

**Planning Commission Special Meeting Minutes
Tuesday October 9th, 2018**

Present: Peter Lynch
Thomas W. Fitting Jr.
Lawrence Fitzgerald
Kirk Scott
Michelle Williams
Kathryn Johnson, Alternate (*Sat as Regular Member)

FILED IN EAST LYME
CONNECTICUT
OCT 12 20 18 AT 8:50 AM
EAST LYME TOWN CLERK

Also Present: Gary Goeschel, Planning Director
Mark Zamarka, Town Attorney

Absent: Don Phimister

Mr. Scott called the Planning Commission meeting to order at 7:04 p.m.

Mr. Scott sat Ms. Johnson as a Regular Member for the meeting.

I. Public Hearing

A. Continuation of the Application of Robert Fusari, Real Estate Service of Connecticut, Inc, Applicant/Owner; Application for a 23-Lot Re-subdivision of approximately 97.3+ acres, Zoned RU-40 at Spring Rock Road and Green Valley Lakes Road, East Lyme, Assessor's Map # 14.0 Lot #45, together with a waiver request from Section 6-10-11 Of the East Lyme Subdivision Regulations.

Mr. Goeschel noted the new exhibits submitted for the record including Exhibit MMM from Conway Stoughton LLC dated October 9th, 2018 on behalf of Mr. Lepkowski, Exhibit NNN a letter from Attorney Berger dated October 9th, 2018 to the Planning Commission, Exhibit OOO ERT website printout, Exhibit PPP Addendum, and Exhibit QQQ ACS letter dated October 9th, 2018.

Attorney Ted Harris of 351 Main Street came forward to represent the Applicant and reminded the Commission we left off discussing the ERT and standsby that it can't be done; he made note of the website printout (Exhibit OOO) which illustrates development reviews haven't been done since 2013.

Mr. Harris also reminded the Commission about the caveat he mentioned last time as well as Section 4-13-3 of the regulations; in the case of 20 lots or more in a subdivision the crux of the language is 50% of the parcels to be subdivided- in this case we will be developing 23 lots and providing a conservation

area, and will not be a division for subdivision purposes. He said the only lots being divided are the lots in the upland review area which are not in a sensitive area. He explained the Inland Wetlands Agency found it not likely to impact the immediate environment and the ERT requirement is not actually applicable anyway because the parcels are not the subject of any use and don't have any of the characteristics that would evoke the ERT requirement. He directed the Commission to Exhibit QQQ and said they certainly accept approval from the Archeologist as a condition to approving their application.

Joe Wren P.E. of Indigo Design, 40 Elm Street, Old Saybrook came forward to speak and give his rebuttal to the comments made last week and said given that new information was supplied tonight, he may be back for further rebuttal. He explained they've submitted their USB for the record. He showed the Commission a map they put together which shows the property in question and highlights the homes of the people who spoke at previous meetings; he said it's notable that no one else from the other 120 homes in the neighborhood or other residents from Town have been present to speak against this application. He said the map shows that the people who have spoken against this actually represent a small cluster of Green Valley Lakes Road.

Mr. Wren said in regards to Mr. Beemans' comments:

- He wants to reinforce ERT reviews aren't done any longer so they no longer apply to this project.
- In terms of the open space they went through the numbers seven times and demonstrated they exceed the minimum requirement.
- All the excess land is being donated so it can be permanently protected and be enjoyed by the residents of the community.
- It makes sense to have one continuous tract.
- The current neighborhood has 30 ft roads with no stormwater controls and no detention for the volume- these aspects have been improved in their application.

Mr. Wren said in regards to Mr. Ross' comments:

- He wants to reiterate the 24 ft wide road width and its commonality with Town regulations as well as the State of CT.
- Section 24.6B of the East Lyme Zoning Regulations provides for 24 ft roadways for two way access including both commercial and residential developments
- The 24 ft width roadway is consistent with local regulation and is actually larger than recommended by the CT DOT; in their "Guidelines for Subdivision Streets"
- A road serving 50 homes has a recommended pavement width of 22 ft. and everything in the DEEP Water Manual advises for a reduction in less impervious surfaces.

Mr. Fitzgerald asked about sidewalks and Mr. Wren explained the standard is 5 ft which would put you back in the 30 ft area.

Mr. Wren showed an overall site plan in response to Ms. Chantrell's comments and shared the following:

- The location of the road was chosen because of the topography, old subdivision maps and inland wetland requirements; this is the most feasible locale.

- Victor Benni, the Town Engineer has reviewed and approves of the road location.
- Even the opposition's Traffic Engineer agreed the road meets requirements.
- The gun club can be heard in a large radius and that's just the nature of the beast; this subdivision will not change this.

Mr. Wren discussed Ms. Lepkowski's comments and the tree canopy. He said they have the opportunity to preserve as many trees as they can since blasting is not required. Removal of any existing trees won't happen until individual site plan approval.

Mr. Lynch asked about utilities and Mr. Wren said they will be underground.

Ms. Williams asked about trees and Mr. Goeschel discussed the tree planting requirement and Mr. Wren mentioned the tree easement.

Mr. Wren briefly discussed house setbacks explaining the regulations allow 10 ft and they've chosen 25 ft from the street line and 38 ft can be achieved if a side garage is chosen since they would also have the width of the house. He said if the Board requires it they can go back 35 ft but is unsure if they're able to do that when the regulations require 10 ft.

Mr. Scott asked how that would be achieved and Mr. Wren said you would condition the approval. He explained how he recently did a subdivision in Waterford where each lot had a different setback so they were staggered for privacy.

Mr. Wren discussed the stormwater basin Ms. Lepkowski complained about. He cited the denial by the Inland Wetlands last year because they wanted that section of the road to be treated in a water basin so they eliminated 2 lots in this application to meet this; the Inland Wetlands Agency has since approved this application with this location of the basin.

Mr. Fitzgerald asked about the neighbors concern that it might be an eye sore and Mr. Wren discussed the clearing limit. Mr. Fitzgerald asked if there could be an option to enhance vegetation and Mr. Wren replied that there is no requirement to do so, but it can be done.

Mr. Wren further explained that any recent subdivision roads are mandated out of the wetlands; the alternative road the intervenor proposes is not feasible since the idea is to get as far from the wetlands as you can, and it's not prudent to be only 100 ft from the wetlands. He added that soil would have to be taken out of the wetlands and he referenced a copy of the inland wetlands approval:

"The feasible and prudent alternative proposed by the Intervenor's consultants places a significant length of paved road in the upland review area which would result in the removal of vegetation and the creation of impervious surfaces in close proximity to the adjacent Wooded wetland/swamp which would present a greater likelihood for wetland impact, both During and after construction verses the applicant's proposal."

Mr. Wren clarified that he mentioned the Waterford and Old Lyme simply to point out that East Lyme has been bookended by two towns who have adopted road width regulations of 24 ft or less; he is not suggesting that East Lyme adopt anything. Mr. Wren had the following responses to Mr. Lepkowski's comments:

- Mr. Lepkowski's alternative is not good planning and it's not the most viable option.
- Regarding the discussion of the previous subdivision plans, the Commission was shown Section 3 of the approval plan filed June 12, 1997 in the Town Clerk's office; it shows the paved stub on the west side and the 20 foot dimension (the standard setback at that time) is also the same which illustrates a front yard setback and therefore a road, was anticipated.
- Mr. Lepkowski spoke about the general welfare of the community but only six or seven neighbors in their immediate clustered area came forward and not the entire community.

Mr. Wren said in response to Mr. Spier's (Intervenor Traffic Engineer) comments:

- His report had a lot of inaccuracies and he was somewhat unfamiliar with the plans themselves.
- The Town will have an easement over the proposed as open space and there is no question the sight line can be achieved and maintained forever.
- The length of the cul-de-sac for CDC subdivisions allows a maximum of 2,000 ft- this is not a Conventional Subdivision which only allows for 1,000 ft.
- From day one we've had an emergency access road on our plan.

Mr. Wren's response to the comments from Mr. Trinkaus:

- He gives opinions but uses no documents to back up his claims while the Applicant has shown actual written literature.
- Section 1.1 of the DEEP Water Control Manual cites that its purpose is "to provide guidance"- guidance is not regulatory.
- Page 4 of the IWA approval shows his proposed road location is not a prudent alternative.
- LLHD said the lot is suitable for a 4 bedroom house.
- Page 24, item h of CTPH says the standard distance is 50 but the standard is reduced to 25 ft if it's a sewage tank; it may be further reduced to 10 ft if it's a rain garden.
- They're meeting the health code by 10 ft but can go further if deemed necessary by the Commission.
- Shifting the road to one side to get further from the wetlands is not possible when the regulations require the road to be centrally located.

Mr. Wren supplied a copy of this section of the DEEP Water Control Manual for the record. He discussed Section 4.3.1 of the manual which explores reducing street widths and advises cape cod curbing which they have included in their design. He also discussed basins and Chapter 11 of the Manual- "Stormwater Ponds." 11-P1-2 details a variation on the conventional wet pond which is sometimes referred to as a pocket pond and this would apply to their application because the lot is less than 10 acres and not close to 25.

Mr. Wren discussed 11-P1-4 which deals with siting considerations and explained why they are in that same range for pocket ponds. He also discussed the depth of the forebay and explained how its intent is to trap initial sediment. He said their application has approval from the Town Engineer, LLHD, Zoning and the Inland Wetlands decision was unanimous.

