated on the south side of Holmes Road on a hill overlooking a small wetland related to Cranberry Meadow Brook. While the environmental setting of the project area suggests potential for buried archaeological resources, past development activities within the parcel have resulted in pervasive disturbance, including clearing, excavating, and grading across the lot. As a result, the soils in the project area are too disturbed to retain archaeological potential.

Due to the level of past disturbance, the proposed undertaking will have no adverse effect on any archaeological resources. OSA recommends no additional archaeological work in the project area, as it is unlikely to yield significant information about the past.

Should you have any questions, feel free to contact me at sarah.sportman@uconn.edu or (860) 617-6884.

Sincerely,

Sarah P. Sportman, Ph.D.
State Archaeologist

c.c. Catherine Labadia and Cory Atkinson, CTSHPO; Gary A. Goeschel, Director of Planning, Town of East Lyme

EXHIBIT D

EXHIBIT E



Connecticut
Department of Energy &
Environmental Protection



2/27/2025

Kristen Clarke

CLARKE

20 Risingwood Dr

Bow, NH 03304

jtorra5608@aol.com

Subject: Nehantic Highlands Affordable Housing Development

Filing #: 125233

NDDB - New Determination Number: 202501402

Expiration Date: 2/27/2027

Location: Holmes Rd, Proposed Subdivision, Map 57 Lot 30, East Lyme, CT

I have reviewed Natural Diversity Database (NDDB) maps and files regarding this project. According to our records, there are State-listed species (RCSA Sec. 26-306) that may be influenced by activities within the proposed project area.

- **Northern long-eared bat (*Myotis septentrionalis*) State, Federally Endangered**
- **Tri-colored bat (*Perimyotis subflavus*) State Endangered, Federally Petitioned**
- **Eastern box turtle (*Terrapene carolina carolina*) State Special Concern**
- **Spotted turtle (*Clemmys guttata*) State Special Concern**
- **Eastern ribbon snake (*Thamnophis sauritus*) State Special Concern**
- **Whip-poor-will (*Caprimulgus vociferus*) State Special Concern**

Overarching protection measures

- **Conduct tree clearing between August 15- November 15 to avoid collisions with bats, birds, and turtles when they are most vulnerable.**
- **Consult with a Biologist who can interpret the following protection measures for implementation on your site.**

Bats:

The Northern long-eared bat is one of the species most impacted by White Nose Syndrome. Populations in Connecticut have declined by over 90%, and it has been Federally listed as Endangered. During the summer northern long-eared bats roost singly or in maternal colonies underneath bark, in cavities or in crevices of both live trees and snags (dead trees). Males and non-reproductive females may also roost in cooler places, like caves and mines. Northern long-eared bats seem to be flexible in selecting roosts, choosing roost trees based on suitability to retain bark or provide cavities or crevices. This bat has also been found rarely roosting in structures, like barns and sheds. Northern long-eared bats spend winter hibernating in caves and mines, called hibernacula.

The presence of northern long-eared bat (*Myotis septentrionalis*), a federally endangered and state endangered species, may require consultation with the US Fish and Wildlife Service Ecological Field Office in order to be in compliance with the Federal Endangered Species Act if the proposed project requires federal permits or uses federal funds. For more information on federal requirements visit:

<http://www.fws.gov/midwest/endangered/mammals/nleb/>

Populations of Tri-colored bats have declined over 90% as a result of White Nose Syndrome. This bat is associated with forested edges and open forested landscapes with water features. Maternity colonies will form in tree cavities of mature trees, they will occasionally roost on man-made structures. They are among the most sensitive bats to cold temperatures and in winter they hibernate in caves and abandoned mines where temperatures and humidity levels are stable.

- **Do not conduct tree cutting between April 15- August 15.**
- **Between August 15- October 31, apply soft start techniques to allow bats to move out of the area before tree clearing begins.**
 - Heavy equipment activity shall be introduced with a short initial representative action, the activity should then pause for 20 min to allow animals to leave the area before activity resumes.

The following activities will benefit bats:

- Preserve natural roosting resources (safety permitting) including snags, trees with cavities, cracks or crevices, trees with exfoliating bark (e.g. shagbark hickory), coniferous trees (e.g. tamarack, hemlock, white pine) as well as preserving talus slopes
- Identify and protect summer roosts in man-made structures, such as barns
- Provide artificial roost structures (i.e., bat houses) and promote their use in the surrounding community
- Minimize erosion and maintaining clean and open water resources free of siltation
- Protect native vegetation which promotes insect availability and diversity
- Avoid the use of pesticides that will affect their invertebrate food source
- Preserve open, edge of forest habitat corridors to allow bats to freely move among roosting, watering and foraging areas

Birds:

The whip-poor-will is a bird that nests in forest habitat with an open understory, often adjacent to areas of shrubby or herbaceous habitat. They are ground-nesting birds that breed between April 20- July 30. They consume aerial invertebrates, especially Lepidoptera and Coleoptera. Tree cutting restrictions for bats, will be protective of this species.

With building design:

Avoid creating collision hazards for Birds and Bats. Glass collisions including residential windows indiscriminately kill 1 billion birds a year. Develop or renovate your building façade and site design strategy to make the building and site structures visible barriers to birds. Bat collisions are less well understood, but smooth vertical surfaces affect bats' abilities to avoid collisions.

Limit interior and exterior night lighting. Lighting, temporary or permanent should not be directed towards suitable bat habitats. Security lighting should always be down-shielded to keep light within the boundaries of the site.

Take steps necessary to assure that construction is designed, built, and operated in accordance with the standards and requirements of the LEED Green Building Rating System Pilot Credit #55. The USGBC releases revised versions of the LEED Building Rating System on a regular basis, and you should refer to the most current version when beginning a new building or construction project or renovation.

Visit American Bird Conservancy website for more guidance: <https://abcbirds.org/program/glass-collisions/>

Turtles and Snakes:

In Connecticut, eastern box turtles are found in well-drained forest bottomlands and a matrix of open deciduous forests, early successional habitat, fields, gravel pits, and or powerlines. Turtles are dormant between November 1 and April 1 and hibernate in only a few inches from the surface in forested habitat.

The greatest threat to this species is habitat loss, fragmentation, and degradation due to development. This species is very sensitive to adult mortality because of late maturity (10 years old) and long life span (50-100years). Vehicular traffic, heavy equipment used for farming, and ATV use in natural areas are implicated specifically in adult mortality through collisions. Illegal collection by the pet trade and unknowing public for home pets exacerbates mortality rates and removes important individuals from the population. Predation rates are also unnaturally high because of increased predator populations (e.g. skunks, foxes, raccoons, and crows) that surround developed areas.

Spotted turtles are associated with wetlands and vernal pools. Over the course of a season and lifetime, individuals will travel large distances (up to 1km) over upland forest and fields between multiple wetlands. They overwinter burrowed into the mud in wetlands between Nov 1- March 15. They do not begin to reproduce until 7-10 years old and adults can live at least 30 years. This species is threatened most by any activities that reduce adult survivorship including road kills, commercial and casual collection, increased predation in areas around commercial and residential development, mortality and injury from agricultural equipment or other mechanical equipment.

Eastern ribbon snakes inhabit areas with shallow water, grassy or shrubby areas bordering streams and wooded swamps. They also prefer sunny areas with low dense vegetation near shallow water areas. Their diet consists of insects, fish, frogs, salamanders and toads. They are dormant typically between Oct 15-March 31.

Land disturbance activities need to consider local habitat features and apply fencing and/or time of year restrictions as appropriate. We recommend you consult with a herpetologist familiar with preferred habitats to assist you with proper techniques to ensure the best protection strategies are employed for your site and the scope of your project.

At a minimum, to prevent herp access and entry into your work zone between April 1- November 1:

- Exclusionary practices will be used to prevent any herp access into disturbance areas. These measures will need to be installed at the limits of disturbance as shown on the plans, or specifically designated by a herpetologist who can assess the conditions at your site.
- Exclusionary fencing be at least 20 in tall and must be secured to and remain in contact with the ground and be regularly maintained (at least bi-weekly and after major weather events) to secure any gaps or openings at ground level that may let animal pass through.
- All staging and storage areas, outside of previously paved locations, regardless of the duration of time they will be utilized, must be reviewed to remove individuals and exclude them from re-entry.
- All construction personnel working within the turtle habitat must be apprised of the species description

and the possible presence of a listed species.

- The Contractor search the work area each morning prior to any work being done.
- Any turtles encountered within the immediate work area shall be carefully moved to an adjacent area outside of the excluded area and fencing should be inspected to identify and remove access point. This animal is protected by law and should not be relocated off-site.
- In areas where silt fence is used for exclusion, it shall be removed as soon as the area is stable and disturbance is finished to allow for reptile and amphibian passage to resume.

If land disturbance will occur in suitable overwintering forested habitat you will need to take precautions to avoid mortality of hibernating adult box turtles.

- Restricting land clearing to occur only between April 1- November 15, is protective of this species.

Your project is located in a large block of suitable habitat for these species. Work with biologists to plan your activities so they minimize the impact on these species.

Please be aware of the following limitations and conditions:

Natural Diversity Database information includes all information regarding listed species available to us at the time of the request. This information is a compilation of data collected over the years by the Department of Energy and Environmental Protection's Natural History Survey and cooperating units of DEEP, land owners, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as enhance existing data. Such new information is incorporated into the Database and accessed through the ezFile portal as it becomes available. New information may result in additional review, and new or modified restrictions or conditions may be necessary to remain in compliance with certain state permits.

