

EXHIBIT 1

Geraghty & Bonnano, LLC

Attorneys at Law

PAUL M. GERAGHTY*
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*Also Admitted in New York
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August 28, 2020

Via Email kirkscott@hotmail.com & Hand Delivery to East Lyme Planning Department
Kirk Scott, Chairman
Town of East Lyme Planning Commission
108 Pennsylvania Avenue
Niantic, CT 06357

Re: Lot Line Revisions/Re-Subdivision
Nottingham Hills Subdivision Lots 19 & 21

Dear Chairman Scott:

On behalf of my client English Harbour Asset Management LLC, this correspondence shall serve as my client's consent to keep open the Public Hearing on the above referenced application until December 1, 2020. This request is based on the following analysis after review of the relevant Connecticut Statutes and the 2020 Executive Orders of the State of Connecticut's Governor and for the reasons set forth herein, which will be addressed in further detail beginning at the East Lyme Planning Commission meeting on September 1, 2020 and continuing thereafter as necessary :

Pursuant to C.G.S. 8-7d (a) an applicant may consent to the extension of s public hearing up to 65 days from the date the public hearing should have been closed. Once a public hearing is commenced the commission has 65 days in which to conclude it. Section 7d (a) allows the applicant to consent to an additional 65 days. Please accept his as my client's consent to an additional 65 days to close the hearing. To avoid the possibility of having to resubmit the application we are seeking a continuance. The reasons for my client's consent are set forth more fully herein.

This action to increase the time for the public hearing is necessitated by the fact that my client's application and its plans are receiving rather extremely untimely reviews by Town Staff as evidenced by the following.

As you may recall from the record of the August 4, 2020 public hearing, and the video recording thereof, Mr. Coosher indicated on at least two occasions that my client's

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application/plans were substantially complete except for receipt of the review by Ledge Light Health District of Septic/Well locations which consisted of two B-100a application reviews for the existing two lots and a one lot subdivision review of the proposed new lot. Mr. Goeschel confirmed this fact to me via email dated 8/6/2020 @ 5:47 pm, Ex. 1. In response to Mr. Goeschel's email my client provided the requested information on August 13, 2020, Ex. 2, to which we have received no further response.

On August 10, 2020 I met with Danielle Holmes at Ledge Light Health District to review the outstanding issues that ultimately included review of the plan revisions submitted to the East Lyme Planning Department on July 24, 2020 (which she had not been provided a copy of by the East Lyme Planning Department as of the date of our meeting some 18 days after submission) and we scheduled site testing for August 19, 2020. We received Ms. Holmes test hole results the following day and have added the results and new test hole and perk locations to our revised plans. I would note for the record the review by Ledge Light are B-100 a's for the existing two lots and "subdivision feasibility" for proposed new lot #23. Copies of these applications were included as an exhibit to the design report that was submitted with the pending application on March 3, 2020. The applicant and I wish to thank Ms. Holmes for her cooperation and assistance.

Throughout the recent interaction with Ledge Light Health District/Ms. Holmes It became clear to the undersigned that the sole reason Ledge Light had not completed their review resulted from the failure of the Planning Department to provide her with the revised plans submitted to the East Lyme Planning Department by my client on April 23, 2020, June 25, 2020 and July 24, 2020, all of which are or should be a part of the record of this application, pursuant to and in accordance with the Town of East Lyme's Application/Document/Plan(s) "COVID SUBMISSION POLICY" identified on the Town's web site.

With regard to the town engineers review of my client's plans the Town of East Lyme Planning Commissions record of this application reflects the following:

- | | |
|--|-----------------|
| 1) Plans and application submitted: | March 3, 2020 |
| 2) Receipt of first comments from town engineer | June 30, 2020 |
| 3) Revised Plans submitted (responsive to town engineer) | July 24, 2020 |
| 4) Receipt of comments from town engineer re #3 | August 21, 2020 |
| 5) Immediate meeting requested with staff | August 26, 2020 |
| 6) Staff unavailable until 8/31/2020 | |

With regard to the zoning review.