Ms. Williams asked about the maintenance of the drainage pond and Mr. Wren said it will belong to the HOA and every home will contribute an annual fee. He added that they do already have a maintenance schedule which is consistent with the Water Quality Manual and the Town regulations and all pages are cited on the submitted thumb drive.

Mr. Harris said in regards to the open space and the percentage requirements which would actually result in less open space- that just because it has to be reduced doesn't mean we can't supply an additional conservation area and if it has to be done through a separate conveyance, that is fine.

The Commission took a five minute comfort break and reconvened at 8:43 p.m.

Attorney Matthew Berger came forward on behalf of Brian Lepkowski, the Intervenor. He submitted a letter dated October 9th, 2018 for the record (attached.) He said he noted at the last meeting the application was never signed and cited Section 4.2 of the regulations that says applications "shall" be signed. Mr. Berger said shall is a mandatory word, it should have been done with the application, and he thinks the Commission should reject the application.

Mr. Berger said having a road in the upland review zone is sometimes the most prudent location and Mr. Trinkaus asserts the location of the Applicant's road is not correct. He said the application as is will give Mr. Lepkowski's property two front yards and he supplied the Commission with a GIS printout of the property. Mr. Berger said allowing this plan will create a nonconforming use because his yard will now be nonconforming.

Attorney Paul Stoughton of Conway Stoughton LLC came forward on behalf of Mr. Lepkowski. He referenced his letter (attached) and said he wanted to highlight some items addressed in his letter. Mr. Stoughton read Section 23.5.B.1 of the Zoning Regulations onto the record. He said it's clear there has to be a buffer between the Lepkowski property and Lots 23 and 24, and a buffer on the westerly side as well.

Mr. Stoughton said the Applicant's argument is not good enough because nothing in the regulations says it ceases to be a contiguous lot if you put a road next to it. He said this strains common sense and asked what the purpose of this regulation is. He said it's a reasonable expectation to provide the existing landowner with some comfort. Mr. Stoughton said if you're going to allow construction activity within 40 ft of their property there must be a border along the westerly and southerly side of the property.

Mr. Fitzgerald asked what the precedent is. He said he'd like to know how we manage adequate buffers for every other subdivision. He added that the regulations are talking about a lot and Mr. Stoughton is drawing an equivalency between a lot and road and asked what the basis of that is.

Mr. Stoughton said there will be activity on both and it won't make any difference to the landowner if it's a lot or a road.

Mr. Scott asked about Zoning and Mr. Goeschel said the Zoning Official says the proposal meets zoning code. Mr. Goeschel said the Town Attorney shares this opinion (Exhibit KKK) and it's an appealable decision to the Zoning Board of Appeals. He said it's not in the jurisdiction of the Planning Commission to interpret the zoning code.

Mr. Goeschel read Attorney Zamarka's letter (Exhibit KKK) into the record.

Mr. Stoughton said he asking what use the buffer is needed for.

Mr. Goeschel read Section 23.6B of the Zoning Regulations regarding buffers into the record. He said in his opinion this is outside the 100 ft upland review area and in his opinion the buffer can be waived. He said new construction is going to increase the value of the existing homes. He said in terms of the two front yards this is the first time he's seen this particular scenario.

Mr. Harris came forward to address this topic. He explained the purpose of the regulation was concern about having a more dense subdivision next to a 2 or 4 acre lot and if this was interpreted to include roads, you have to stop and consider how many subdivisions were approved in Town leaving a 50 ft road or access way for a road and what would happen; you would not be able to get into the back land because 40 ft of the 50 ft road would become a buffer and this is not what the regulation was intended to do, it was meant to protect lot from lot. He said Regulation 6-10-14 allows you to exact a buffer along a future road but shall not apply to a subdivision that shows a future road as in this case.

Mr. Scott called for public comment.

Alyssa Sheriff of 3 Frog Hollow came forward to read a written statement. She said the Wetlands Commission's purpose is to look at the plan strictly from an environmental standpoint and they decided there wasn't a more feasible and prudent alternative in regards to protecting the environment and they didn't say they wouldn't approve any alternative plans. Ms. Sheriff said relocating the road shouldn't warrant denial since safety should always take precedence over the environment. She said the Planning Commission should be looking at this from a planning perspective and not feel bound by the wetlands decision when safety is involved.

Nancy Barwikowski of 22 Green Valley Lakes Road came forward and said this is the first time she has spoken so she can be added to the 7 or 8 people Mr. Wren was referencing. She said she lives directly across from where the proposed property will be and her view will be a basin and will have headlights shining through her windows. Ms. Barwikowski said she is a retired nurse and she drove up and down Dean Road last weekend 25 times. She said not one car was parked on the road and not one pedestrian was seen so she asked how this proposed 24 ft road can have parking on it and be adequate. She said to figure it out and that people have more than one car and have company and 24 ft is not safe for parking on the street.

Craig Grimord of the Niantic Sportsmen's Club came forward and said he would like a note put on the plans that they shoot everyday from 9am. to dusk daily and that it also be one every % issued so it's a buyer beware situation. He briefly discussed a million dollar lawsuit the Club is still recovering from which they have no wish to repeat.

Deborah Diehl of 26 Green Valley Lakes Road came forward and pleaded with the Commission not to be railroaded into approving this application. She commented that money always wins and explained they have a facebook page with over 300 followers and not everyone can be here.

Ms. Diehl said having their properties identified on the Applicant's map by Mr. Wren feels like they're being singled out; it's threatening and very inappropriate and being used against them. She said she feels like they're nazis, her house is marked, and someone is going to come and follow her later and kill her because she spoke out.

Ms. Diehl said she is not sure why we are still here when the application was never signed and it should have been thrown out the window. She said this application is a safety issue and you can always hire someone who will say whatever you want. Ms. Diehl urged the Commission to deny the application because it wasn't signed, the safety concerns, the lack of buffer, and unfairness to the Lepkowski's.

Susan Beeman of 11 Green Valley Lakes Road came forward and pointed out that Exhibit M submitted on June 20th, 2018 included a series of letters beyond the 7 properties Mr. Wren says the public comment represent. She said they represent the neighborhood and she is intimidated being singled out on a map and spoke to the Town Attorney and asked him how they can protect themselves. She asked if it's a map for retribution and said it makes her hesitant to speak out in the future.

Harvey Beeman of 11 Green Valley Lakes Road came forward and said a number of items were left for the Town Attorney to address after the last meeting and he would like to hear those responses. He asked how a public hearing could possibly be closed when new information came in tonight and hasn't been reviewed. Mr. Beeman asked the Mr. Zamarka when open space is actually conveyed to the Town.

Mark Zamarka of Waller Smith and Palmer came forward to speak as Town Attorney and shared the following:

1. **ERT-** environmental reviews are no longer being done and haven't been done since 2013; you can't require something that is not possible.
2. **Signature-** the regulation does say "shall" but he would not like to be in court on a appeal for this application being rejected because of this one item; there is no question that we know who the owner is.
3. **Open Space-** Attorney Harris addressed this at length as well, the issue being whether the 50% open space requirement has been met. The 50% applies to the total area to be dedicated as open space and not a portion of it.

4. **Reducing the road width-** regulation 8-3-2 indicates the road shall be 28 ft. but you have the discretion to interpret your regulations as with all of your decision making all your findings have to be supported by sufficient evidence in the record.

Ms. Williams brought up the recommendation by Jeanne Davies to substitute a different agency and asked if they're not permitted to require this in lieu of the ERT. Mr. Zamarka responded that the regulations say it will be performed by the ERT.

In terms of the time open space is conveyed to the Town Mr. Zamarka directed the question to Mr. Goeschel. Mr. Goeschel explained that typically when mylars are filed on the Land Records in the Town Clerk's office, that occurs. He said as soon as the mylars are filed lots can be sold. He said he would suggest that a bond amount is needed for the road before we close the public hearing.

Mr. Scott asked how this would be determined and Mr. Harris said the bond can be based upon the recommendation of the Town Engineer.

Mr. Goeschel said the Commission needs to determine if they have enough material in the record to make a decision. He passed out an application tracker (attached) to help the Commission keep track of the submitted items and reminded the Commission that we're currently working under a time extension.

Mr. Goeschel recommended submitting the Subdivision Regulations as evidence for the record (Exhibit ZZZ). He noted Exhibit LLL1- the updated signed sheet of the application was submitted for the record and that the POCD will be Exhibit AAAA and the thumb drive will be Exhibit BBBB. Ms. Williams said she would like the Open Space Plan to be included in the record (Exhibit CCCC) and Mr. Goeschel added the correspondence from Jeanne Davies (Exhibit DDDD).

Brian Lepkowski, the Intervenor came forward to speak. He said he wanted to answer Mr. Fitzgerald's question and that there are no other subdivisions that have created a corner lot in this manner, that it's a unique situation. He said an apron on a map is not a road and there is not a single map in Town Hall that shows it's a road and if there had been he would have never put his house there.

Mr. Lepkowski said Mr. Harris described that the buffer was designed for subdivisions where the density was different and this is exactly what is happening here. He wants the Commission to know the open space has been regifted from the original subdivision and is not new space they've decided to donate out of the kindness of their hearts; it is also space they can't build on. He submitted the perceived open space map for the record (attached.)