- During your work listed species may be encountered on site. A report must be submitted by the observer to the Natural Diversity Database promptly and additional review and restrictions or conditions may be necessary to remain in compliance with certain state permits. Please fill out the [appropriate survey form](#) and follow the instructions for submittal.
- If your project involves preparing an Environmental Impact Assessment, this NDDDB consultation and determination should not be substituted for biological field surveys assessing on-site habitat and species presence.
- The NDDDB - New determination for the Nehantic Highlands Affordable Housing Development as described in the submitted information and summarized at the end of this document is valid until 2/27/2027. This determination applies only to the project as described in the submission and summarized at the end of this letter. Please re-submit an updated Request for Review if the project's scope of work and/or timeframe changes, including if work has not begun by 2/27/2027.

If you have further questions, please contact me at the following:

Shannon Kearney

CT DEEP Bureau of Natural Resources
Wildlife Division
Natural Diversity Database
79 Elm Street
Hartford, CT 06106-5127
(860) 424-3170
Shannon.Kearney@ct.gov

Please reference the Filing 125233 and the Determination Number 202501402 when you e-mail or write.
Thank you for consulting the Natural Diversity Data Base.

Shannon Kearney
Wildlife Division- Natural Diversity Data Base
79 Elm Street
Hartford, CT 06106-5127
(860) 424-3170
Shannon.Kearney@ct.gov

Application Details:

Project involves federal funds or federal permit:	No
Project involves state funds, state agency action, or relates to CEPA request:	Yes
Project requires state permit, license, registration, or authorization:	Yes
DEEP enforcement action related to project:	
Project Type:	Building and Infrastructure Development (including stormwater discharge associate with construction)
Project Sub-type:	New Residential - subdivision
Project Name:	Nehantic Highlands Affordable Housing Development
Project Description:	Located on the south side of Holmes Road near 38 Holmes Road

Natural Diversity Data Base Areas

EAST LYME, CT

December 2024

-  State and Federal Listed Species
-  Critical Habitat
-  Town Boundary

NOTE: This map shows known locations of State and Federal Listed Species and Critical Habitats. Information on listed species is collected and compiled by the Natural Diversity Data Base (NDDDB) from a variety of data sources. Exact locations of species have been buffered to produce the generalized locations.

This map is intended for use as a preliminary screening tool for conducting a Natural Diversity Data Base Review Request. To use the map, locate the project boundaries and any additional affected areas. If the project is within a hatched area there may be a potential conflict with a listed species. For more information, use DEEP ezFile <https://efilings.deep.ct.gov/DEEPPortal/> to submit a Request for Natural Diversity Data Base State Listed Species Review or Site Assessment. More detailed instructions are provided along with the request form on our website.

<https://portal.ct.gov/deep-nddbrequest>

Use the CTECO Interactive Map Viewers at <http://cteco.uconn.edu> to more precisely search for and locate a site and to view aerial imagery with NDDDB Areas.

QUESTIONS: Department of Energy and Environmental Protection (DEEP)
79 Elm St, Hartford, CT 06106
email: deep.nddbrequest@ct.gov
Phone: (860) 424-3011



Connecticut
Department of Energy &
Environmental Protection

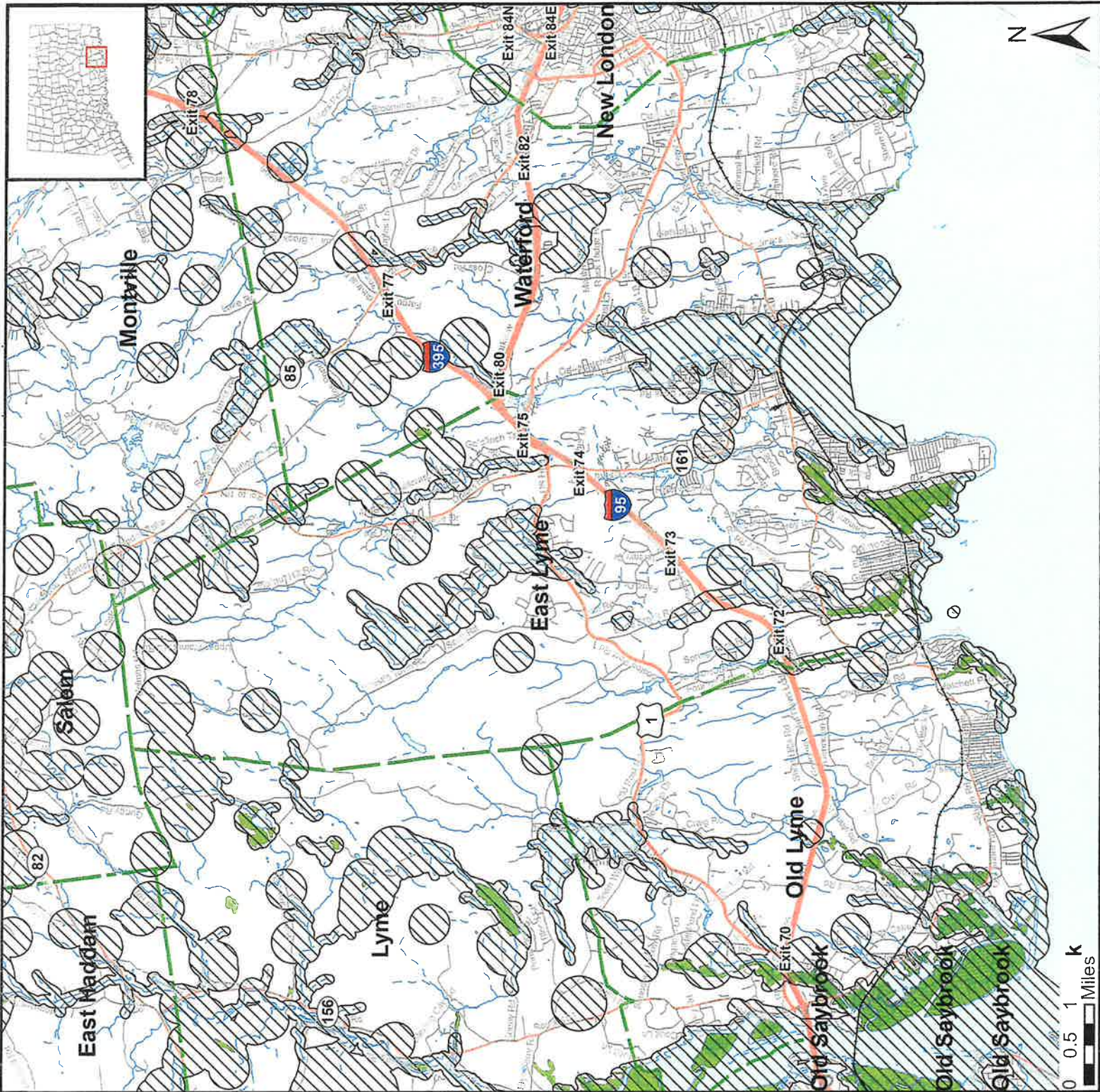


EXHIBIT F



JOSEPH R. THEROUX

~ CERTIFIED FORESTER/ SOIL SCIENTIST ~
PHONE 860-428-7992 ~ FAX 860-376-6842
426 SHETUCKET TURNPIKE, VOLUNTOWN, CT. 06384
FORESTRY SERVICES ~ ENVIRONMENTAL IMPACT ASSESSMENTS
WETLAND DELINEATIONS AND PERMITTING ~ E&S/SITE MONITORING
WETLAND FUNCTION AND VALUE ASSESSMENTS

12/23/2024

KRISTEN CLARKE P.E.
HATHAWAY FARM LLC.
20 RISINGWOOD DR.
BOW, NH. 03304

RE: WETLAND DELINEATION, DUVAL PARTNERS LLC PROPERTY, HOLMES ROAD,
EAST LYME, CT.

DEAR KRISTEN,

AT YOUR REQUEST I HAVE INSPECTED THE 12.67-ACRE PARCEL FOR INLAND
WETLANDS AND WATERCOURSES.

AFTER WALKING THE ENTIRE PROPERTY, I FOUND NO EVIDENCE OF INLAND
WETLANDS OR WATERCOURSES ON OR ADJACENT TO THE PARCEL.