- | | |
|------------------------------------|---------------|
| 1) Plans and application submitted | March 3, 2020 |
|------------------------------------|---------------|

- 2) Comments received August 25, 2020
- 3) Response to Zoning/Town Planner 8/25 comments August 26, 2020

The zoning comments are attached to this letter as Ex. 3 which also appears in the record of this application as Ex. T. As it is of significant importance, I would direct you to the "review deadline" date identified thereon which is July 7, 2020 making these comments nearly seven (7) weeks late and submitted nearly a month after the public hearing was opened on this application.

I enclose as Ex. 4 to this letter my response to the zoning comments dated, and emailed to Mr. Goeschel, Ms. Lindo and Mr. Mulholland on August 26, 2020 which is yet to be uploaded onto the Planning Commissions website for Tuesday's hearing despite my request for it to be included in the record of this application and town staff's legal obligation to timely upload it for public review.

Additionally on August 12, 2020 I requested a continuance of the public hearing until September 8, 2020, Ex. 5. As I was told by town staff it was the next regularly scheduled meeting date of the Planning Commission. This request was to allow time to address Ledge Light Health District's issues previously discussed herein. Some 10 days later I was notified by planning department staff that the meeting was actually to be held on September 1, 2020. Additionally, I received further comments from Mr. . Benni resulting in my email which is Ex. 6. I note that the Planning Commissions scheduled meeting dates are not posted on the Town of East Lyme's web site as is required by Connecticut Law.

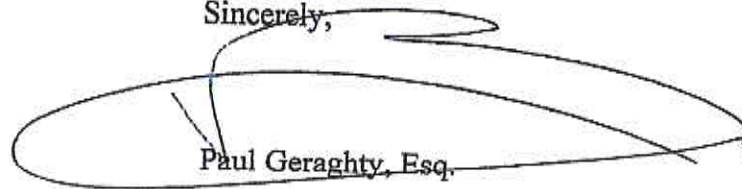
As demonstrated by their respective records my client has been timely responsive to every request made to them by this Commission, town staff and the East Lyme Inland Wetlands Agency (per the statutory "wetlands determination" process). Unfortunately, and as is demonstrated by this letter and the record of this application, town staff have been, at best, uncooperative in reviewing this application which upon information and belief has its origins elsewhere in the East Lyme Town Hall through person(s) with superior authority over said staff who have ulterior motives resulting from matters that do not involve my client, this application or this property. This is not to suggest that we believe it to be the commission.

In the final analysis based on the record of this application and the law my client is entitled to the extension of time requested and would respectfully request this be addressed by the planning Commission on or before September 8, 2020.

In conclusion I note for the record my client has incurred substantial economic damage resulting from town staff's untimely reviews of this applications plans, amongst the other nefarious conduct that is occurring, which is causing unnecessary delay and increased cost to my client.

I thank the Commission for its review of the request made herein.

Sincerely,



Paul Geraghty, Esq.

cc: Kristen T. Clarke, PE (via email: kristentclarke@gmail.com)
Victor Benni PE (via email: vbennie@eltownhall.com)
Mark Nickerson (via email: mnickerson@eltownhall.com)
Danielle Holmes (via email: dholmes@llhd.org)
Gary Goeschel (via email: ggoeschel@eltownhall.com)

EXHIBIT 1

----- Forwarded message -----

From: Kristen Clarke <kristentclarke@gmail.com>

Date: Thu, Aug 13, 2020 at 4:35 PM

Subject: Re: Applications - Nottingham Hills

To: Gary Goeschel <ggoeschel@eltownhall.com>

Cc: Paul Geraghty <pgeraghty@geraghtybonnano.com>, Jennifer Lindo <jlindo@eltownhall.com>, dholmes@llhd.org <dholmes@llhd.org>, Victor Benni <vbenni@eltownhall.com>, Bill Mulholland <billm@eltownhall.com>, Mark Nickerson <mnickerson@eltownhall.com>

See attached additional information.

