

MEMORANDUM

TO: Gary Goeschel, East Lyme Town Planner
cc: Jen Lindo
Paul Geraghty, Esq.

FROM: Kristen Clarke, PE

DATE: July 24, 2020

RE: Re-Subdivision – Nottingham Hills Lots 19 & 21

Enclosed please find the following submissions for the above referenced application:

- Exhibit AA: Evidence of sign posted on July 11, 2020 (photograph)
- Exhibit BB: Certificates of mailing of Notice of Public Hearing
- Exhibit CC: Photograph of 26 Upper Kensington Dr. Natural Buffer
Also see plans page 2 Of 4. Area described on Survey as “Brush Area”.
- Exhibit DD: Amended Declaration of Covenants and Restrictions recorded at Book 733
Page 343 of the East Lyme Land Records.
See Paragraph P
- Exhibit EE: Corrected Assignment of Declarant Rights recorded at Vol 1026 Page 745
of the Town of East Lyme Land Records
- Exhibit FF: Warranty Deed recorded at Vol 883 Page 784 Of the East Lyme Land
Records.
- This Exhibit is provided to demonstrate retained grading rights over 26
Upper Kensington Drive.
- Exhibit GG: Draft Declaration of Common Easement and Maintenance
This Exhibit is provided is provided for the Commissions Review and will be
executed and recorded to insure proper legal notice is provided to future
purchasers of the subjects property regarding the Common Driveway and
Rain Garden
- Exhibit HH: Correspondence with Ledge Light Health District

EXHIBIT AA



PUBLIC NOTICE
This Property Proposed for:
SUBDIVISION
For information, contact
PLANNING DEPARTMENT
EAST LYME TOWN HALL

EXHIBIT BB



Certificate Of Mailing

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From: Paul Geraghty, Esq.
38 Granite Street
New London, CT 06320



To: Nicole Blanchard
17 Upper Kensington Dr.
East Lyme, CT 06333

PS Form 3817, April 2007 PSN 7530-02-000-9065



Certificate Of Mailing

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From: Paul Geraghty, Esq.
38 Granite Street
New London, CT 06320



To: Aaron C. & Kim M Bucko
18 Upper Kensington Dr.
East Lyme, CT 06333

PS Form 3817, April 2007 PSN 7530-02-000-9065



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From: Paul Geraghty, Esq.
38 Granite Street
New London, CT 06320



To: Wu Ling & Caitlin
20 Upper Kensington Dr.
East Lyme, CT 06333

PS Form 3817, April 2007 PSN 7530-02-000-9065



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From: Paul Geraughty, Esq.
38 Granite Street
New London, CT 06320

To: Steven J & Linda F. Thomas
26 Upper Kensington Dr.
East Lyme, CT 06333



PS Form 3817, April 2007 PSN 7530-02-000-9065



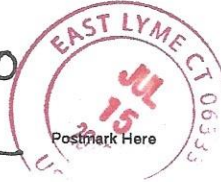
Certificate Of Mailing

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From: Paul Geraughty, Esq.
38 Granite Street
New London, CT 06320

To: Town of East Lyme
P.O. Box 519
Niantic, CT 06357



PS Form 3817, April 2007 PSN 7530-02-000-9065



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From: Paul Geraughty, Esq.
38 Granite Street
New London, CT 06320

To: Niantic Real Estate LLC
P.O. Box 452
East Lyme, CT 06333



PS Form 3817, April 2007 PSN 7530-02-000-9065



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From: Paul Geraghty, Esq.
38 Granite Street
New London, CT 06320

To: English Harbour Assortment
1741 Pioneer Avenue, Suite 1939
Cheyenne, WY 82001



Product	Qty	Unit Price	Price
First-Class Mail® Letter Domestic EAST LYME, CT 06333 Weight:0 Lb 0.30 Oz Estimated Delivery Date Saturday 07/18/2020	1	\$0.55	\$0.55
Cert of Mail Affixed Amount:\$0.00			\$1.50
First-Class Mail® Letter Domestic EAST LYME, CT 06333 Weight:0 Lb 0.30 Oz Estimated Delivery Date Saturday 07/18/2020	1	\$0.55	\$0.55
Cert of Mail Affixed Amount:\$0.00			\$1.50
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Cert of Mail Affixed Amount:\$0.00			\$1.50
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Cert of Mail Affixed Amount:\$0.00			\$1.50
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Cert of Mail Affixed Amount:\$0.00			\$1.50
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First-Class Mail® Letter Domestic NIANTIC, CT 06357 Weight:0 Lb 0.30 Oz Estimated Delivery Date Saturday 07/18/2020	1	\$0.55	\$0.55
Cert of Mail Affixed Amount:\$0.00			\$1.50
Total:			\$14.35

Credit Card Remitd \$14.35
Card Name:MasterCard
Account #:XXXXXXXXXXXX1325
Approval #:02287C
Transaction #:985
AID:A0000000041010 Chip
AL:MASTERCARD
PIN:Not Required MASTERCARD

EXHIBIT CC

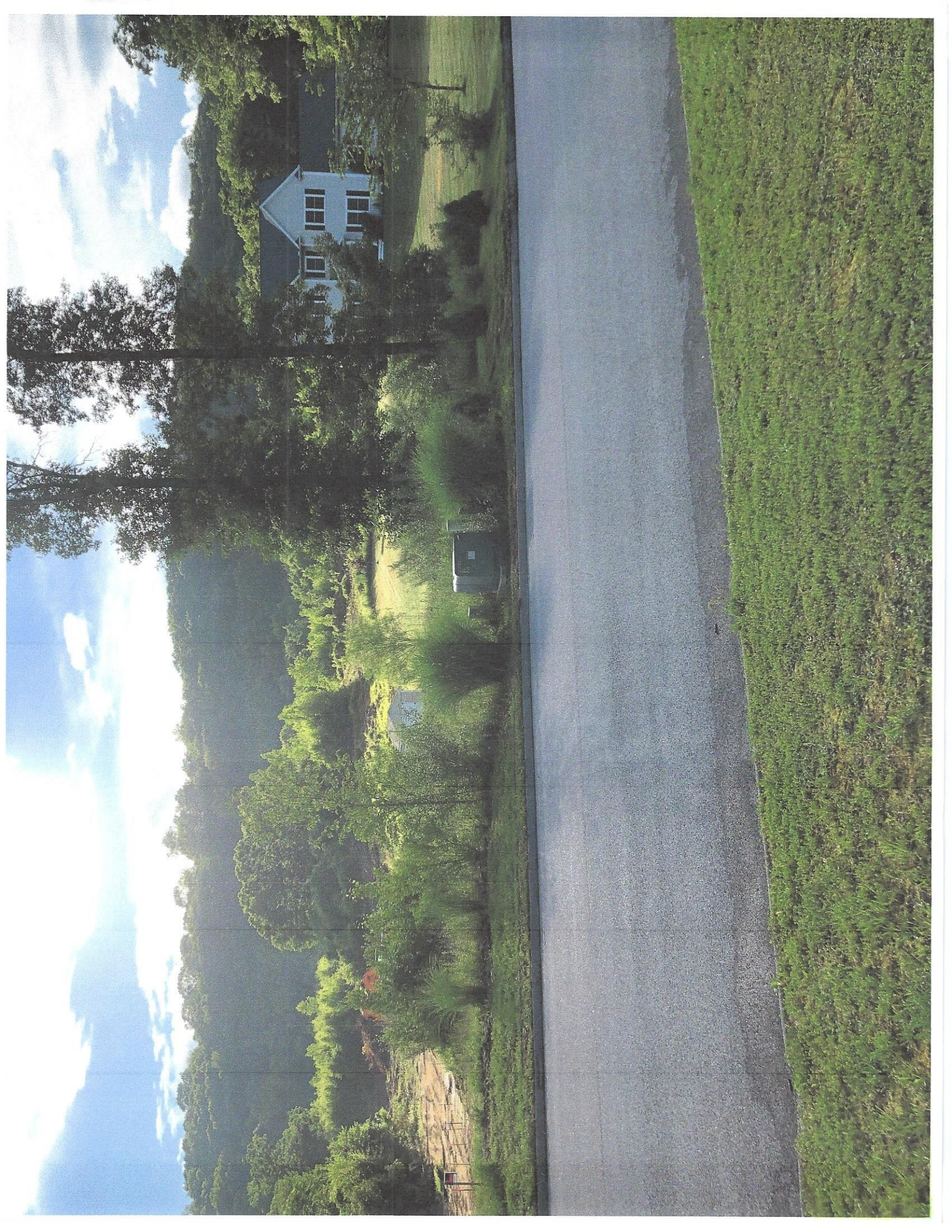


EXHIBIT DD

AMENDED
DECLARATION OF COVENANTS AND RESTRICTIONS
OF
NIANTIC REAL ESTATE LIMITED LIABILITY COMPANY

647

WHEREAS, Niantic Real Estate Limited Liability Company imposed a certain Declaration of Covenants and Restrictions with respect to "the Nottingham Hill Subdivision", which Declaration of Covenants and Restrictions is recorded at Volume 614, Page 424 of the East Lyme Land Records; and

WHEREAS, said Declaration was amended by Amendment filed at Volume 678, Page 650 of the East Lyme Land Records; and

WHEREAS, pursuant to Paragraph S of the Amended Declaration, the Declarant reserves the right to amend said Declaration until the conveyance of more than ninety (90%) percent of all lots within all sections of the subdivision; and

WHEREAS, the Declarant has not yet conveyed ninety (90%) percent of such lots.

WHEREAS, it is intended that there will be future subdivision of such remaining land, together with any land which may be annexed thereto.

NOW THEREFORE, in accordance with the rights reserved in said Paragraph, the Declarant hereby amends in part, and restates in part, said Declaration of Covenants and Restrictions, it being the intention hereof to replace said Amended Declaration with this Amended Declaration.

This Declaration of Covenants and Restrictions being imposed herewith by Niantic Real Estate Limited Liability Company hereinafter referred to as The Declarant and is intended to benefit and burdon all lots in said subdivision which shall be divided from existing land, or any future land which shall be annexed thereto, which at present consists of the lots 1-22, 24-28, 30, 31, 33, 48 and 49, shown on the following plans of record:

"NOTTINGHAM HILLS SUBDIVISION PROPOSED 7-LOT RESIDENTIAL COMMUNITY IN EAST LYME, CT SCALE 1" = 800' REV THRU 10/11/01 BY ANCHOR ENGINEERING SERVICES, INC."

AEB

"LOT LINE REVISION LOT 7 NOTTINGHAM HILLS SUBDIVISION PREPARED FOR NIAN TIC REAL ESTATE LLC. KENSINGTON DRIVE EAST LYME CT. SCALE 1" = 40' DATED 3/23/03 REVISED THRU 5/13/03 BY ANCHOR ENGINEERING SERVICES, INC."

"SUBDIVISION PLAN 2 LOT SUBDIVISION FOR TORRANCE FAMILY LIMITED PARTNERSHIP KENSINGTON DRIVE EAST LYME CT DATED 4/30/03 REVISED THRU 5/23/03 BY ANCHOR ENGINEERING SERVICES, INC."

"NOTTINGHAM HILLS SUBDIVISION PHASE IIA NIAN TIC REAL ESTATE, LLC EAST LYME, CT DATED 4/10/04 REVISED 7/10/04 BY J. ROBERT PFANNER & ASSOCIATES, P.C."

"NOTTINGHAM HILLS SUBDIVISION PHASE 3 NIAN TIC REAL ESTATE, LLC East Lyme, Connecticut, AUGUST 1, 2005 REV THROUGH 12/5/05 J. ROBERT PFANNER & ASSOCIATES, P.C. CIVIL ENGINEERS & LAND SURVEYORS"

A. RESIDENTIAL USE:

Each lot shall be maintained and used solely and exclusively for a single family residence, including home professional pursuit not requiring regular visits from the public, together with one garage designed to accommodate no more than four automobiles. No aluminum or sheet metal outbuildings shall be erected on the lots.

B. A. APPROVALS:

(1) No dwelling house or other structure shall be erected on any lot until the plans and specifications with the proposed site plan have been submitted to and approved by the Declarant as to exterior appearance, design and location of structure(s) on such lot, and a written permit issued by Declarant. Said site plan shall contain a block for signature by the Declarant which in substance shall say "This plan has been reviewed and approved by Niantic Real Estate, Limited Liability Company or its successor." The Declarant shall issue a notice of approval which shall identify the lot number, and a brief description of the dwelling so approved, which notice shall be recorded on the land records by the owner. Design shall be required to be in harmony with existing neighborhood structures and the natural terrain of the lot as graded in accordance with the subdivision plan. In addition to all other requirements set forth herein, no log buildings or raised ranch style homes shall be approved on any lot. Each building erected on a lot shall have an exterior facade of

cedar clapboard, cedar shingle, clay brick, natural stone or high-grade vinyl siding. All roofs to be architectural shingles.

(2) Each lot owner shall be required to provide evidence of a suitable Erosion and Sedimentation Plan for all construction to be accomplished on lots. Each such lot owner shall be responsible to maintain such erosion and sedimentation controls through the course of any construction, and to the extent such construction shall create any erosion and sedimentation outside the respective lot area, it shall be the responsibility of such lot owner to bear the cost of the clean up of any such erosion and sedimentation. The Declarant or any successor thereof, may, at the time of approval of the plans pursuant to subsection 1, require that such lot owner post a bond not to exceed Twenty-Five Thousand (\$25,000.00) Dollars, to assure that proper erosion and sedimentation controls are in place, and that any erosion or sedimentation which shall occur off site as a result of such construction, shall have been cleaned and/or repaired. Said erosion and sedimentation bond shall be released by the Declarant and/or his successor, at such time as a certificate of occupancy has been issued for the construction, and the lot has been sufficiently stabilized, such that there is no further danger of erosion and sedimentation off the relevant lot. Said erosion and sedimentation bond shall take the form of a savings account in the joint name of the lot owner and the Declarant, requiring both signatures for any withdrawals, and the lot owner shall execute two bland Withdrawal Slips at the time of the posting of said bond. The parties shall also execute a Bond Agreement which shall indicate in substance, that the Declarant may withdraw such funds from the savings account as shall be necessary for any cleanup after notice to the lot owner of a failure to take property erosion and sedimentation measures, and/or the creation of erosion or sedimentation off site, and more than five (5) days shall have passed and the lot owner shall have failed to remedy the default of the foregoing. Provided however, in the event of emergency, where immediate action must be taken by the Declarant to avoid immediate and irreparable sedimentation, the Declarant may undertake such action as may be necessary, without such notice.

C. TIME OF CONSTRUCTION:

When any dwelling shall be constructed on any lot, such construction shall be completed within one (1) year after construction was begun, and thereafter within 120 days

of completion, all finished grading and landscaping shall be completed, weather permitting. Landscaping shall consist at minimum of four (4") inches of screened loam in areas of lawn and sufficient plantings in the front yard to screen foundation areas.

D. LIVING AREA:

The following shall be the minimum square feet of living area, per dwelling, exclusive of open porches, garages or basements:

2 story: 2,600 square feet.

1.5 story: 2,600 square feet.

1 story: 2,600 square feet minimum 8/12 roof pitch.

The square footage of bonus rooms over garages whether or not finished can be included in the total square footage calculation.

E. TEMPORARY STRUCTURES:

No structure of a temporary character shall be constructed on any lot either temporarily or permanently. No trailer, recreational vehicle, tent, shack, garage, hoop house or any outbuilding erected on any lot shall be used as a residence temporarily or permanently.

F. PROPERTY MAINTENANCE:

Each lot owner shall use the mailbox supplied by the Developer. If that mailbox is damaged or stolen, the property owner is required to replace it with the same model.

Each lot owner shall keep his/her lot and all improvements thereon in good order and repair and free of debris. Lawns and yards shall be maintained in a neat and orderly appearance. No noxious or offensive activity shall be carried on or upon any lot, nor shall anything be done thereon which shall be or which may become an annoyance or nuisance to the neighborhood. No basketball hoops or other sporting facilities shall be placed in the streets adjacent to lots. No high intensity lighting which shall shine outside the lot shall be permitted. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. No rubbish, trash, garbage or waste shall be kept on any lot except in enclosed sanitary containers which are not visible outside of the dwelling house which has been constructed on the lot. No incinerators, dumpsters or other equipment for the disposal of such material shall be kept or maintained on any lot.

G. VEHICLES:

No trucks larger than three-quarter (3/4) ton in size, trailers, unregistered vehicles, which are not in working condition (except in an emergency), recreation vehicles (including motor and mobile homes), All Terrain vehicles, motorcycles, snowmobiles or unregistered boats shall be permitted on any lot, except for commercial trucks owned by third parties providing a commercial service to the owner of the lot or unless kept totally within the garage located on the lot. Registered boats kept outdoors shall be screened from view of the public streets with landscaping materials.

H. SIGNS:

No signs are permitted to be posted on any lot except for a SINGLE "For Sale" sign not to exceed two feet by two feet. Homeowners or their agents shall not use HOA property or the town rights of way for the placement of any signs. This shall not apply to the Declarant.

I. ANIMALS:

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot in the subdivision except that dogs, cats or household pets may be kept provided they are not kept, bred or maintained for any commercial purposes. No house-kept pigs of any kind or animal husbandry shall be allowed.

J. SATELLITE DISHES, ET CETERA:

No device for the transmission or reception of radio or television signals shall be installed on any lot and no satellite dish transmission receivers shall be erected on any lot except that this paragraph shall not apply to satellite dish transmission receivers or similar devices not to exceed 24" in diameter which shall not be visible from the street.

K. UTILITIES:

All utilities shall be underground unless waived by the Declarant because of distance or other physical limitations. The Declarant, its successors and assigns, reserve an easement for the installation and maintenance of utilities on each lot prior to the time that a building permit is issued for the house constructed on that lot.

L. SWIMMING POOLS:

No above-ground swimming pools shall be permitted on any lot.

M. DRIVEWAYS:

All driveways shall be paved, block or cobblestone.

N. EXTERIOR CLOTHES LINES:

No exterior clothes or wash lines shall be permitted on any lot.

O. TERMINATION OF RIGHTS:

Declarant's right to approve plans as set forth in paragraph B hereof shall terminate upon the earliest to occur of the following: (i.) At such time as neither the Declarant nor any assignee of the rights of Declarant to approve plans shall own any of the lots affected by this Declaration; or (ii.) At such time as said rights are released by Declarant or said assignee. For all purposes hereunder, any entity which shall receive the conveyance of all or substantially all of the remaining unfurnished lots in the subdivision shall be deemed the successor Declarant, notwithstanding the fact that no specific assignment of the rights hereunder shall have occurred. Such successor Declarant shall have the right to enforce these regulations in the same fashion as did the original Declarant.

The remaining covenants, reservations and restrictions contained herein shall run with the land and shall be binding upon all parties and all persons claiming under them for a period of ten (10) years from the date of recording. Said covenants shall thereafter automatically continue unless a majority of the lot owners of the lots shall, by majority vote, repeal or modify the covenants. The owner or owners of each lot shall be entitled to one vote and if any lot is owned by more than one owner, and if said owners can not agree with regard to their vote, then the owner of said lot shall be deemed to have abstained with regard to any vote being taken hereunder.

P. FURTHER SUBDIVISION:

No lots shall be further subdivided or resubdivided. This shall not apply to the Declarant or his Assignee.

Q. ENFORCEMENT:

Enforcement of the covenants, reservations and restrictions, or any of them, shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violations by injunctive relief, or to recover damages. Court costs and reasonable Attorney's fees shall be recovered by the prevailing party.

R. INVALIDATION:

Invalidation of any one of these covenants by judgment or Court order shall in no way affect any of the other provisions which shall remain in full force and effect. If this covenant is held not to apply to one or more phases of the subdivision for any reason, it shall nevertheless remain valid and enforceable for the other phases.

S. AMENDMENTS:

This Declaration may be amended by Declarant or any assignee of Declarant's rights until the Declarant or said Assignee shall have conveyed more than ninety (90%) per cent of the lots within all sections of said subdivision, or at such time as said rights are released by the Declarant or said Assignee.

However, the Declarant or its Assignee further reserves the right to amend this Declaration at any time, if such amendment is required by a mortgage lender.

T. ZONING:

Any dwelling constructed on the lot within the subdivision shall comply with and meet all requirements set forth in the Town of East Lyme Zoning Regulations, as the same may be amended from time to time. In the event of a conflict between the zoning regulations and these restrictions, the most restrictive shall apply.

U. OPEN SPACE:

It is anticipated that there shall be open space dedicated in conjunction with a future phase or phases of this subdivision and the lots in Phases 1 and IIA shall have all the rights and responsibilities with respect to such open space area as shall such future lots. The Declarant reserves the right to adjust boundaries of open space areas as shall be shown in Phase 1, 2A and III, in conjunction with the realignment and/or creation of additional lots and future phases provided that such realignment and/or dedication of open space shall comply with the East Lyme Subdivision Regulations.

V. HOMEOWNERS' ASSOCIATION:

It is anticipated that in the future, a Homeowners Association shall be formed as the body politic of the lot owners and for the purpose of preserving and/or maintaining such open space areas. By acceptance of deeds in Phase I, the lot owners agree to be bound by the terms and conditions of such Association including such charges as may be deemed appropriate by that Association for the purpose of maintenance and/or preservation of such

open space areas. Provided, however, any such assessments and/or charges may not exceed the amount specified in Section 47-213 of the Connecticut General Statutes as the same may be modified from time to time, and may not be increased during any period of Declarant control except as provided in § 47-215 (a)(3)(B). The Declarant shall bear the cost of all such charges until such time as at least sixty (60%) per cent of the total lots in said subdivision shall have been conveyed by the Declarant and/or its Assignee, provided however, until the earlier of the time 60% of all said lots shall have been sold, or five (5) years from the date hereof, the Declarant shall have full voting control over said Association. Each lot in said subdivision shall be dedicated one vote in the affairs of any such Association.

Dated at Niantic this 3rd day of February 2006.

Signed, sealed and delivered in the presence of:

Theodore A. Harris
Jill P. Lloyd

NIANTIC REAL ESTATE LIMITED LIABILITY COMPANY

By: Jeffrey A. Torrance L.S.
Jeffrey A. Torrance, its Manager, duly authorized.

STATE OF CONNECTICUT

ss: Niantic

February 3, 2006

COUNTY OF NEW LONDON

On this the 3rd day of February, 2006 before me, the undersigned officer, personally appeared JEFFREY A. TORRANCE who acknowledged himself to be the Managing Member of Niantic Real Estate Limited Liability Company, and that he, as such Managing Member being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Limited Liability Company by himself as said Managing Member.

In witness whereof, I hereunto set my hand and official seal.