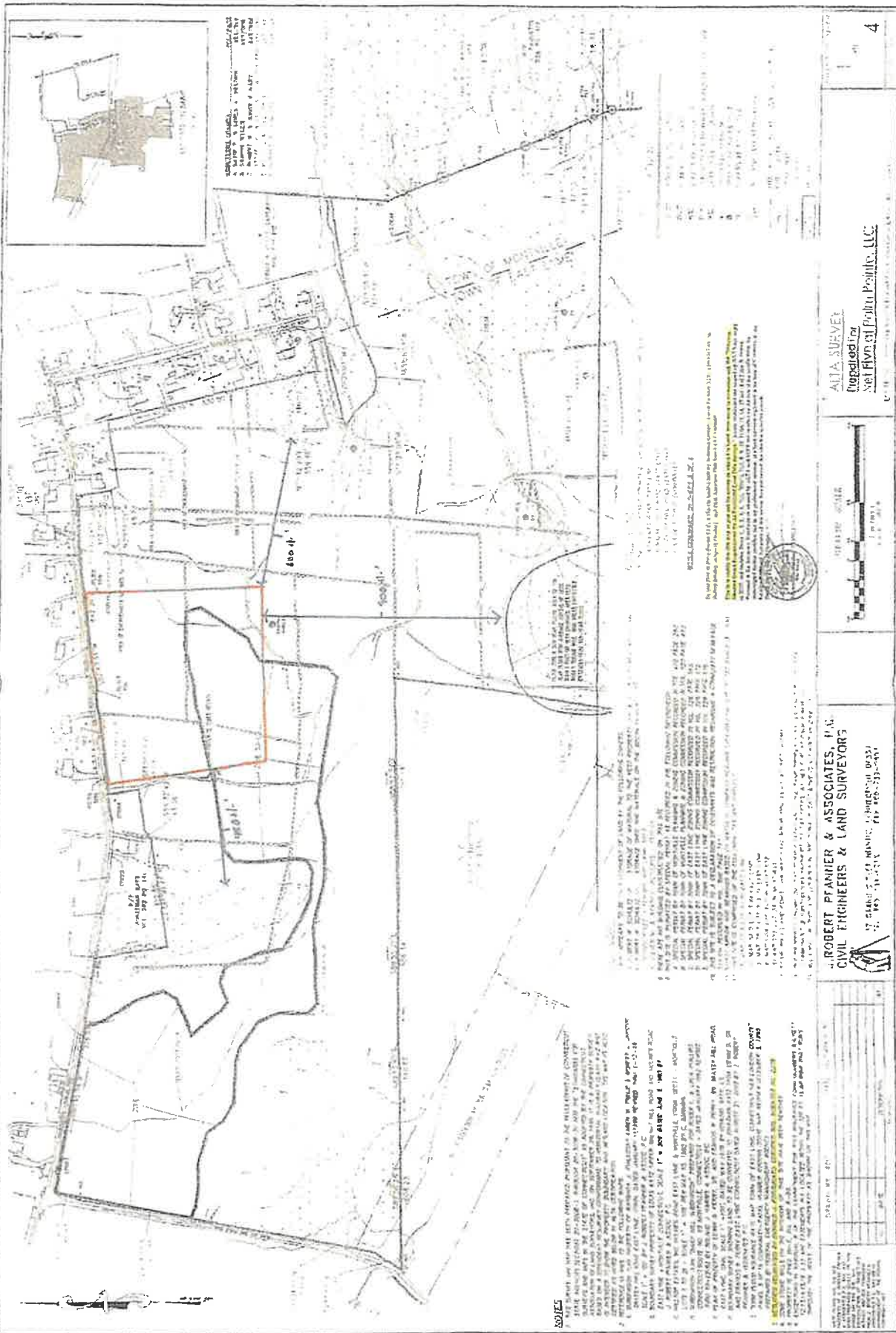
IN CONCLUSION, IF YOU HAVE ANY QUESTIONS CONCERNING THE DELINEATION OR
THIS REPORT, PLEASE FEEL FREE TO CONTACT ME.

THANK YOU,

Joseph R. Theroux

JOSEPH R. THEROUX
CERTIFIED SOIL SCIENTIST
MEMBER SSSSNE, NSCSS, SSSA.

EXHIBIT G



ALTA SURVEY
Prepared for
Net Plan of Polk, People, LLC



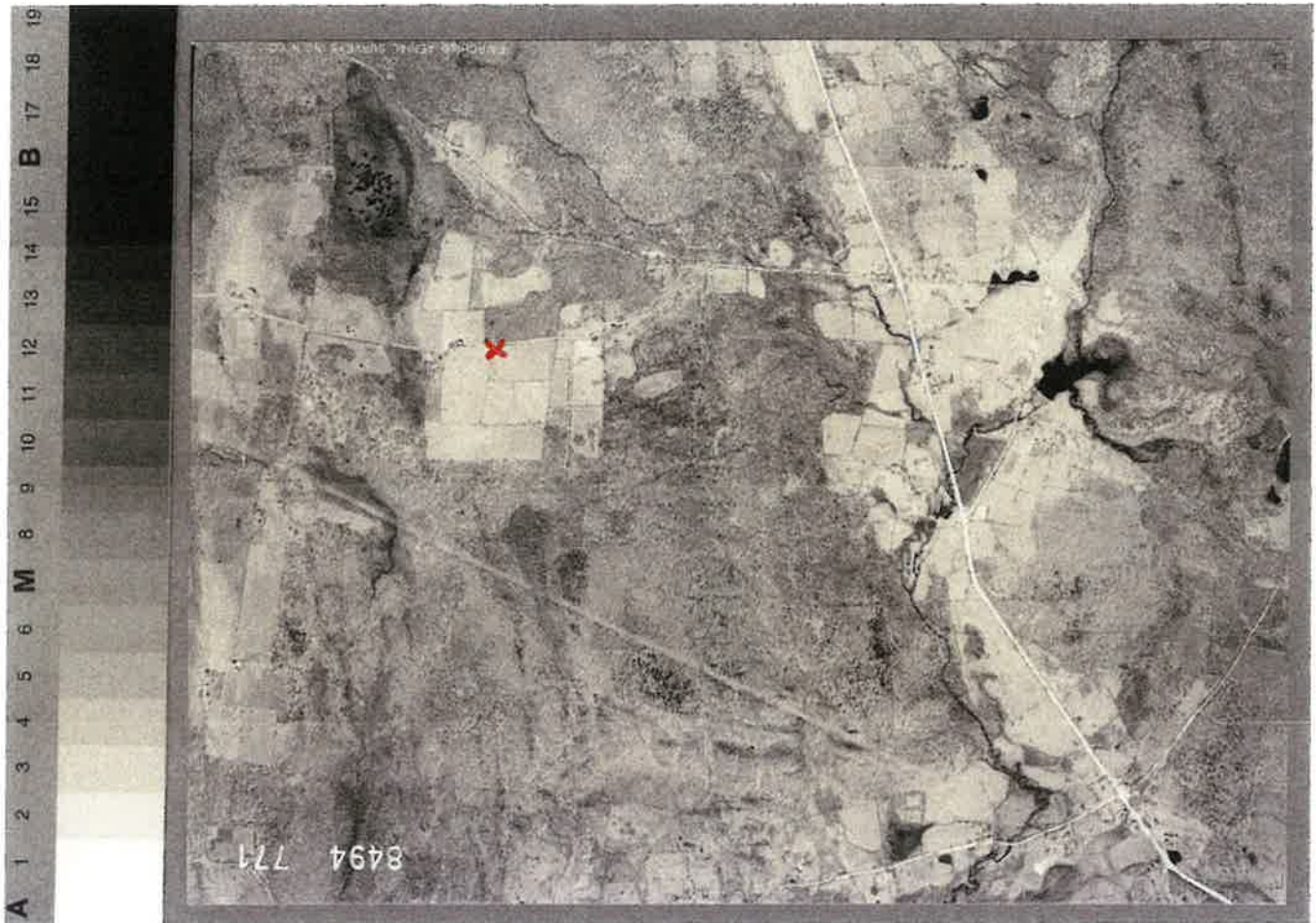
ROBERT PFANNER & ASSOCIATES, P.A.
CIVIL ENGINEERS & LAND SURVEYORS
1200 S. 10TH STREET, SUITE 100
TAMPA, FL 33606
TEL: 813-241-1111
FAX: 813-241-1112

NO.	DATE	DESCRIPTION
1	1/10/84	Original Survey
2	1/10/84	Revised Survey
3	1/10/84	Final Survey

EXHIBIT H

Aerial survey of Connecticut 1934 photograph 00771

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Item Description

Title

Aerial survey of Connecticut 1934 photograph 00771

Subject - TGM

Aerial photographs; Connecticut; Montville

Coverage - Spatial

1:12000

Creator

Fairchild Aerial Survey Co.; Connecticut Air National Guard

Contributors

Connecticut State Planning Board

Date - Created

1934 Apr.

Date - Digital

2004-2006

Collection

Aerial photographs

Type

Image

Format

jp2

Source - Location

9 x 7 in., b&w photograph; Connecticut State Library, State Archives, RG 089: 11a

Relation

Research Guide to Aerial Photographs at the Connecticut State Library: <http://libguides.ctstatelibrary.org/hg/aerialphotos>
(<http://libguides.ctstatelibrary.org/hg/aerialphotos>)

Town(s) Covered

Montville (/digital/collection/p4005coll10/search/searchterm/Montville/field/towns/mode/exact/conn/and)

X Coord

-72.2351

Y Coord

41.4364

Publisher

Connecticut State Library

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Master File Format

tif

File Name

CT1934_00771.jp2

EXHIBIT I

Aerial survey of Connecticut 1965 photograph 00801

...



Item Description

Title

Aerial survey of Connecticut 1965 photograph 00801

Subject - TGM

Aerial photographs; Connecticut; East Lyme

Description

Vertical aerial view of Connecticut. Flight lines were flown on an east-west axis. Flight line: 18

Coverage - Spatial

1:18000

Creator

Keystone Aerial Surveys, Inc

Date - Created

1965 Mar.

Date - Digital

2004

Collection

Aerial photographs

Type

Image

Format

.jp2

Language

eng

Source - Original

Photograph, negative, b&w, 9 x 9 in.

Source - Location

Connecticut State Library, State Archives, RG 079: 4

Relation

Research Guide to Aerial Photographs at the Connecticut State Library: <http://libguides.ctstatelibrary.org/hg/aerialphotos>
(<http://libguides.ctstatelibrary.org/hg/aerialphotos>)

Town(s) Covered

East Lyme (/digital/collection/p4005coll10/search/searchterm/East%20Lyme/field/towns/mode/exact/conn/and)

X Coord

-72.2425

Y Coord

41.4355

Publisher

Connecticut State Library

Rights

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Master File Format

tif

File Name

CTDEP65_18_801.jp2

EXHIBIT J

[Go to Previous Versions of this Section](#) ▼

2023 Connecticut General Statutes

Title 8 - Zoning, Planning, Housing and Economic and Community Development

Chapter 126 - Municipal Planning Commissions

Section 8-25. - Subdivision of land.