Thanks,
Kristen

On Thu, Aug 6, 2020 at 5:47 PM Gary Goeschel <ggoeschel@eltownhall.com> wrote:

Paul,

I left you a voicemail this afternoon to follow up. In regards to the two Applications for Lot Line Revisions:

- The Application for a Lot Line Revision between 11 and 15 Upper Kensington Road is still awaiting approval from the Ledge Light Health District.
- The Application for a Lot Line Revision Between 5, 9, and 11 Upper Kensington is also still awaiting approval from the Health District.

As previously discussed, upon receipt of a favorable review by the Ledge Light Health District, I will be able to approve the proposed lot line revisions.

In regards to the Application for a 4 Lot Re-Subdivision of 22 & 24 Upper Kensington, the Public Hearing remains open and was continued to a Special Meeting to be held on August 11, 2020. As you know, upon the close of the public hearing the Commission has 65-days to render a decision. The application appears relatively complete with the exception of the following:

- A Water Supply and Sanitation Report pursuant to Section 5-4 and 5-5 of the East Lyme Subdivision Regulations

- Plans stamped, signed, and sealed by a registered professional engineer or land surveyor licensed in the State of Connecticut pursuant to Section 5-2-2 of the East Lyme Subdivision Regulations.
- In my e-mail correspondence of June 29, 2020, I indicated a yield plan pursuant to Section 4-2-4 of the Subdivision Regulations needed to be provided. The narrative indicates the property could yield 4-lots. However, I do not have a "Yield" Plan prepared pursuant to Section 4-2-4 of the Subdivision regulations demonstrating a conventional lot and street layout.
- In addition, in my e-mail correspondence of June 29, 2020, I indicated an Erosion and Sedimentation Control Plan pursuant to Section 5-2-2(G) of the Subdivision Regulations needed to be provided. However, I do not have an Erosion and Sedimentation Control Plan prepared pursuant to Section 4-2-4 of the Subdivision Regulations.
- I recommend submitting a construction sequence report for the driveway and rain garden.

As always, if you have any questions please do not hesitate to contact me.

Best Regards,

Gary

Gary A. Goeschel II

Director of Planning / Inland Wetlands Agent

Town of East Lyme

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ggoeschel@eltownhall.com

From: Paul Geraghty <pgeraghty@geraghtybonnano.com>

Sent: Wednesday, August 05, 2020 10:45 AM

To: Gary Goeschel <ggoeschel@eltownhall.com>

Subject: Kensington

Importance: High

Gary, I just left another voice mail for you. Can you give me a call. Also Kristen will be down Friday and I'd like to set up a meeting to go where we are on lot 14 the IWC admin approval and lot 25 lot line revision. I am trying to get hold of Danielle today but I have to be clear my folks are getting extremely frustrated at the lack of a response by anyone on these applications. You had indicated when we met in mid-July the admin

approval for lot 14 would be forthcoming that week. We haven't heard anything one way or the other on it. Signed and stamped plans for lot 25 were submitted July 13th. Paul

Paul M. Geraghty

Geraghty & Bonnano, LLC

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New London, CT 06320

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"Please note that among the services that this firm provides is for attempting to collect a debt, and if this communication is in regards to a debt collection, any information obtained will be used for that purpose."

*****Confidentiality Notice*****

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EXHIBIT 2

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

August 10, 2020

Via email: ggoeschel@eltownhall.com
Gary Goeschel
Director of Planning
Town of East Lyme
108 Pennsylvania Avenue
Niantic, CT 06333

Re: Re-subdivision – Nottingham Hills Lots 19 & 21

Dear Gary:

As an initial matter, and as evidenced by the July 24 & 27, 2020 submitted plan, we are no longer considering the land to be provided to the East Lyme Land Trust, Inc. "a lot" as this proved to be more trouble than it was worth and we can convey the land to the East Lyme Land Trust under Connecticut Law simply by providing a legal description of the property being conveyed. Accordingly the pending application should now be considered a 3 lot re-subdivision of existing lot 19 aka 22 Upper Kensington Drive and Lot 21 aka 24 Upper Kensington Drive.