Mr. Lepkowski said he wanted the Commission to be aware that Mr. Wren is also a licensed real estate agent and he finds that to be a bit conflicting since you should be on two separate sides. He said it feels like they're at a disadvantage because they're not professionals and don't do this everyday; they feel like they're making strong arguments to have them strictly overturned by a professional. Mr. Lepkowski said he knows this may not be relevant but he just wants the Commission to understand where they're coming from.

Mr. Harris came forward and said the following:

- In terms of the signature you make a finding of completeness and anyone can sign the application.
- With respect to the setback and nonconforming issue Mr. Wren showed you a cluster development 1997 map and required only a 20 ft setback from roads and therefore there is no nonconformity with the road that is coming through.
- You heard Bob Pfanner who designed the original subdivision say the apron is a road and was always intended as such.
- The Wetlands made a very specific finding and if they moved the road they would be unable to obtain a wetlands permit.
- They have no problem accommodating the Niantic Sportsmen's Club and they can also include that information in the covenants and restrictions.
- The Town ZEO approved the placement of the road in this location.
- He agrees with the Town Attorney about the buffer- its purpose is to separate large developments from more dense ones.

Joe Wren returned to speak and discussed the buffer. He said he is not here to seek someone out, he is a resident and father of four; he presented a factual piece of evidence, and is not trying to attack anyone.

Mr. Wren added the following:

- The parts of Dean Road that are comfortable are 24 ft. and the more dangerous parts are 18 ft.
- The houses are not 25 ft from the curb but 25 feet from the right of line and there is an additional 13 ft to the curb.
- He doesn't agree with the open space opinion supplied by the Town Attorney; we're giving the minimum plus additional land to preserve.
- If you read through your POCD and your open space requirements it specifically says to preserve sensitive areas and having areas contiguous to others. This can easily be modified to be combined with one of the proposed lots or given to an existing landowner.
- Sheet 10 & 11 show all the land areas of all the proposed lots and you'll see the lot behind Mr. Lepkowski's is larger than his and not more dense.

Mr. Wren said as for him being a real estate agent- obviously emotions are running high and he is not trying to hurt anyone. He pointed out that Mr. Fusari is also a licensed real estate agent. He added that no other design professional who participated in the public hearing presented their evidence on the big screen and in black and white.

The Commission and Mr. Zamarka had a general discussion regarding the interpretation of the regulations as it concerns open space. Mr. Goeschel said a literal interpretation of the regulations is required at present to be consistent but that going forward, they can be modified to better represent their intent. He said a solution to the open space percentages is to combine acreage with one of the lots- he said it doesn't make sense but he defers to council.

Motion (1)

Mr. Lynch moved to close the Planning Commission Public Hearing.

Mr. Fitzgerald seconded the motion.
Vote: 6-0-0, Motion passed.

Mr. Goeschel said they have 65 days to make a decision.

VII. Adjournment

Motion (2)

Mr. Lynch moved to adjourn the Planning Commission Meeting at 10:31 p.m.

Mr. Williams seconded the motion.

Vote: 6-0-0, Motion passed.

Respectfully Submitted,

Brooke Stevens,
Recording Secretary

Twin Valley - 23 Lot Re-Sub
 Planning as of August 8, 2018

Exhibit	Description	Date
A	Application of Real Estate Service of Conn, Inc for a 23 lot re-subdivision of land located on Spring Rock Road and Green Valley Lakes, East Lyme Assessor's Map 14, Lot 45, May 1, 2018	7/17/2018
B	Abutters List of May 1, 2018	7/17/2018
C	Planning referral to Wetlands dated May 7, 2018	7/17/2018
D	Notice of Public Hearing to Applicant sent dated May 29, 2018	7/17/2018
E	Legal Notice Recorded with Town Clerk June 11, 2018	7/17/2018
F	Legal Notice Published in the Day June 11, 2018	7/17/2018
G	Letter to Director of Planning from V Benni Town Engineer dated April 13 2018 (Initial plan review, items later addressed)	7/17/2018
H	Review and Comment of Chris Taylor, East Lyme Fire Marshal dated May 11, 2018	7/17/2018
I	Referral Response of Lower Conn River Valley COG May 11, 2018	7/17/2018
J	Referral Response of COG May 10, 2018	7/17/2018
K	Letter to Director of Planning from V Benni Town Engineer dated June 5 2018 in response to updated plans submitted May 1 2018	7/17/2018
L	Letter from LLHD recommending Site Suitability June 19, 2018	7/17/2018
M	Letters of opposition from neighbors	7/17/2018
N	Photograph of Subdivision Sign	7/17/2018
O	Certificates of Mailing	7/17/2018
P	Copy of Section III Green Valley Lakes Site Plan 1975	7/17/2018
Q	Copy of Section III Green Valley Lakes Site Plan 1982	7/17/2018
R	Copy of Section III Green Valley Lakes Site Plan 1995 Reapproval	7/17/2018
S	Judgement from Superior Court dated November 13, 1984	7/17/2018
T	Letter from Attorney Marrion to Planning January 31, 1986	7/17/2018
U	Previous Record	7/17/2018
V	Conventional Layout Yield Plan	7/17/2018
W	Nitrogen Analysis on Lots 11, 12 and 13 March 7, 2018	7/17/2018
X	Petition for Intervention for Brian Lepkowski	7/17/2018
Y	Letter to Wetlands and Planning from Steven Trinkaus June 24, 2018	7/17/2018

Twin Valley - 23 Lot Re-Sub
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Z	Resume of Steven Trinkaus	7/17/2018
AA	Request for Extension of Time to Continue Public Hearing	7/24/2018
BB	Letter from Harvey Beeman dated August 1, 2018 to Kirk Scott	8/7/2018
CC	David G Sullivan P.E. Associate Milone & Macbroom Traffic Evaluation dated August 3 2018	8/7/2018
DD	Applicants consent to Extension of Time to close public hearing dated August 7 2018	8/7/2018
EE	Environmental Comments of Steven Danzer, PhD & Associates LLC dated June 24 2018	8/7/2018
FF	Assessor's Map 62, showing Green Valley Lakes Sections	8/7/2018
GG	Foreclosure Deed to Liberty Bank of January 26 1981	8/7/2018
HH	Stipulation of Fact Rajko Maric Et Al v Town of East Lyme dated September 21 1984	8/7/2018
II	Brief of the Plaintiff Rajko Maric Summary of Facts Rajko Maric et al v Town of East Lyme dated October 22 1984	8/7/2018
JJ	Brief of Defendant Town of East Lyme Rajco Maric et al v Town of East Lyme dated October 22, 1984	8/7/2018
KK	Memo from East Lyme Fire Marshal dated July 18, 2017	8/7/2018
LL	Memo from East Lyme Director of Public Works to Planning Commission dated July 24, 2017	8/7/2018
MM	Planning Commission Regular and Public Hearing Minutes August 1, 2017	8/7/2018
NN	CV of David L. Spear, P.E.	8/7/2018
OO	Map of Green Valley Lakes Rd	8/7/2018
PP	Map of Intersection Sightline Plan and Profile dated March 31 2017 with blue and red pencil drawings of road changes	8/7/2018
QQ	Traffic Engineering Review Comments from DLS Traffic Engineering LLC, David L. Spear dated June 25, 2018	8/7/2018
RR	Traffic Plan and Aerial from Intervener's Traffic Engineer	8/7/2018
SS	Letter from Trinkaus Engineering, LLC to Planning and Wetlands dated June 24, 2018	8/7/2018

Twin Valley - 23 Lot Re-Sub
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TT	Letter from Trinkaus Engineering, LLC to Planning in response to comments dated August 6, 2018	8/7/2018
UU	Overall Site Development Plan Sheet 14 of 41 dated March 31, 2017	8/7/2018
VV	Letter of Kristen Chantrell, 13 Green Valley Lakes Rd dated August 2018	8/7/2018
WW	Letter of Alisa Sheriff, 3 Frog Hollow Road dated August 7 2018	8/7/2018
XX	Letter from Attorney Harris re Contiuation of Public Hearing on 9/10/18	9/10/2018
YY	Marie St Onge statement	9/10/2018
XX1	Email Correspondence from Gregory F Walwer, PhD, ACS Archeology	9/13/2018
YY1	Email ERT Request from Jeanne Davies, CT Resource Conservation and Development Area	10/2/2018
ZZ	Memo and Wetland Permit, Referral Response	10/2/2018
AAA	Memo from Attny Harris in support of Application	10/2/2018
BBB	Road width map/plan	10/2/2018
CCC	Conceptual Shared Driveways Plan Site Development Plan 3	10/2/2018
DDD	Old Lyme Regulations	10/2/2018
EEE	Waterford Regulations	10/2/2018
FFF	Lepkwoski Slide Show	10/2/2018
GGG	Site Line Plan Analysis	10/2/2018
HHH	Letter RE: Twin Valley From Steven Trinkaus	10/2/2018
III	Letter from Attorney Matt Berger	10/2/2018
JJJ	Letter from Brian Lepkowski	10/2/2018
KKK	Letter from Attorney Zamarka re road and vegetative buffer dated 5/15/17	10/2/2018

Twin Valley - 23 Lot Re-Sub
Planning as of August 8, 2018

LLL	Extension Request from Applicant	10/2/2018
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CONWAY STOUGHTON LLC

ATTORNEYS AT LAW

Paul H.D. Stoughton

pstoughton@conwaystoughton.com

October 9, 2018

Town of East Lyme
East Lyme Planning Commission
P. O. Box 519
Niantic, CT 06357
Attn. Mr. Kirk Scott, Chairman

Re: Twin Valley CDD Re-subdivision at Green Valley Lakes Road & Spring Rock Road; Real Estate Services of CT, Inc., Applicant/Frank & Rajko Maric Owners.