Theodore A. Harris
Commissioner of the Superior Court
~~Notary Public~~
My Commission Expires: _____

Recorded Feb 15 2006
10:30 AM
East Lyme Town Clerk

EXHIBIT EE

New London, CT 06320 **CORRECTED ASSIGNMENT OF DECLARANT RIGHTS**

WHEREAS, NIAN TIC REAL ESTATE LIMITED LIABILITY COMPANY was a developer of a Subdivision known as Nottingham Hills; and

WHEREAS, in conjunction with said development, **NIANTIC REAL STATE LIMITED LIABILITY COMPANY** prepared and recorded a Declaration of Covenants and Restrictions originally recorded at Volume 614, Page 424 of the East Lyme Land records; and

WHEREAS, said Covenants and Restrictions have been amended from time to time by the said Declarant including an Assignment of Declarant Rights to **NEW ENGLAND NATIONAL LLC** that was recorded at Vol. 802, Page 753 of the East Lyme Land Records; and

WHEREAS, as of the date hereof, the Declarant and the successor Declarant have conveyed substantially all of the lots and remaining undeveloped land in said subdivision to **ENGLISH HARBOUR ASSET MANAGEMENT LLC,** and

WHEREAS, pursuant to Paragraph O of said Declaration, a successor entity which shall receive the conveyance of all or substantially all the remaining unfinished lots shall be deemed the successor declarant with all the rights of the original Declarant in enforcing and/or amending said Declaration; and

NOW THEREFORE, in conjunction with said conveyance, **NIANTIC REAL ESTATE LIMITED LIABILITY COMPANY** and **NEW ENGLAND NATIONAL LLC,** hereby assign their respective rights as Declarant to **ENGLISH HARBOUR ASSET MANAGEMENT LLC,** with all the powers, rights and authority previously vested in

EXHIBIT FF

SCHEDULE A

Lot #22 Upper Kensington Drive
aka 26 Upper Kensington Drive

Nottingham Hills
East Lyme, Connecticut

All that certain piece or parcel of land situated in the Town of East Lyme, County of New London and State of Connecticut, known and designated as Lot #22 on that certain map entitled "BOUNDARY LOT LAYOUT AND OPEN SPACE UPPER KENSINGTON DRIVE NOTTINGHAM HILLS SUBDIVISION PHASE 3 NIAN TIC REAL ESTATE, LLC EAST LYME, CONNECTICUT, SHEET SD3, DATED AUGUST 1, 2005 SCALE 1 INCH = 60 FT, REVISED THROUGH 12-02-05" prepared by J. ROBERT PFANNER & ASSOCIATES, P.C." which map is filed in the Office of the East Lyme Town Clerk to which reference may be had.

Said premises are further conveyed subject to the following:

An Easement granted to the Connecticut Light and Power Company by instrument dated September 18, 2002 and recorded May 1, 2003 in Volume 614, Page 422 of the East Lyme land records.

A Declaration of Covenants and Restrictions dated May 1, 2003 in Volume 614, Page 424 of the East Lyme land records. Said Declaration was amended by Amended Declaration of Covenants and Restrictions dated July 29, 2004 and recorded in Volume 678, Page 650 of the East Lyme land records.

A Development and Open Space Covenant dated December 29, 2004 and recorded July 29, 2004 at Volume 653, Page 355 of the East Lyme land records.

An Electrical Distribution Easement to C L & P dated January , 2008 and recorded January 24, 2008 at Volume 794, Page 510 of the East Lyme land records.

An Amendment to the Declaration of Covenants and Restrictions recorded January 28, 2011 at Volume 865, Page 310 of the East Lyme land records.

A 5' Shade Tree Easement , setback lines, notes and notations and any facts as shown on a map entitled "Boundary Lot Layout, Upper Kensington Drive, Nottingham Hills Subdivision, Phase 3 Niantic Real Estate, LLC East Lyme, Connecticut Sheet SD2 dated August 1, 2005, Revised through December 2, 2005".

Reserving the Right to Slope the land adjoining the street in accordance with a typical cross section.

Subject to and together with Notes and other items revealed on the above-referenced plan.

Said premises are further conveyed together with the right to pass and repass over Aberdeen Court and Upper Kensington Drive until such time as said roads are accepted by the Town of East Lyme.

Reserving the right to the Declarant, its successors and assigns to grant utility easements across the premises for service to the subdivision.

Said premises are conveyed together with rights granted at Volume 653, Page 353 a Declaration of Trail Easement dated December 19, 2003.

Recorded Jan 30 2012
1:41 PM Esther B. Williamson
East Lyme Town Clerk

EXHIBIT GG

DECLARATION OF COMMON EASEMENT AND MAINTENANCE

This Declaration executed this _____ day of _____, 2020 by PAZZ & CONSTRUCTION LLC, hereinafter referred to as "Declarant",

WHEREAS, THE Declarant is the owner of that certain piece or parcel of land shown as Lots 1, 2 & 3 on a map or plan entitled " Conservation Design Development, Nottingham Hills Subdivision, 4 lot Re-Subdivision of Lots 19 & 21" prepared by Gesick & Associates, P.C., 19 Cedar Island Ave., Clinton, Connecticut 06413 which map is on file in the land records of the Town of East Lyme.

WHEREAS, said lots are to be served by a common driveway as more particularly shown on said plan as "Driveway Easement Area", and;

WHEREAS, said driveway is for the benefit of all of the above-referenced lots.

WHEREAS, the rain garden is for the benefit of all of the above referenced lots.

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

1. Each of said lots shall be burdened and benefitted by the common driveway and rain garden as shown on the above-referenced plan.
2. Said driveway 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 common driveway. Said rain garden 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 common driveway 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 withing the rain garden.
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 common driveway.
5. The successful party of any litigation regarding the obligations hereunder shall be entitled to all costs including reasonable attorney's fees.

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 _____, 2020.

WITNESSED BY:

PAZZ & CONSTRUCTION LLC

By: _____
Jason Pazzaglia, its Manager
DULY AUTHORIZED

STATE OF CONNECTICUT)
) ss: Niantic
COUNTY OF NEW LONDON)

Personally appeared, Jason Pazzaglia, Manager of Pazz & Construction 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.

Commissioner of the Superior Court
Notary Public
My Commission Expires: _____

EXHIBIT HH

ENGLISH HARBOUR ASSET MANAGEMENT, LLC
1712 Pioneer Avenue , Suite 1939
Cheyenne, Wyoming 82001
(307) 256-7229

March 17, 2020

Danielle Holmes
Ledge Light Health District
216 Broad Street
New London, CT 06320

Re: Lot Line Revision and Re-Subdivision Nottingham Hills Lot 19
AKA 22 Upper Kensington Drive and Lot 21
AKA 24 Upper Kensington Drive

Dear Danielle:

Enclosed please find a B-100 for revised lots 19 & 21 together with an Application for Subdivision Feasibility for the two new proposed lots. I have also enclosed the following;

1. One (1) 24" x 36" and one (1) 11" x 17" plan titled "Conservation Design Development, Nottingham Hills Subdivision, 4 Lot Resubdivision of Lots 19 & 21".
2. Sheets SD1, SD 2, SD 5 and SD14 of the final approved Nottingham Hills Subdivision Phase 3 plans recorded in the East Lyme Land Records on December 16, 2005 beginning at Drawer 6 # 287. Ex. 1.

I have highlighted the test hole results on sheet SD 14 that we have used in the preparation of this re subdivision plan as follows:

- Proposed Lot 1: Test hole data for #332 highlighted in yellow.
- Proposed Lot 2: Test hole data for #'s 513, 349 & 349A and perk test results highlighted in blue. (Existing Code Compliant Septic Area)
- Proposed Lot 3: Test hole data for # B and the perk test results highlighted in orange. (Existing Code Compliant Septic Area)
- Proposed Lot 4: Test hole data for # A highlighted in green.

PLEASE NOTE LOT #4 WILL BE CONVEYED TO THE EAST LYME LAND TRUST, INC. FOR PUBLIC OPEN SPACE AND WILL BE SUBJECT TO A CONSERVATION EASEMENT. ACCORDINGLY THIS LOT SHOULD BE REVIEWED FOR FEASIBILITY AS A ONE BEDROOM SYSTEM ONLY. PLEASE SEE ATTACHED EX. 2.

Please feel free to contact me at 434-409-9515 or kristentclarke@gmail.com should you have any questions or need to discuss this matter further.

Sincerely,

A handwritten signature in cursive script that reads "Kristen Clarke". The letters are fluid and connected, with a prominent "K" and "C".

Kristen T. Clarke

cc: Paul Geraghty, Esq.
Jason Pazzaglia



App No. _____
Check No. _____
Receipt No. _____
REVIEW FEE: \$25.00
w/site visit or soil test: \$50.00
Make check to LLHD or pay online
at www.LLHD.org rev 4/30/17

Promoting
healthy
communities

B100a: Application for Building Addition, Change in Use, Accessory Structure, or Lot Line Change

Note: Please include the following with your application:

1. A scaled site plan of your property showing property lines, existing buildings, septic system (s), water line (s) well (s), and proposed building addition or accessory structure.
2. For additions of living space: existing and proposed floor plans.
3. Soil testing information, if available.

Date: _____ Property Address: builder lots 19&21 Upper Kensington Dr Town: East Lyme

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

Email: Kristentclarke@gmail.com

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

Property Water Supply: Well (s) Public Water Both

Type of Application:

- Building Addition (e.g., adding rooms or 2nd floor, finishing attic or basement); additional bedrooms _____
- Building Change in Use or Conversion (e.g., office or retail to food service; home winterization)
- Accessory Structure (Garage, Shed, Deck, Pool, etc.)
- Lot Line Change

Please provide a brief description of the proposed project: Lot line revisions of Nottingham Hills Subdivision lots 19 & 21 to accommodate 2 new lots one of which be dedicated for Open Space (lot: _____

Signed: _____ * Applicant attests that project information is the same as that supplied to the Building Department (if applicable).

Reviewed by: _____ Title: _____ Approved Denied

Signed: Kristen Clarke Date: _____

Comments: _____

New England National LLC

1890 Palmer Avenue,
Suite 303
Larchmont, NY 10538

914-834-0291 (Office)
914-834-0566 (Fax)
newenglandnational@gmail.com

May 29, 2014

HAND DELIVERED

Mr. Ryan McCammon
Ledgelight Health District
216 Broad Street
New London, CT

Dear Ryan:

The attached check in the amount of \$900.00 is for the fees associated with test holes in conjunction with the re-subdivision and or lot-line modification of 197 Upper Pattagansett Road and the re-subdivision of lots 19 and 21 of Nottingham Hills Subdivision both of course located in East Lyme.

Bob Pfanner and or Jason Pazzaglia are going to work out the scheduling with you directly.

I have attached a preliminary plan for 197 Upper Pattagansett Road. We are still working on lot 19/21 re-subdivision plan.

Sincerely,

Jeffrey A. Torrance

ROBERT ALLEN BLATT
25 OCEAN AVE.
LARCHMONT, NY 10538

1-2
210 466

3716

~~DATE~~ 4/16/14

Pay to the order of Ledge Light Health District

\$ 900.00

Nine hundred + ^{xx}/₁₀₀

~~VOID~~



Security Features
Included.
Details on Back.

CHASE

JPMorgan Chase Bank, N.A.
www.Chase.com

~~MEMO~~ TEST

(NEW LLC
Advance)

Robert Blatt

MP

⑆021000021⑆

151088062365⑈3716



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: 3/2/2018 Property Address: builder lots 19&21 Upper Kensington Dr. East Lyme Town: East Lyme

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

Email: kristentclarke@gmail.com Fax: _____

Applicant Address (if different from above): _____

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: 2 (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: _____

From: [Christine](#)
To: [Jennifer Lindo](#); [Gary Goeschel](#)
Subject: Public comment for 7/27 planning meeting
Date: Friday, July 24, 2020 12:37:16 PM
Attachments: [Nottingham Hills final.docx](#)

Hello Gary and Jenn,

Attached is a letter composed by residents of Nottingham Hills in reference to a re-subdivision plan which will be discussed at the next planning commission meeting on Monday, July 27. The homeowners who have signed this document are not all able to attend and speak during public comment so we request this be read aloud on our behalf. Could you please confirm that the document will be read?

Thank you
Christine Stahl

Sent from my iPhone

July 24, 2020

Dear Planning Commissioner,

The signatories of this letter are residents of the Nottingham Hills subdivision in East Lyme, CT. This letter is provided to convey our collective concern regarding the proposed re-subdivision of existing lots within the development.

Specifically, there is a proposal before the Town Planning Commission for a 4-lot re-subdivision of two lots on Upper Kensington Drive. In your letter to Ms. Kristen T. Clarke, dated June 30, 2020 the lots are cited as 22 and 24 Upper Kensington Drive. In Ms. Clarke's Application for Determination of Permitted/Non-Regulated Activity dated March 2, 2020 the lots are cited as 19 and 21 Upper Kensington Drive.

Of primary concern is the manner and process by which the Town of East Lyme has permitted the land development company to continually revise specifications and requirements for building within the subdivision. Over the past 15 years, there have been six re-subdivisions and associated changes to the requirements for developing lots and building homes. These modifications were approved by the Town of East Lyme as part of "phased" plans submitted by the land developer. This information was only fully discovered after we, the residents, met with legal counsel in the hope of establishing a Homeowner's Association in an effort to preserve the integrity of the neighborhood. Regrettably, we were denied this opportunity due to the absence of any designated "common spaces" in the approved plan(s).

During the June 8, 2020 Wetlands Commission Hearing, the attorney representing the land development company submitted an environmental impact assessment completed by Ms. Kristen T. Clarke, PE. Specific to this assessment were details regarding the environmental impact of dividing the two existing lots into four lots and constructing a "rain garden" to collect runoff from the properties. At no time was it acknowledged that Ms. Clarke is related to the land developer. One might conclude that this presents a conflict of interest and an independent assessment needs to be completed to assess any potential environmental impact. Regrettably, residents were not permitted to speak during the hearing and these issues were not addressed.

Another concerning issue is with regards to the new location for house 3. Originally, during the walkthrough with the Wetlands Commission, it was stated that the ledge area was not going to be impacted. However, the latest proposal shows placement of house 3 on the ledge area. There is concern that any blasting on or near the ledge or removal of portions of the ledge, which is very soft in some areas, could cause costly damage within the property bounds of the homeowners at 26 Upper Kensington Drive.

If you have the opportunity to drive through our neighborhood, you will appreciate the beautiful character and consistency we were promised when we purchased our homes. For every home, the driveway is entered directly from the street, the garages are all entered from the side and the houses have a relatively uniform look, style and size. These requirements were ensured in the bylaws for all new homeowners in earlier phases. We are very concerned that the proposed houses are not consistent with the design of our neighborhood. We ask that if you decide to allow this re-subdivision, that you will stipulate that the homes be built in a manner which will preserve the character and integrity of our neighborhood and keep our home values from falling.

We are asking the Town of East Lyme to ensure there is a thorough, independent review of the proposed re-subdivision that addresses potential environmental impacts. We'd also ask that you ensure that the character and composition of our neighborhood is maintained to its fullest extent.

We thank you for the opportunity to be heard and look forward to your reply.

Sincerely,

Tollan and Nicole Blanchard, 17 Upper Kensington Drive

Aaron and Kim Bucko, 18 Upper Kensington Drive

Jeff and Tracy Hooper, 10 Upper Kensington Drive

Kevin and Justine Hricko, 4 Kensington Drive

Brandon and Christine Stahl, 4 Upper Kensington Drive

Steve and Linda Thomas, 26 Upper Kensington Drive

Michael and Wendy Turdo, 14 Upper Kensington Drive

MEMORANDUM

TO: Gary Goeschel, East Lyme Town Planner
cc: Jen Lindo
Paul Geraghty, Esq.

FROM: Kristen Clarke, PE

DATE: July 25, 2020

RE: Re-Subdivision – Nottingham Hills Lots 19 & 21

Enclosed please find the following submissions for the above referenced application:

Exhibit II: Map entitled “compilation plan, map showing easement to be granted to the Connecticut Light and Power Company across the property of Niantic Real Estate LLC, Nottingham Hills Subdivision Phase 3 Upper Kensington Drive, East Lyme, Connecticut recorded Dr. 6 #441

The utility easement on existing lots 19 and 21, 30’ in width and 302’ in length is highlighted in yellow

Exhibit JJ: Map entitled “lot line revisions Nottingham Hills Subdivision lots 19, 20, 21 & 32 recorded in the East Lyme Land Records, Dr. 8 #118.

Exhibit KK: Map entitled “grading and E&S plan, lots 18, 19, 21, 22 & 24 Nottingham Hills subdivision Phase 3 sheet SD7 recorded in the East Lyme Land Records.

Exhibit LL: Plan entitled “improvement location survey prepared for Wayne Falco, 26 Upper Kensington Drive, East Lyme, Connecticut dated 12-29-12 on file with the Town of East Lyme Building Department.

Exhibit MM: Amended design report dated July 25, 2020.

Exhibit NN: Letter from East Lyme Land Trust, Inc. regarding acceptance of open space.

EXHIBIT II

Exhibit II

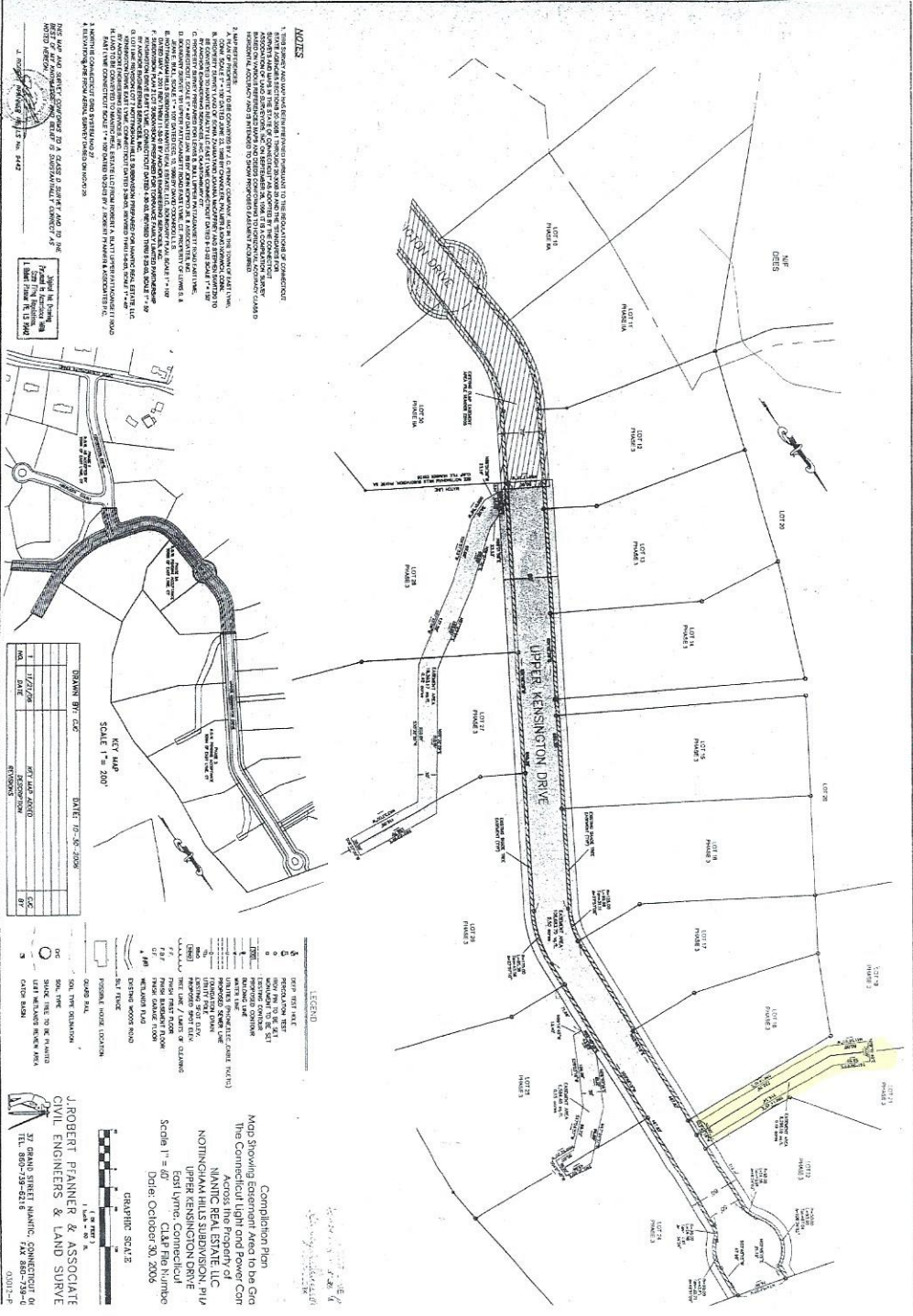
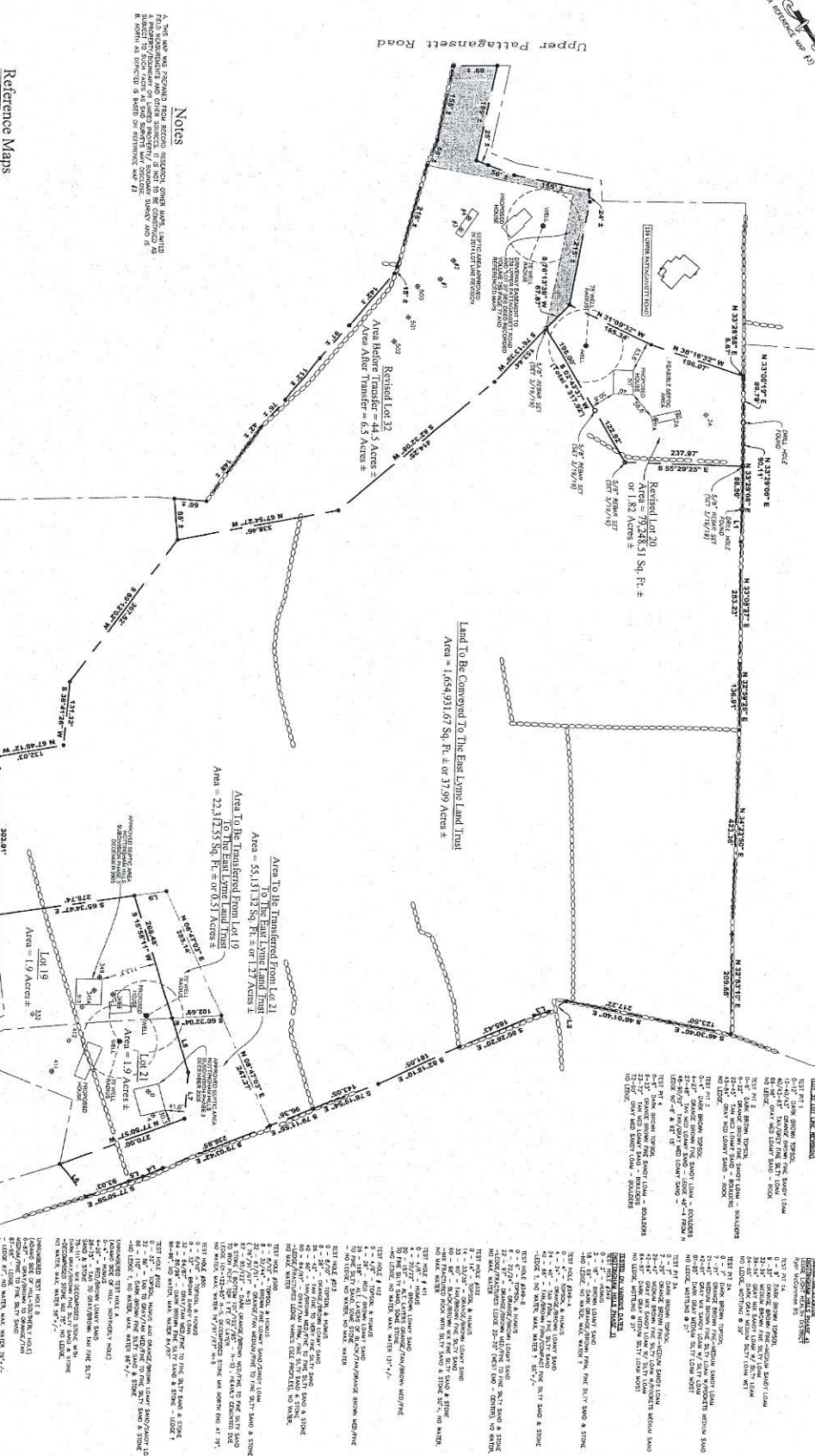


EXHIBIT JJ

Exhibit JJ



Upper Patagensett Road

- Notes
- A THE MAP WAS PREPARED FROM RECORDS, FIELD NOTES, OTHER MAPS, LAND RECORDS, SURVEY RECORDS, SURVEY PLANS, SURVEY DATA, SURVEY INSTRUMENTS AND OTHER DATA.
 - A SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE LAND AND HAS NOTED THE LOCATION OF ALL RECORDS AND SURVEY DATA.
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Reference Maps

1. NOTTINGHAM HILLS SUBDIVISION, MAP NO. 32, FILED IN THE OFFICE OF THE CLERK OF SUPERIOR COURT, MANCHESTER, NEW HAMPSHIRE, 1998.
2. NOTTINGHAM HILLS SUBDIVISION, MAP NO. 32, FILED IN THE OFFICE OF THE CLERK OF SUPERIOR COURT, MANCHESTER, NEW HAMPSHIRE, 1998.
3. NOTTINGHAM HILLS SUBDIVISION, MAP NO. 32, FILED IN THE OFFICE OF THE CLERK OF SUPERIOR COURT, MANCHESTER, NEW HAMPSHIRE, 1998.
4. NOTTINGHAM HILLS SUBDIVISION, MAP NO. 32, FILED IN THE OFFICE OF THE CLERK OF SUPERIOR COURT, MANCHESTER, NEW HAMPSHIRE, 1998.