Universal Citation:CT Gen Stat § 8-25. (2023) [◀ Previous](#)[Next ▶](#)

(a) No subdivision of land shall be made until a plan for such subdivision has been approved by the commission. Any person, firm or corporation making any subdivision of land without the approval of the commission shall be fined not more than five hundred dollars for each lot sold or offered for sale or so subdivided. Any plan for subdivision shall, upon approval, or when taken as approved by reason of the failure of the commission to act, be filed or recorded by the applicant in the office of the town clerk not later than ninety days after the expiration of the appeal period under section 8-8, or in the case of an appeal, not later than ninety days after the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant but, if it is a plan for subdivision wholly or partially within a district, it shall be filed in the offices of both the district clerk and the town clerk, and any plan not so filed or recorded within the prescribed time shall become null and void, except that the commission may extend the time for such filing for two additional periods

of ninety days and the plan shall remain valid until the expiration of such extended time. All such plans shall be delivered to the applicant for filing or recording not more than thirty days after the time for taking an appeal from the action of the commission has elapsed or not more than thirty days after the date that plans modified in accordance with the commission's approval and that comply with section 7-31 are delivered to the commission, whichever is later, and in the event of an appeal, not more than thirty days after the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant or not more than thirty days after the date that plans modified in accordance with the commission's approval and that comply with section 7-31 are delivered to the commission, whichever is later. No such plan shall be recorded or filed by the town clerk or district clerk or other officer authorized to record or file plans until its approval has been endorsed thereon by the chairman or secretary of the commission, and the filing or recording of a subdivision plan without such approval shall be void. Before exercising the powers granted in this section, the commission shall adopt regulations covering the subdivision of land. No such regulations shall become effective until after a public hearing held in accordance with the provisions of section 8-7d. Such regulations shall provide that the land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety, that proper provision shall be made for water, sewerage and drainage, including the upgrading of any downstream ditch, culvert or other drainage structure which, through the introduction of additional drainage due to such subdivision, becomes undersized and creates the potential for flooding on a state highway, and, in areas contiguous to brooks, rivers or other bodies of water subject to flooding, including tidal flooding, that proper provision shall be made for protective flood control measures and that the proposed streets are in harmony with existing or proposed principal thoroughfares shown in the plan of conservation and development as described in section 8-23, especially in regard to safe intersections with such thoroughfares, and so arranged and of such width, as to provide an adequate and convenient system for present and prospective traffic needs. Such regulations shall also provide that the commission may require the provision of open spaces, parks and playgrounds when, and in places, deemed proper by the planning commission, which open spaces, parks and playgrounds shall be shown on the subdivision plan. Such regulations may, with the approval of the commission, authorize the applicant to pay a fee to the municipality or pay a fee to the municipality and transfer land to the municipality in lieu of any requirement to provide open spaces. Such payment or combination of payment and the fair market value of land transferred shall be equal to not more than ten per cent of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the commission and the applicant. A fraction of such payment the

numerator of which is one and the denominator of which is the number of approved parcels in the subdivision shall be made at the time of the sale of each approved parcel of land in the subdivision and placed in a fund in accordance with the provisions of section 8-25b. The open space requirements of this section shall not apply if the transfer of all land in a subdivision of less than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration, or if the subdivision is to contain affordable housing, as defined in section 8-39a, equal to twenty per cent or more of the total housing to be constructed in such subdivision. Such regulations, on and after July 1, 1985, shall provide that proper provision be made for soil erosion and sediment control pursuant to section 22a-329. Such regulations shall not impose conditions and requirements on manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards or on lots containing such manufactured homes which are substantially different from conditions and requirements imposed on single-family dwellings and lots containing single-family dwellings. Such regulations shall not impose conditions and requirements on developments to be occupied by manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards which are substantially different from conditions and requirements imposed on multifamily dwellings, lots containing multifamily dwellings, cluster developments or planned unit developments. The commission may also prescribe the extent to which and the manner in which streets shall be graded and improved and public utilities and services provided and, in lieu of the completion of such work and installations previous to the final approval of a plan, the commission may accept a financial guarantee of such work and installations in an amount and with surety and conditions satisfactory to it securing to the municipality the actual construction, maintenance and installation of such public improvements and utilities within a period specified in the financial guarantee. Such regulations may provide, in lieu of the completion of the work and installations above referred to, previous to the final approval of a plan, for an assessment or other method whereby the municipality is put in an assured position to do such work and make such installations at the expense of the owners of the property within the subdivision. Such regulations may provide that in lieu of either the completion of the work or the furnishing of a financial guarantee as provided in this section, the commission may authorize the filing of a plan with a conditional approval endorsed thereon. Such approval shall be conditioned on (1) the actual construction, maintenance and installation of any improvements or utilities prescribed by the commission, or (2) the provision of a financial guarantee as provided in this section. Upon the occurrence of either of such events, the commission shall cause a final approval to be

endorsed thereon in the manner provided by this section. Any such conditional approval shall lapse five years from the date it is granted, provided the applicant may apply for and the commission may, in its discretion, grant a renewal of such conditional approval for an additional period of five years at the end of any five-year period, except that the commission may, by regulation, provide for a shorter period of conditional approval or renewal of such approval. Any person who enters into a contract for the purchase of any lot subdivided pursuant to a conditional approval may rescind such contract by delivering a written notice of rescission to the seller not later than three days after receipt of written notice of final approval if such final approval has additional amendments or any conditions that were not included in the conditional approval and are unacceptable to the buyer. Any person, firm or corporation who, prior to such final approval, transfers title to any lot subdivided pursuant to a conditional approval shall be fined not more than one thousand dollars for each lot transferred. Nothing in this subsection shall be construed to authorize the marketing of any lot prior to the granting of conditional approval or renewal of such conditional approval.

(b) The regulations adopted under subsection (a) of this section shall also encourage energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, and energy conservation. The regulations shall require any person submitting a plan for a subdivision to the commission under subsection (a) of this section to demonstrate to the commission that such person has considered, in developing the plan, using passive solar energy techniques which would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions. As used in this subsection and section 8-2, "passive solar energy techniques" means site design techniques which maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season. The site design techniques shall include, but not be limited to: (1) House orientation; (2) street and lot layout; (3) vegetation; (4) natural and man-made topographical features; and (5) protection of solar access within the development.

(c) The regulations adopted under subsection (a) of this section, may, to the extent consistent with soil types, terrain, infrastructure capacity and the plan of development for the community, provide for cluster development, and may provide for incentives for cluster development such as density bonuses, or may require cluster development.

(d) (1) To satisfy any financial guarantee requirement in this section, the commission may accept surety bonds and shall accept cash bonds, passbook or statement savings accounts and other financial guarantees other than surety bonds including, but not limited to, letters

of credit, provided such financial guarantee is in a form acceptable to the commission and the financial institution or other entity issuing any letter of credit is acceptable to the commission. Such financial guarantee may, at the discretion of the person posting such financial guarantee, be posted at any time before all approved public improvements and utilities are completed, except that the commission may require a financial guarantee for erosion and sediment controls prior to the commencement of any improvements. No lot shall be transferred to a buyer before any required financial guarantee is posted or before the approved public improvements and utilities are completed to the reasonable satisfaction of the commission or its agent. For any subdivision that is approved for development in phases, the financial guarantee provisions of this section shall apply as if each phase was approved as a separate subdivision. Notwithstanding the provisions of any special act, municipal charter or ordinance, no commission shall (A) require a financial guarantee or payment to finance the maintenance of roads, streets, retention or detention basins or other improvements approved with such subdivision for more than one year after the date on which such improvements have been completed to the reasonable satisfaction of the commission or its agent or accepted by the municipality, or (B) require the establishment of a homeowners association or the placement of a deed restriction, easement or similar burden on property for the maintenance of approved public site improvements to be owned, operated or maintained by the municipality, except that the prohibition of this subparagraph shall not apply to the placement of a deed restriction, easement or similar burden necessary to grant a municipality access to such approved site improvements.

(2) If the person posting a financial guarantee under this section requests a release of all or a portion of such financial guarantee, the commission or its agent shall, not later than sixty-five days after receiving such request, (A) release or authorize the release of any such financial guarantee or portion thereof, provided the commission or its agent is reasonably satisfied that the improvements for which such financial guarantee or portion thereof was posted have been completed, or (B) provide the person posting such financial guarantee with a written explanation as to the additional improvements that must be completed before such financial guarantee or portion thereof may be released.

(1949 Rev., S. 858; November, 1955, S. N12; 1959, P.A. 577, S. 7; 669; 1971, P.A. 196; 862, S. 8; P.A. 75-131; P.A. 77-545, S. 2; P.A. 78-104, S. 5; 78-314, S. 4; P.A. 79-301; P.A. 81-254; 81-334, S. 1; P.A. 83-388, S. 8, 9; P.A. 85-91, S. 4, 5; P.A. 88-203, S. 2; 88-263; P.A. 90-239, S. 1; P.A. 91-395, S. 4, 11; P.A. 93-29; P.A. 95-335, S. 15, 26; P.A. 99-131; P.A. 01-52; P.A. 03-177, S. 6; P.A. 07-182, S. 1; P.A. 11-79, S. 2; P.A. 12-182, S. 2.)