Dear Mr. Scott:

I write on behalf of my client, Brian A. Lepkowski, of 27 Green Valley Lakes Road. As you know, Mr. Lepkowski is an abutting property owner to the proposed re-subdivision referred to above, who has intervened pursuant to C.G.S. § 22a-19 of the Connecticut Environmental Protection Act with respect to the pending application for re-subdivision. My client has asked me to submit to you an opinion on the sole issue whether Section 23.5.B.1 of the East Lyme Zoning Regulations requires the applicant to provide a 40-foot buffer between the proposed re-subdivision and the western boundary of his property. The re-subdivision plans currently under consideration provide no such buffer.

The re-subdivision plans currently show two existing Lots on Green Valley Lakes Road abutting the proposed re-subdivision, including the property owned by my client. The plans include a forty (40) foot buffer between the southerly boundary lines of the two existing Lots and proposed Lot #1. The plans, however, do not include a forty (40) foot buffer between the westerly boundary line of Mr. Lepkowski's Lot and proposed Lots #23 and #24. Instead, the plans propose an access road twenty-four (24) feet wide between the westerly boundary line of the Lepkowski property and proposed Lots #23 and #24. The question presented is whether Section 23.5.B.1 of the East Lyme Zoning Regulations requires a forty (40) foot buffer between the Lepkowski property and proposed Lots #23 and #24. In my opinion, such a buffer is required under the Regulations.

Section 23.5.B.1 of the East Lyme Zoning Regulations provides:

1. A wooded or otherwise landscaped buffer shall be provided along the perimeter of the Conservation Design Development to Screen Development on the proposed lots from existing contiguous lots. The minimum width of the buffer shall be 40 feet, any portion of which may be either subdivision open space area or area contained within lots (e.g. conservation easement). Where variations in topography, natural features, or compatible land uses obviate the need for such a buffer, the Planning Commission may waive or reduce these requirements if

it can be shown that such a modification will further the purposes of the Conservation by Design Development. (emphasis added)

According to the plain meaning of the language used, in the absence of a showing of specific conditions that would obviate the need for a buffer, and thus permit a waiver or modification of this requirement, Section 23.5.B.1 requires a buffer of not less than 40 feet between the proposed lots and existing, contiguous lots. The requirement is mandatory, not discretionary.

By letter addressed to the Town Zoning Official and dated May 15, 2017, attorney Mark S. Zamarka, Esq. has opined that a 40-foot buffer is not required between the Lepkowski property and Lots #23 and #24, because there is an access road proposed between the Lepkowski property and Lots #23 and #24, and the regulation speaks of a buffer between existing contiguous lots and proposed lots in the development, not between existing lots and roads in the development. It is not clear whether Mr. Zamarka's reasoning is that the proposed access road would render the Lepkowski property something other than a "contiguous lot" within the meaning of the regulations, whether the proposed access road itself may be considered an adequate substitute buffer, or both. Neither explanation excuses the failure to provide the required 40-foot buffer, however.

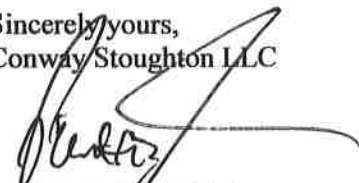
First, the proposed access road clearly cannot serve as a substitute for the required 40-foot buffer. It is only 24-feet in width, and more importantly, is itself part of the proposed re-subdivision. The buffer explicitly is intended to "Screen Development" from the existing contiguous lots. Obviously, the proposed access road will be traversed by construction and other vehicles both during construction and after, and this activity will occur less than 40-feet from the Lepkowski property.

Second, simply planning to place the proposed access road along the westerly boundary line of the Lepkowski property cannot change its character to something other than a contiguous lot within the meaning of the regulations. There is no hint in the language of the regulations themselves that this construction of the meaning of a "contiguous lot" was intended. If it was, it would be a simple matter for anyone to avoid the 40-foot buffer requirement simply by providing a road, an easement, a right of way, a bike path, or any other use or restriction wherever it might prove inconvenient to provide the required buffer, and claim that the properties abutting the proposed development are no longer "contiguous lots" solely by virtue of the plan features that do not meet the definition of a lot. This Commission must not interpret its own regulations in ways that may encourage others to easily avoid complying with them.

Finally, the absence of a 40-foot buffer along the westerly boundary of the Lepkowski property violates not only the letter of Section 23.5.B.1, but also its spirit. I submit that if this Commission were to permit new development construction activities to occur within 40-feet of existing property owners, it will make little difference to them whether those activities are performed on a lot or on a road. Yet that is precisely what will happen if this plan is approved. Even if this Commission is persuaded that a lot is not a road within the meaning of the regulations, that is a distinction without a difference. The fact remains, proposed Lots #24 and #23 currently are planned to be built less than 40-feet from the Lepkowski property line, with no buffer between them except a 24 -foot access road. This feature of the plans is a clear violation of Section 23.5. B.1.

For the foregoing reasons, it is my opinion that Section 23.5.B.1 of the East Lyme Zoning Regulations requires the applicant to provide a 40-foot buffer between the proposed re-subdivision and the western boundary of Mr. Lepkowski's property.

Sincerely yours,
Conway Stoughton LLC



Paul H. D. Stoughton

Matthew G. Berger ATTORNEY AT LAW, LLC

**164 Hempstead Street
New London, CT 06320-3654**

**(860) 444-1649
F(860) 437-0864**

October 9, 2018

Mr. Kirk Scott, Chair
Town of East Lyme Planning Commission
108 Pennsylvania Avenue
Niantic, CT 06357

**RE: Twin Valley CDD Re-subdivision at Green Valley Lakes Road & Spring
Rock Road; Real Estate Services of CT, Inc., Applicant/Frank & Rajko Maric
Owners,**

Dear Mr. Scott:

I represent Brian A. Lepkowski of 27 Green Valley Lakes Road, an abutting property owner to the proposed re-subdivision, and an environmental intervenor in this hearing pursuant to C.G.S. § 22a-19 of the Connecticut Environmental Protection Act, and am writing you regarding the application for resubdivision.

Your decision with regard to the resubdivision is governed by G.G.S. § 8-26 and the Zoning and Subdivision Regulations of the Town of East Lyme. The Zoning regulations of East Lyme, in the Jurisdiction section, state: "No lot or land shall be subdivided, conveyed or encumbered so as (1) To make said lot or land nonconforming or more nonconforming to these regulations, (2) To make any use, building or structure nonconforming or more nonconforming, (3) To reduce any setback, yard, open space, or off-street parking and loading or (4) To make a nonconforming setback, yard, open space or off-street parking and loading more nonconforming." Section 21 of the Zoning Regulations contains numerous restrictions to prevent the creation or expansion of a nonconforming use. Regulation 21.1 states "A non-conforming use shall not be enlarged or extended."

Here, Mr. Lepkowski's property is in the R-40 district, and is 30' from the side property line. Permitting the proposed subdivision will create a nonconformity on Mr. Lepkowski's side yard set-back pursuant to Regulation 5.3.3, which provides:

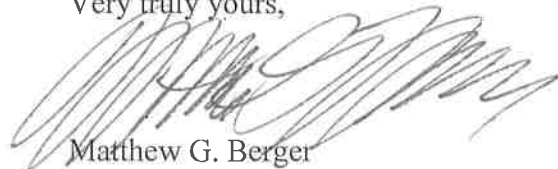
5.3.3 SETBACK - No building or structure shall be placed on a lot less than 50 feet from the street line or 30 feet from any other property line except that in the case of an individual lot which was set off under an officially approved subdivision in the former R-20 District, no building or structure shall be placed less than 40 feet from any street line or 20 feet from any other property line. Included within the scope of this exception is any lot of record which was legally established prior to November 1, 1973, and which falls within the boundaries of an area bearing the dual designation of "RU-40" and "R-20" on the official Zoning Map of East Lyme.

In addition, Regulation 23.5 A requires a 50' setback along the perimeter of a CDD Development.

As a general matter, "[z]oning regulations . . . seek the elimination of nonconforming uses, not their creation or enlargement. . . . [T]he accepted policy of zoning . . . is to prevent the extension of nonconforming uses . . . and that it is the indisputable goal of zoning to reduce nonconforming to conforming uses with all the speed justice will tolerate..." Verrillo v. Zoning Bd. of Appeals of Branford, 155 Conn. App. 657, 683(2015). A subdivision that creates a nonconformity is a self-created hardship and is "therefore, not a sufficient reason to depart from the zoning regulations." Dupont v. Zoning Bd. of Appeals, 80 Conn. App. 327, 331-332 (2003), see also Aitken v. Zoning Board of Appeals, 18 Conn. App. 195, 206 (1989) (both cases involved an owner seeking a variance to be able to subdivide their own property into two lots). Here, the application creates a nonconformity, on Mr. Lepkowski's land, and therefore the application should be denied.

For the foregoing reasons, as well as those set forth by Mr. Lepkowski and his experts, and set forth in my letter submitted to you of October 2, 2018, the application should be denied.