Lot #	Area (Acres)	Bearing	Distance (ft)
1	0.15	N 89° 59' 17" W	316.67
2	0.15	S 37° 02' 37" W	112.00
3	0.15	N 21° 08' 15" E	413.18
4	0.15	S 59° 31' 26" W	165.48
5	0.15	N 77° 09' 59" E	208.00
6	0.15	S 77° 09' 59" E	208.00
7	0.15	N 77° 09' 59" E	208.00
8	0.15	S 77° 09' 59" E	208.00
9	0.15	N 77° 09' 59" E	208.00
10	0.15	S 77° 09' 59" E	208.00

- Lot Line Revisions
1. LOT 19: REVISION TO THE EAST LOT LINE FROM 1.27 ACRES TO 1.9 ACRES. AREA = 22.17 ACRES. SQ. FT. = 1,533,639 SQ. FT.
 2. LOT 20: REVISION TO THE EAST LOT LINE FROM 44.5 ACRES TO 44.5 ACRES. AREA = 1,654,931.67 SQ. FT. = 1,654,931.67 SQ. FT.
 3. LOT 21: REVISION TO THE EAST LOT LINE FROM 1.9 ACRES TO 1.9 ACRES. AREA = 22.17 ACRES. SQ. FT. = 1,533,639 SQ. FT.

- Legend
- Property Corner
 - Property Line
 - Property Line Other
 - Survey Station

Scale: 1" = 100'



Brandon E. Clark, P.E.
 License No. 8447
 Surveyor

Lot Line Revisions
 NOTTINGHAM HILLS SUBDIVISION LOTS 19, 20, 21 & 32
 Property Owner: English Harbour Asset Management LLC
 c/o Kristen Clarke P.E.
 375 N. Bond Drive
 Manchester, NH

GESICK & ASSOCIATES, P.C.
 SURVEYORS & APPRAISERS & PLANNERS
 12 CEDAR STREET
 CLINTON, CONNECTICUT 06413
 OFFICE: 566-669-7799 FAX: 860-669-5833
 www.gesicksurveyors.com

To the best of my knowledge and belief this map is correct and true to the record.

Survey Station
 Property Line
 Property Line Other
 Survey Station

EXHIBIT KK

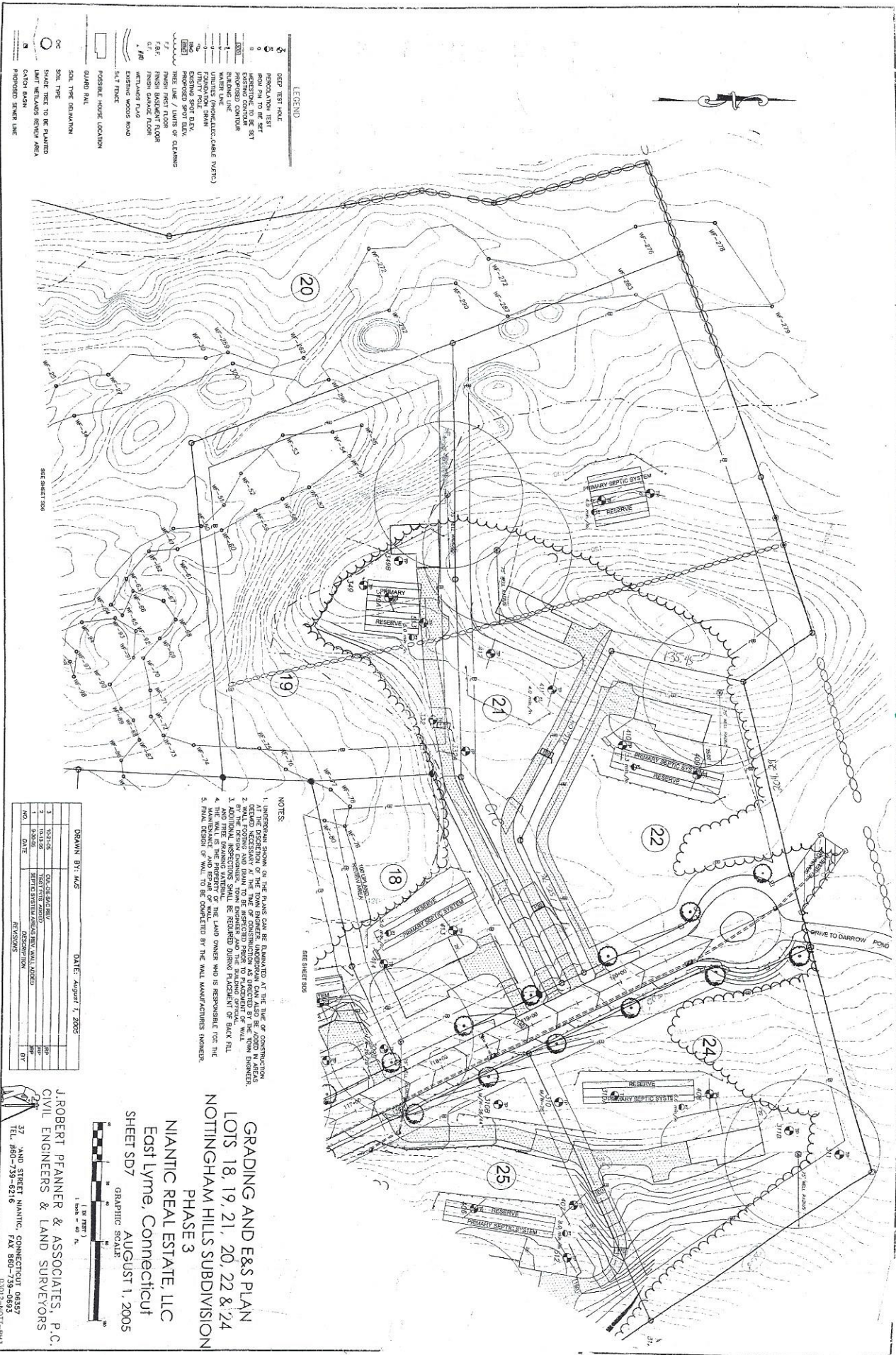


Exhibit KK

- LEGEND
- DEEP TEST HOLE
 - PENETRATION TEST
 - ROAD PAV TO BE SET
 - EXISTING CURB AND GUTTER
 - PROPOSED CURB AND GUTTER
 - WATER LINE
 - UTILITY (PROPOSED-CABLE TV, ETC.)
 - EXISTING SPOT ELEV.
 - PROPOSED SPOT ELEV.
 - FINISH FIRST FLOOR
 - FINISH SECOND FLOOR
 - FINISH GRADE FLOOR
 - EXISTING DRIVE ROAD
 - PROPOSED DRIVE ROAD
 - PROPOSED DRIVE ROAD
 - POSSIBLE HOUSE LOCATION
 - GLAND BELL
 - SOIL TYPE (EXAMINATION)
 - SOIL TYPE
 - SHADE TREE TO BE PLANTED
 - CROWN BUSH
 - PROPOSED STANCH LINE

NOTES

1. UNDERBRAM SHOWN ON THE PLANS CAN BE ELIMINATED, AT THE TIME OF CONSTRUCTION, AT THE DISCRETION OF THE TOWN ENGINEER. UNDERBRAM CAN ALSO BE ADDED IN AREAS WHERE THE TOWN ENGINEER DEEMES IT NECESSARY.
2. WALL FOOTING AND DRAIN TO BE ASSIGNED ACTION AS DIRECTED BY THE TOWN ENGINEER.
3. FIN THE DESIGN CONTRACT, TOWN ENGINEER AND THE BUILDER OF WALL, FOOTING, DRAIN, AND RISE BRACING MATERIAL, BE RESPONSIBLE DURING PLACEMENT OF EACH RILL.
4. MAINTAINANCE, THE PROTECT OF THE LAND OWNER WHO IS RESPONSIBLE FOR THE FINAL DESIGN OF WALL TO BE COMPLETED BY THE WALL MANUFACTURERS INDEPENDENT.

DRAWN BY: MGS		DATE: August 1, 2005	
1	10/1/05	DATE REVISION	BY
2	10/13/05	SEPTIC SYSTEM ADJUSTMENT WALL ADDED	BY
3	8/3/05	DESCRIPTION	BY
NO.	DATE	DESCRIPTION	BY
		8/3/2005	

GRADING AND E&S PLAN
 LOTS 18, 19, 21, 20, 22 & 24
 NOTTINGHAM HILLS SUBDIVISION
 PHASE 3
 NIANTIC REAL ESTATE, LLC
 East Lyme, Connecticut
 SHEET SD7
 AUGUST 1, 2005
 GRAPHIC SCALE

J. ROBERT PFANNER & ASSOCIATES, P.C.
 CIVIL ENGINEERS & LAND SURVEYORS
 37 YARD STREET NIANTIC, CONNECTICUT 06357
 TEL. 860-739-6216 FAX 860-739-0893
 03012-NOTT-2PH3



EXHIBIT LL

Exhibit A

ERIC SETZ LAND SURVEYING, INC.
 100 S. 10th St., Suite 100
 Lincoln, NE 68502
 (402) 441-1122
 www.ericsetz.com

40-22
 NANTIC REAL ESTATE LLC
 VOL. 184/PG. 10, 200

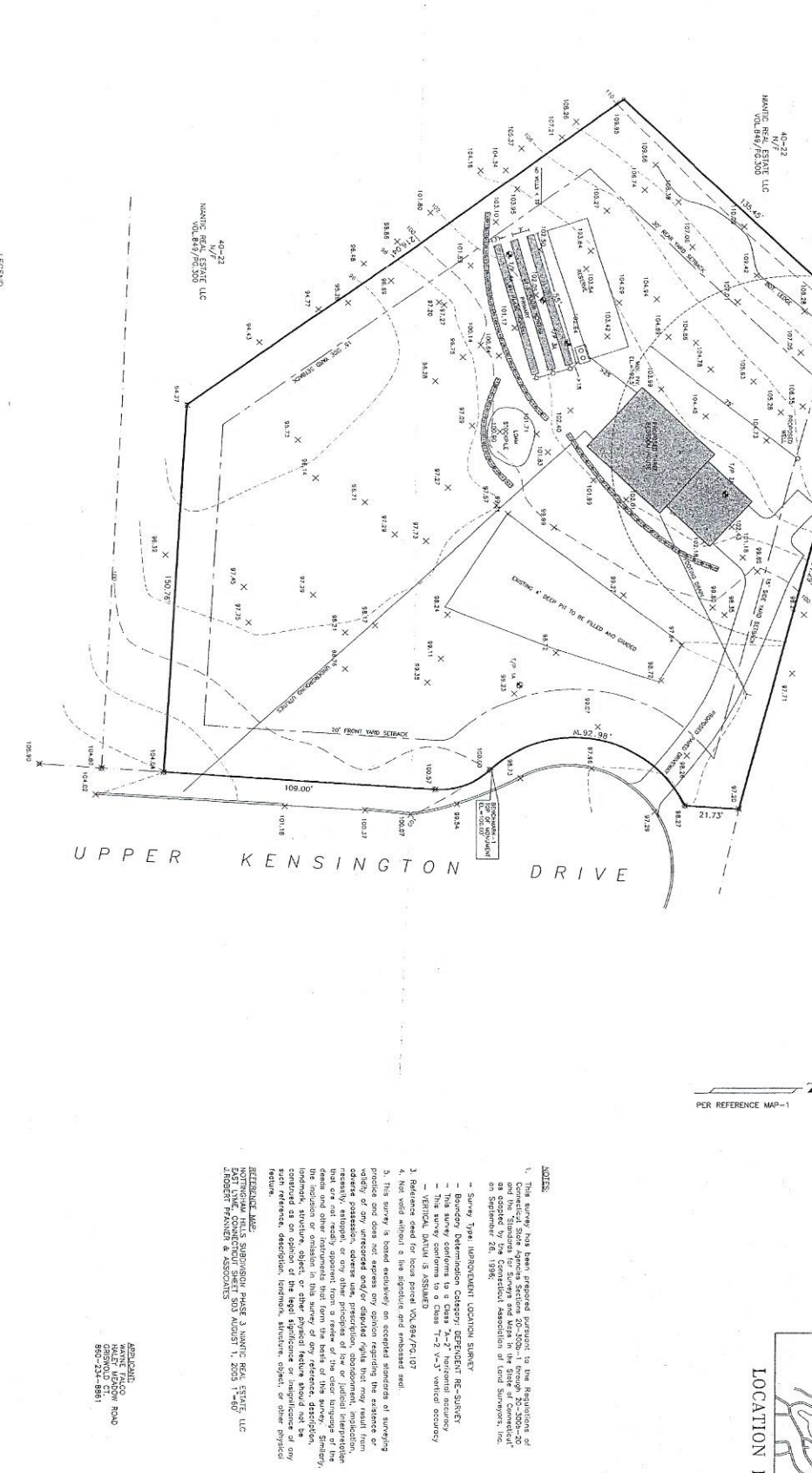
40-22
 NANTIC N/V/ESTATE LLC
 VOL. 184/PG. 10, 200

40-5
 TOWN OF EAST LYNE
 VOL. 180/PG. 55, 55B

UPPER KENSINGTON DRIVE

PER REFERENCE MAP-1

LOCATION PLAN
 1"=200'



LEGEND

TESTIMY

PERC. HOLE

INDEX CORNER

SPOT ELEVATION

HYDRALES

20 0 20 40 60 Feet

To my knowledge and belief, this map is substantially correct as noted herein.

ERIC SETZ, Surveyor

12-21-12

ERIC SETZ, Commission #78855

ASSESSOR'S MAP-40 LOT-21
 IMPROVEMENT LOCATION SURVEY
 PREPARED FOR
 WAYNE PALCO
 98 EAST KENSINGTON DRIVE
 EAST LYNE, CONNECTICUT
 SCALE 1" = 20' DECEMBER 2012
 SHEET 1 OF 2

ASSOCIATE
 HILLET WILSON ROAD
 850-721-8851

REFERENCE MAP
 KENTON HILLS SUBDIVISION PHASE 3 NANTIC REAL ESTATE LLC
 VOL. 184/PG. 10, 200
 J. ROBERT FRANKEN & ASSOCIATES

NOTES

- This survey has been prepared pursuant to the Regulations of Connecticut State Agencies Sections 50-302a-1 through 50-302a-20 as amended by the Commission's Order in the State of Connecticut on September 26, 1996.
- Survey Type: IMPROVEMENT LOCATION SURVEY
- Boundary Determination Category: DEPENDENT RE-SURVEY
- This survey conforms to a Class 7-2 "2" horizontal accuracy
- VERTICAL DATUM IS ASSUMED TO BE NAVD83/83/107
- Reference used for local project: 04, 88/75, 107
- Horizontal Accuracy: 1/2500
- Vertical Accuracy: 1/1000
- This survey is based on a single set of recorded interests of recording notices and does not express any opinion regarding the existence or validity of any unrecorded and/or divided rights that may result from adverse possession, adverse use, prescription, abandonment, induction, tenancy, estoppel, or any other principle of law or judicial interpretation that may apply to the property surveyed.
- The inclusion or omission in this survey of any reference, description, landmark, or other instrument that form the basis of this survey. Similarly, the inclusion or omission in this survey of any reference, description, landmark, or other instrument that form the basis of this survey. Similarly, the inclusion or omission in this survey of any reference, description, landmark, or other physical feature.

ASSOCIATE
 HILLET WILSON ROAD
 850-721-8851

EXHIBIT MM

**AMENDED DESIGN REPORT
JULY 20,2020
3 LOT RE-SUBDIVISION
LOTS 19 & 21
UPPER KENSINGTON DRIVE
EAST LYME, CONNECTICUT**

This re-subdivision will separate the subject properties from two (2) into three (3) lots.

The subject property is a part of the Nottingham Hills Subdivision land assemblage and represents the 5th re-subdivision of the Nottingham Hills Subdivision property.

More specifically, the plan separates current lots 19 and 21 into three lots. It should be noted that approximately one acre will be deeded to the East Lyme Land Trust, Inc in Fee Interest and Conservation Easement for additional Open Space and will be further subject to a Conservation Easement to be held by the State of Connecticut Department of Energy and Environmental Protection upon the filing of the mylars of this re-subdivision

Accessible Road frontage to each of the lots will be from Upper Kensington Drive having a total of fifty (50) feet of frontage. Access to each of the lots will be from a common driveway 235 feet in length from the two existing curb cuts. The applicant is proposing this to further reduce impervious surface areas.

INLAND WETLANDS

There are inland wetlands on the subject property lots 1 and 2. In both instances the inland wetlands are within already protected by front, rear and side yard building setbacks. It is important to note though however that there is no activity proposed in either the inland wetlands or the 100' upland review area on any of the proposed lots. An Application for Determination of Non-Regulated Activity was been filed with the Town of East Lyme Inland Wetlands Agency ("IWA"). Ex. A. The IWA reviewed the plans and determined there was no regulated activity occurring at their June 6, 2020 meeting.

OPEN SPACE

Open space totaling 41.35 acres has already been provided by deed or conservation easement to the Town of East Lyme for the Nottingham Hills Subdivision totaling 38.35% of the total land in all phases of the subdivision vs. the required 30%.
Ex. B.

YIELD PLAN

A Conventional yield plan has been provided as part of this application which demonstrates at least four lots could be developed on this property.

SEWAGE DISPOSAL REPORT

Proposed lots 2 and 3 have already been reviewed for septic feasibility. No changes have been made to require further review outside of a B-100, Ex. C, which has been filed with Ledge Light Health District. Both of lots 2 and 3 have system areas located outside of the 15-foot buffer required by the State of Connecticut Health Code. Lots 1 utilizes test hole data from the Nottingham Hills subdivision Phase 3 plans (Test Hole 332) to demonstrate no ledge, no high groundwater and no MLSS and therefore the septic feasibility required by the East Lyme Subdivision regulations. An Application For Subdivision Feasibility review was been filed with the ledge Light Health District for Lot 1. On March 17, 2020 Ex. C.

WATER SUPPLY REPORT

The existing and proposed new lots will all be served by well water. Health Code compliant locations for each of the wells are depicted on the submitted plans.

STORM WATER MANAGEMENT PLAN

Drainage from the properties will actually decrease under the proposed re subdivision when compared to the existing approved plan. Each of the lots will share a common driveway for all but 80 feet of a proposed 10' wide driveway (800s.f.). The homes will have a roof surface area of no more than 2000 s.f. . Drainage from all driveways, gutter down spouts and footing drains will be directed to the proposed rain garden from each of the homesites. Pursuant to the original design of this subdivision, stormwater will ultimately and easily be disbursed and or absorbed into the provided for 12 acre (552,720 s.f.) drainage area.

	<u>CURRENT</u>		<u>PROPOSED</u>	
Lot 19 (Lot 1)	Driveway 460'x15' =	6,900 s.f.	140'x10' =	1,400 s.f.
	House Footprint 70'x30' =	<u>2,100 s.f.</u>	56'x30' =	<u>1,680 s.f.</u>
		9,000 s.f.		3,080 s.f.
Lot 21 (Lot 2)	Driveway 460'x15' =	6,900 s.f.	190'x10' =	1,900 s.f.
	House Footprint 70'x30' =	<u>2,100 s.f.</u>	56'x30' =	<u>1,680 s.f.</u>
		9,000 s.f.		3,580 s.f.
Lot 3	Driveway	N/A	200'x10' =	2,000 s.f.

House Footprint	N/A	56'x30' = <u>1,680 s.f.</u>
		3,690 s.f.
Common Driveway 234'x18'	<u>N/A</u>	<u>4212 s.f.</u>
Totals	18,000 s.f.	14,562 s.f

ROAD CONSTRUCTION/PUBLIC IMPROVEMENTS

There is no road construction or public improvements required. Utilities (Electric, Cable and Telephone) are stubbed to the entrance on Upper Kensington Drive and there is an existing thirty foot (30') wide, three hundred two foot (302") long utility easement on the property which is recorded in the East Lyme Land Records at Dr. 6 #441.