History: 1959 acts added provision for filing of subdivision plans in case of a district and added provision regulations authorize commission to provide open spaces for parks and playgrounds; 1971 acts added provisions concerning extensions for filing subdivision plans, specified that applicant must do filing and that endorsement of approval must be made by chairman or secretary and changed notice requirement from publication at least seven days before hearing to publication “twice, at intervals of not less than two days, the first not more than fifteen days nor less than ten days and the last not less than two days” before hearing; P.A. 75-131 required that plans be delivered to applicant promptly for filing purposes after appeal deadline passed or after appeal terminated; P.A. 77-545 added provision that regulations made govern sedimentation and erosion control; P.A. 78-104 included “maintenance” of improvements and utilities in bond provision; P.A. 78-314 allowed encouragement of energy-efficient development, use of renewable forms of energy and energy conservation through regulations; P.A. 79-301 increased fine for making unapproved subdivision from \$200 to \$500; P.A. 81-254 allowed for conditional approval of plans; P.A. 81-334 moved provisions re regulations to encourage energy-efficient patterns of development, use of solar and other renewable forms of energy and energy conservation into new Subsec. (b) and outlined content of regulations; P.A. 83-388 amended Subsec. (a) to require that provision be made for soil erosion and sediment control, effective July 1, 1985; P.A. 85-91 amended Subsec. (a) to specify the date by which time provision for soil erosion and sediment control is required; P.A. 88-203 added provisions in Subsec. (a) re imposition of conditions and requirements on certain manufactured homes and developments to be occupied by certain manufactured homes; P.A. 88-263 substituted “shall” for “may” in Subsec. (b) to require that subdivision regulations encourage energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy and energy conservation; P.A. 90-239 amended Subsec. (a) to allow the payment of a fee in lieu of the provision of open spaces and to exempt transfers of land to certain relatives from the open spaces requirements; P.A. 91-395 added Subsec. (c) concerning authorization for cluster development in regulations adopted under this section; P.A. 93-29 amended Subsec. (a) to change the time planning commissions have to deliver approved plans to subdivision applicants from “promptly” after the expiration of an appeal or termination in the applicant's favor to 30 days after either event and to change the date for filing of approved plans by a developer from 90 days after the time for appeal to 90 days after termination in the applicant's favor; P.A. 95-335 amended Subsec. (a) to change “plan of development” to “plan of conservation and development”, effective July 1, 1995; P.A. 99-131 amended Subsec. (a) by requiring regulations covering the subdivision of land to include a provision for the “upgrading of any downstream ditch, culvert or other drainage structure which, through the introduction of

additional drainage due to such subdivision, becomes undersized and creates the potential for flooding on a state highway”; P.A. 01-52 amended Subsec. (a) to change the time for delivery of approved subdivision plans from not less than 30 days to not more than 30 days and add provisions re modified plans and amended Subsec. (b) to make a technical change for purposes of gender neutrality; P.A. 03-177 replaced provisions in Subsec. (a) re publication of notice of time, place and purpose of public hearing with requirement that the public hearing be held in accordance with Sec. 8-7d, effective October 1, 2003, and applicable to applications filed on or after that date; P.A. 07-182 amended Subsec. (a) to allow a person who enters into a contract to purchase a subdivided lot pursuant to conditional approval to rescind such contract if such final approval has additional amendments or any conditions not included in the conditional approval that are unacceptable to the buyer, to provide that a fine of \$1,000 be imposed on any person who, before final approval, transfers title to any lot subdivided pursuant to conditional approval for each lot transferred, deleting prior fine of \$500 imposed on any person who sells or offers for sale any such lot, to require that nothing in subsection be construed to authorize the marketing of any lot before granting or renewal of conditional approval, and to make technical changes, effective July 1, 2007; P.A. 11-79 amended Subsec. (a) by adding “or other surety” re conditional approval and adding “public” re improvements secured by bond, and added Subsec. (d) re bond and surety requirements and release of same; P.A. 12-182 made extensive changes in Subsecs. (a) and (d) re posting and release of financial guarantees and re public improvements, effective June 15, 2012, and applicable to all approvals or extensions granted after that date.

See Sec. 8-2a re requirement that copies of zoning and subdivision regulations be available to public.

If plan complies with subdivision regulations, commission lacks authority to disapprove it. 146 C. 570. Cited. 148 C. 145, 299. Planning commission approves, disapproves, or modifies and approves, plans for claimed subdivisions; it is not part of its function to decide whether particular property is a subdivision; court should not dismiss complaint for declaratory judgment as to whether certain premises is a subdivision on ground that issue should first be decided by planning commission. 149 C. 627. Cited. 152 C. 304; Id., 520. Adoption of a “plan of development” pursuant to Sec. 8-23 is not a condition precedent to the enactment of valid subdivision regulations. 153 C. 193. Section held not to authorize town to adopt a subdivision regulation imposing a charge against a real estate developer as a condition for granting permission to proceed with an approved subdivision plan when such charge was purportedly to cover reasonable costs incurred by the town for engineering services to inspect work done on public improvements in the subdivision. Id., 236. Mere filing of

subdivision maps does not necessarily immunize subject property from operative effect of subsequent subdivision regulations. 155 C. 183. Subdivision regulations construed as a whole, being within the purview of section and reasonably adequate and sufficient to guide commission and enable those affected to know their rights and obligations and precise to degree required by subject matter, held valid. Id., 669. Regulations of town which has adopted chapter must conform to requirements of section. 156 C. 540. Only action on subdivision plan and designation of and assessments for municipal improvements are binding actions of planning board. 159 C. 1. This section and Sec. 13a-71 may not be circumvented by claims of common law dedication. Id., 107. Authority granted under statute is not unpermitted exercise of police power where activity is directly attributable to subdivision activity; it does not amount to unconstitutional taking of private land for public use without compensation; held not unconstitutional for vagueness or lack of standards to implement it; constitutional validity established because all property is held subject to right of state to reasonably regulate use. 160 C. 109. Cited. 171 C. 89; 172 C. 156; 176 C. 581; 177 C. 527; 179 C. 650; 181 C. 533; 184 C. 1; 186 C. 466; 187 C. 232; 199 C. 575; 203 C. 109; 207 C. 67; 208 C. 431; 213 C. 604; 217 C. 103; 226 C. 684; 227 C. 71, 83; 228 C. 476. Sale of lots in approved subdivision not required for municipality to call performance bond. 254 C. 348.

Cited. 5 CA 520; 8 CA 556; 12 CA 153; 16 CA 303; 19 CA 334; 23 CA 115; Id., 460; 26 CA 17; 28 CA 780; 29 CA 18; Id., 28; 31 CA 643; 37 CA 303; 40 CA 75; 49 CA 452. Fact that a performance bond was provided pursuant to statute that protects municipalities from being left with inadequate resources to complete subdivision improvements, coupled with unambiguous language of the bond, clearly supports conclusion that the bond was available to plaintiff to complete the subdivision even though plaintiff had become a successor developer. 71 CA 715. Planning commission cannot enact subdivision regulation that effectively amends or alters a zoning ordinance because commission would be exceeding its statutory mandate. 76 CA 280. Plaintiff's case for declaratory judgment on constitutionality of a subdivision regulation was ripe for judicial consideration because it concerned his rights as a property owner and events that plaintiff was likely to confront. 85 CA 606.

Held constitutional exercise of power and land requirement in city regulations for subdivision plan within legislative authority, but provision for cash contribution in lieu of land requirement unconstitutional where moneys are not collected for direct benefit of subdivision. 27 CS 74. Cited. 31 CS 83; 43 CS 508.

Subsec. (a):

Commission's authority is limited to the "land to be subdivided" and commission lacks authority to require applicant to include off-site sidewalk installations in subdivision application. 292 C. 317. When there has been an appeal from subdivision approval, such subdivision becomes effective on date such appeal from approval is terminated. 297 C. 414. Section neither prohibits the mortgaging of a parcel in an unapproved subdivision nor prevents the court from ordering a foreclosure of any such parcel. 324 C. 680.

Provision that subdivided land be of such character that it can be used for building purposes without danger to health or public authority does not authorize regulations to provide that proposed streets connect with existing roads within town in which the subdivision is located. 97 CA 316.

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EXHIBIT K



App No. _____
Check No. _____
Receipt No. _____

REVIEW FEE: see application
Make check to LLHD or pay online
at www.LLHD.org rev 4/30/17

Promoting
healthy
communities

Application for Septic Plan Review

Notes:

1. Please provide a scaled site plan of the property with an accurate parcel address – one copy, two copies if state review is required.
2. If requesting a septic design plan review, please submit building plans including floor plans of all levels and all structure.
3. If requesting subdivision plan review for a town commission approval, please provide the date of the commission meeting under “Additional Information” below.

Date: 5/1/2026 Property Address: Holmes Road (Assessors Map 57 ^{Lot 30} Town: East Lyme

Applicant Name: Kristen Clarke, P.E. Phone: 434-409-9515

Email: kristentclarke@gmail.com Fax: n/a

Applicant Address (if different from above): 20 Risingwood Drive, Bow, NH 03304

Property Water Supply: ☒ Well (s) ☐ Public Water ☐ Both

Type of Review Requested:

- ☐ Septic Design Plan - Single Lot (Fee: \$155 – includes 1 revision)
☐ Revision of Septic Design Plan (beyond one revision) (Fee: Half of Plan Review Fee)
☒ Subdivision Feasibility / commission review. Number of lots: 20 (Fee: \$150 per lot)
☐ State DPH review (e.g., septic systems >2000 gpd; request for State exception) (Fee: \$100)

Additional Information:

Signed: Kristen Clarke

Assigned to: _____ Title: _____

Date Received: _____

Application for Septic Plan Review

Notes:

1. *Please provide a scaled site plan of the property with an accurate parcel address – one copy, two copies if state review is required.*
2. *If requesting a septic design plan review, please submit building plans including floor plans of all levels and all structure.*
3. *If requesting subdivision plan review for a town commission approval, please provide the date of the commission meeting under “Additional Information” below.*

Date: 2/5/2025 Property Address: Holmes Road (Assessor Map 57 Lot 30) Town: East Lyme

Applicant Name: Nicholas Torrance Phone: 860-857-3777

Email: NTorrance9992@gmail.com Fax: _____

Applicant Address (if different from above): c/o Kristen Clarke P.E.