Very truly yours,



Matthew G. Berger
matthew.berger@sbcglobal.net

MGB/dtm

JURISDICTION:

Within the Town of East Lyme, no land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these regulations. No lot or land shall be subdivided, conveyed or encumbered so as (1) To make said lot or land nonconforming or more nonconforming to these regulations, (2) To make any use, building or structure nonconforming or more nonconforming, (3) To reduce any setback, yard, open space, or off-street parking and loading or (4) To make a nonconforming setback, yard, open space or off-street parking and loading more nonconforming.

Any use, building or other structure or any lot which existed lawfully, by variance or otherwise, on the date these regulations or any amendment hereto became effective, and fails to conform to one or more of the provisions of these regulations or such amendment hereto may be continued subject to the provisions and limitations of Section 21.

ADOPTED: May 4, 1954

AS AMENDED THROUGH:

Effective Date: May 25, 2018

Printed: May 25, 2018

SECTION 21

NONCONFORMING USES, BUILDINGS AND LOTS

21.1 NONCONFORMING USES AND BUILDINGS - Any lawful use of a building or land existing at the effective date of these regulations, or any amendment thereto may be continued subject to the following conditions:

21.1.1 A non-conforming use shall not be enlarged or extended. Excluded from this prohibition is: (1) The extended (including year-round) occupancy of a nonconforming seasonal dwelling whose only deficiencies relate to the "open space" requirements specified for the district in which it is situated; and (2) The winterization, refurbishment, and/or remodeling of such dwelling within its existing perimeter. The exclusion does not apply to: (1) The physical extension or enlargement of a nonconforming dwelling; nor (2) The prolongation of the period of occupancy of any building for a purpose not specified under the "permitted uses" of the relevant district.

21.1.2 A nonconforming use which ceases for any reason for a continuous period of more than one year, or is changed to a conforming use, shall not thereafter resume.

21.1.3 If any nonconforming building or building non-conforming in use shall be destroyed by any means the building or use may be restored provided that such restoration is started within a period of one year from the date of such construction and is diligently pursued.

21.1.4 NONCONFORMING LOTS - Nothing in the East Lyme Zoning Regulations shall prevent the construction of a permitted building or a permitted use of a lot which prior to the adoption of the regulations or any additions or changes thereto, and continuously thereafter, was established as a separate lot by deed or approved subdivision plan recorded in the land records of the Town.

21.1.5 No nonconforming dwelling shall be enlarged or extended unless the enlargement or extension conforms to the requirements of the district in which it is situated.

EXCLUDED FROM THIS PROHIBITION ARE:

- A. Additions of a second story to one-story single family dwellings.
- B. Conversions of single-family one-and-one-half story dwellings to two-story dwellings, either by means of dormers or upward extensions of existing sidewalls.
- C. Conversions to two stories of one-story appendages to two-story single-family dwellings.

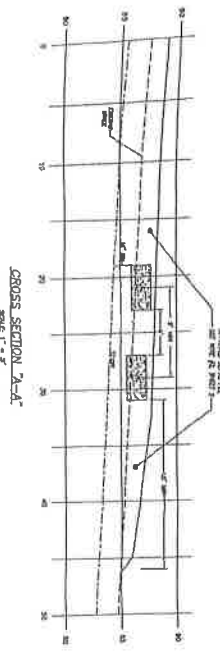
5.3 DIMENSIONAL REQUIREMENTS

- 5.3.1 LOT SIZE- Within the RU-40 District, no lot shall be less than 40,000 square feet in area.
- 5.3.2 FRONTAGE- Each lot shall have not less than 150 ft. of frontage unless the lot is located on the half circle of a cul-de-sac where a 75-foot frontage will be allowed. There may be a maximum of four lots with a 75 ft. frontage on the half-circle.
- 5.3.3 SETBACK - No building or structure shall be placed on a lot less than 50 feet from the street line or 30 feet from any other property line except that in the case of an individual lot which was set off under an officially approved subdivision in the former R-20 District, no building or structure shall be placed less than 40 feet from any street line or 20 feet from any other property line. Included within the scope of this exception is any lot of record which was legally established prior to November 1, 1973, and which falls within the boundaries of an area bearing the dual designation of "RU-40" and "R-20" on the official Zoning Map of East Lyme.
- 5.3.4 COVERAGE - The total lot coverage of all buildings and structures on a lot shall not exceed 15 percent of the lot area. Except in the case of special circumstances defined in Section 4.3.3, the allowable coverage is 20 percent for RU-40/ R-20 lots.
- 5.3.5 HEIGHT - No Building or structure shall exceed 30 feet in height.

*for residential subdivisions see Section 23 Conservation Design Development

- 23.3 The Planning Commission may require Conservation Subdivision by Design for subdivisions of any parcel of land less than 10 acres or a subdivision of less than 4 lots upon finding that such development will further the objectives specified in Section 23.1.
- 23.4 PROCEDURE - Applicants for Conservation Design Development shall submit proposed plans in conformance with the application procedures of the East Lyme Subdivision Regulations.
- 23.5 DEVELOPMENT STANDARDS AND CONTROLS
- A. Lots approved under this section shall meet the following minimum dimensional requirements:

FRONT YARD SETBACK (MINIMUM)	10'
REAR YARD SETBACK (MINIMUM)	30'
REAR YARD SETBACK (when along perimeter of CDD Dev)	50'
SIDE YARD SETBACK (MINIMUM)	15'
<u>SIDE YARD SETBACK (when along perimeter of a CDD Dev)</u>	50'
LOT COVERAGE (MAXIMUM)	25%
BUILDING SETBACK TO WETLANDS/WATERCOURSES**	100'

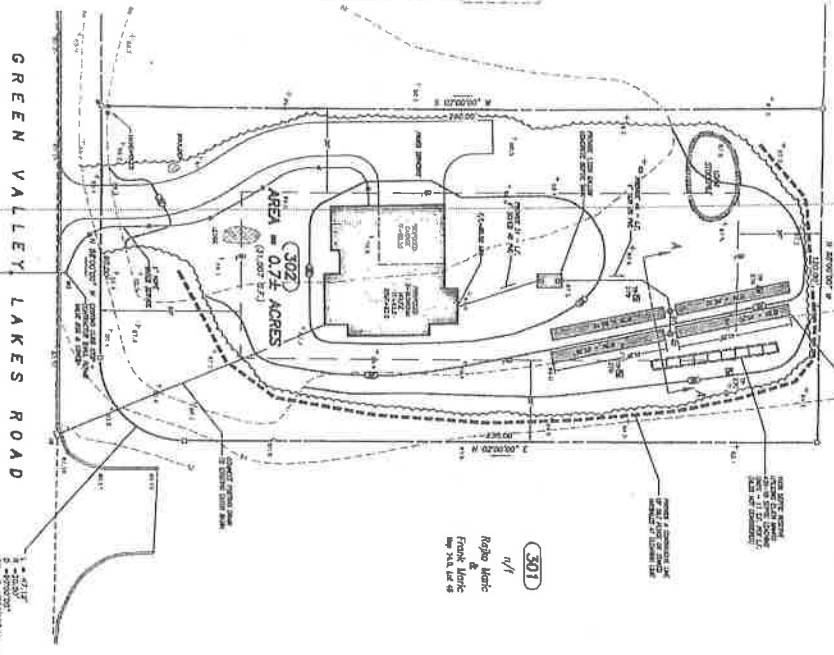
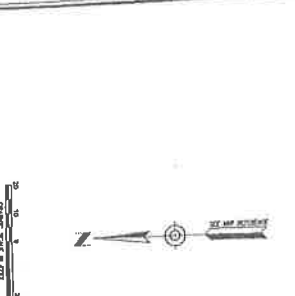
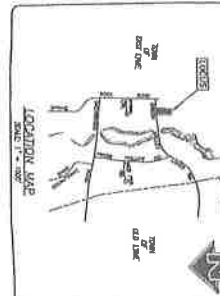


301
Right Hand
Front Lot
By Plat No. 49

301
Right Hand
Front Lot
By Plat No. 49

SEPTIC SYSTEM DESIGN DATA

Population Index	7 ind. / 1/4
3 bed room house (night)	485 gal. effective loading area
Effective Loading Area	3 1/2' / 12' of trench
Length Required	480' / 3 = 160' U.L.
Length Provided	4 (300') = 120' U.L.
Discharge System Spread	34' x 13.5' x 12' = 512'
U.L.S. Provided	825'
LOADING, U.L.S.D.	
4 Trenches @ 112.00 U.L. each	
	4 Trenches @ 112.00 U.L. each = 7' (24" radius) (40')