NATURAL & CULTURAL RESOURCE MAP

Provided to the East Lyme Planning Commission as part of the Nottingham Hills Subdivision Phase 1 and incorporated herein.

ARCHEOLOGICAL SURVEY

Provided to the East Lyme Subdivision as part of Nottingham Hills Subdivision Phase 3 and incorporated herein. There are no Archeological issues to address that need to be addressed.

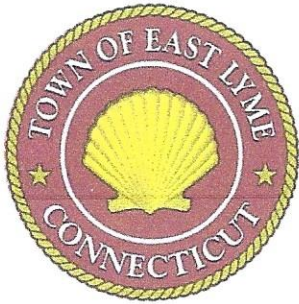
CONSTRUCTION ACTIVITIES

This property is being sold AS IS in its undeveloped state to Pazz & Construction, LLC. The current owner has not been provided with Start or Completion dates. The information provided in the proposed re-subdivision plans demonstrates feasibility of all required improvements. Sequencing and detailed erosion control will be provided by the final site plans to be submitted at the time of building permit application(s).

CONSTRUCTION SEQUENCE REPORT

The paving of the existing common driveway and the construction of the Rain Garden will occur during the construction of the first house to be built.

EXHIBIT A



Office Use Only/Date of Receipt (Stamp)

APPLICATION FOR DETERMINATION OF PERMITTED/NON-REGULATED ACTIVITY

1. SITE LOCATION (Street) and Description: Upper Kensington Drive
Assessor's Map 40.0 Lot # 23&22

Note: It is the applicant's responsibility to provide the correct site address, map/lot number for the legal notice. Provide a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) (in acres or square feet) of wetlands and watercourses to be disturbed, soil type(s), and wetland vegetation.

2. APPLICANT: Kristen T. Clarke P.E.
Address: 20 Risingwood Drive Phone: 434-409-9515
Bow, NH 03304 Fax: _____
Business: _____ Cell: _____
Email: kristentclarke@gmail.com
Applicant's interest in the land: professional engineer

***If the applicant is a Limited Liability Corporation or a Corporation provide the managing member's or responsible corporate officer's name, address, and telephone number.*

3. OWNER: English Harbour Asset Management LLC
Address: 20 Risingwood Drive Phone: 434-409-9515
Bow, NH 03304 Fax: _____
Email: _____ Cell: _____

***As the legal owner of the property listed on this application, I hereby consent to the proposed activities. And I hereby authorize the members and agents of the Agency to inspect the subject land, at reasonable times, during the pendency of the application and for the life of the permit.*

Owners Printed Name: Kristen T. Clarke P.E.
Owners Signature: Kristen Clarke Date: _____

4. Person Responsible for Compliance: _____
Address: _____
Phone Number: _____ Email: _____

5. Describe the Activity and Purpose: re-subdivision plan

6. Describe mitigation measures such as erosion controls, added wetlands plantings, infiltration and run off: n/a

7. Is the property within 500 ft of an adjoining town? Yes No

8. Inland Wetland/Watercourse Information:

Area of wetland to be disturbed 0 sq. ft.

Area of watercourse to be disturbed 0 sq. ft.

Upland Review Area to be disturbed 0 sq. ft. (area within 100' of wetland)

Will fill be needed on site? Yes No

If Yes, how much fill is needed? n/a cubic yards

Will material be removed from site? Yes No

If Yes, how much will be removed? n/a cubic yards

The property contains (circle one or more) WATERCOURSE WATERBODY WOODED-WETLAND SWAMP

Name of Soil Scientist and date of survey Don Fortunato-August 1, 2005

9. Site Plan Title, Date, Engineer/Surveyor Name: Conservation Design Development
Nottingham Hills Subdivision
4 lot re-subdivision of lots 19&21

The undersigned owner hereby consents to necessary and proper inspections of the above mentioned property by the Commission or agent of the Commission, at reasonable times both before and after a final decision has been issued by the Commission. The undersigned also swears that the information supplied is accurate to the best of his/ her knowledge and belief.

Krisen Clarke
Signature of Owner (s)

Date

EXHIBIT B

OPEN SPACE CALCULATIONS
NOTTINGHAM HILLS SUBDIVISION

Phase I

<u>Lot #</u>	<u>Acreage</u>
1	1.71
2	.92
3	1.25
4	1.39
5	1.23
6	1.21

Phase II

6	1.34
8	2.21
9	3.09
10	1.95
11	1.71
30	1.29
31	1.34
48	2.96
49	2.11
197 Upper Patt	2.68

Phase III

12	1.06
13	1.34
14	1.17
15	1.27
16	1.35
17	1.0
18	.93
19 (rear)	2.45
20	Phase IV
21 (rear)	3.12
22	1.30
24	1.73
25	1.78
26	2.58
27	2.91

28 4.36

Phase IV

20 33.0

29 3.05

32 15.03

Open Space

Aunt Ruth Turnpike 23.2

Phase I .32 (south side Kensington Drive)

Phase II 4.24 (Conservation Easement)

Phase III N/A

Phase IV 10.63 (Conservation Easement)

2.96 (Conservation Easement)

TOTAL ACRES

LOTS: 107.82

OPEN SPACE: 41.35

EXHIBIT C

ENGLISH HARBOUR ASSET MANAGEMENT, LLC
1712 Pioneer Avenue , Suite 1939
Cheyenne, Wyoming 82001
(307) 256-7229

March 17, 2020

Danielle Holmes
Ledge Light Health District
216 Broad Street
New London, CT 06320

Re: Lot Line Revision and Re-Subdivision Nottingham Hills Lot 19
AKA 22 Upper Kensington Drive and Lot 21
AKA 24 Upper Kensington Drive

Dear Danielle:

Enclosed please find a B-100 for revised lots 19 & 21 together with an Application for Subdivision Feasibility for the two new proposed lots. I have also enclosed the following;

1. One (1) 24" x 36" and one (1) 11" x 17" plan titled "Conservation Design Development, Nottingham Hills Subdivision, 4 Lot Resubdivision of Lots 19 & 21".
2. Sheets SD1, SD 2, SD 5 and SD14 of the final approved Nottingham Hills Subdivision Phase 3 plans recorded in the East Lyme Land Records on December 16, 2005 beginning at Drawer 6 # 287. Ex. 1.

I have highlighted the test hole results on sheet SD 14 that we have used in the preparation of this re subdivision plan as follows:

- Proposed Lot 1: Test hole data for #332 highlighted in yellow.
- Proposed Lot 2: Test hole data for #'s 513, 349 & 349A and perk test results highlighted in blue. (Existing Code Compliant Septic Area)
- Proposed Lot 3: Test hole data for # B and the perk test results highlighted in orange. (Existing Code Compliant Septic Area)
- Proposed Lot 4: Test hole data for # A highlighted in green.

PLEASE NOTE LOT #4 WILL BE CONVEYED TO THE EAST LYME LAND TRUST, INC. FOR PUBLIC OPEN SPACE AND WILL BE SUBJECT TO A CONSERVATION EASEMENT. ACCORDINGLY THIS LOT SHOULD BE REVIEWED FOR FEASIBILITY AS A ONE BEDROOM SYSTEM ONLY. PLEASE SEE ATTACHED EX. 2.

Please feel free to contact me at 434-409-9515 or kristentclarke@gmail.com should you have any questions or need to discuss this matter further.

Sincerely,

A handwritten signature in cursive script that reads "Kristen Clarke".

Kristen T. Clarke

cc: Paul Geraghty, Esq.
Jason Pazzaglia



App No. _____
Check No. _____
Receipt No. _____
REVIEW FEE: \$25.00
w/site visit or soil test: \$50.00
Make check to LLHD or pay online
at www.LLHD.org rev 4/30/17

Promoting
healthy
communities

B100a: Application for Building Addition, Change in Use, Accessory Structure, or Lot Line Change

Note: Please include the following with your application:

1. A scaled site plan of your property showing property lines, existing buildings, septic system (s), water line (s)/ well (s), and proposed building addition or accessory structure.
2. For additions of living space: existing and proposed floor plans.
3. Soil testing information, if available.

Date: _____ Property Address: builder lots 19&21 Upper Kensington Dr Town: East Lyme
 Applicant Name: Kristen T. Clarke, P.E. Phone: 434-409-9515
 Email: Kristentclarke@gmail.com

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

Property Water Supply: Well (s) Public Water Both

Type of Application:
 Building Addition (e.g., adding rooms or 2nd floor, finishing attic or basement); additional bedrooms _____
 Building Change in Use or Conversion (e.g., office or retail to food service; home winterization)
 Accessory Structure (Garage, Shed, Deck, Pool, etc.)
 Lot Line Change

Please provide a brief description of the proposed project: Lot line revisions of Nottingham Hills Subdivision lots 19 & 21 to accommodate 2 new lots one of which be dedeed for OpenSpace (Lot #

Signed: _____ * Applicant attests that project information is the same as that supplied to the Building Department (if applicable).

Reviewed by: _____ Title: _____ Approved Denied

Signed: Kristen Clarke Date: _____

Comments: _____



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: 3/2/2018 Property Address: builder lots 19&21 Upper Kensington Dr. East Lyme Town: _____

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

Email: kristentclarke@gmail.com Fax: _____

Applicant Address (if different from above): _____

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: 2 (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: _____

EXHIBIT NN



PO Box 831
East Lyme, CT 06333
eastlymelandtrust.com

July 22, 2020

Kirk Scott, Chairman
Town of East Lyme
Planning Commission
108 Pennsylvania Ave.
Niantic, CT 06357

Re: Nottingham Hills Subdivision Lots 19 & 21

Dear Mr. Scott:

Please accept this correspondence as notice of the East Lyme Land Trust's commitment to accept the fee interest and conservation easements which will be identified on the final plans as part of the re-subdivision of the above referenced property. As of today's date we are awaiting the approval of the proposed septic system areas by Ledge Light Health District before we can finalize the conservation easement portion of the donation.

The properties subject to the donation, both fee interest and conservation easement, abut land we will be acquiring shortly and will provide us with an additional protected area in perpetuity.

Sincerely,

A handwritten signature in cursive script that reads "Ronald Luich".

Ronald Luich

A handwritten word in cursive script that reads "President".

Geraghty & Bonnano, LLC

Attorneys at Law
August 3, 2020

PAUL M. GERAGHTY*
MICHAEL S. BONNANO
JOHANNA McCORMICK
MARK A. DUBOIS†
PATRICIA A. KING**
JONATHAN E. FRIEDLER††

*Also Admitted in New York
† Board Certified, Trial Advocate
**Se habla español

†† Also Admitted in Massachusetts and North Dakota

Via email: ggoeschel@eltonhall.com
Gary Goeschel
Director of Planning
108 Pennsylvania Avenue
Niantic, CT 06357

Re: Nottingham Hills Re-subdivision of Lots 19 & 21
English Harbour Asset Management LLC

Dear Gary:

I write to request that the Planning Commission provide a conditional approval to the above referenced re-subdivision subject only to your receipt of feasibility approval by Ledge Light Health District or the State of Connecticut Department of Health. I spoke with Danielle Homes on Friday and was distressed, to say the least, on her lack of familiarity with the re-subdivision application considering the number of months that have past and replies my client has provided.

We had delivered plans to your office in early March regarding the re-subdivision and the lot line revision for lot 25. I now understand that because they were marked "DRAFT" they were not forwarded to Ledge Light. Notwithstanding the fact they were marked draft both plans bore the stamp and signature of a licensed Connecticut surveyor. The materials submitted were marked as such because it would not be atypical to meet with staff and review the plans first and finalize them based on those conversations. Since this was not possible due to the virus they were submitted as "drafts". Moreover, on more than one occasion we received responses from your office and Ledge Light as to "draft" plans so it does not make sense to us that all of a sudden this is a reason for not transmitting such plans. Executive Order 7B (1) allows for final plans to be filed not later than 24 hours before any scheduled hearing.

As I am sure you are aware, applicants can bypass the local Health District and obtain approvals directly from the State pursuant to the Health Code of the State of Connecticut. Since Ledge Light Health District has had ample time to review this very simple application, I can only assume at this juncture we will obtain our approvals regarding Septic compliance directly from the State of Connecticut Department of Health.

We have had several discussions with Dave Potts, the owner of Geomatrix, and are entirely comfortable with his ability to achieve full system approvals from either of the options available to us.

Replies to New London only at:

38 GRANITE STREET, PO BOX 231
NEW LONDON, CONNECTICUT 06320

WWW.GERAGHTYBONNANO.COM

131 DWIGHT STREET
NEW HAVEN, CONNECTICUT 06511

TELEPHONE (860) 447-8077 / FAX (860) 447-9833

That said the Commission may grant a conditional approval since the development of any parcel would be contingent on approval of the septic by Ledge Light.

“ ... our Supreme Court elaborated on its holding in *Lurie* by stating: “Our holding [in *Lurie*] was intended to achieve greater flexibility in zoning administration by avoiding stalemates between a zoning authority and other municipal agencies over which it has no control.... Nowhere did we intimate, therefore, that, in order to be valid, conditional approval requires evidence that the other agency will act favorably on the future request.... Further, it would be contrary to the policy of allowing a planning and zoning commission to make the first move and the decision as to the conditions under which it would approve the issuance of a permit.... This is so even though the project may subsequently fail to materialize because one or more of the conditions has for any reason not been met.... We conclude, therefore, that the phrase reasonably conditional in *Lurie* contemplates giving the other agency, over which a planning and zoning commission has no control, the opportunity to review the revised plans, thereby furthering the goal of cooperative action among municipal agencies, and that the record need not indicate whether the conservation commission is likely to approve the revised site plans.” (Citations omitted; internal quotation marks omitted.) *Id.*, at 482–83, 562 A.2d 1093. Our Supreme Court noted in *Gerlt v. Planning & Zoning Commission*, *supra*, 290 Conn. at 325, 963 A.2d 31, that *Lurie* and *Blaker* both involved conditional approval of site plan applications for a specially permitted use. The court further explained that “the approvals [in *Lurie* and *Blaker*] would have been invalid unless the other agency took the required actions.... When an approval will not be operative until a specific action occurs, however, there is no need to establish on the record that the action probably will occur because there is no risk to the public interest if the action does not occur.”⁵ *Id.*, at 325–26, 963 A.2d 31. *CMB Capital Appreciation, LLC v. Planning & Zoning Comm'n of the Town of N. Haven*, 124 Conn. App. 379, 387–88, 4 A.3d 1256, 1261 (2010).

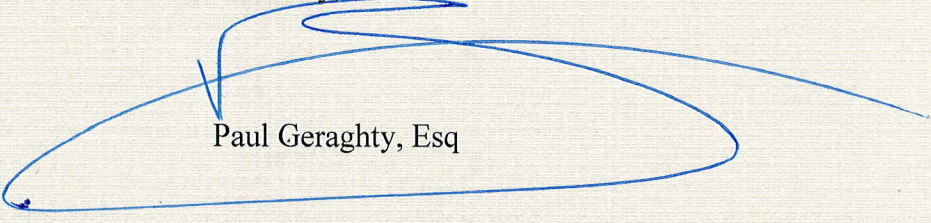
The rationale for this rule is that it allows “greater flexibility in zoning administration by avoiding stalemates between a zoning authority and other municipal agencies over which it has no control.” *Blaker v. Planning & Zoning Commission*, *supra*, at 482, 562 A.2d 1093. *Gerlt v. Planning & Zoning Comm'n of Town of S. Windsor*, 290 Conn. 313, 324–25, 963 A.2d 31, 39 (2009)

Secondly, I am concerned about members of the commission “pandering” to the residents over set back and stormwater management issues each of which are fully compliant with the zoning regulations, since at least the year 2001, and Storm Water Management requirements of the Subdivision Regulations of the Town of East Lyme. In addition, I know for a certainty that my client, Kristen Clarke, intends to respond in greater detail to the false claims made by Christine Stahl prior to tomorrow’s continuation of the Public Hearing of my client’s application. This includes the right to cross examine those witnesses who testified at last week’s hearing.

Would you please call me so we can discuss these matters in greater detail?

Sincerely,

Paul Geraghty, Esq

A large, stylized handwritten signature in blue ink is written over the typed name. The signature starts with a vertical line that loops around the name, then extends horizontally to the right and loops back to the left, ending in a small dot.

MEMORANDUM

TO: Gary Goeschel, East Lyme Town Planner
cc: Jen Lindo
Paul Geraghty, Esq.

FROM: Kristen Clarke, PE

DATE: August 4, 2020

RE: Re-Subdivision – Nottingham Hills Lots 19 & 21

Enclosed please find the following submissions which should be added to the record of the above referenced application:

Exhibit OO: Information regarding the GST Leaching Systems addressed in the July 27, 2020 Public Hearing. We are proposing the use of these systems because they are the most environmentally friendly product available on the market and for no other reason.

Exhibit PP: Photographs of homes located within the Nottingham Hills subdivision that have similar side yard setback spacing as those proposed by the pending application.

THE FOLLOWING EXHIBITS ARE BEING SUPPLIED TO ADDRESS THE FALSE CLAIMS MADE BY CHRISTINE STAHL, AND POSSIBLY OTHERS, IN THE LETTER ON RECORD OF THIS APPLICATION IDENTIFIED AS EXHIBIT J

Exhibit QQ: Plans Submitted to Approved by the East Lyme Conservation Commission in 2002.

Exhibit RR: Letter from Attorney Mark Block Esq, Legal Counsel to the Town of East Lyme, dated October 3, 2008 and addressed to the Town of East Lyme's Insurance carrier

Exhibit SS: Names of the Town Employee's not identified in Exhibit RR

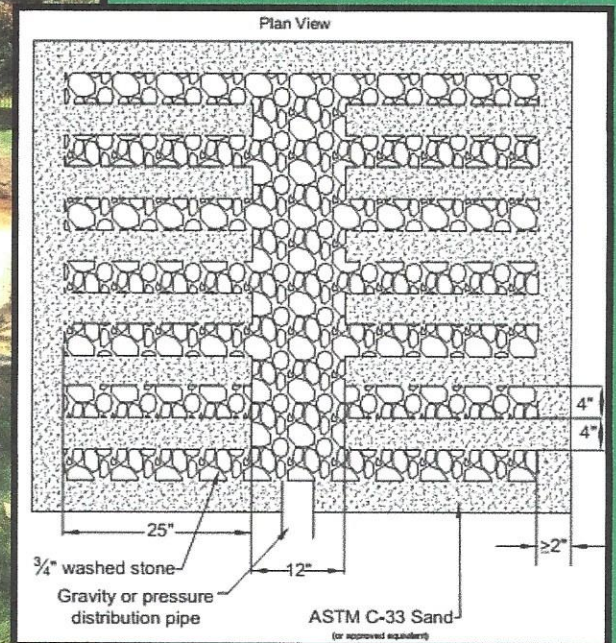
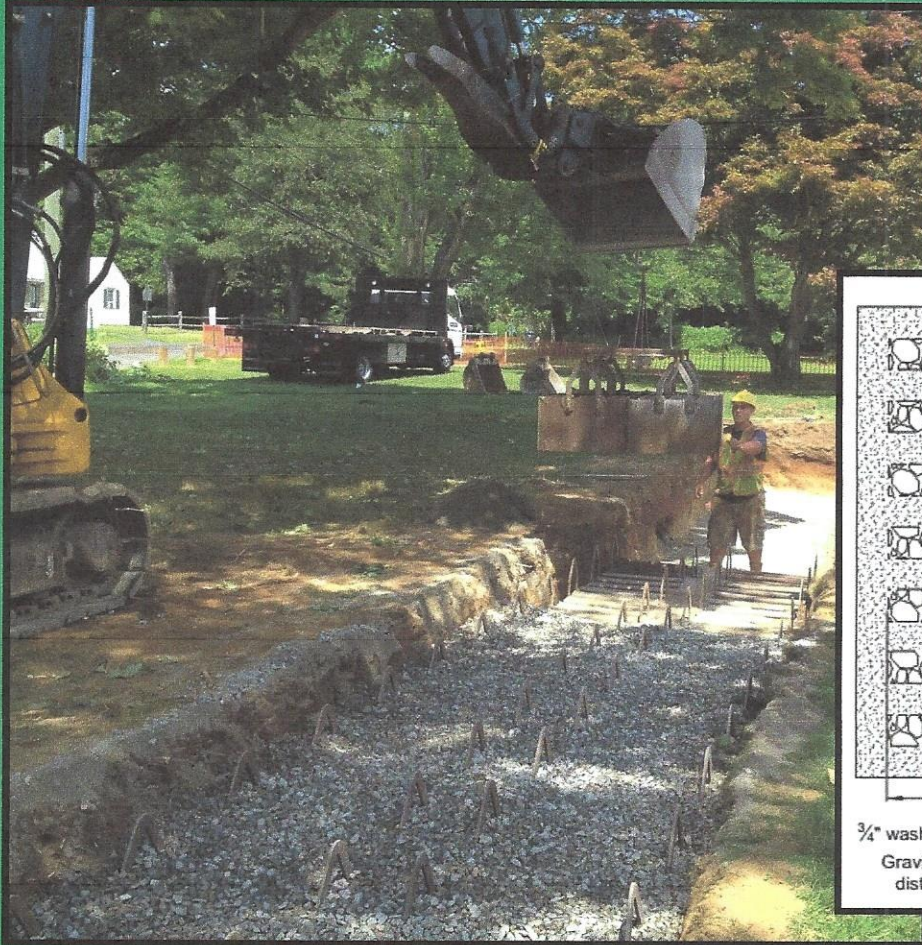
Exhibit TT: Section 7-3 of the Subdivision Regulations that refers to Open Space Conveyance. We would note that this does not apply to this Re-Subdivision as all required Open Space has already been provided, and then some, and

any further dedication of Open Space Land is a voluntary gift and not a requirement.

- Exhibit UU: Memo from Meg Parulis, Director of Planning to East Lyme Board of Selectman regarding acceptance of Open Space for Nottingham Hills Subdivision
- Exhibit VV: Building Plans for Proposed Lots which are consistent in size and appearance to existing homes
- Exhibit WW Assessors Cards for Property Owners identified in Ex. J.
- Exhibit XX Subdivision Plan showing 4 Upper Kensington Drive (Stahl). This exhibit is provided to demonstrate Mrs. Stahl materially omitted the fact that even though her lot is 1.95 acres in size nearly 70 % of it is subject to a Conservation Easement held by the East Lyme Land Trust, Inc.

EXHIBIT OO

GST™ Leaching System



A unique leaching system that delivers enhanced oxygen transfer in a shallow profile and a small footprint.