Property Water Supply: ☒ Well (s) ☐ Public Water ☐ Both

Type of Review Requested:

- ☐ Septic Design Plan - Single Lot (Fee: \$155 – includes 1 revision)
- ☐ Revision of Septic Design Plan (beyond one revision) (Fee: Half of Plan Review Fee)
- ☒ Subdivision Feasibility / commission review. Number of lots: 20 (Fee: \$150 per lot)
- ☐ State DPH review (e.g., septic systems >2000 gpd; request for State exception) (Fee: \$100)

Additional Information:

Signed: 

Assigned to: _____ Title: _____

Date Received: _____

EXHIBIT L

DRAFT

DECLARATION OF COMMON EASEMENT AND MAINTENANCE

This Declaration executed this ____ day of February , 2025 by Duval Partners LLC, hereinafter referred to as "Declarant",

WHEREAS, THE Declarant is the owner of that certain piece or parcel of land shown as Lots 1 thru 20 on a map or plan entitled "LOCATION COVER SHEET NEHANTIC HIGHLANDS, A CONN. GEN. STATUTE 8-30g SUBDIVISION, PROPERTY OF DUVAL PARTNERS LLC HOLMES ROAD, EAST LYME, CT. prepared by GERWICK-MEREEN LLC, 191 BOSTON POST ROAD, EAST LYME, CONNECTICUT 06333 which maps have been filed in the land records of the Town of East Lyme on or about this date.

WHEREAS, said lots are to be served by a Private Road as more particularly shown on said plans as "Private Road & Utility Easement Area" and;

WHEREAS, said Private Road is for the benefit of all of the specifically referenced lots described herein

WHEREAS, any drainage facilities or structures required in the future by the Town of East Lyme in the easement area would be for the benefit of the specific lots referenced as follows;

Easement Map Depicting Easement Area to be Granted to THE CONNENICUT LIGHT AND POWER COMPANY dba EVERSOURCE ENERGY ACROSS THE PROPERTY OF DUVAL PARTNERS LLC OFF HOLMES ROAD Scale: 1"= 40' File Number_____ Date:_____ prepared by Gerwick-Mereen LLC, 191 BOSTON POST ROAD, EAST LYME, Connecticut 06333". Said map is recorded in the Land Records at Drawer ____ #____.

NOW THEREFORE, the following shall be the rights, responsibilities and burdens of each of said lots with regard to said private street;

1. Each of said lots shall be burdened and benefitted by the Private Road and storm water drainage facilities and or structures as shown on the above-referenced plan or added hereafter as a requirement by the Town of East Lyme in conjunction with the issuance of building permit(s).
2. Said Private Road shall be used by the respective lot owners for access to each of the individual lots and for the purposes of installation and maintenance of utilities serving such lots, and no individual lot may interfere with, block or otherwise impede the access to any other lot over said Private Street. Said drainage facilities shall be used by respective lot owners for drainage of impervious surfaces.

3. Each of said lots shall share equally the obligation to maintain said Private Road including, but not limited to snowplowing, repairing and/or replacement of pavement, and landscaping and maintaining the landscaped area adjacent to the paved portion of the driveway and within such drainage facilities or structures as may be required by the Town of East Lyme as is referenced in paragraph 1 herein.
4. Each lot owner shall have one vote in determining the nature and extent of a required maintenance, repair and/or replacement, and the vote, either in person or by consent, of the majority of lot owners shall be sufficient to bind all lot owners with regard to any common expenses needed for the repair, replacement and/or maintenance of said private street and or drainage facilities or structures.
5. The successful party of any litigation regarding the obligations hereunder shall be entitled to all costs including reasonable attorney's fees.
6. The Private Road will not be owned by the Town of East Lyme. All maintenance, repair, and services such as snow removal, sanding and sweeping of the Private Road will be the responsibility of the lot owners identified herein.
7. The Town of East Lyme shall not be responsible for the initial cost, maintenance fees or utility bills associated with all street sign or street lights located on the or adjacent to the private Road.
8. THIS COMMON EASEMENT AND MAINTAINENCE AGREEMENT SHALL NOT BE AMENDED WITHOUT THE APPROVAL OF THE TOWN OF EAST LYME PLANNING COMMISSION

The rights, responsibilities and benefits and burdens shall inure to the benefit of all of the above-referenced lots, and shall bind the Declarant, its successors and assigns, and shall be deemed a real covenant which shall run with the land.

Signed this ___ of February, 2025.

WITNESSED BY:

DUVAL PARTNERS LLC

DRAFT

By: _____
Mark Brodsky, its Manager
DULY AUTHORIZED

STATE OF SOUTH CAROLINA

)

)

ss: _____

COUNTY OF _____

)

On this ___ day of February 2025, personally appeared, Mark Brodsky, Manager of Duval Partners LLC, signer and sealer of the foregoing instrument, and acknowledged the same to be his free act and deed and the free act and deed of said limited liability company, before me.

Notary Public

My Commission Expires: _____

EXHIBIT M

WARRANTY DEED-STATUTORY FORM

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL COME, DUVAL PARTNERS LLC of the Town of Fort Mill, County of Northern York and State of South Carolina for consideration of **ONE DOLLAR (\$1.00)** and other good and valuable consideration grants to **NEHANTIC HIGHLANDS HOMEOWNERS ASSOCIATION** of the Town of East Lyme, County of New London and State of Connecticut with **WARRANTY COVENANTS**, all those certain pieces or parcels of land situated in the Town of East Lyme, County of New London and State of Connecticut, known as a portion of Assessors Map 57.0 Lot 30 as are further identified on Map titled; "LOCATION/COVERSHEET NEHANTIC HIGHLANDS, A CONN. GEN. STATUTE 8-30g SUBDIVISION PROPERTY OF DUVAL PARTNERS LLC prepared by Gerwick-Mereen LLC, 191 Boston Post Road, East Lyme, Connecticut 06333, KRISTEN CLARKE P.E., APPLICANT" recorded on or about to-days date and being further bounded and described on Schedule A attached hereto. The intent of this instrument is to convey the Private Road Area to a property owners association as is required by Town of East Lyme Subdivision Regulation 3-8-1 (A).

Said Premises are conveyed subject to:

Any and all provisions of any municipal, ordinance or regulation or public or private law not exempted or otherwise legally impermissible by Connecticut General Statute 8-30g.

Real property taxes on the current Grand List and any municipal liens or assessments becoming due and payable on or after the delivery of this Deed.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed on this ____ day of _____, 2026.

Witnessed by:

DUVAL PARTNERS LLC

By: _____
Mark Brodsky
Its Manager, duly authorized

STATE OF _____

)

)

ss:

COUNTY OF _____

)

On this ____ day of _____, 2026, before me, the undersigned officer, personally appeared Mark Brodsky, as Manager of Duval Partners LLC known to me (or satisfactorily proven) to be the persons whose name is transcribed to the foregoing document and acknowledged same to be her free act and deed, and the free act and deed of the company, before me.

Notary Public

My Commission Expires _____

EXHIBIT N

IRRIGATION/FIRE POND & STORMWATER DISCHARGE

ACCESS RIGHTS EASEMENT

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, that the **East Lyme Land Trust, Inc.** (hereinafter jointly referred to as "Grantor"), for \$1.00 and other good and valuable consideration paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants to Duval Partners LLC, a company formed under the laws of the State of North Carolina, with an address of 207 Clarendon Ave., Southport, N.C. ("Grantee"), its successors and/or assigns, a permanent easement to construct an irrigation/fire pond two (2) Acres in size, or such additional size mandated by NFPA 1142 "Standard on Water Supplies for Suburban and Rural Firefighting" 2022 , (or most current edition) together with the right to use the well(s) located within the easement area for re-charge purposes in grantee's in favor of property identified on a Map recorded on January 3, 2022 at Drawer 8 #227 of the Town of East Lyme, Connecticut Land Records titled "PROPERTY SURVEY-LOT LINE MODIFICATIONS Property of DUVAL PARTNERS LLC, for Property Located at HOLMES ROAD, WALNUT HILL ROAD & GRASSY HILL ROAD TOWN OF EAST LYME & MONTVILLE-COUNTY OF NEW LONDON-CONNECTICUT prepared by James Bernardo Land Surveying LLC Dated September 2, 2021 Revised to 12/5/2021". Grantor further grants grantee the right to discharge and infiltrate stormwater including but not limited to use of the Fire/Irrigation Pond and or construction and maintenance of additional stormwater structures within the easement area. Said easement is further identified as follows; commencing at a point on the northerly/southerly common boundary of the Grantor and Grantee off Holmes Road totaling 828.29' in width and continuing 300' in length as is identified on the Map attached hereto as Schedule A (the "Easement Area") for the purposes of constructing, re-constructing, repairing, and maintaining an IRRIGATION/FIRE POND over the area, constructing a non-pressurized Dry Hydrant and utilizing the well(s), and providing electrical power thereto, if necessary, located in the easement area for re-charge of the pond purposes.

The Grantor hereby grants to the Grantee, a permanent easement (the "Area") over that area shown in Schedule "A" hereof.