THIS TABLE SHOWS, March 22, 2013
GENERAL LOCATION SURVEY
SERVIC SYSTEM DESIGN PLAN - LOT 308

LINE NO.	DESCRIPTION	BEARING	DISTANCE
274	From Station 273+00 to Station 274+00	S 89° 15' 00" W	100.00
275	From Station 274+00 to Station 275+00	S 89° 15' 00" W	100.00
276	From Station 275+00 to Station 276+00	S 89° 15' 00" W	100.00
277	From Station 276+00 to Station 277+00	S 89° 15' 00" W	100.00
278	From Station 277+00 to Station 278+00	S 89° 15' 00" W	100.00
279	From Station 278+00 to Station 279+00	S 89° 15' 00" W	100.00
280	From Station 279+00 to Station 280+00	S 89° 15' 00" W	100.00
281	From Station 280+00 to Station 281+00	S 89° 15' 00" W	100.00
282	From Station 281+00 to Station 282+00	S 89° 15' 00" W	100.00
283	From Station 282+00 to Station 283+00	S 89° 15' 00" W	100.00
284	From Station 283+00 to Station 284+00	S 89° 15' 00" W	100.00
285	From Station 284+00 to Station 285+00	S 89° 15' 00" W	100.00
286	From Station 285+00 to Station 286+00	S 89° 15' 00" W	100.00
287	From Station 286+00 to Station 287+00	S 89° 15' 00" W	100.00
288	From Station 287+00 to Station 288+00	S 89° 15' 00" W	100.00
289	From Station 288+00 to Station 289+00	S 89° 15' 00" W	100.00
290	From Station 289+00 to Station 290+00	S 89° 15' 00" W	100.00
291	From Station 290+00 to Station 291+00	S 89° 15' 00" W	100.00
292	From Station 291+00 to Station 292+00	S 89° 15' 00" W	100.00
293	From Station 292+00 to Station 293+00	S 89° 15' 00" W	100.00
294	From Station 293+00 to Station 294+00	S 89° 15' 00" W	100.00
295	From Station 294+00 to Station 295+00	S 89° 15' 00" W	100.00
296	From Station 295+00 to Station 296+00	S 89° 15' 00" W	100.00
297	From Station 296+00 to Station 297+00	S 89° 15' 00" W	100.00
298	From Station 297+00 to Station 298+00	S 89° 15' 00" W	100.00
299	From Station 298+00 to Station 299+00	S 89° 15' 00" W	100.00
300	From Station 299+00 to Station 300+00	S 89° 15' 00" W	100.00

NOTES

- The survey has been performed pursuant to the requirements of the Connecticut State Board of Survey and Mapping, and the Connecticut State Board of Land Surveyors, Inc. on September 22, 2013.
- The map was prepared from a survey conducted on the site on September 22, 2013.
- The map is a true and correct representation of the site as surveyed.
- The map is subject to the provisions of the Connecticut State Board of Land Surveyors, Inc. on September 22, 2013.
- The map is subject to the provisions of the Connecticut State Board of Survey and Mapping, and the Connecticut State Board of Land Surveyors, Inc. on September 22, 2013.
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MAP REFERENCES

1. Plat No. 49 - Green Valley Lakes Road, Section 2, Town of Shelton, Connecticut, dated 12/17/1984.

2. Plat No. 50 - Green Valley Lakes Road, Section 2, Town of Shelton, Connecticut, dated 12/17/1984.

3. Plat No. 51 - Green Valley Lakes Road, Section 2, Town of Shelton, Connecticut, dated 12/17/1984.

4. Plat No. 52 - Green Valley Lakes Road, Section 2, Town of Shelton, Connecticut, dated 12/17/1984.

5. Plat No. 53 - Green Valley Lakes Road, Section 2, Town of Shelton, Connecticut, dated 12/17/1984.

6. Plat No. 54 - Green Valley Lakes Road, Section 2, Town of Shelton, Connecticut, dated 12/17/1984.

7. Plat No. 55 - Green Valley Lakes Road, Section 2, Town of Shelton, Connecticut, dated 12/17/1984.

8. Plat No. 56 - Green Valley Lakes Road, Section 2, Town of Shelton, Connecticut, dated 12/17/1984.

9. Plat No. 57 - Green Valley Lakes Road, Section 2, Town of Shelton, Connecticut, dated 12/17/1984.

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27. Plat No. 75 - Green Valley Lakes Road, Section 2, Town of Shelton, Connecticut, dated 12/17/1984.

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51. Plat No. 99 - Green Valley Lakes Road, Section 2, Town of Shelton, Connecticut, dated 12/17/1984.

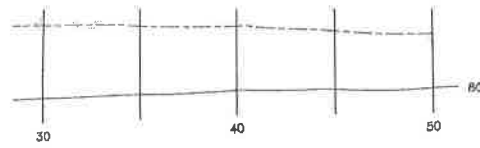
52. Plat No. 100 - Green Valley Lakes Road, Section 2, Town of Shelton, Connecticut, dated 12/17/1984.

- LEGEND
- F.F. FINISHED FLOOR
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 - 1 FINISHED FLOOR
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DAVID REAGAN
27 GREEN VALLEY LAKES ROAD
SHELTON, CONNECTICUT 06484

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27 GREEN VALLEY LAKES ROAD
SHELTON, CONNECTICUT 06484

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27 GREEN VALLEY LAKES ROAD
SHELTON, CONNECTICUT 06484



"A-A"

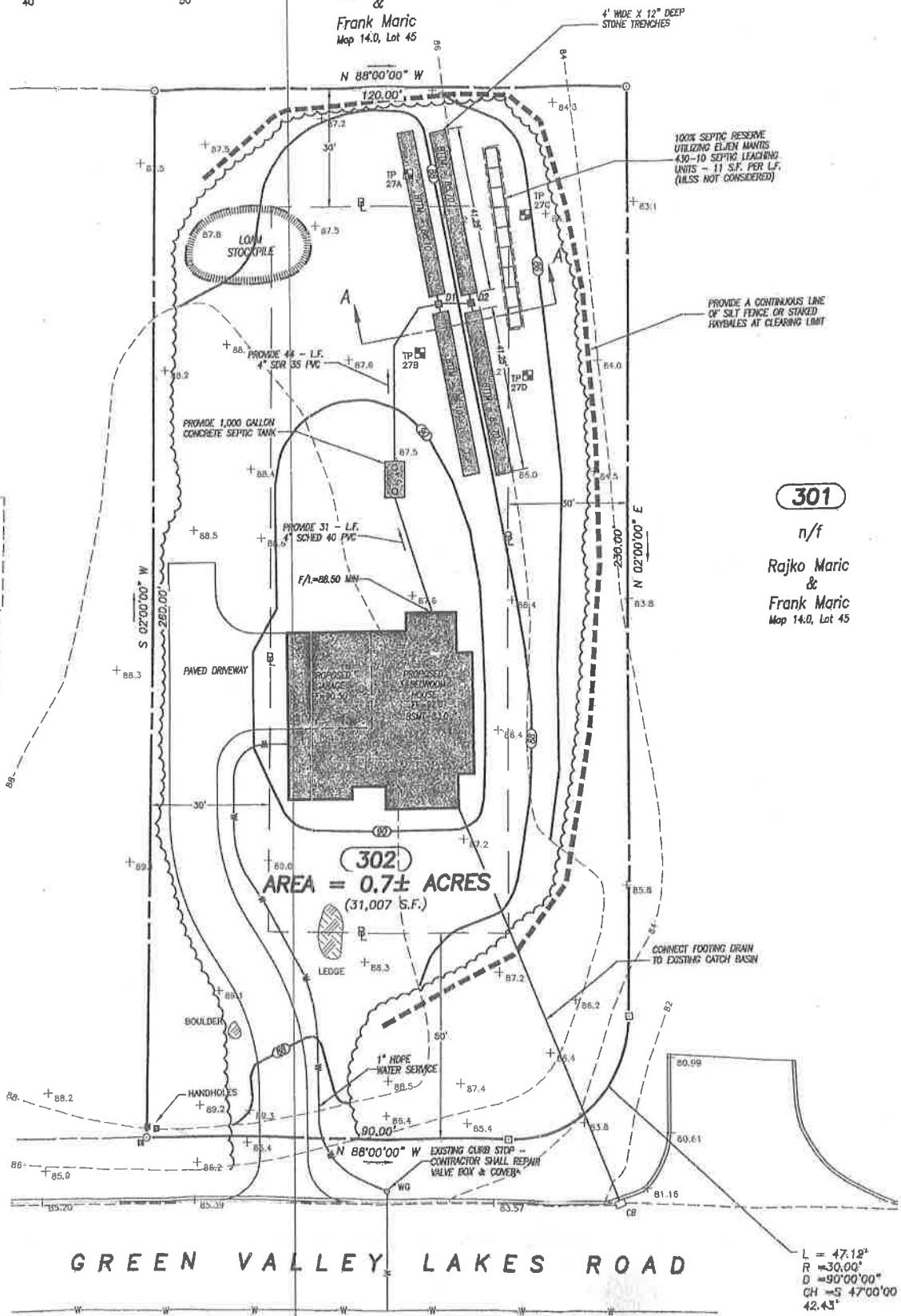
(301)

n/f

Rajko Maric
&
Frank Maric
Map 14.0, Lot 45

(303)

EXISTING HOUSE
(UNDER CONSTRUCTION)



100% SEPTIC RESERVE
UTILIZING ELIEN HANITS
430-10 SEPTIC LEACHING
UNITS - 11 S.F. PER L.F.
(UNLESS NOT CONSIDERED)

PROVIDE A CONTINUOUS LINE
OF SILT FENCE OR STAKED
HYDRALES AT CLEARING LIMIT

(301)

n/f

Rajko Maric
&
Frank Maric
Map 14.0, Lot 45

(302)
AREA = 0.7± ACRES
(31,007 S.F.)