1. Water Supply and Sanitation Report

Paul Geraghty met with Danielle Holmes on Monday afternoon August 10, 2020 to address this application and others. We are scheduling a few additional test holes for early next week. Proposed well locations appear to be code compliant given the current locations for the proposed septic systems.

2. Plans Stamped, Signed and Sealed

The most recent of these plans were submitted via email pursuant to the Town of East Lyme's Covid policy as is identified on the Planning Department website on July 24, 2020 and originals were hand delivered to the Planning Department on July 27, 2020. These plans appear in the record of this application as the East Lyme Planning Department's Ex. H

Please confirm you are in possession of original stamped, signed and sealed plans for this application.

GENERAL CONSTRUCTION SEQUENCE-COMMON DRIVEWAY & RAIN GARDEN

1. Secure all necessary permits. Notify "call before you dig" (1-800-922-4455) at least 72 hours prior to excavation. Schedule and attend a pre-construction conference with Town Staff.
2. Clearing limits will be flagged by engineer prior to work being done. Limit of work adjacent to wetlands will not be exceeded.
3. Remove trees, branches and brush within areas to be cleared, chip branches and brush for use as mulch.
4. Install construction exit (anti-tracking pad) and install sediment barriers along the limits of grading and at the limits of clearing for tree protection.
5. Check and repair E&S controls as necessary.
6. Grub stumps and remove brush
7. Strip and stockpile topsoil only in areas to be filled or graded and stockpile on site in an area not in way of construction, seed and mulch stockpile or cover with netting. Place and stake hay bales around stockpiles.
8. Rough grade common driveway.
9. Construct rain garden. Plantings recommended in the months of May or September.
10. Place gravel and pavement in common driveway.
11. Re-spread topsoil on shoulders and disturbed areas.
12. Fine grade, lime, fertilize and seed remaining lawn areas with formal grass seed mixture by June 1 or October 1 depending on actual construction schedule.
13. Remove erosion control devices upon authorization of town officials.

EXHIBIT 2

EROSION & SEDIMENT CONTROL NARRATIVE

PRE-CONSTRUCTION

1. DISTURBANCE OF SOIL SURFACES IS REGULATED BY STATE LAW. ALL WORK SHALL COMPLY WITH AN APPROVED 'EROSION AND SEDIMENT CONTROL PLAN' TO PREVENT OR MINIMIZE SOIL EROSION.
2. THE INSTALLATION AND MAINTENANCE OF EROSION CONTROL DEVICES IS THE RESPONSIBILITY OF THE LAND OWNER, DEVELOPER, AND THE EXCAVATION CONTRACTOR. TOWN OFFICIALS SHALL BE NOTIFIED IN WRITING OF THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE INDIVIDUAL RESPONSIBLE FOR THIS WORK.
3. THE CONTRACTOR SHALL USE THE 'CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL' (2002), AS AMENDED, AS A GUIDE IN CONSTRUCTING THE EROSION AND SEDIMENT CONTROLS INDICATED ON THESE PLANS. THE GUIDELINES MAY BE OBTAINED FROM THE CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, STATE OFFICE BUILDING, HARTFORD, CT 06108.