GEOMATRIX 

GST Leaching System (GST) is an adaptation of the time proven stone leaching trench. This traditional leaching system has been improved with the use of a removable form to accurately shape and construct leaching fingers along the sides of a central distribution channel. The fingers are constructed with 3/4" washed stone and are surrounded with ASTM C-33 sand. These fingers serve to increase the sidewall surface area by more than six times that of a traditional stone leaching trench. Additionally, the narrow profile of the leaching fingers and central distribution channel, combined with the uniform profile of the sand treatment media, serve to enhance oxygen transfer efficiencies. Enhanced oxygen transfer results in better treatment of the wastewater pollutants and a leach field with a longer life-span. Certain leaching systems have cardboard forms that remain in place around the leaching system, inhibiting the transfer of wastewater from the leaching system to the soil, GST has direct stone to soil contact for enhanced long-term performance. This is the same design that the time proven stone leaching trench utilizes. GST can be configured with standard gravity, pressure and/or time dosed distribution.



GST Leaching System

- Improvement over time-proven stone and pipe technology
- Greater surface area in less space
- Maximizes wastewater aeration
- 3rd party tested
- Central channel uniformly distributes wastewater
- Proven with high strength wastewater
- Fast and easy installation
- Uses local materials



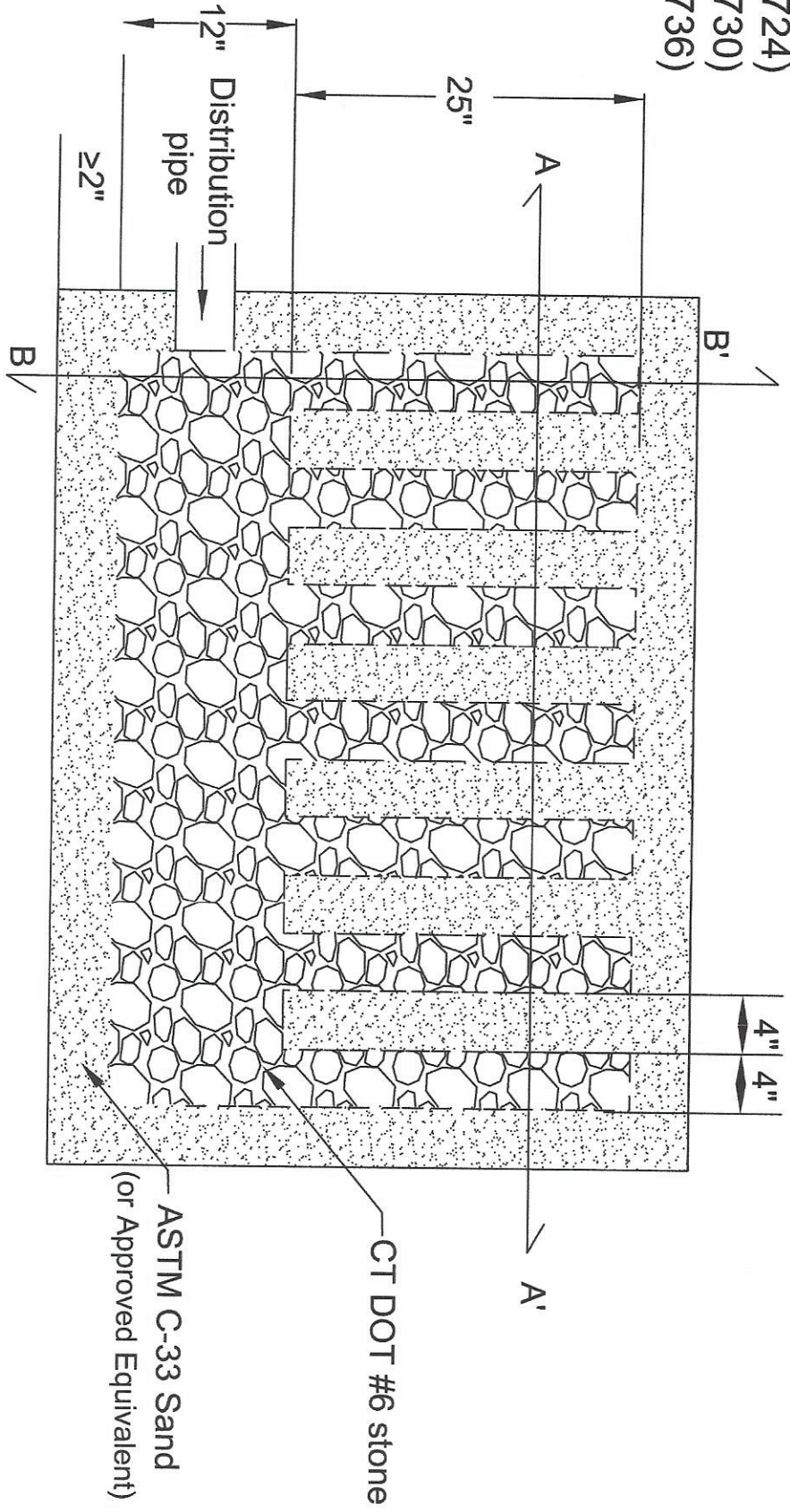
www.geomatrixsystems.com
 Email: info@geomatrixsystems.com

Phone: 860-510-0730
 Fax: 860-510-0735
 114 Mill Rock Road East
 Old Saybrook, CT 06475

Patents: www.geomatrixsystems.com
 GST is a trademark of Geomatrix Systems, LLC
 ©2016 Geomatrix Systems, LLC - GST032516

GEOMATRIX GST™ 37 SERIES LEACHING SYSTEM Plan View

- 6" (GST3706)
- 12" (GST3712)
- 18" (GST3718)
- 24" (GST3724)
- 30" (GST3730)
- 36" (GST3736)



Distribution Pipe:
 SDR 35 or Schd. 40, ASTM D-1785 PVC pipe for gravity applications
 Schd. 40, ASTM D-1785 PVC pipe for pressure applications

Copyright 2010 Geomatrix Systems, LLC
 Manufactured under one or more of the following
 US Patent Number 7,374,670, 7,465,390, 7,351,005
 Other patents pending

GST 37 SERIES LEACHING SYSTEM
 Plan View

Geomatrix Systems, LLC., Old Saybrook, CT
 860-510-0730

SCALE	REV.	DATE
NONE	B-9/09/10	9/09/2010
	ACAD No. GST37	PLAN VIEW.DWG

Sheet 1 of 2



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

February 7, 2008

David Potts
Geomatrix Systems, LLC
385 Roast Meat Hill Road
Killingworth, CT 06419

Re: Geomatrix GST Leaching System Product Approval

Dear Mr. Potts:

This Department has reviewed the documentation you submitted on the Geomatrix GST proprietary leaching systems. The installation of the GST leaching systems requires use of a removable form provided by Geomatrix. After placement of the form in a sand bedded trench excavation, No. 6 stone (Previously $\frac{3}{4}$ " stone) and sand are placed within the form voids. The form is then removed leaving a series of stone and sand "fingers". The sand must minimally meet ASTM C-33 or select fill specifications. The No. 6 stone must meet the gradation requirements in DOT Form 816, and the #40 and #200 sieve gradation, hardness and soundness criterion included in the stone aggregate definition in the Technical Standards.

The standard width of the GST products is 62 inches. The product is placed in an excavation that is at least 66-inch wide to allow placement of sand on the sides of the product. The product is placed on at least a 2-inch deep bed of sand. Effluent is distributed into the product via at least a 3-inch perforated distribution pipe (for gravity systems) set along top of the product extending the entire product length. Stone is placed around the distribution pipe, and filter fabric is placed over the product and distribution pipe.

A total of six different GST products of various heights have been submitted for approval. The specified product heights do not include the height of the distribution pipe on top of the product. The calculated ELA credits for the Geomatrix GST leaching systems are as follows:

Product Name	Dimensions (W x H)	Effective Leaching Credit (SF/LF)	Center to Center Spacing (feet)
GST 6206	62" x 6"	5.9	12
GST 6212	62" x 12"	10.0	12
GST 6218	62" x 18"	14.0	13
GST 6224	62" x 24"	18.1	13
GST 6230	62" x 30"	22.1	13
GST 6236	62" x 36"	26.2	13

Phone: (860) 509-7296



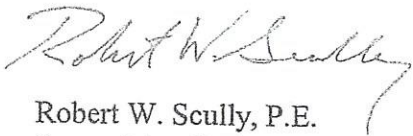
Telephone Device for the Deaf: (860) 509-7191
410 Capitol Avenue - MS # 51-SEW
P.O. Box 340308 Hartford, CT 06134

Affirmative Action / An Equal Opportunity Employer

Installation instructions were provided to this Department and are dated February 7, 2008. The installation instructions indicate that the GST products can be installed under vehicular wheel loading areas (H-20) as long as 12 inches of cover is provided over the product, and the use of a load distribution system is recommended to prevent compaction of the infiltrative surface. The installation instructions also stipulate that installations of GST products must be completed in the presence of an authorized Geomatrix representative or Geomatrix Systems, LLC, must certify the installer. Any changes to these instructions must be forwarded to this office for our files.

This Department hereby APPROVES the Geomatrix GST leaching system products with the noted ELA credits and center-to-center spacing. The Geomatrix GST proprietary leaching system products will be incorporated into the next revision of the Technical Standards. This letter may be reproduced in its entirety as a means of notifying local health departments, engineers and installers of the product approval. This Department will also be sending an electronic copy of this approval to all Local Directors of Health and our Code Advisory Committee. This approval should not be construed to be an endorsement of this product.

Sincerely,



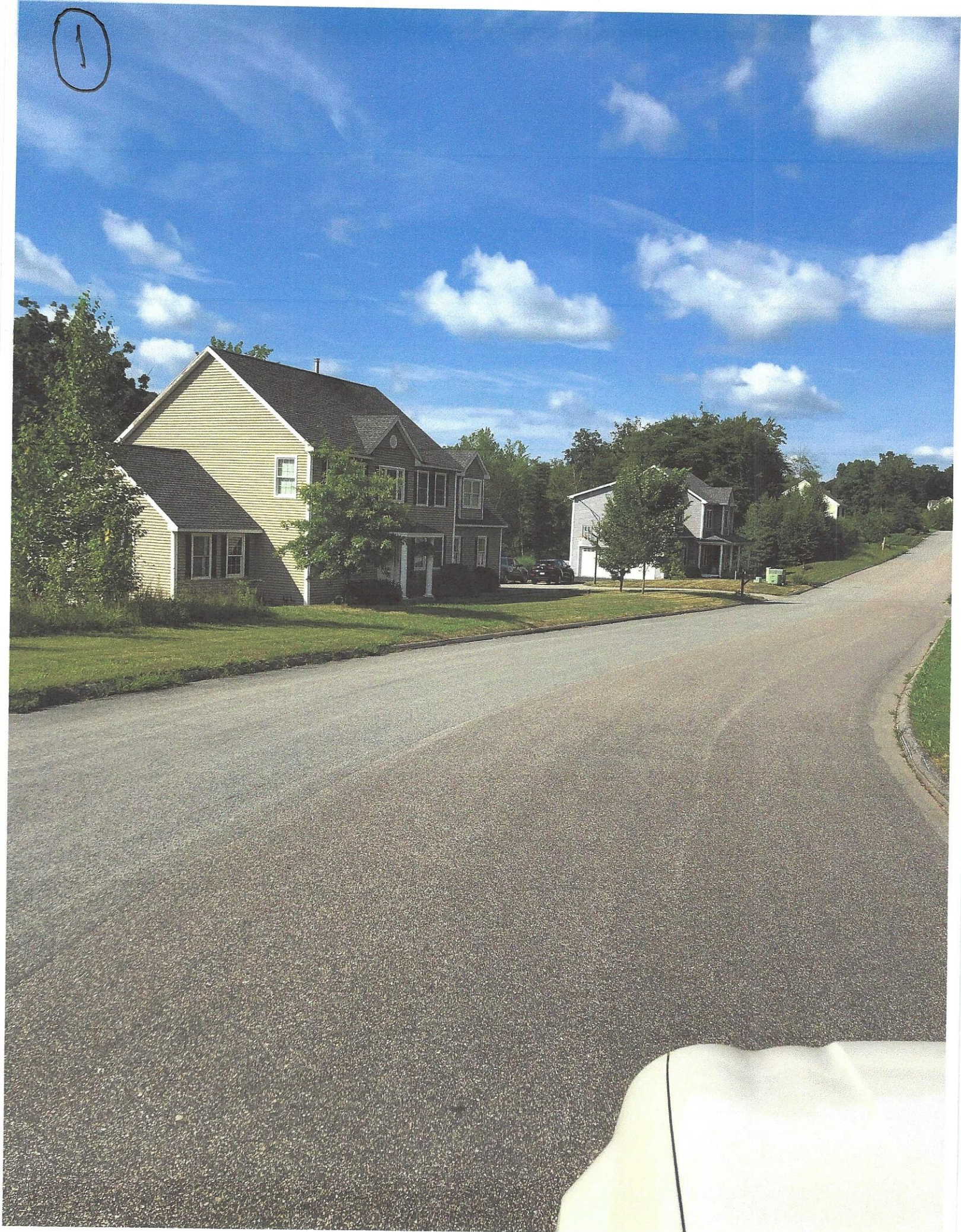
Robert W. Scully, P.E.
Supervising Sanitary Engineer
Environmental Engineering Program

C: Suzanne Blancaflor, Chief, Environmental Health Section, RSB, DPH

C/bob/GeomatrixGSTapproval

EXHIBIT PP

①



2



3



EXHIBIT QQ

NOTTINGHAM HILLS SUBDIVISION - PHASE II

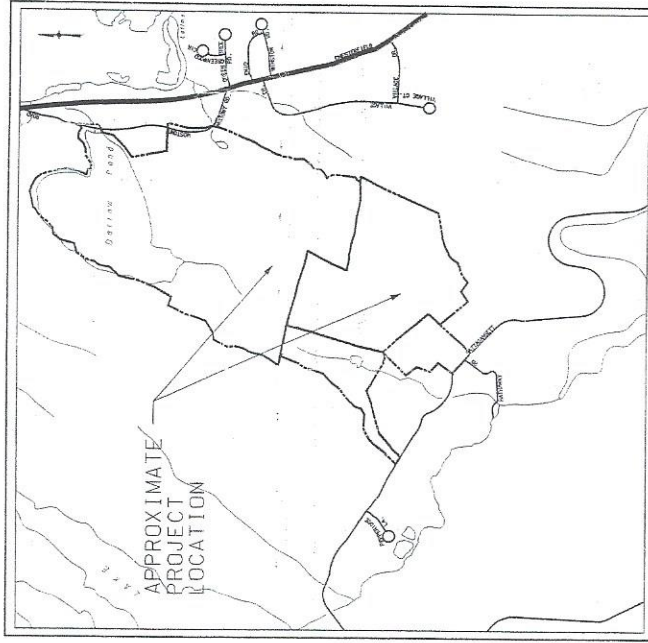
CONSERVATION COMMISSION APPLICATION

PROPOSED RESIDENTIAL COMMUNITY

EAST LYME, CONNECTICUT

LEGEND TO PLAN SHEETS

- EXISTING CONTOURS
- PROPOSED CONTOUR - PUBLIC IMPROVEMENTS
- PROPOSED CONTOUR - DEVELOPMENT FEASIBILITY
- EXISTING TREE LINE
- EXISTING STONE WALL
- LIMIT OF WETLANDS
- 75' WETLAND SETBACK LINE
- WATERCOURSE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- PROPERTY SETBACK LINE
- MINIMUM SQUARE
- PROPOSED SEDIMENT BARRIER
- EXISTING STORM DRAINAGE
- PROPOSED STORM DRAINAGE
- EXISTING STREET LINE MONUMENTS
- PROPOSED STREET LINE MONUMENTS
- POSSIBLE WELLS LOCATION
- PROPOSED PRIMARY LEACHING AREA
- PROPOSED RESIDING LEACHING AREA
- POSSIBLE WELL LOCATION
- PROPOSED REPAIR PLUMBING POOL - DITCH OR SEWER PROTECTION
- DEEP TEST PIT LOCATION & NUMBER
- PERCOLATION TEST LOCATION AND NUMBER



SITE LOCATION

SCALE: 1" = 800'

APPLICANT:

NIANTIC REAL ESTATE, LLC
 P. O. BOX 452
 EAST LYME, CT 06333
 (860) 691-0613

CONSULTANT:



Anchor Engineering Services, Inc.
 75 Nutmeg Lane, Glastonbury CT 06033
 Tel (860) 633-8770 Fax (860) 633-5971

FLOOD ZONE

SHADING PARCEL IS OUTSIDE OF ZONE A (100 YEAR) PER FEMA MAP

LIST OF DRAWINGS

TITLE SHEET	SHEET
KEY MAP	T-1
SOIL TYPES	K-1
SITE PLANS	S-1 TO S-2
EROSION & SEDIMENTATION CONTROL DETAILS	SP-1 TO SP-7
DETAILS	ES-1 TO ES-2
SOIL TESTING	D-1
	TP-1

ZONING COMPLIANCE TABLE

PROPERTY USE	CLUSTER/OPEN SPACE RESIDENTIAL HOUSING
ZONE	RH-40
MINIMUM LOT SIZE	40,000 SF
MINIMUM FRONTYARD SETBACK	20 FEET
MINIMUM SIDERYARD SETBACK	15 FEET
MINIMUM REARYARD SETBACK	20 FEET
MAXIMUM BUILDING HEIGHT	50 FEET
AVERAGE LOT COVERAGE	15%
MINIMUM LOT FRONTAGE	100 FEET
MINIMUM BUILDABLE AREA PER LOT	20,000 SF



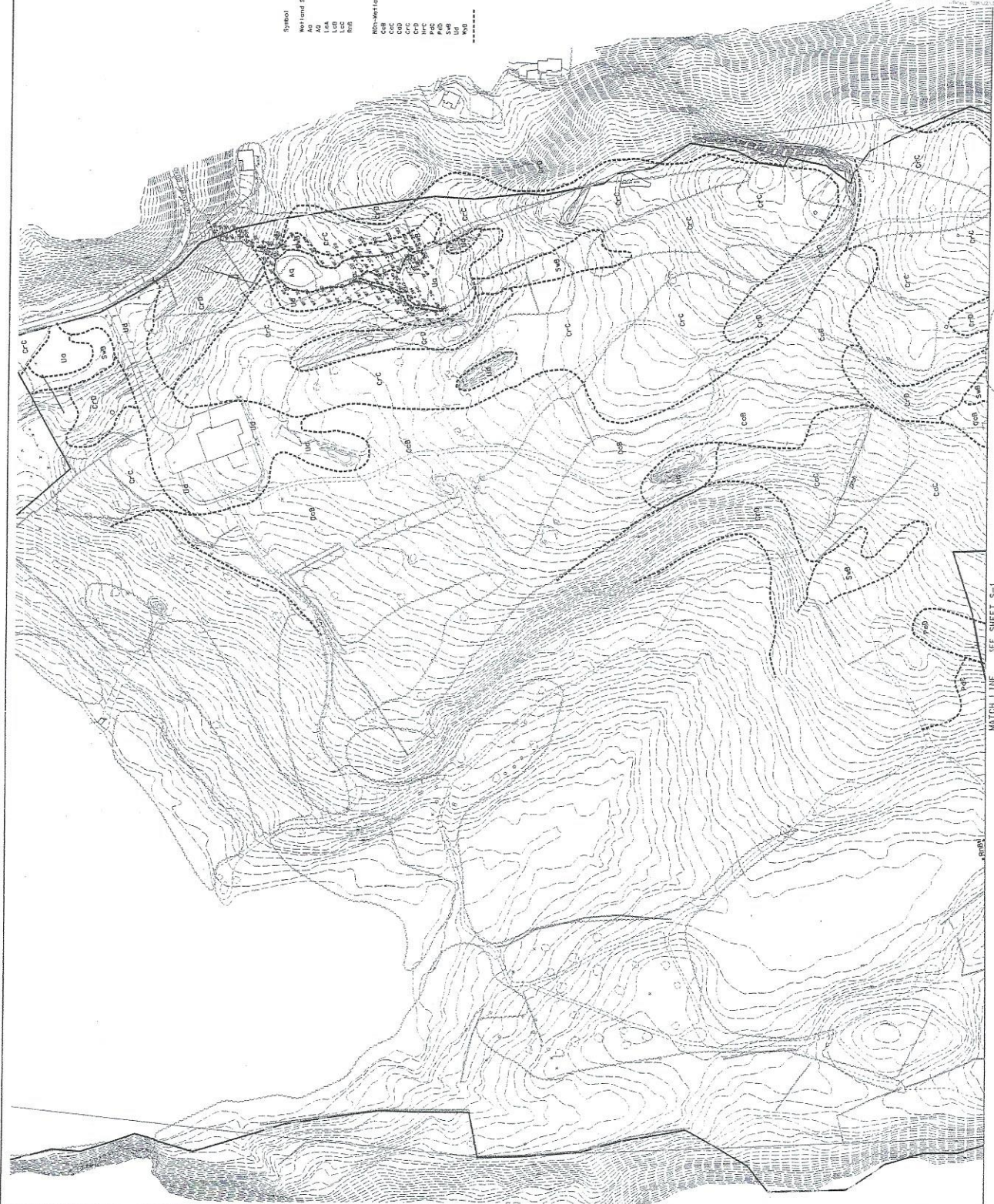
NOT RELEASED FOR CONSTRUCTION

Anchor Engineering Services, Inc. 1000 Old Saybrook Rd., Suite 200 Saybrook, CT 06488 TEL: (860) 832-8710 FAX: (860) 832-8711	
NOTTINGHAM HILLS SUBDIVISION PHASE 1 PARTICULAR ASSOCIATE LLC KENTON, CT	
DATE: 6/26/02	DATE: 6/26/02
REV: 1	REV: 1
SCALE: 1"=150'	SCALE: 1"=150'



SOIL LEGEND

- Symbol** **Map Unit Name**
- Welland Soils**
- As Peaty silt
 - Lea Leucostic very stony fine sandy loam, 0 to 3 percent slopes
 - Lcb Leucostic very stony fine sandy loam, 3 to 8 percent slopes
 - Lcc Leucostic very stony fine sandy loam, 8 to 15 percent slopes
 - Rrb Ripplery very stony fine sandy loam, 2 to 8 percent slopes
- Non-Welland Soils**
- cdl Charlton very stony fine sandy loam, 3 to 8 percent slopes
 - cdm Charlton medium stony fine sandy loam, 3 to 8 percent slopes
 - cdb Charlton extremely stony fine sandy loam, 15 to 35 percent slopes
 - ccc Charlton-chert/diabase complex, 3 to 15 percent slopes
 - ccc Charlton-chert/diabase complex, 15 to 35 percent slopes
 - chc Chert/leached/iron-chert horizon/look out/crop complex, 3 to 15 percent slopes
 - phc Pardon very stony fine sandy loam, 8 to 15 percent slopes
 - phc Pardon very stony fine sandy loam, 15 to 35 percent slopes
 - 3-4b Sursum very stony fine sandy loam, 2 to 8 percent slopes
 - 3-4b Sursum very stony fine sandy loam, 8 to 15 percent slopes
 - 3-4b Sursum very stony fine sandy loam, 15 to 35 percent slopes
- Soil type delineation line



THIS MAP AND MAP WAS PREPARED IN ACCORDANCE WITH SECTIONS 20-21 OF THE CONSTITUTION OF THE STATE OF CONNECTICUT AND THE ACTS OF THE GENERAL ASSEMBLY THEREUNDER AND IS HEREBY CERTIFIED TO BE TRUE AND CORRECTLY PRESENTED ON THIS DATE: APRIL 19, 2002, AND MAY 20 & 21, 2002. 10 & 24, 2001.