CONNECT FOOTING DRAIN
TO EXISTING CATCH BASIN

GREEN VALLEY LAKES ROAD

L = 47.12'
R = 30.00'
D = 90°00'00"
CH = S 47°00'00"
42.43'

Measure

Length: 29 Ft

Area:

FI/SqFT

27 GREEN VALLEY LKS

LEPKOWSKI BRIAN & DIANE

Parcel_ID: 14.0 84 [View Details](#)

GREEN VALLEY LAKES ROAD
Green Valley Lakes Rd

Green Valley Lake Rd

Green Valley Lake Rd

90.00

128.02

90.00

47.78

84

230.00

70 AC

Double-click to complete

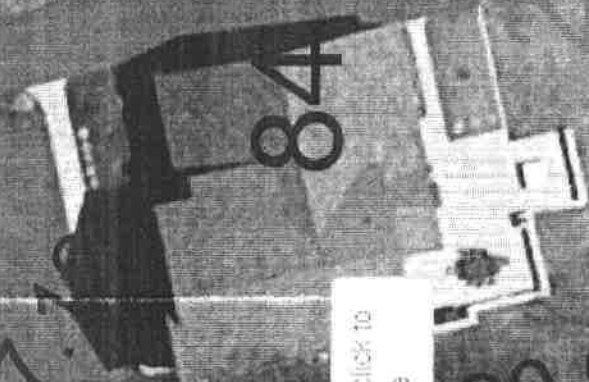
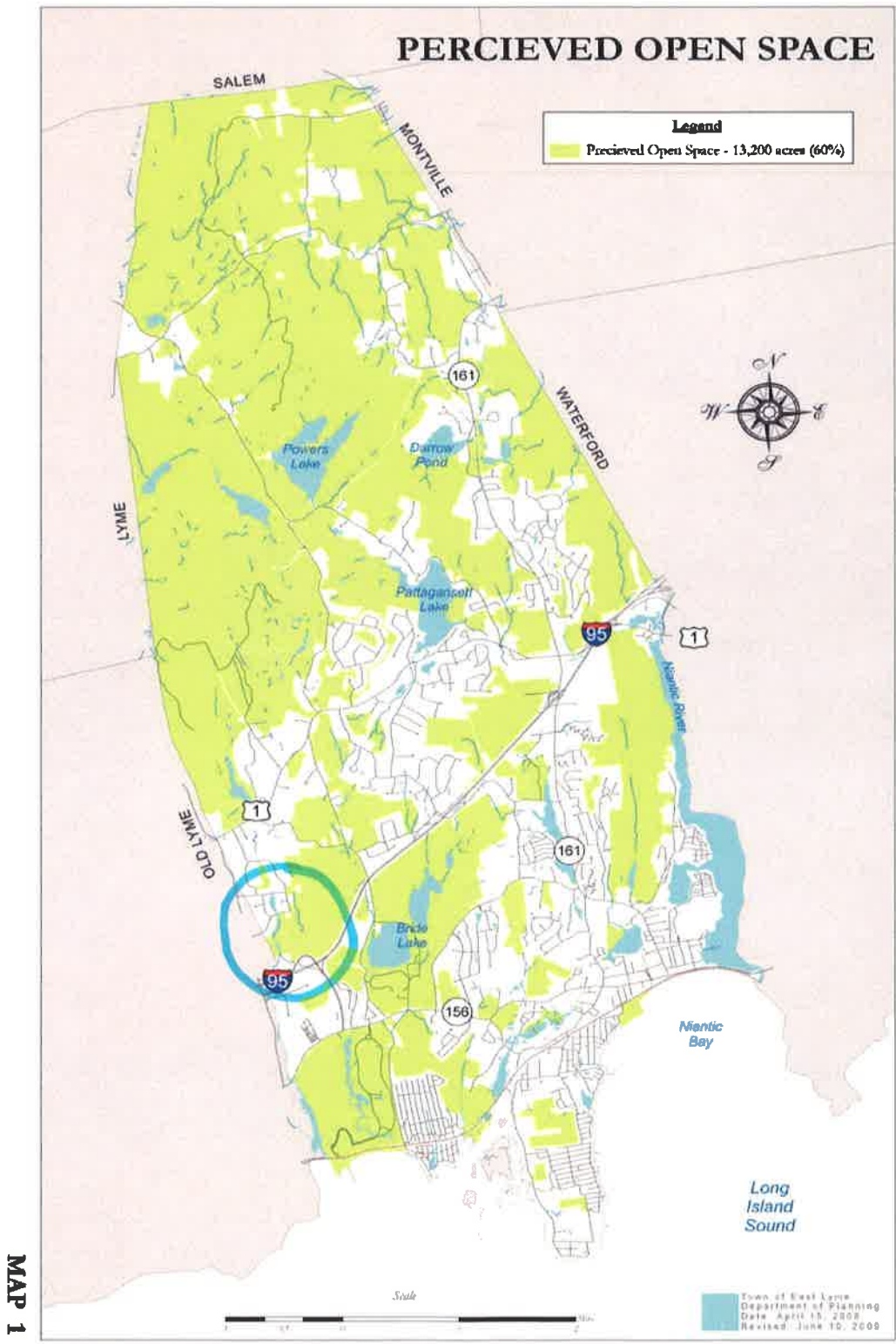


FIGURE 19 - PERCEIVED OPEN SPACE

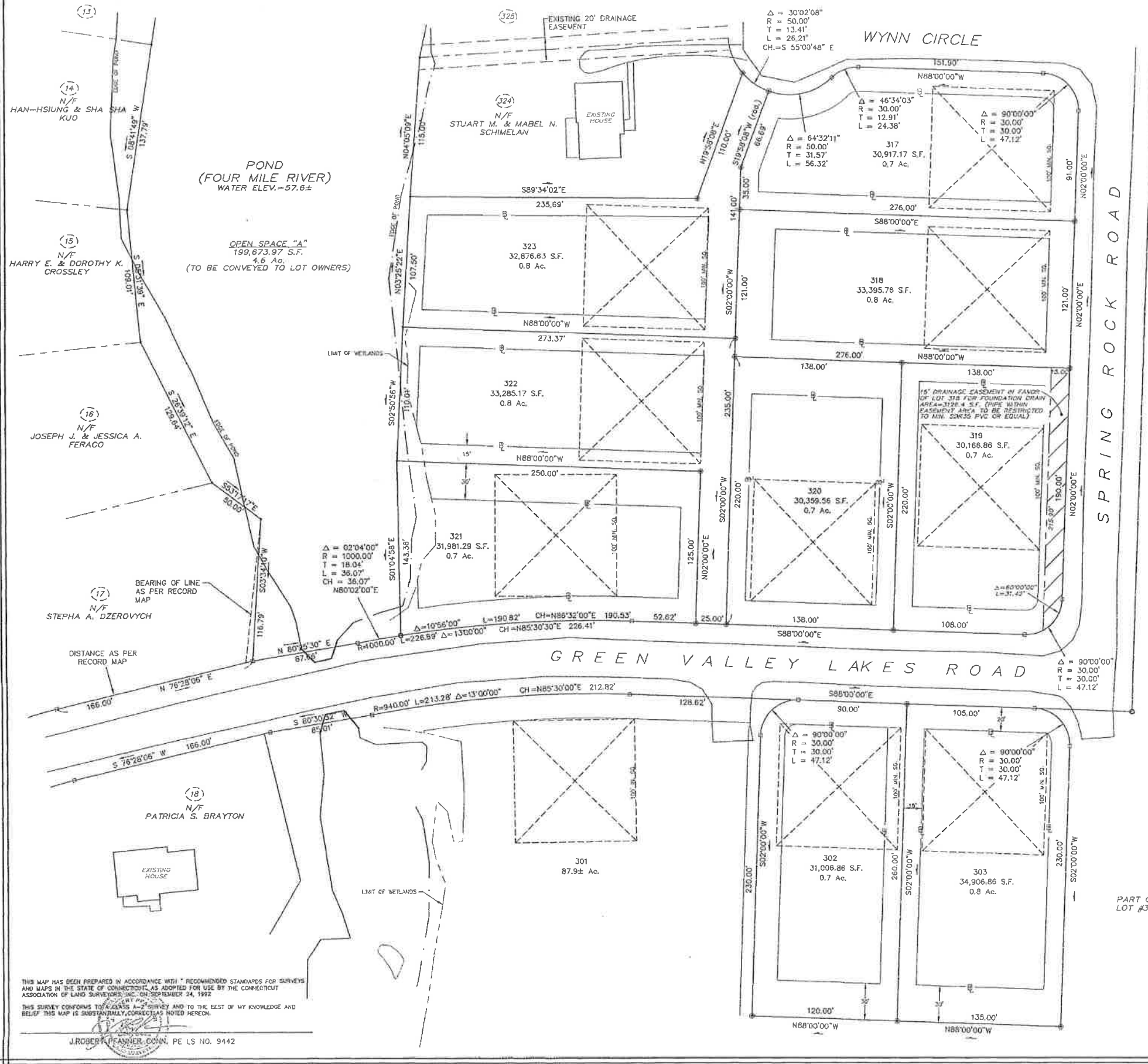


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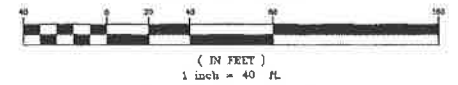


EAST LYME PLANNING COMMISSION
 APPROVED *Alice Johnson*
 DATE *March 18, 1997*
 FILING DEADLINE *June 17, 1997*
 YEAR EXPIRATION DATE *N/A*

NO.	DATE	DESCRIPTION	BY
3	3-19-97	OPEN SPACE "A" IDENTIFIED	JB
2	1-10-97	EASEMENT NOTE ON LOT 319 REVISED	JB
1	12-23-96	LOT 301 REVISED	JB