Grantee, by accepting and recording this Easement, hereby agrees on its behalf and on behalf of its successors, assigns and grantees as follows:

1. Grantee, its successors and/or assigns shall at all times from this date forward be solely responsible for the payment of all costs, expenses and charges relating to the use and maintenance of the Easement Area and the construction, re-construction, repair, replacement, maintenance and installation of any existing or future improvements or replacements thereof. It is agreed by Grantee that Grantor shall have no liability or responsibility therefore without limitation.
2. The Grantee, its agents, employees, successors and assigns shall, as soon as practicable after construction of said Pond, Dry Hydrant, and Electrical Connection

to the existing well restore all property of the Grantor to a neat and presentable condition.

3. Any and all work performed by or for Grantee in connection with this Easement shall be performed in a first class and workmanlike manner which provides for any work, improvements, surface cutting, repairs or maintenance to be performed in a professional, and "best Practices" manner so that all construction, repairs, maintenance and/or improvement work performed by Grantee shall be for the benefit of Grantor. All work performed by or for Grantee on or about the Easement Area or Grading Area shall be conducted in such a manner as to cause the least possible interference to the Grantor.
4. Upon any disturbance of the Easement Area or the Grantor's Property by the Grantee, Grantee shall, at its sole cost and expense, restore the disturbance area nearly as possible to its former condition prior to such disturbance, or as mutually agreed upon, said restoration to be without delay upon completion of the work within the Easement Area or Grading Area. Grantee also agrees that any work or materials used in any construction, repair or maintenance will be of similar caliber and workmanship as compared to the Grantor's improvements.
5. Grantee shall not file, record or cause to be recorded any mechanics lien, lien, encumbrance or other restriction on the Easement Area or any other real property of Grantor. In the event any mechanics lien, lien, encumbrance or other restriction shall be filed against the Easement Area or any other real property of Grantor as a result of any action or inaction of Grantee, its employees, agents, representatives, successors and assigns or as result of any materials supplied or labor furnished by or on behalf of the Grantee, the Grantee shall at its sole cost and expense, cause the same to be discharged of record within thirty (30) days after written notice from Grantor to the Grantee.

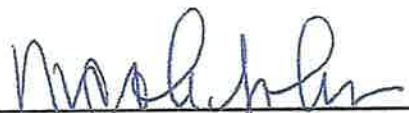
TO HAVE AND TO HOLD the premises of said **GRANTOR** Duval Partners LLC, its successors and assigns forever, for the uses and purposes herein described.

And Grantor, for itself and its successor and assigns, covenants with said Grantee, its successors and assigns, that at until the ensealing of the presents, it is well seized of Grantor's property as a good, indefeasible estate in fee simple, and has good right to bargain and convey the easement in the manner and form as is above written.

IN WITNESS WHEREOF, the undersigned have executed this Easement as of the 26th day of May 2023.

SIGNATURE ON THE FOLLOWING PAGE

Witness;


Name Nicole Johns


Name Allison Ciley

GRANTOR;

EAST LYME LAND TRUST, INC.


By: Ronald Luich, President
Duly Authorized

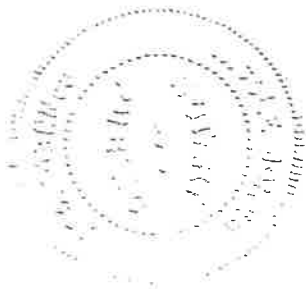
STATE OF CONNECTICUT
COUNTY OF NEW LONDON

ss: East Lyme

On this 26th day of May 2023 Before me the undersigned Notary, personally appeared Ronald Luich, President of the East Lyme Land Trust, Inc., known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand


Notary



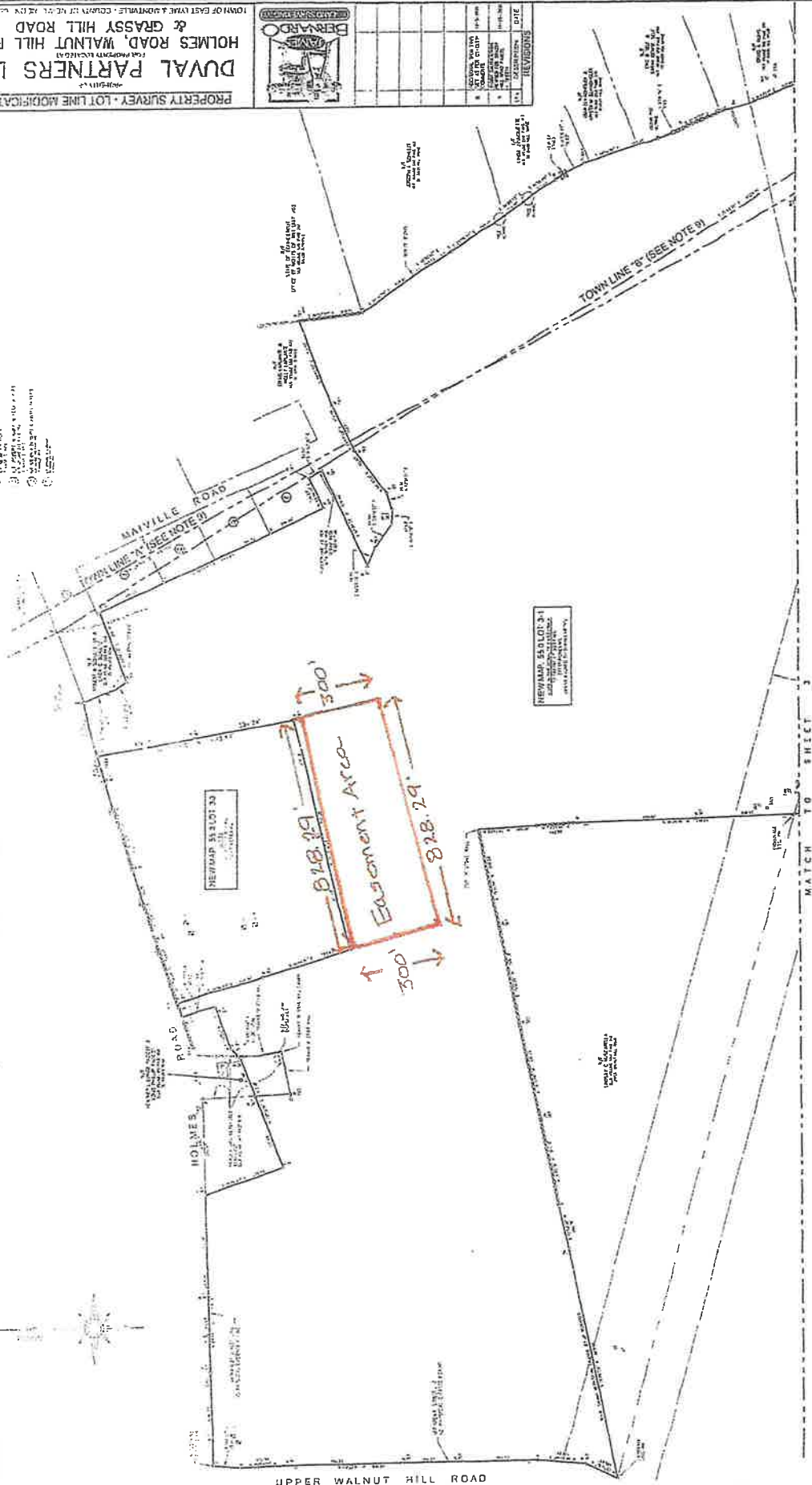
NICOLE JOHNS
NOTARY PUBLIC
My Commission Expires July 31, 2027

Schedule A

1. $\frac{1}{2}$ of the population is 100,000.
 2. $\frac{1}{4}$ of the population is 50,000.
 3. $\frac{1}{8}$ of the population is 25,000.
 4. $\frac{1}{16}$ of the population is 12,500.
 5. $\frac{1}{32}$ of the population is 6,250.
 6. $\frac{1}{64}$ of the population is 3,125.
 7. $\frac{1}{128}$ of the population is 1,562.5.
 8. $\frac{1}{256}$ of the population is 781.25.
 9. $\frac{1}{512}$ of the population is 390.625.
 10. $\frac{1}{1024}$ of the population is 195.3125.
 11. $\frac{1}{2048}$ of the population is 97.65625.
 12. $\frac{1}{4096}$ of the population is 48.828125.
 13. $\frac{1}{8192}$ of the population is 24.4140625.
 14. $\frac{1}{16384}$ of the population is 12.20703125.
 15. $\frac{1}{32768}$ of the population is 6.103515625.
 16. $\frac{1}{65536}$ of the population is 3.0517578125.
 17. $\frac{1}{131072}$ of the population is 1.52587890625.
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Sheet No. S-02
SHEET 2 OF 4
Scale: 1"=150'
DATE
SEPTEMBER 2, 2021
Project No. 71040-2

SEE SHEET 1 FOR NOTES AND
SURVEY CERTIFICATION

FILED
THOMPSON, WILLIAM BILLY
BOMBS FOR CUBANS, ETC.
CIVIL RIGHTS DIVISION



EXHIBIT O

AFFORDABILITY PLAN
NEHANTIC HIGHLANDS SUBDIVISION
HOLMES ROAD
EAST LYME, CONNECTICUT
FEBRUARY 8, 2026

This Affordability Plan is prepared in accordance with the requirements of Connecticut General Statutes §8-3-g-7.