UPPER PATIGNANSETT ROAD, EAST LYME, CT.

[Signature] DATE: 6/10/02

PROF. BRUCE ROBERTSON, REGISTERED SOIL SCIENTIST

THIS MAP AND MAP WAS PREPARED IN ACCORDANCE WITH SECTIONS 20-21 OF THE CONSTITUTION OF THE STATE OF CONNECTICUT AND THE ACTS OF THE GENERAL ASSEMBLY THEREUNDER AND IS HEREBY CERTIFIED TO BE TRUE AND CORRECTLY PRESENTED ON THIS DATE: APRIL 19, 2002, AND MAY 20 & 21, 2002. 10 & 24, 2001.

UPPER PATIGNANSETT ROAD, EAST LYME, CT.

[Signature] DATE: 6/10/02

PROF. BRUCE ROBERTSON, REGISTERED SOIL SCIENTIST

Anchor Engineering Inc. Services, Inc.
15 Nutmeg Lane, Glastonbury, CT 06033
TEL: (860) 433-8770 FAX: (860) 433-9911

NOTTINGHAM HILLS SUBDIVISION
PHASE II
NIANTIC REAL ESTATE, LLC
SOIL TYPE

UPPER PATIGNANSETT ROAD, CONNECTICUT

PROJECT: 422-017 DATE: 6/18/02 SHEET NO. S-2

SCALE: 1"=120'

REVISIONS:

NO. 1	DATE	DESCRIPTION
1	6/10/02	ISSUED FOR PERMITTING

MATCH LINE SEE SHEET S-1

NOT RELEASED FOR CONSTRUCTION

Archer Engineering Services, Inc.
 75 N. Main St., Suite 100
 Tel: (860) 433-8770 Fax: (860) 433-9311

NOTTINGHAM HILLS SUBDIVISION

PHASE II

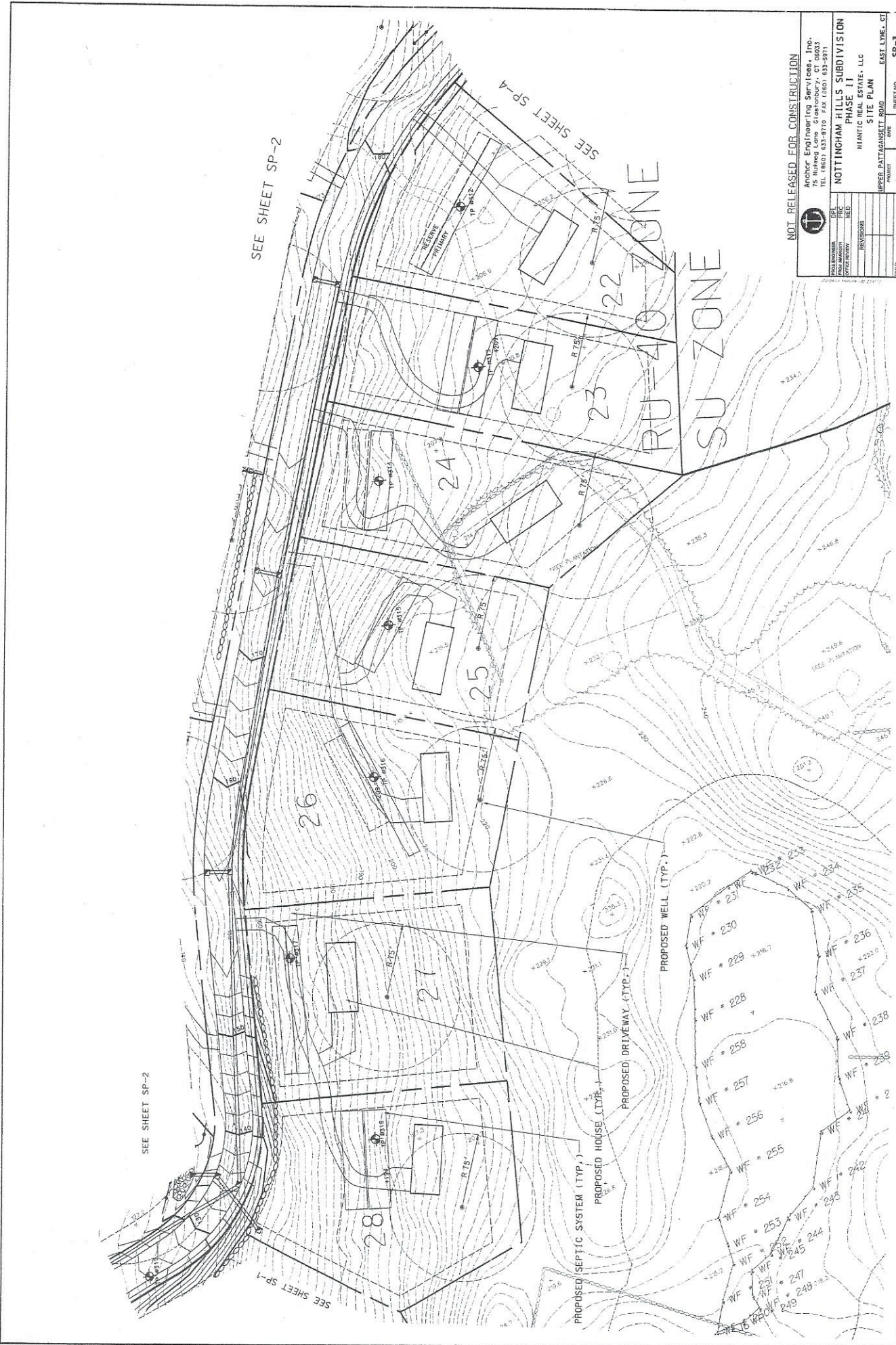
SITE PLAN

INAMTIC HOLDINGS, LLC

UPPER BATTINGSETT ROAD EAST LINE, CT

PROJECT: _____ DATE: _____ SHEET NO.: **SP-2**
 SCALE: 1" = 40'
 DRAWN BY: _____
 CHECKED BY: _____
 DATE: _____





SEE SHEET SP-2

SEE SHEET SP-2

SEE SHEET SP-4

SEE SHEET SP-1

NOT RELEASED FOR CONSTRUCTION

Anchor Engineering Services, Inc.
75 Nutmeg Lane - Waterbury, CT 06033
TEL (860) 833-8770 FAX (860) 833-9911

NOTTINGHAM HILLS SUBDIVISION
PHASE II
SITE PLAN

MIANTIC REAL ESTATE, LLC

UPPER PATTAUGUSETT ROAD EAST LIME, CT

DATE: 6/28/02
SHEET NO. SP-3

DESIGNER	DATE
CHECKED	DATE
APPROVED	DATE
SCALE	1" = 40'

NOT RELEASED FOR CONSTRUCTION



Manning Engineering Services, Inc.
150 North Main Street, Suite 100
Tel: 1860.633-8870 Fax: 1860.633-8871

NOTTINGHAM HILLS SUBDIVISION
PHASE 1
NIMATIC REAL ESTATE, LLC
SITE PLAN
UPPER PATTAHANSETT ROAD EAST LYME, CT

DATE	6/26/02	SHEET NO.	SP-4
PROJECT	422-01		
SCALE	1" = 40'		
REVISIONS:			
DATE			
BY			
CHECKED			
APPROVED			



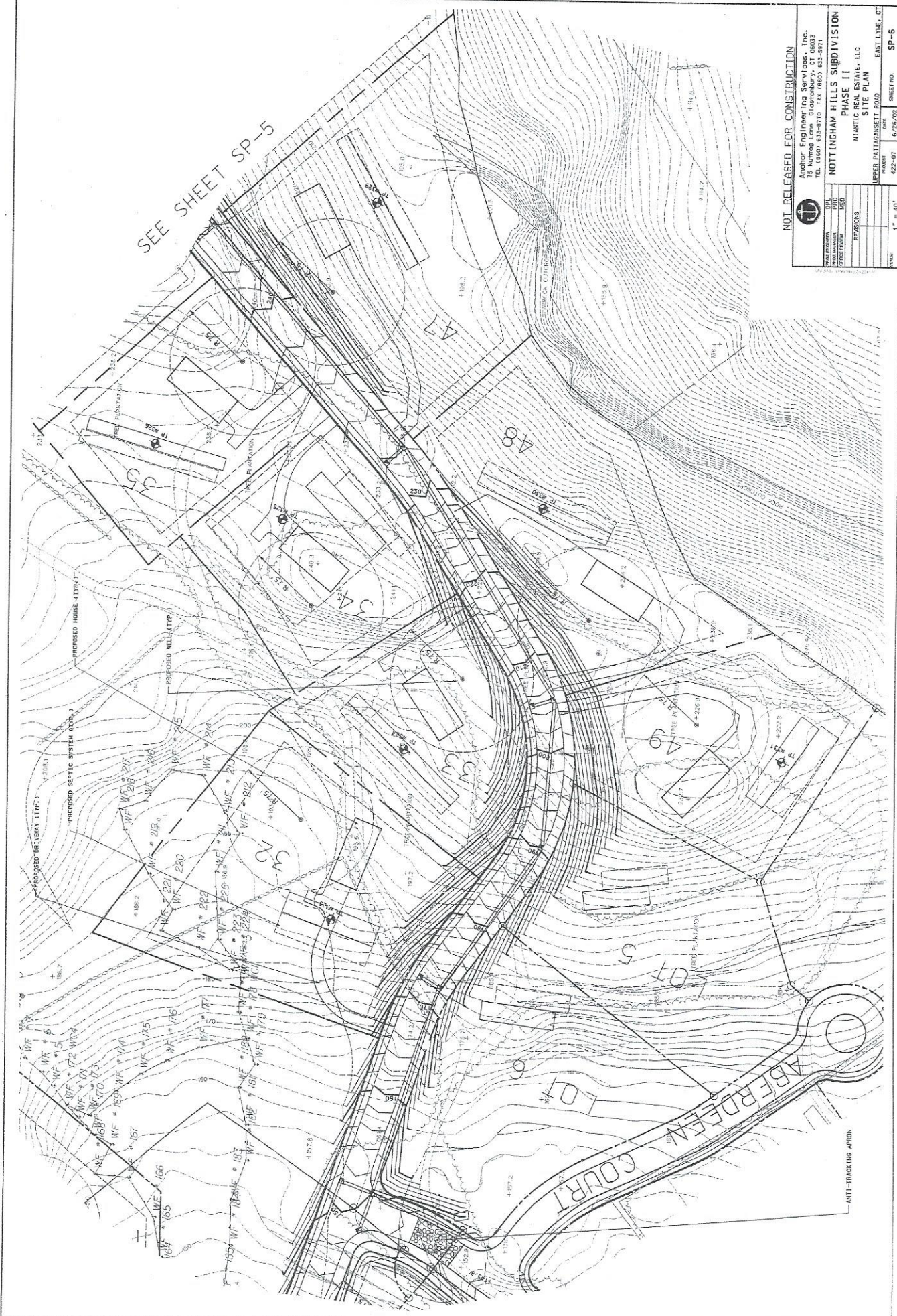


SEE SHEET SP-6

NOT RELEASED FOR CONSTRUCTION

Anchor Engineering Services, Inc. 110 New Britain Avenue, CT 06033 TEL (860) 432-8170 FAX (860) 432-9711	
MOTTINGHAM HILLS SUBDIVISION PHASE II NEMATIC REAL ESTATE, LLC SITE PLAN	
DATE: 6/26/02 PROJECT: UPPER PATTAHANSETT ROAD SHEET NO.: SP-5	EAST L.W.M.E. CT
SCALE: 1" = 40' REVISIONS:	SHEET NO.: SP-5

SEE SHEET SP-5



NOT RELEASED FOR CONSTRUCTION

Anchor Engineering Services, Inc.
75 N. Main St., Suite 100
Tel. (860) 833-8770 Fax (860) 833-8771

NOTTINGHAM HILLS SUBDIVISION
PHASE II
SITE PLAN

NIANTON ESTATE, LLC
UPPER PATTANGSETT ROAD
EAST LINE, CT

DATE	6/26/02
PROJECT	422-01
SHEET NO.	SP-6

SCALE: 1" = 40'



NOT RELEASED FOR CONSTRUCTION

Archery Engineering & Surveying, Inc.
 75 N. Main Street, Suite 100
 Tel: (800) 633-8770 Fax: (860) 633-9911

NOTTINGHAM HILLS SUBDIVISION
PHASE II
 NIANTIC RESERVE, LLC
 ACCESS ROAD
 UPPER PATTAHANSETT ROAD EAST LINE, CT

DATE	6/26/02
PROJECT	422-01
SCALE	1" = 60'
DATE	6/26/02
PROJECT	422-01
SCALE	1" = 60'

DATE: 6/26/02
 PROJECT: 422-01
 SCALE: 1" = 60'

Table 1: Seed Mix #1 for Retention Phase Lower Zone (Zones 1-5)
(Retention Phase Lower Zone) (Zone 1-5)

Common Name	Scientific Name	Percentage
Creeping juniper	<i>Juniperus horizontalis</i>	25%
Andromeda	<i>Andromeda</i>	15%
Purple-creeping cactoid	<i>Asplenium platyneuron</i>	15%
Trickleseed earflower	<i>Andromeda</i>	15%
Virginia Wild Fly	<i>Elymus virginicus</i>	20%
Foot moss	<i>Physcomitrella patens</i>	15%
Foot moss	<i>Physcomitrella patens</i>	15%
Blueberry	<i>Vaccinium corymbosum</i>	4%
Spurge Sten	<i>Athyrium filix-femina</i>	1%
Wood fern	<i>Woodsia glabella</i>	1%
Small-seeded bellwort	<i>Bellis perennis</i>	1%
Ally-leaved bulb	<i>Scilla maritima</i>	1%
Yellow-eyed grass	<i>Xanthoxylum</i>	1%
Front blue	<i>Scilla maritima</i>	1%
Blue arbutus	<i>Ulex europaeus</i>	2%

Table 2: Seed Mix #2 for Retention Phase Middle Zone (Zones 6-10)
(Retention Phase Middle Zone) (Zone 6-10)

Common Name	Scientific Name	Percentage
Creeping juniper	<i>Juniperus horizontalis</i>	25%
Andromeda	<i>Andromeda</i>	15%
Purple-creeping cactoid	<i>Asplenium platyneuron</i>	15%
Trickleseed earflower	<i>Andromeda</i>	15%
Virginia Wild Fly	<i>Elymus virginicus</i>	20%
Foot moss	<i>Physcomitrella patens</i>	15%
Blueberry	<i>Vaccinium corymbosum</i>	4%
Spurge Sten	<i>Athyrium filix-femina</i>	1%
Wood fern	<i>Woodsia glabella</i>	1%
Small-seeded bellwort	<i>Bellis perennis</i>	1%
Ally-leaved bulb	<i>Scilla maritima</i>	1%
Yellow-eyed grass	<i>Xanthoxylum</i>	1%
Front blue	<i>Scilla maritima</i>	1%
Blue arbutus	<i>Ulex europaeus</i>	2%

NOTE: The USE-PAW Seed & Cover Work-A-Rite is available at most nurseries in the area of the project. Use the USE-PAW Seed & Cover Work-A-Rite for the project and seed mix.

Table 4: Wetland 6a - Large-leafed Eriogonum for Retention Phase Lower Zone (Zones 1-5), wet-land 6a (S3) wet-land

Wetland Code	Common Name	Scientific Name	Wetland Code	Wetland Code	Wetland Code	Wetland Code	Notes
W6	Common Name	Scientific Name	Wetland Code	Wetland Code	Wetland Code	Wetland Code	Notes

Table 5: Wetland 7a - Large-leafed Eriogonum for Retention Phase Middle Zone (Zones 6-10), wet-land 7a (S3) wet-land

Wetland Code	Common Name	Scientific Name	Wetland Code	Wetland Code	Wetland Code	Wetland Code	Notes
W7	Common Name	Scientific Name	Wetland Code	Wetland Code	Wetland Code	Wetland Code	Notes

NOTE: The USE-PAW Seed & Cover Work-A-Rite is available at most nurseries in the area of the project. Use the USE-PAW Seed & Cover Work-A-Rite for the project and seed mix.

Table 6: Wetland 8a - Large-leafed Eriogonum for Retention Phase Upper Zone (Zones 11-15), wet-land 8a (S3) wet-land

Wetland Code	Common Name	Scientific Name	Wetland Code	Wetland Code	Wetland Code	Wetland Code	Notes
W8	Common Name	Scientific Name	Wetland Code	Wetland Code	Wetland Code	Wetland Code	Notes

Table 7: Wetland 9a - Large-leafed Eriogonum for Retention Phase Middle Zone (Zones 6-10), wet-land 9a (S3) wet-land

Wetland Code	Common Name	Scientific Name	Wetland Code	Wetland Code	Wetland Code	Wetland Code	Notes
W9	Common Name	Scientific Name	Wetland Code	Wetland Code	Wetland Code	Wetland Code	Notes

NOTE: The USE-PAW Seed & Cover Work-A-Rite is available at most nurseries in the area of the project. Use the USE-PAW Seed & Cover Work-A-Rite for the project and seed mix.

Table 1: Seed Mix #1 for Retention Phase Lower Zone (Zones 1-5)
(Retention Phase Lower Zone) (Zone 1-5)

Common Name	Scientific Name	Percentage
Creeping juniper	<i>Juniperus horizontalis</i>	25%
Andromeda	<i>Andromeda</i>	15%
Purple-creeping cactoid	<i>Asplenium platyneuron</i>	15%
Trickleseed earflower	<i>Andromeda</i>	15%
Virginia Wild Fly	<i>Elymus virginicus</i>	20%
Foot moss	<i>Physcomitrella patens</i>	15%
Blueberry	<i>Vaccinium corymbosum</i>	4%
Spurge Sten	<i>Athyrium filix-femina</i>	1%
Wood fern	<i>Woodsia glabella</i>	1%
Small-seeded bellwort	<i>Bellis perennis</i>	1%
Ally-leaved bulb	<i>Scilla maritima</i>	1%
Yellow-eyed grass	<i>Xanthoxylum</i>	1%
Front blue	<i>Scilla maritima</i>	1%
Blue arbutus	<i>Ulex europaeus</i>	2%

Table 2: Seed Mix #2 for Retention Phase Middle Zone (Zones 6-10)
(Retention Phase Middle Zone) (Zone 6-10)

Common Name	Scientific Name	Percentage
Creeping juniper	<i>Juniperus horizontalis</i>	25%
Andromeda	<i>Andromeda</i>	15%
Purple-creeping cactoid	<i>Asplenium platyneuron</i>	15%
Trickleseed earflower	<i>Andromeda</i>	15%
Virginia Wild Fly	<i>Elymus virginicus</i>	20%
Foot moss	<i>Physcomitrella patens</i>	15%
Blueberry	<i>Vaccinium corymbosum</i>	4%
Spurge Sten	<i>Athyrium filix-femina</i>	1%
Wood fern	<i>Woodsia glabella</i>	1%
Small-seeded bellwort	<i>Bellis perennis</i>	1%
Ally-leaved bulb	<i>Scilla maritima</i>	1%
Yellow-eyed grass	<i>Xanthoxylum</i>	1%
Front blue	<i>Scilla maritima</i>	1%
Blue arbutus	<i>Ulex europaeus</i>	2%

NOTE: The USE-PAW Seed & Cover Work-A-Rite is available at most nurseries in the area of the project. Use the USE-PAW Seed & Cover Work-A-Rite for the project and seed mix.

NOT RELEASED FOR CONSTRUCTION

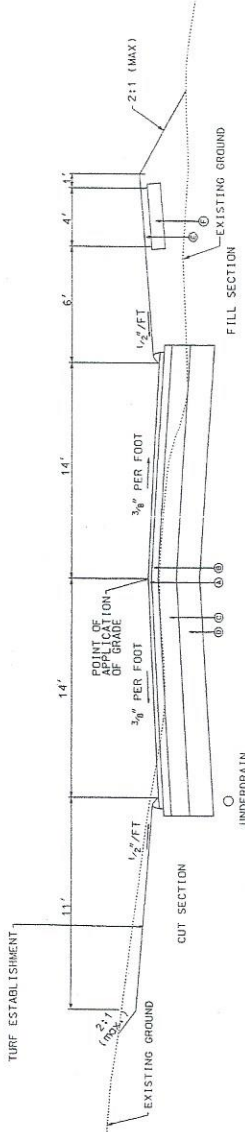
Author: Engineering Services, Inc.
 TEL (860) 433-8770 FAX (860) 433-8770

NOTTINGHAM HILLS SUBDIVISION
 PHASE I
 HANTIC REAL ESTATE, LLC
 EROSION & SEDIMENTATION
 CONTROL DETAILS

PROJECT NO: 142-07
 SHEET NO: ES-2
 SCALE: AS SHOWN

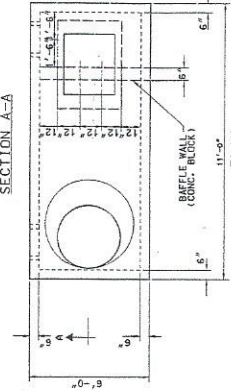
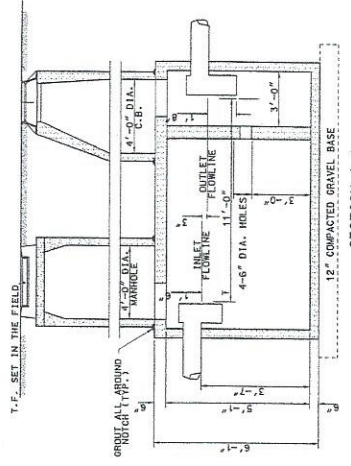
DATE	10/26/07
DRAWN BY	AS SHOWN
CHECKED BY	AS SHOWN
APPROVED BY	AS SHOWN

SCALE	AS SHOWN
DATE	10/26/07
DRAWN BY	AS SHOWN
CHECKED BY	AS SHOWN
APPROVED BY	AS SHOWN

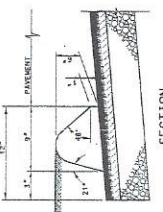


- LEGEND**
- 1 1/2" CLASS 2 BIT CONCRETE SURFACE
 - 1 1/2" CLASS 1 BIT CONCRETE BASE
 - 8" PROCESSSED GRAVEL
 - 4" 2000 PSI CONCRETE
 - 2" BANK RICH GRAVEL

TYPICAL ROADWAY SECTION

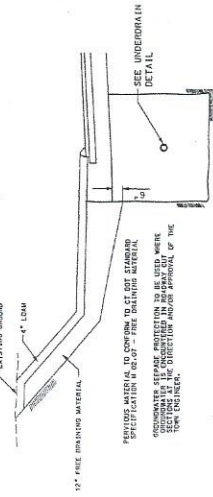


SEDIMENTATION STRUCTURE



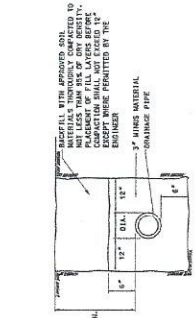
- CURB NOTES:**
1. CURB OR MESH CURBING IS PLACED SHALL BE CLEAN PRIOR TO PLACING CURB.
 2. CURBING SHALL BE MACHINE EXTENDED.