James L. ...
 Town Clerk's Office

LOT LAYOUT
SECTION 3
GREEN VALLEY LAKES RESUBDIVISION
 SPRING ROCK ROAD, OVERBROOK ROAD
 & GREEN VALLEY LAKES ROAD
 EAST LYME, CONNECTICUT



NOVEMBER 6, 1996
 SHEET 2 OF 10

Original Job Drawing
 Produced in Accordance With
 State Filing Regulations
 J. Robert Pfanner PE, LS #2422

J. ROBERT PFANNER & ASSOCIATES P.C.
 LAND SURVEYING & CIVIL ENGINEERING
 37 GRAND STREET • NIAN TIC, CT • (860) 739-6216

THIS MAP HAS BEEN PREPARED IN ACCORDANCE WITH THE RECOMMENDED STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT AS ADOPTED FOR USE BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 24, 1992.
 THIS SURVEY CONFORMS TO CLASS A-2 SURVEY AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.
 J. ROBERT PFANNER, DOWNS, PE, LS NO. 9442

Application Tracker

Application Number	Applicant Name	Project Name	Date Submitted	Date of Receipt	1st Legal Notice	2nd Legal Notice	P.H. Scheduled	P.H. Opened	P.H. Closed	Date of Decision	Ext. Time	P.H. Closed w/Ext	Date of Dec.w/Ext.	NOTES	Decision Date of Publication	90-Day Expiration to file Mylars	1st 90-Day Ext. to file Mylars	2nd 90-Day Ext. to file Mylars
SUB/ RESUBDIVISIONS																		
26 Industrial Park Road	J. Robert Pfanner, Sr.	26 Industrial Park Road	10/14/2014	10/21/2014	11/20/2014	11/28/2014	12/2/2014	12/2/2014	12/16/2014	12/16/2014	65			APPROVED	12/22/2014	3/16/2015		3/14/2020
233 Upper Pattagansett Road	Pazz Construction	233 Upper Patt	1/29/2014	2/4/2014	2/7/2014	2/14/2014	2/18/2014	3/4/2014	3/18/2014	5/20/2014	51			APPROVED		8/18/2014	11/16/2014	2/14/2015
2 Old Black Point Road	Bonnelli/Nebeling		5/23/2012	6/5/2012	5/25/2012	6/1/2012	6/5/2012	6/5/2012	6/5/2012	6/5/2012	65		9/3/2012	APPROVED		9/3/2012	12/2/2012	
249 Upper Pattagansett Road	Pazz Construction		3/19/2013	3/19/2013	4/4/2013	4/12/2013	4/16/2013	4/16/2013	5/21/2013	5/7/2013	65			APPROVED				
GPF Flanders Plaza	Ted Harris	CVS Resubdivision	7/1/2013	7/31/2013			8/6/13	8/6/2013	9/3/2013	9/3/2013	65			APPROVED		12/2/2013		
21 Upper Walnut Hill Road	Roger Dawson	21 Upper Walnut Hill Rd		4/21/2015			5/19/14	5/19/2015	6/23/2015	8/27/2015	65			Withdrawn				
21 Upper Walnut Hill Road	Roger Dawson	21 Upper Walnut Hill Rd	6/2/2015	6/2/2015	6/25/2015	7/3/2015	7/7/15	7/7/2015	8/4/2015	9/1/2015	65			APPROVED		11/30/2015	2/28/2016	5/28/2016
22 Gurley Road	Wayne Frasier	22 Gurley Road		8/4/2015	8/20/2015	8/28/2015	9/1/15	9/1/2015	9/15/2015	9/15/2015	65			APPROVED		12/14/2015	3/13/2016	6/11/2016
24 Darrows Ridge	Jason Pazzalgia	24 Darrow Ridge		9/6/2016	9/22/2016	9/30/2016	10/4/16	10/4/2016	12/6/2016	1/10/2017	2	12/6/2016		APPROVED	1/17/2017	4/10/2017	7/9/2017	10/7/2017
Green Valley Lakes	Bob Fussari	Twin Valley Phase IV	6/6/2017	6/6/2017			7/11/2017				65		Withdrawn	Withdrawn	Withdrawn	Withdrawn	Withdrawn	Withdrawn
197 Upper Patt	A. Torrance	197 Upper Patt	6/1/2017	6/6/2017	6/29/17	7/7/17	7/11/2017	7/11/2017	8/15/2017	9/5/2017	65			APPROVED	9/8/2017	12/4/2017		
Green Valley Lakes		Twin Valley	5/1/2018	5/1/2018	6/14/18	6/22/18	6/26/2018	6/26/2018	8/30/2018	11/3/2018	25	10/9/2018	12/13/2018					
Application Number	Applicant Name	Project Name	Date Submitted	Date of Receipt	1st Legal Notice	2nd Legal Notice	P.H. Scheduled	P.H. Opened	1/0/1900	Date of Decision	Ext. Time	P.H. Closed w/Ext	Date of Dec.w/Ext.					
WETLAND APPS.																		
168 W.Main Street	To Design LLC	Henny Penny	2/4/2013	3/11/2013	n/A	n/A	n/A	n/A	n/A	4/15/2013			4/8/2013	Approved				
East Society/Ancient Hwy	Gateway Dev. EL, LLC	Gateway	2/25/2013	3/4/2013	3/27/13	4/4/13	4/8/13	4/8/13	5/13/2013	7/17/2013	64	5/14/2013	7/18/2013	Approved				
Grassy Hill Rd	Don Adams	Adams	4/1/2013	4/8/2013	4/26/13	5/3/13	5/6/13	5/6/13	6/10/2013	7/10/2013			5/6/2013	Approved				
Upper Nehantic Pond	Giants Neck Beach Assoc	Mamacock Rd	4/2/2013	4/8/2013	4/26/13	5/3/13	5/8/13	5/8/2013	6/12/2013	7/12/2013				Approved				
	Chapman Wodds	Determination of non-regulated activity, Chapman Woods	7/25/2013	8/5/2013	n/A	n/A	n/A	n/A	n/A	8/5/2013				Decision Rendered				
157 W. Main Street	Bill Heenan	Heritage Properties	10/30/2013	11/4/2013	n/A	n/A	n/A	n/A	n/A	1/8/2014	65							
233 Upper Pattagansett Road	Pazz Construction	233 Upper Patt		1/13/2014	n/A	n/A	n/A	n/A	n/A	3/19/2014	65			Tabled until 3/10/14				
5 Liberty Way	Wave Construction Group, LLC	5 Liberty Way	11/4/2014	11/10/2014	11/28/14	12/5/14	12/8/2014	12/8/2014	12/8/2014	12/8/2014	65			Approved				
26 Industrial Park Road	J. Robert Pfanner, Sr.	26 Industrial Park Road	10/14/2014	11/10/2014	n/A	n/A	n/A	n/A	n/A	11/10/2014	65			No Permit Required				
57 Walnut Hill Road	John Bialowans, Jr.	57 Walnut Hill Rd.	12/1/2014	12/8/2014	n/A	n/A	n/A	n/A	n/A	1/12/2015	65			Approved				
11 Industrial Park RD	CLA Eng./Norwich Orthopedic	11 Industrial Park RD	1/23/2015	2/9/2015						4/15/2015				Approved				
67 Plants Dam Road			2/27/2015	2/9/2015						4/15/2015				Approved				
20 Woodland Drive			3/5/2015	2/9/2015						4/15/2015				Approved				
21 Upper Walnut Hill Road	Roger Dawson	21 Upper Walnut Hill Rd	4/13/2015	4/13/2015	4/22/15	4/30/15	5/4/2015	6/8/2015	7/13/2015	9/16/2015	65							
24 Darrows Ridge	Jason Pazzalgia	24 Darrow Ridge									65							
Grassy Hill and Farm Meadow Rd	Theodore A. Harris, Esq	Walnut Hill Chase, LLC	2/3/2017	2/13/2017							65							
41 Walnut Hill Rd	Town of East Lyme	Mattos Embankment	2/3/2017	2/13/2017							65							
Walnut Hill Rd (across from #93)	Town of East Lyme	Walnut Hill Retaining Wall	2/3/2017	2/13/2017							65							
Giants Neck Heights Lower Pond	GNIC	GNBIC, Inc. Hydro-raking		3/13/2017	4/21/17	4/27/17	5/1/2017	6/12/2017	6/12/2017	7/10/2017	65			Approved				
283 Boston Post Road	Jason Pazzalgia	283 Boston Post Road	3/7/2017	3/13/2017			5/17/2017	6/12/2017	6/12/2017	7/10/2017	65			Approved				
Green Valley Lakes	Bob Fussari	Twin Valley Lakes Phase IV	3/31/2017	4/17/2017	4/19/17	4/27/17	6/21/2017	6/12/2017	7/17/2017	8/21/2017	57	7/24/2017	8/28/2017	Denied				
Green Valley Lakes	Rob Fussari	Twin Valley Lakes Phase IV	3/12/2018	3/12/2018			6/25/2018	6/25/2018	8/29/2018	9/17/2018	45	9/17/2018	9/17/2018	Approved				
Application Number	Applicant Name	Project Name	Date Submitted	Date of Receipt	1st Legal Notice	2nd Legal Notice	P.H. Scheduled	P.H. Opened	P.H. Closed	Date of Decision	Ext. Time	P.H. Closed w/Ext.	Date of Dec.w/Ext.					
MODIFICATIONS																		
		Orchards	7/28/2017	10/1/2017														