1) Designation of Administrator

The initial Designee who is qualified and responsible for the administration of the Affordability Plan will be Evergreen Attainable Homes, Inc or its successors or assigns ("Evergreen"). Shelly Harney, 860-227-1301 who is the President of Evergreen will be responsible for providing the Town of East Lyme Zoning Enforcement Officer on an annual basis with a status/compliance report that confirms that Evergreen is in compliance with the following;

- A) Ensuring that households applying for affordable units qualify within applicable maximum income limits;
- B) Assuring the accuracy of sale or resale prices or rents, and providing documentation where necessary to buyers, sellers, lessors, lessee's and financing institutions;
- C) Maintaining minimum percentages in a set-aside development;
- D) Reporting compliance to the municipality; and
- E) Executing the affirmative fair housing marketing plan.

2) Homes Designated for Affordable Housing

- A) A minimum of thirty (30) percent of the homes will be designated as affordable as defined by Connecticut General Statute §8-30g.
- B) The affordable homes shall designated as affordable for forty (40) years commencing on the date a certificate of occupancy has been obtained from the Town of East Lyme Building Inspector.
- C) The affordable homes shall be provided on a pro rata basis. A total of 30% of twenty four (24) residences will be designated affordable in the neighborhood developed.
- D) The affordable homes shall be built in comparable size, quality, and appearance to each of the market rate homes.
- E) Proforma Calculations of Rental Rates of both 60% and 80% of Area Median Income are attached hereto as Exhibit A.

3) Affirmative Fair Housing Marketing Plan

The provisions of sections 8-37ee-301 and 302 of the Connecticut State Agencies shall serve as the basis for this plan. Collection and dissemination of information about available price restricted and market rate dwellings shall include;

- A) Analyzing census and other data to identify racial and ethnic groups least represented in the population;
- B) Announcements/advertisements in publications and other media that will reach minority populations;
- C) Announcements to social service agencies and other community contacts serving low-income minority families in the region (includes churches, civil rights organizations, housing authorities, and legal service organizations);
- D) Assistance to minority applicants in processing applications;
- E) Marketing efforts in geographic area of high minority concentrations within the housing market area;
- F) Beginning marketing efforts prior to general marketing of units, and repeating again during initial marketing, at fifty percent (50%) completion, and thereafter at reasonable period intervals with respect to resales or re-rentals; and
- G) Collection of basic racial and ethnic information for all residents and persons on the wait list for the development.

All Notices shall comply with the Fair Housing Act.

4) Affordability Plan/Affirmative Fair Housing Marketing Plan Restrictions

No preferences in application procedures or occupancy for existing residents of the subject municipality shall be utilized unless members of racial and ethnic groups identified as least likely to apply receive equally-weighted preferences.

5) Maximum Sale Price, resale price or rent

The maximum sale price, resale price or rent of any affordable unit shall be determined as set forth in section 8-30g-8 of the Regulations of Connecticut State Agencies.

6) Projected Sequence

As identified in paragraph 2 C) herein we have identified the homes to be designated affordable. The homes will be constructed beginning with lot 1 and will continue in sequential order. This sequence demonstrates compliance with the set-aside requirements of Section 8-30g of the Connecticut General Statutes .

7) Application Process

A family or house old seeking to rent one of the affordable homes must complete an application to determine eligibility. The application must comply with the Fair Housing Act.

A) Application Form-The application

The application form shall be provided by the Administrator and shall include an income pre-certification eligibility form and an income certification form. In general, income for purposes of determining an Applicant's qualification shall include the Applicant family's total income from all sources for the twelve (12) month period following the date the application is submitted ("Application Date"). If the Applicant's financial disclosures indicate that the Applicant may experience a significant change in the Applicant's future income during the twelve month (12) month period, the Administrator shall not consider this change unless there is a reasonable assurance that the change will in fact occur.

B) Applicant Interview

The Administrator shall interview an Applicant upon submission of the completed application. Specifically, the Administrator shall, during the interview, undertake the following:

1. Review with the Applicant all the information provided on the application.
2. Explain to the Applicant the requirements for eligibility, verification procedures, and the penalties for supplying false information.
3. Verify that all sources of family income and family assets have been listed in the application. The term "family" shall be as defined by the Connecticut Agency Regulations, Connecticut General Statutes §8-37ee-1, as amended.
4. Request the Applicant to sign the necessary release forms to be used in verifying income. Inform the Applicant of what verification and documentation must be provided before the application is deemed complete.
5. Inform the Applicant that a certified decision as to eligibility cannot be made until all items on the application have been verified.
6. Review with the Applicant the process and restrictions regarding re-sale.

C) Verification of Applicant's Income

Where it is evident from the income verification form provided by the Applicant that the Applicant is eligible, additional verification procedures shall not be necessary. However, if the Applicant appears to be eligible, the Administrator shall issue a pre-certification letter. The letter shall indicate to the Applicant and the Administrator that the Applicant is income eligible, subject to the verification of the information provided in the Application. The letter will notify the Applicant that he/she will have thirty (30) days to submit all required documentation.

8) Prioritization of Applicants for Initial Occupancy

If, after publication of the Notice of Initial Sale as described herein, the number of qualified Applicants exceeds the number of Affordable Homes, then the Administrator shall establish a list of Applicants, selected by a random lottery of all eligible Applicants, for the initial rental of Affordable Homes. The initial rentals of Affordable Homes will be offered according to the Applicant's lottery ranking. Following the initial sales of the Affordable Homes, if the number of qualified Applicants exceeds the number of available Affordable Homes, The Administrator shall establish a priority list of applicants based on a "first come first served" basis, subject to the applicant's income pre-certification eligibility and the preferences as established in this Section. The Affordable Homes will then be offered according to the applicant's numerical listing. The administrator shall retain the established priority list of Applicant's for a period of two (2) years subsequent to the date of determination of eligibility. This priority list shall be utilized for any Affordable Homes which become available within said two (2) year period.

9) Model Deed Restrictions for a Set Aside Development

The project will satisfy the requirements of C.G.S 8-30g-9. For each lot or dwelling unit that is sold as a designated affordable lot/dwelling unit the following restriction will be included in the deed of conveyance;

"This property is an affordable housing dwelling unit and is therefore subject to a limitation at the date of purchase on the maximum annual income of the household that may purchase this home/lot, and is subject to a limitation on the maximum sale or resale price. These limitations shall be strictly enforced, and may be enforced by the zoning enforcement authority of the Town of East Lyme.

For the duration of this covenant and restriction, this home/lot may be sold only to a household or family whose annual income is equal to or less than eighty percent (80%) of the median income as defined in subsection 8-30g-1 (10) of the regulations of Connecticut State Agencies, and may be sold or re-sold only at a price equal to or less than the price determined using the formula stated in Section 8-30g-8(a) of the Regulations of Connecticut State Agencies."

Note: The deed restriction will be revised for the 15% of the units that require their sale to households whose income to or less than sixty percent of the median income.

10) Identification of Affordable Units

*** Lots 13, 14, & 15 shall be at the 80% of median income level**

*** Lots 18, 19, & 20 shall be at the 60% of median income level**

**PRO FORMA CALCULATION OF RENTAL RATE OF A THREE
BEDROOM HOME FOR A HOUSEHOLD EARNING
80% OF AREA MEDIAN INCOME:**

**SAMPLE COMPUTATIONS
BASED ON FY 2022 DATA**

1.	Determine lower of area or stateside median income for a family of four	\$145,853.00
2.	Determine the adjusted income for a household of 3.0 bedrooms by calculating 104 percent of item 1.	\$151,687.12
3.	Calculate 80 percent of item 2.	\$121,349.70
4.	Calculate 30 percent of item 3 representing the maximum portion of a family's income that may be used for housing.	\$ 36,404.91
5.	Divide item 4 by 12 to determine the Maximum monthly outlay.	\$ 3033.74
6.	Determine reasonable estimate expenses, including utilities, (\$300) and Homeowners Insurance (\$100).	\$ 400.00
7.	Subtract item 6 from item 5 to determine the amount available for rent.	\$ 2633.74

**PRO FORMA CALCULATION OF RENTAL RATE OF A THREE
BEDROOM HOME FOR A HOUSEHOLD EARNING
60% OF AREA MEDIAN INCOME:**

**SAMPLE COMPUTATIONS
BASED ON FY 2025 DATA**

1.	Determine lower of area or stateside median income for a family of four	\$145,853.00
2.	Determine the adjusted income for a household of 3.0 bedrooms by calculating 104 percent of item 1.	\$151,687.12
3.	Calculate 60 percent of item 2.	\$ 91,012.27
4.	Calculate 30 percent of item 3 representing the maximum portion of a family's income that may be used for housing.	\$ 27,303.68
5.	Divide item 4 by 12 to determine the Maximum monthly outlay.	\$ 2275.30
6.	Determine reasonable estimate expenses, including utilities, (\$300) and Homeowners Insurance (\$100).	\$ 400.00
7.	Subtract item 6 from item 5 to determine the amount available for rent.	\$ 1875.30



Connecticut State Median Income: 2024-2025

Categories : [Energy Assistance/Utilities](#), [Income Assistance](#)

State Median Income is established by the U.S. Department of Health and Human Services. These guidelines are used to determine income eligibility for various local, state, and federal programs.

Family size	100% State Median	30% State Median	50% State Median	60% State Median	75% State Median
1	75,843	22,752	37,921	45,505	56,882
2	99,180	29,753	49,589	59,507	74,384
3	122,516	36,754	61,257	73,509	91,886
4	145,853	43,755	72,926	87,511	109,389
5	169,189	50,755	84,594	101,512	126,891
6	192,525	57,756	96,262	115,514	144,393
7	196,901	59,069	98,450	118,139	147,675
8	201,277	60,381	100,637	120,765	150,956

SOURCE: Connecticut Department of Social Services

PREPARED BY: 211/tb

CONTENT LAST REVIEWED: September2024

