TOWN OF OLD LYME

PLANNING COMMISSION
52 Lyme Street
Old Lyme, CT 06371
Tel. (860) 434-1605
Fax (860) 434-5636

TO: Cathy Frank
Selectmen's Office

FROM: Kim Groves
Land Use Administrator

DATE: Thursday, January 21, 2010

SUBJECT: Acceptance of Olivia Lane – East Pointe Shore Subdivision
Board of Selectmen Maintenance Bond

As you know the acceptance of Olivia Lane is on the Town Meeting Agenda for Monday, January 25, 2010. As part of the process of acceptance the performance bond must be converted over to a maintenance bond as outlined in Section 3.4 of the Town Ordinance – Concerning the Construction and Acceptance of Town Roads. The Ordinance requires the Board of Selectmen to set the bond amount. I have enclosed a letter from Tom Metcalf, Consulting Engineer, recommending that a maintenance bond be retained by the Town of Old Lyme in the amount of $16,000.00 which represents 10 percent of the estimated construction cost for the road to guarantee remedy of deficiencies in the construction of the street for a one year period commencing from the date of acceptance by the town.

We currently have a performance bond in the amount of $17,533.00, which could possibly be re-allocated to a maintenance bond and the additional funds released to the developer with his approval.

Skip Adams, Adams Builders is the developer of East Shore Pointe and can be reached at 860-442-6727 and emailed at arranger@email.com.

If I can be of any further assistance, please let me know.

Thomas E. Metcalf, P.E., L.S.
Civil Engineer & Land Surveyor

13 January 2010

Harold Thompson, Chairman
Old Lyme Planning Commission
Memorial Town Hall
52 Lyme Street
Old Lyme, Conn. 06371

Re: East Pointe Shore Subdivision
Olivia Lane (off of Bailey Road)
Maintenance Bond
99-859.10

Dear Mr. Thompson and Commission Members,

It is my understanding that the Town is in the process of "accepting" Olivia Lane as a Town Road. As part of the process, the applicant/developer is required to provide the Town with a bond *"...to guarantee remedy of deficiencies in the construction of said street for a period of one year from the date of acceptance of the street by the Town."* as noted in "An Ordinance Concerning the Construction and Acceptance of Roads in the Town of Old Lyme", Section 3.4. The Ordinance requires the Board of Selectmen to set the bond amount of *"...not less than five percent nor more than 50 percent of the current cost of the original improvements."* This is consistent with Section 3.19.4. of the "Old Lyme Subdivision Regulations" which requires submission of "*maintenance surety*" to be held by the Town for a minimum of one year after the date of acceptance of the road.

In reviewing the completed project, I recommend a maintenance bond in the amount of *$16,000.00* which represents 10 percent of the estimated construction cost for the project. (Reference: 8 November 2003 letter Metcalf to Thompson)

Please contact me should you have any questions regarding this matter.

Sincerely,

Thomas E. Metcalf, P.E., L.S.

cc. A. Brown
T. Griswold
E. Cassella
S. Adams

16 Woodland Road
Phone 860-526-9833 Deep River, Connecticut 06417 Fax 860-526-9833

Thomas E. Metcalf, P.E., L.S.
Civil Engineer & Land Surveyor

9 October 2009

Harold Thompson, Chairman
Old Lyme Planning Commission
Memorial Town Hall
52 Lyme Street
Old Lyme, Conn. 06371

Re: East Pointe Shore Subdivision
Olivia Lane (off of Bailey Road)
Completion of Improvements
99-859.10

Dear Mr. Thompson and Commission Members,

I recently spoke with Kim Groves, Land Use Administrator regarding outstanding items to be completed prior to considering acceptance of Olivia Lane and Open Space land by the Town. I would like to confirm my comments to Ms. Groves.

1. Construction of the road and drainage have been completed.

2. As noted in my 4 September 2009 letter to you, the as-built should include Open Space monumentation pursuant to Section 5.12. of the *Old Lyme Subdivision Regulations.* This information is required for the conveyance of the Open Space parcel. Additionally, the approved *Subdivision Plan* shows concrete monuments to be set at all lot corners. The as-built plan should verify that this work has been completed..

3. Skip Adams, applicant and/or his attorney should consult with Edward Cassella regarding legal documents which are necessary for the conveyance/dedication of the road and open space lands. Reference Section 3.20. of the *Subdivision Regulations.*

4. In anticipation of completion/addressing items 2 and 3 above, I suggest the Town retain a Maintenance Bond for a period of one year from the conveyance/dedication of the road to the Town in the amount of *$16,000.00* which represents 10% of the original estimated construction cost of improvements. As you know, the posting of a

16 Woodland Road
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Thomas E. Metcalf, P.E., L.S.
Civil Engineer & Land Surveyor

Maintenance Bond is to *"...cover unforeseen deficiencies in the required road, drainage and other subdivision improvements."* as noted in Section 3.19.4. of the *Subdivision Regulations.* The posting of this bond is also consistent with Section 3.4.1.d. of the *Design and Construction Standards of the Town of Old Lyme, Connecticut* (Road Ordinance). At the end of one year, an inspection will be made and a determination of a complete or partial release along with extension consideration will be made.

5. I suggest the Commission consult with Ann Brown, ZEA to review and discuss items noted in her August 13, 2009 Memo to you.

Please contact me should you have any questions or if you would like me to address a specific issue related to this matter.

Sincerely,

Thomas E. Metcalf, P.E., L.S.

cc. A. Brown
T. Griswold
E. Cassella
S. Adams

9 December 2009

Edward Cassella, Esq.
Law Office
29 Elm Street
Old Saybrook, Conn. 06475

Re: Olivia Lane – East Pointe Shore Subdivision

Dear Ed,

As requested, I have reviewed the plan showing monumentation that has been set at the East Pointe Shore Subdivision. The plan, *"Plan Showing Monumentation Along Olivia Lane Olivia Lane Old Lyme, Connecticut"* dated October 19, 2009 was prepared by McDonald/Sharpe & Associates.

While the plan depicts the monumentation that has been set, I recommend the plan include bearings and distances along street lines, property lines, easement lines and open space boundary lines. The inclusion of this information will enable you or the applicant's attorney to write a description of the land(s) to be conveyed to the Town.

Please call should you have any questions.

Sincerely,

Thomas E. Metcalf, P.E., L.S.

cc. OL Planning Commission
A. Brown
S. Adams
McDonald Sharpe

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