BITUMINOUS CONCRETE CURB

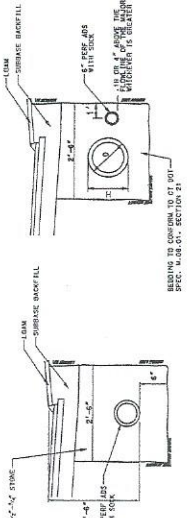


GROUNDWATER SEEPAGE PROTECTION

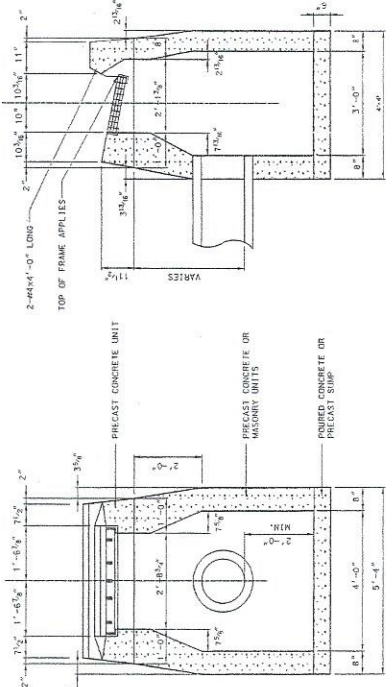
DRAINAGE PIPE TRENCH



UNDERDRAIN & CULVERT IN SAME TRENCH



UNDERDRAIN



TYPE "C" CATCH BASIN

- NOTES:**
1. NORMAL CROSS SLOPE OF THE GUTTER SHALL BE VARIED TO MATCH THE CROSS SLOPE OF GUTTER.
 2. ALL JOINTS SHALL BE HORIZONTAL AND SHALL BE MORTARED.
 3. THE DIMENSIONS MAY BE VARIED, PROVIDED THAT THE INSIDE DIMENSIONS SHALL BE GREATER THAN THE MINIMUM DIMENSIONS SHOWN.
 4. WALLS OF ALL CATCH BASINS OVER 10' DEEP TO INCREASED TO 12" THICKNESS. INSIDE DIMENSIONS TO REMAIN THE SAME.

NOT RELEASED FOR CONSTRUCTION

Anchor Engineering Services, Inc.
 75 Nutmeg Lane Glastonbury, CT 06033
 TEL (860) 633-8770 FAX (860) 633-9771

NOTTINGHAM HILLS SUBDIVISION
 PHASE II
 NIANTIC REAL ESTATE, LLC

DETAILS
 UPPER PATTAIGANSETT ROAD EAST LIME, CT

DATE: NOT TO SCALE PROJECT: 6786/22 SHEET NO: D-1

EXHIBIT RR

B|J|P

Attorneys at Law

Mark B. Block
Eric M. Janney
Richard J. Pascal

Gary W. Hineley
Matthew J. Gilman

Reynolds
138 Main Street
P.O. Box 810
Norwich, CT 06360

October 3, 2008

Mr. Keith Pereiras
AIG Domestic Claims, Inc.
175 Water Street, 8th Floor
New York, New York 10038

**Re: Town of East Lyme
Claim #618-011271
Claimant: New England National, LLC**

Dear Mr. Pereiras:

This letter is in furtherance of our conversation of October 1, 2008 wherein you informed me that a determination had been made by AIG that there is coverage under the policy of insurance issued to the Town of East Lyme for one or more of the claims made by New England National, LLC (the "Debtor"). You further advised that you were in the process of drafting a letter which would also include a reservation of rights by the company. In our conversation I also informed you that the Town has entered into a tentative settlement with New England National resolving all of the disputes between New England National and the Town. You have asked that I provide you with the basic outline of the settlement.

The claims made by New England National are set forth in the Debtor's motion for determination of tax liability and its amended motion for determination of tax liability both of which have been sent to you. The proposed settlement would settle all of the claims set forth in the motion and amendment, plus other matters which may be more specifically set forth in the settlement agreement.

The Town has agreed to pay to New England National the total amount of \$300,000. Since we did not have an answer from AIG as to the coverage issue, the Town agreed to guarantee payment of a minimum of \$250,000 to New England National, plus an additional \$50,000 from the proceeds of any insurance claim.

The settlement was not allocated between the various claims that have been outlined in the motion and amended motion. The motion for determination of tax liability, in part, claims that the Town collected approximately \$400,000 in taxes which should be refunded to the Debtor.

B|J|P

Mr. Keith Pereiras
AIG Domestic Claims, Inc.
October 3, 2008

Page - 2 -

The Town does not allocate any amount of money to that claim because the Town claims that the issue of the tax liability was already heard and determined by the Superior Court of the State of Connecticut which ruled favorably for the Town, the Debtor's appeal of such decision or decisions being denied. Therefore, we believe that the Bankruptcy Court cannot overturn a decision of the Appellate Court of the State of Connecticut. This, then, leaves the settlement amount being allocated between the other claims made by New England National.

* The one claim made by New England National in which there is a damage amount asserted is a claim involving the Town health officer who allegedly caused New England National to incur costs of approximately \$300,000 in the development of two building lots by requiring that New England National adhere to standards beyond the requirements of the Public Health Code and/or municipal regulations in the design and installation of a septic system. The other claims made, including issuance of cease and desist orders, encouraging opposition to subdivision applications, delays in the land use approval hearing process do not have any amount of damages attached to them, and discovery has not yet proceeded to the point where a valuation can be placed upon those causes of action. However, we believe that one or more of the claims may have some validity.

At present, the Town has spent over \$100,000 in defense costs. Through use of subpoenas and bankruptcy procedure, the debtor has caused disruption in the municipal government through discovery requests in which we have produced over 50,000 pages of documents, together with electronic files and the like; will have at least ten (10) depositions of various Town officials and commission members which will consume untold hours and fees and costs; costs of expert witnesses relative to the claims regarding violation of regulations regarding the septic system design. In short, while we believe that a number of the claims made by New England National are defensible, we believe that the costs of this litigation and the potential exposure should one or more these claims be determined in favor of the Debtor justify a settlement of \$300,000.

* We believed that we needed to settle with New England National in court on September 29, since the day had been scheduled for an all day hearing on the Town's failure to provide full disclosure to New England National based on outstanding discovery orders. In the course of the discussions with New England National concerning the outstanding discovery and resolution of the discovery

B|U|P

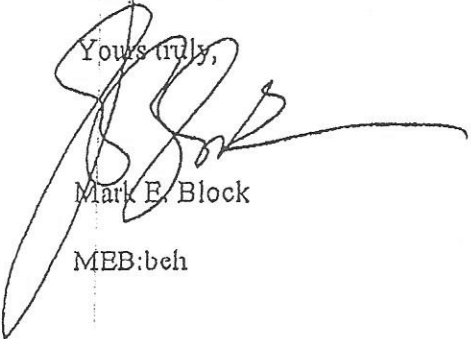
Mr. Keith Pereira
AIG Domestic Claims, Inc.
October 3, 2008

Page - 3 -

disputes, we learned of particular information that had been disclosed in various email communications that had been previously produced, and that gave some creditably to the New England National claims concerning the actions of municipal employees. Given the costs expended to date on this litigation, the anticipated costs of litigating going forward and the potential exposure as described above, the Town felt that the settlement was a fair and reasonable one and one which would be presented to the Board of Selectman for approval.

Please forward your coverage letter to us as soon as possible and I look forward to working with you in resolution of this matter. Since we are presently beginning the drafts of the settlement agreement, please advise whether drafts should be circulated to you for review by AIG.

Yours truly,



Mark E. Block

MEB:beh

EXHIBIT SS

EXHIBIT B

EAST LYME-RELATED COVENANT PARTIES

The following persons and entities are the East Lyme-Related Covenant Parties:

1. All present and former Selectmen of East Lyme in their capacity as Selectmen, but not otherwise.
2. All present and former employees, accountants, attorneys and other agents of East Lyme except for (a) Margaret Parulis, (b) George Calkins, Ledge Light Health District, Edward O'Connell, Esq., David Condon, Esq. and Waller Smith and its other attorneys, paralegals, staff members and agents (other than Thomas Marrion, Esq., Joseph Wilson, Esq. and Tyler Cooper & Alcorn, LLP and other person and entity identified in Paragraph 2.K of the Agreement.
3. Daniel R. Cunningham, Esq., Mark E. Block, Esq. and the firms of O'Brien, Shafner, Stuart, Kelly & Morris, P.C., and Block, Janney & Pascal, P.C.
4. Attorney Thomas Marrion, Joseph Wilson and the firm of Tyler Cooper & Alcorn, LLP, but not co-counsel that represented East Lyme in conjunction with them, including Edward B. O'Connell and Waller Smith & Palmer.

EXHIBIT TT

7-2-8 The Planning Commission may waive the open space requirements if the subdivision is to contain affordable housing, as defined in CGS Section 8-39a, equal to 20% or more of the total housing to be constructed in such subdivision.

7-3 **CONVEYANCE OF OPEN SPACE** – The Planning Commission shall determine the most appropriate method of conveyance after considering: the relationship of the subject area(s) and its specific characteristics to the Plan of Development and the objectives cited in Section 7-2; the desirability and suitability of public access and use, and the scope of the subdivision proposal. The following options for conveyance may be utilized by the Commission:

- (A) Perpetual dedication to the Town;
- (B) Perpetual dedication to the State of Connecticut;
- (C) Perpetual dedication to the East Lyme Land Trust or other private organization whose purpose is the preservation of historic and natural sites for the public benefit and use;
- (D) Dedication to a Homeowner's Association formed under the Common Interest Ownership Act (CIOA);
- (E) Utilization of Conservation Easements, with or without public access;
- (F) Utilization of a Recreation Easement;
- (G) Private Ownership with the appropriate taking of development rights by a public entity (state or town);
- (H) Any combination of the above or any suitable alternative approved by the Commission.

7-3-1 If an applicant proposes dedication of Open Space to the State of Connecticut, the East Lyme Land Trust, or any other private organization, a letter from an authorized agent for the State or private organization, stating its willingness to accept the open space, shall be included with the application.

7-4 **LEGAL TRANSFER OF OPEN SPACE** – Properly executed legal documents, including warranty deeds for any title transfers, shall be prepared in accordance with the provisions of this section and shall be submitted in triplicate with the final subdivision maps to be filed. All documents must be acceptable to the Town Attorney and/or the Commission and shall refer to the approved subdivision map by title. All warranty deeds for the dedication of land to the Town shall be held in escrow by the Commission to be recorded on the land records upon acceptance by the Board of Selectmen. If the Board of Selectmen chooses not to accept the open space, the deed shall be returned, and the applicant shall return to the Commission for determination of an alternative means of preserving the open space. In no case, shall the acceptance of any deed by the Commission

EXHIBIT UU

Memo

To: Wayne Fraser, First Selectman
From: Meg Parulis, Director of Planning
CC: Francine Schwartz, Planning Commission Chair
Date: 9/15/2005
Re: Acceptance of Open Space Lands associated with the Nottingham Hills and Darrow's Ridge Subdivisions

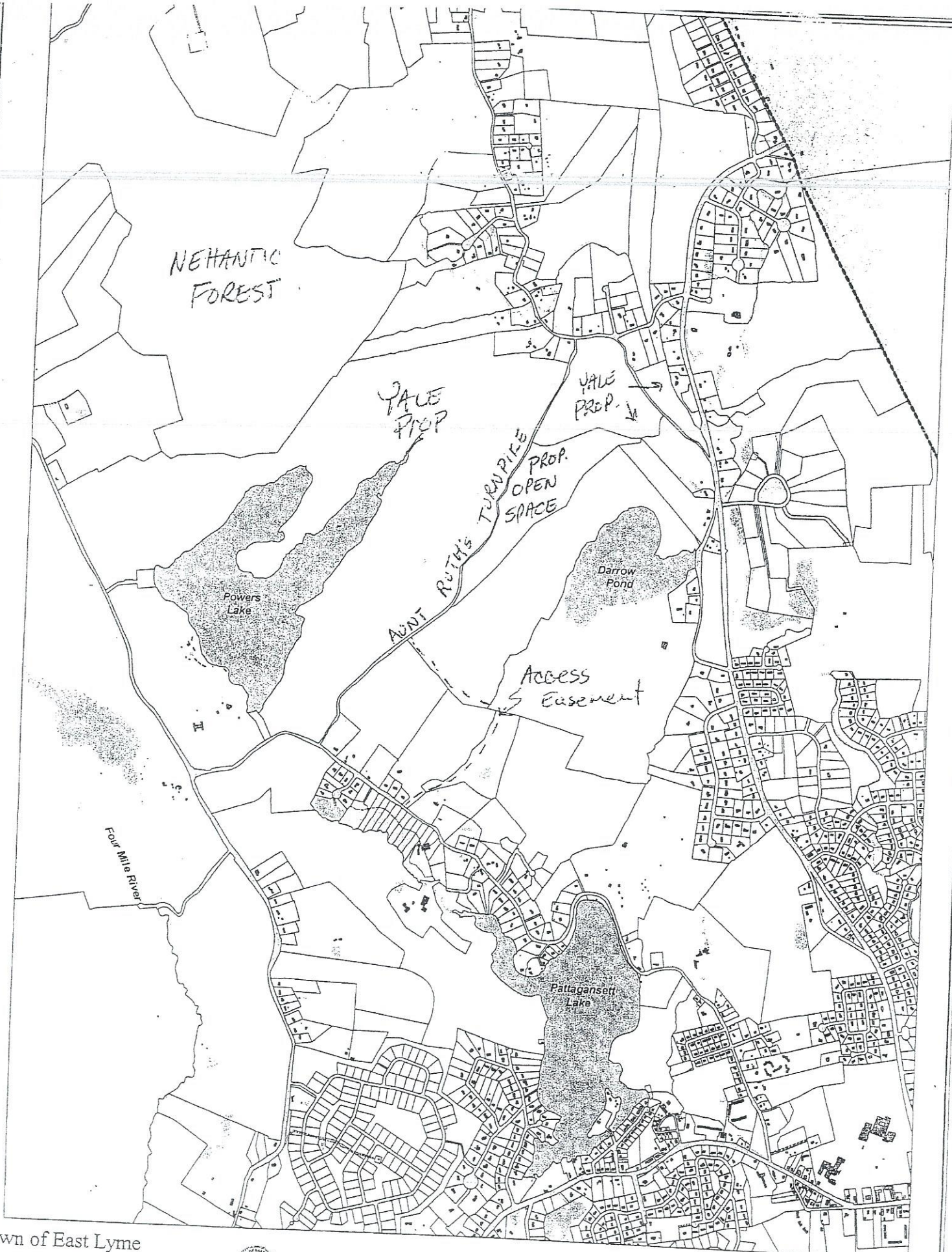
At its meeting on August 16, 2005, the Planning Commission agreed to forward two adjacent parcels totaling approx. 45 acres along Aunt Ruth's Turnpike for dedication to the Town of East Lyme as Open Space. These parcels were designated as Open Space through the approval of the Nottingham Hills Subdivision on 6/15/04 and Darrow's Ridge Subdivision on 4/19/05. In addition, this land is recommended for Open Space preservation in the 1999 Plan of Conservation and Development.

The property is separated from the housing sites by a steep ridge and offers a unique opportunity for development of public trails. Aunt Ruth's Turnpike is an abandoned road running approx. 1.5 miles between Upper Pattagansett Road and Walnut Hill Road. The property shares to the centerline of the road with Yale. Public access is initially proposed from Upper Pattagansett Road over property owned by the developer. It is anticipated that additional acreage will be added through future development projects. If rights of passage can be established over the entire length of Aunt Ruth's Turnpike with the cooperation of Yale and adjoining property owners, access may be relocated to the entrance of Aunt Ruth's Turnpike on Upper Pattagansett Road in the future. A second entrance is planned at Walnut Hill Road. Once the Town accepts the property, negotiations can begin with Yale and other property owners for access and grants can be sought for trail development.

Included with the legal documents conveying the property and access easements to the Town, is a Natural Resource Inventory and Passive Recreation Assessment Report prepared by the developer, Jeffrey Torrance. Reports of this nature will be a standard requirement of the Planning Commission in the future for parcels to be dedicated to the Town. The developer is to be commended for taking a pro-active approach to Open Space planning through voluntary preparation of the report.

The legal documents have been forwarded to Town Counsel for review. Acceptance of the property should be contingent on final approval by Town Counsel. Please place this item on the Board of Selectmen Agenda for Sept. 21, 2001.

If you have any questions, please do not hesitate to ask.



Town of East Lyme



This map is for assessment purposes only.
It is not to be used for conveyance or as a lot survey.



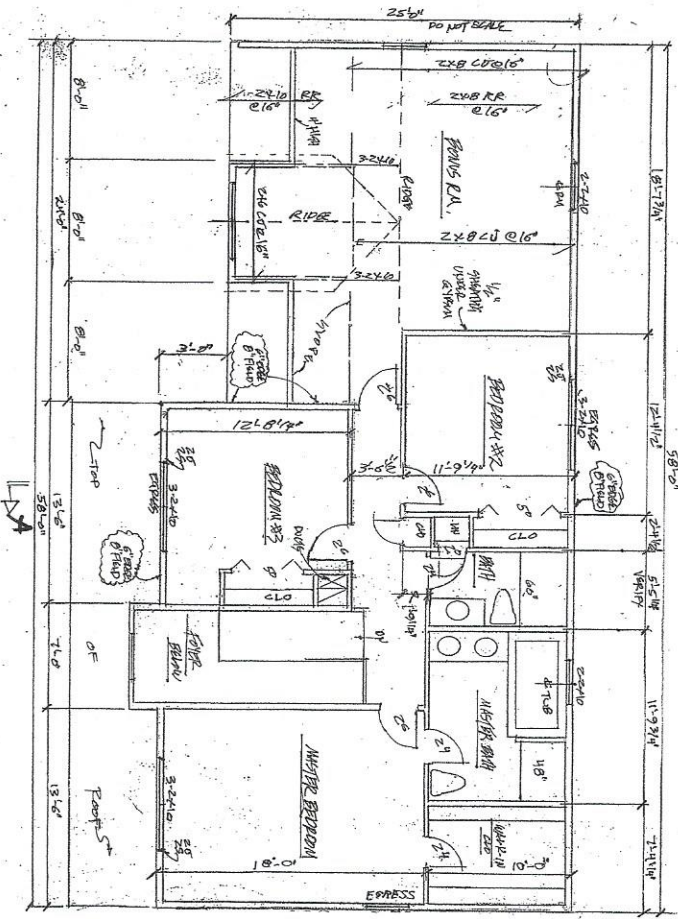
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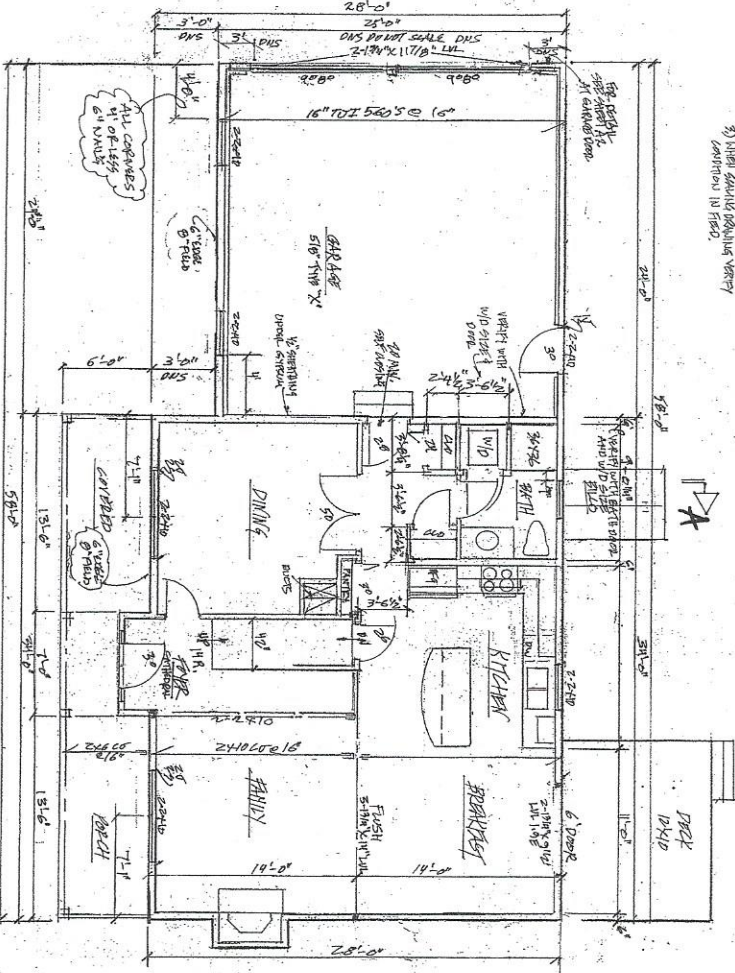
Date Printed September 15, 2005

EXHIBIT VV

SECOND FLOOR PLAN



FIRST FLOOR PLAN

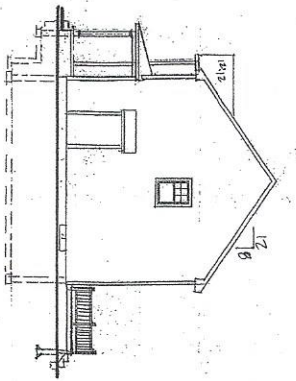
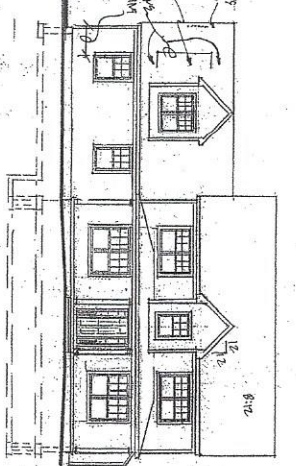
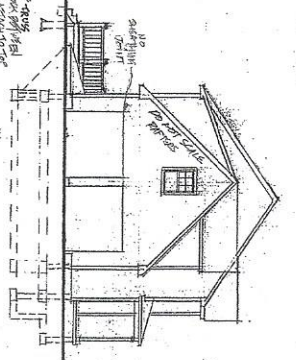
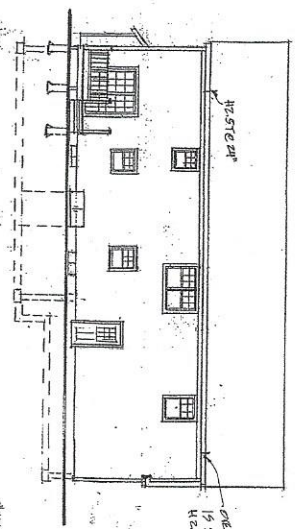


REAR

LEFT

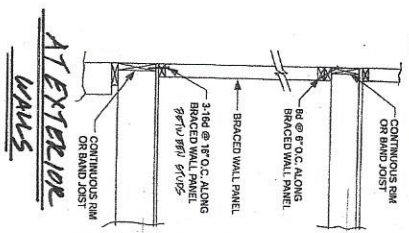
FRONT

RIGHT



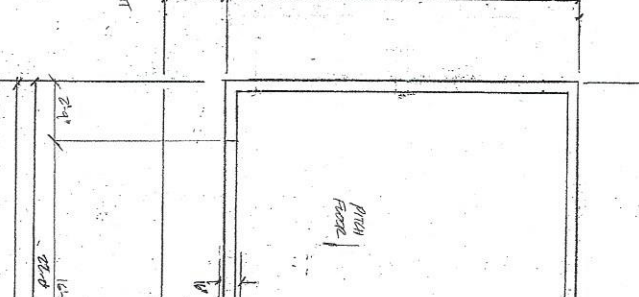
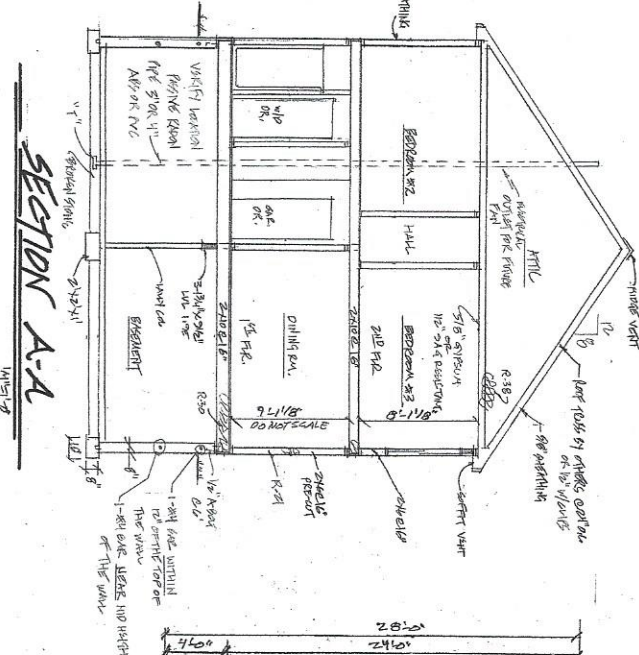
- NOTES:
- 1) NO OPERATIONAL INTERIORS
 - 2) NO OPERATIONAL INTERIORS
 - 3) FIND VERIFY ALL DIMENSIONS, INTERIORS AND INTERIORS
 - 4) VERIFY ALL DIMENSIONS, INTERIORS AND INTERIORS

PROJ 0280 REMODEL
 1001 1/2 S. CONSTRUCTION
 1001 1/2 S. CONSTRUCTION
 5-12-2015
 AV



AT EXTERIOR WALLS

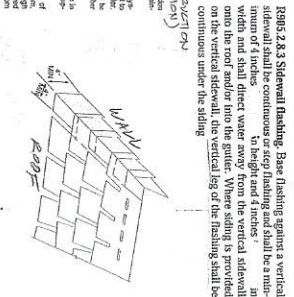
1/2\"/>



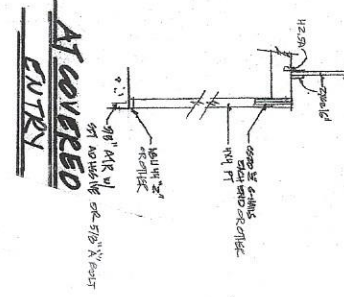
FOUNDATION PLAN

1/4\"/>

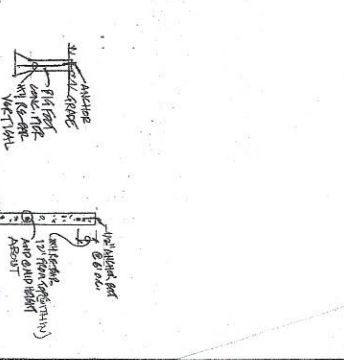
REV. 3-22-21
 REV. 3-15-20
 PREPARED FOR SUBMITTANCE
 FOR THE CONSTRUCTION
 OF THE NEW BRICK MANUFACTURING
 PLANT
 512 W. 25th St.
 OKLAHOMA CITY, OKLA.



RSRS 2.3.3 Steel wall flashing. Base flashing against a vertical wall shall be continuous and shall extend a minimum of 6 inches in width and shall direct water away from the vertical sidewall onto the roof and/or into the gutter. Where siding is provided on the vertical sidewall, the vertical leg of the flashing shall be continuous under the siding.



AT COVERED ENTRY



AT PIER

AT FOUNDATION WALL

AT 12\"/>

AT 12\"/>

AT 12\"/>

AT 12\"/>

AT 12\"/>

EXHIBIT WW

4 KENSINGTON DR

Location 4 KENSINGTON DR

Mblu 35.0/ 30-2/ / /

Acct# 009259

Owner HRICKO KEVIN J & JUSTINE

Assessment \$422,030

Appraisal \$602,900

PID 101310

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2016	\$443,300	\$159,600	\$602,900

Assessment			
Valuation Year	Improvements	Land	Total
2016	\$310,310	\$111,720	\$422,030

Owner of Record

Owner HRICKO KEVIN J & JUSTINE

Sale Price \$0

Co-Owner

Certificate

Address 4 KENSINGTON DR
EAST LYME, CT 06333

Book & Page 0671/0218

Sale Date 06/01/2004

Instrument 01

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
HRICKO KEVIN J &	\$159,900		0671/0172	UNKQ	06/01/2004
GREENSTEIN ERIC & HARRY PICAZIO III	\$155,000		0654/0182	UNKQ	01/02/2004
NIANTIC REAL ESTATE LIMITED	\$150,000		0633/0333	03	08/15/2003
TORRANCE FAMILY LIMITED	\$0		0516/0237	04	01/24/2001

Building Information

Building 1 : Section 1

Year Built: 2004
Living Area: 4,364
Replacement Cost: \$473,234

4 UPPER KENSINGTON DR

Location 4 UPPER KENSINGTON DR

Mblu 40.0/ 10/ //

Acct# 009362

Owner STAHL BRANDON C &

Assessment \$365,820

Appraisal \$522,600

PID 101568

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2016	\$367,600	\$155,000	\$522,600

Assessment			
Valuation Year	Improvements	Land	Total
2016	\$257,320	\$108,500	\$365,820

Owner of Record

Owner STAHL BRANDON C &
Co-Owner STAHL CHRISTINE A
Address 4 UPPER KENSINGTON DR
 EAST LYME, CT 06333

Sale Price \$538,000
Certificate
Book & Page 0918/0612
Sale Date 07/30/2013
Instrument UNKQ

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
ROSA LOUIS A & CAROL E	\$510,000		0831/0803	07	07/17/2009
NEW ENGLAND NATIONAL LLC	\$0		0831/0801	03	07/17/2009
TORRANCE ANNE K	\$0		0811/0334	03	10/24/2008
NEW ENGLAND NATIONAL LLC	\$0		0808/0355	04	08/18/2008

Building Information

Building 1 : Section 1

Year Built: 2006
Living Area: 3,876
Replacement Cost: \$386,031

10 UPPER KENSINGTON DR

Location 10 UPPER KENSINGTON DR

Mblu 40.0/ 29/ / /

Acct# 009485

Owner HOOPER JEFFEREY M &

Assessment \$312,970

Appraisal \$447,100

PID 101892

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2016	\$296,300	\$150,800	\$447,100
Assessment			
Valuation Year	Improvements	Land	Total
2016	\$207,410	\$105,560	\$312,970

Owner of Record

Owner HOOPER JEFFEREY M &
Co-Owner HOOPER TRACY A
Address 10 UPPER KENSINGTON DR
 EAST LYME, CT 06333

Sale Price \$452,086
Certificate
Book & Page 0966/0486
Sale Date 07/20/2016
Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
PAZZ & CONSTRUCTION LLC	\$75,000		0956/0101	24	11/25/2015
NIANTIC REAL ESTATE LLC	\$0		0849/0300	03	05/27/2010
NEW ENGLAND NATIONAL LLC	\$0		0802/0754	03	05/30/2008
NIANTIC REAL ESTATE LIMITED	\$0		0694/0107	04	01/07/2005

Building Information

Building 1 : Section 1

Year Built: 2016
Living Area: 2,458
Replacement Cost: \$294,941

14 UPPER KENSINGTON DR

Location 14 UPPER KENSINGTON DR

Mblu 40.0/ 27/ 11

Acct# 009483

Owner TURDO MICHAEL A & WENDY W

Assessment \$326,270

Appraisal \$466,100

PID 101890

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2016	\$312,900	\$153,200	\$466,100
Assessment			
Valuation Year	Improvements	Land	Total
2016	\$219,030	\$107,240	\$326,270

Owner of Record

Owner TURDO MICHAEL A & WENDY W
Co-Owner
Address 14 UPPER KENSINGTON DR
 EAST LYME, CT 06333

Sale Price \$499,900
Certificate
Book & Page 0868/0047
Sale Date 03/22/2011
Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
QUAIL RUN LLC	\$0		0864/0233	03	01/10/2011
NIANTIC REAL ESTATE LLC	\$0		0849/0300	03	05/27/2010
NEW ENGLAND NATIONAL LLC	\$0		0802/0754	03	05/30/2008
NIANTIC REAL ESTATE LIMITED	\$0		0694/0107	04	01/07/2005

Building Information

Building 1 : Section 1

Year Built: 2010
Living Area: 2,990

18 UPPER KENSINGTON DR

Location 18 UPPER KENSINGTON DR

Mblu 40.0/ 25/ / /

Acct# 009481

Owner BUCKO AARON C & KIM M

Assessment \$355,950

Appraisal \$508,500

PID 101888

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2016	\$357,700	\$150,800	\$508,500
Assessment			
Valuation Year	Improvements	Land	Total
2016	\$250,390	\$105,560	\$355,950

Owner of Record

Owner BUCKO AARON C & KIM M

Sale Price \$502,440

Co-Owner

Certificate

Address 18 UPPER KENSINGTON DR
EAST LYME, CT 06333

Book & Page 0878/0308

Sale Date 10/25/2011

Instrument 07

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
NEW ENGLAND NATIONAL LLC	\$0		0878/0306	03	10/25/2011
NIANTIC REAL ESTATE LLC	\$0		0849/0300	03	05/27/2010
NEW ENGLAND NATIONAL LLC	\$0		0802/0754	03	05/20/2008
NIANTIC REAL ESTATE LIMITED	\$0		0694/0107	04	01/07/2005

Building Information

Building 1 : Section 1

Year Built: 2011
Living Area: 3,669
Replacement Cost: \$375,131

26 UPPER KENSINGTON DR

Location 26 UPPER KENSINGTON DR

Mblu 40.0/ 21/ //

Acct# 009477

Owner THOMAS STEVEN J & LINDA E

Assessment \$319,200

Appraisal \$456,000

PID 101884

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2016	\$302,600	\$153,400	\$456,000

Assessment			
Valuation Year	Improvements	Land	Total
2016	\$211,820	\$107,380	\$319,200

Owner of Record

Owner THOMAS STEVEN J & LINDA E
Co-Owner
Address 26 UPPER KENSINGTON DR
 EAST LYME, CT 06333

Sale Price \$132,000
Certificate
Book & Page 0906/0396
Sale Date 01/25/2013
Instrument UNKQ

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
MOORE JEFFREY J	\$0		0883/0784	25	01/30/2012
NEW ENGLAND NATIONAL LLC	\$0		0883/0782	03	01/30/2012
NIANTIC REAL ESTATE LIMITED	\$0		0694/0107	04	01/07/2005

Building Information

Building 1 : Section 1

Year Built: 2013
Living Area: 2,624
Replacement Cost: \$309,436
Building Percent Good: 97

18 UPPER KENSINGTON DR

Location 18 UPPER KENSINGTON DR

Mblu 40.0/ 25/ / /

Acct# 009481

Owner BUCKO AARON C & KIM M

Assessment \$355,950

Appraisal \$508,500

PID 101888

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2016	\$357,700	\$150,800	\$508,500

Assessment			
Valuation Year	Improvements	Land	Total
2016	\$250,390	\$105,560	\$355,950

Owner of Record

Owner BUCKO AARON C & KIM M

Co-Owner

Address 18 UPPER KENSINGTON DR
EAST LYME, CT 06333

Sale Price \$502,440

Certificate

Book & Page 0878/0308

Sale Date 10/25/2011

Instrument 07

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
NEW ENGLAND NATIONAL LLC	\$0		0878/0306	03	10/25/2011
NIANTIC REAL ESTATE LLC	\$0		0849/0300	03	05/27/2010
NEW ENGLAND NATIONAL LLC	\$0		0802/0754	03	05/20/2008
NIANTIC REAL ESTATE LIMITED	\$0		0694/0107	04	01/07/2005

Building Information

Building 1 : Section 1

Year Built: 2011
Living Area: 3,669
Replacement Cost: \$375,131

17 UPPER KENSINGTON DR

Location 17 UPPER KENSINGTON DR

Mblu 40.0/ 20/ //

Acct# 009476

Owner BLANCHARD NICOLE L

Assessment \$407,120

Appraisal \$581,600

PID 101883

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2016	\$430,800	\$150,800	\$581,600
Assessment			
Valuation Year	Improvements	Land	Total
2016	\$301,560	\$105,560	\$407,120

Owner of Record

Owner BLANCHARD NICOLE L

Sale Price \$606,000

Co-Owner

Certificate

Address 17 UPPER KENSINGTON DR
EAST LYME, CT 06333

Book & Page 0998/0078

Sale Date 06/19/2018

Instrument UNKQ

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
LAUBACH KAWEL B & LESLIE	\$616,500		0916/0717	UNKQ	06/25/2013
STAUB DWIGHT D & JUDITH	\$180,000		0759/0136	UNKQ	11/20/2006
NIANTIC REAL ESTATE LIMITED	\$0		0694/0107	04	01/07/2005

Building Information

Building 1 : Section 1

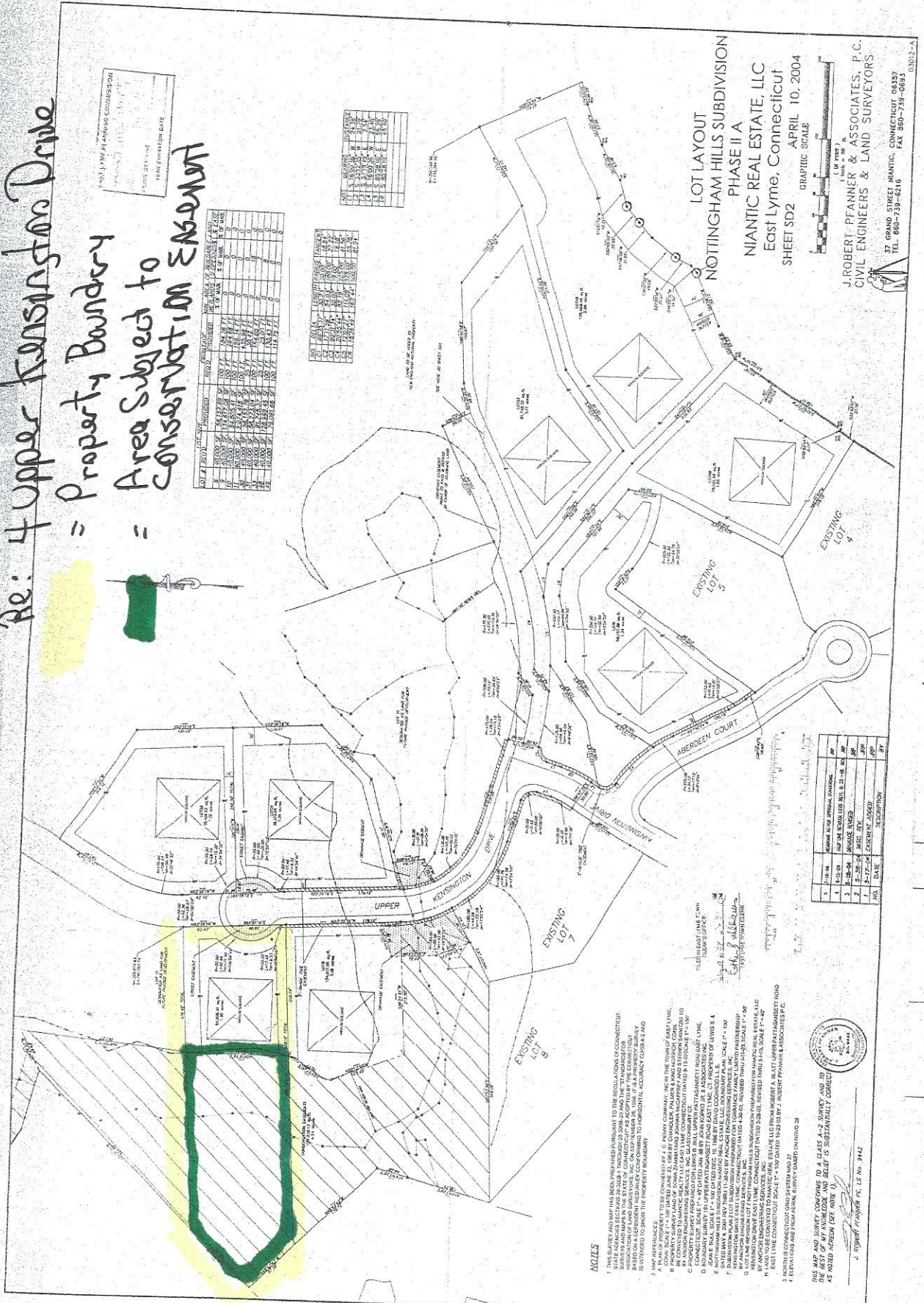
Year Built: 2010
Living Area: 3,717
Replacement Cost: \$457,607
Building Percent Good: 94

EXHIBIT XX

Re: Upper Kensington Drive
 = Property Boundary
 = Area Subject to Conservation Easement

NO.	DATE	DESCRIPTION
1	04/10/04	PRELIMINARY PLAN
2	04/10/04	FINAL PLAN

LOT	TOTAL AREA	AREA SUBJECT TO CONSERVATION EASEMENT	AREA NOT SUBJECT TO CONSERVATION EASEMENT
1	10,000.00	10,000.00	0.00
2	10,000.00	10,000.00	0.00
3	10,000.00	10,000.00	0.00
4	10,000.00	10,000.00	0.00
5	10,000.00	10,000.00	0.00
6	10,000.00	10,000.00	0.00
7	10,000.00	10,000.00	0.00
8	10,000.00	10,000.00	0.00
9	10,000.00	10,000.00	0.00
10	10,000.00	10,000.00	0.00
11	10,000.00	10,000.00	0.00
12	10,000.00	10,000.00	0.00
13	10,000.00	10,000.00	0.00
14	10,000.00	10,000.00	0.00
15	10,000.00	10,000.00	0.00
16	10,000.00	10,000.00	0.00
17	10,000.00	10,000.00	0.00
18	10,000.00	10,000.00	0.00
19	10,000.00	10,000.00	0.00
20	10,000.00	10,000.00	0.00
21	10,000.00	10,000.00	0.00
22	10,000.00	10,000.00	0.00
23	10,000.00	10,000.00	0.00
24	10,000.00	10,000.00	0.00
25	10,000.00	10,000.00	0.00
26	10,000.00	10,000.00	0.00
27	10,000.00	10,000.00	0.00
28	10,000.00	10,000.00	0.00
29	10,000.00	10,000.00	0.00
30	10,000.00	10,000.00	0.00
31	10,000.00	10,000.00	0.00
32	10,000.00	10,000.00	0.00
33	10,000.00	10,000.00	0.00
34	10,000.00	10,000.00	0.00
35	10,000.00	10,000.00	0.00
36	10,000.00	10,000.00	0.00
37	10,000.00	10,000.00	0.00
38	10,000.00	10,000.00	0.00
39	10,000.00	10,000.00	0.00
40	10,000.00	10,000.00	0.00
41	10,000.00	10,000.00	0.00
42	10,000.00	10,000.00	0.00
43	10,000.00	10,000.00	0.00
44	10,000.00	10,000.00	0.00
45	10,000.00	10,000.00	0.00
46	10,000.00	10,000.00	0.00
47	10,000.00	10,000.00	0.00
48	10,000.00	10,000.00	0.00
49	10,000.00	10,000.00	0.00
50	10,000.00	10,000.00	0.00



LOT LAYOUT
 NOTTINGHAM HILLS SUBDIVISION
 PHASE II A
 NIANTIC REAL ESTATE, LLC
 East Lyme, Connecticut
 SHEET SD2
 APRIL 10, 2004
 GRAPHIC SCALE

J. ROBERT PFANNER & ASSOCIATES, P.C.
 CIVIL ENGINEERS & LAND SURVEYORS
 77 GRAND STREET, BRANTIC, CONNECTICUT 06327
 TEL: 860-739-6216 FAX: 860-739-6653

NO.	DATE	DESCRIPTION
1	04/10/04	PRELIMINARY PLAN
2	04/10/04	FINAL PLAN

NOTES:
 1. THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH THE REGULAR PRACTICE OF SURVEYING AND MAPPING IN THE STATE OF CONNECTICUT.
 2. THE PROPERTY LINES SHOWN ON THIS MAP ARE BASED ON A SURVEY CONDUCTED BY J. ROBERT PFANNER & ASSOCIATES, P.C. IN 2004.
 3. THE PROPERTY LINES SHOWN ON THIS MAP ARE BASED ON A SURVEY CONDUCTED BY J. ROBERT PFANNER & ASSOCIATES, P.C. IN 2004.
 4. THE PROPERTY LINES SHOWN ON THIS MAP ARE BASED ON A SURVEY CONDUCTED BY J. ROBERT PFANNER & ASSOCIATES, P.C. IN 2004.
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