DURING CONSTRUCTION

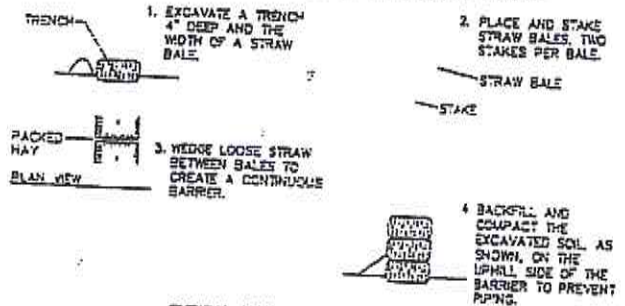
4. THE CONTRACTOR SHALL INFORM ALL CONSTRUCTION SITE WORKERS ABOUT THE MAJOR PROVISIONS OF THE EROSION AND SEDIMENT CONTROL PLAN AND SEEK THEIR COOPERATION IN AVOIDING THE DISTURBANCE OF THESE CONTROL MEASURES.
5. THE CONTRACTOR SHALL SCHEDULE ALL OPERATIONS TO LIMIT DISTURBANCE TO THE SMALLEST PRACTICAL AREA FOR THE SHORTEST POSSIBLE TIME.
6. THE CONTRACTOR IS RESPONSIBLE FOR THE TIMELY INSTALLATION, INSPECTION, REPAIR OR REPLACEMENT OF EROSION CONTROL DEVICES TO INSURE PROPER OPERATION.
7. THE CONTRACTOR SHALL INSPECT AND REPAIR EROSION AND SEDIMENT CONTROL DEVICES AT THE END OF EACH WORKING DAY AND AFTER EACH STORM.
8. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF UNSATISFACTORY EROSION CONDITIONS NOT CONTROLLED BY THE EROSION AND SEDIMENT CONTROL PLAN AND SHALL INSTALL ADDITIONAL MEASURES AS DIRECTED.
9. FIELD CHANGES TO THE EROSION AND SEDIMENT CONTROL PLAN SHALL BE MADE ONLY WITH THE APPROVAL OF THE ENVIRONMENTAL TOWN PLANNER OR AGENT. I.e. LOCATION OF SILT FENCE, STOCKPILE, DE-WATERING AREA etc.
10. ACCUMULATED SEDIMENT REMOVED FROM EROSION CONTROL DEVICES IS TO BE SPREAD AND STABILIZED IN LEVEL, EROSION RESISTANT LOCATIONS AS GENERAL FILL WITHIN LAWN AND LANDSCAPE AREAS.
11. ALL DISTURBED AREAS NOT COVERED BY BUILDINGS, PAVEMENT OR WOOD MULCH SHALL BE PLANTED WITH GRASS ON 4 IN. TOPSOIL.
12. MULCHING: IMMEDIATELY FOLLOWING SEEDING, MULCH THE SEEDING SURFACE WITH STRAW OR HAY AT A RATE OF 70 LBS./1000 SF. SPREAD MULCH BY HAND OR MULCH BLOWER. PUNCH MULCH INTO SOIL SURFACE WITH TRACK MACHINE APPROXIMATELY 2-3 IN. TO ANCHOR.
13. SEEDING BETWEEN APRIL 1 TO JUNE 1, AND AUGUST 15 TO SEPTEMBER 1. ALL DISTURBED AREAS SHALL BE IMMEDIATELY GRADED AND SEEDING TO PROMOTE STABILIZATION OF SLOPES.
14. A FABRIC FILTER SOCK SHALL BE USED FOR ANY DEWATERING.

SOIL AND EROSION CONTROL

1. HAY BALES / SILT FENCE ARE TO BE INSTALLED PRIOR TO CONSTRUCTION.
2. ONLY REMOVE TREES AND VEGETATION NECESSARY FOR CONSTRUCTION.
3. PERMANENT SEEDING SHOULD BE DONE AS SOON AS POSSIBLE AFTER CONSTRUCTION FINISHES. LIME AND FERTILIZE. RECOMMENDED SEEDING DATES ARE APRIL 15 TO JUNE & AUG. 15 TO OCT. 1.
4. RECOMMENDED SEED (PER EROSION AND SEDIMENT CONTROL HANDBOOK) KY31 TALL FESCUE 150 lbs. PER ACRE.
5. HAY BALES AND SILT FENCE TO REMAIN WHERE PLACED UNTIL ALL DISTURBED AREAS ARE PERMANENTLY STABILIZED.
6. NO ERODED SEDIMENT SHALL BE PERMITTED TO LEAVE THE SITE OR WASH INTO THE DRAINAGE SYSTEM.
7. IF SEEDING CANNOT MEET RECOMMENDED DATES, TEMPORARY MULCH IS TO BE APPLIED IN ACCORDANCE WITH THE TABLE BELOW.

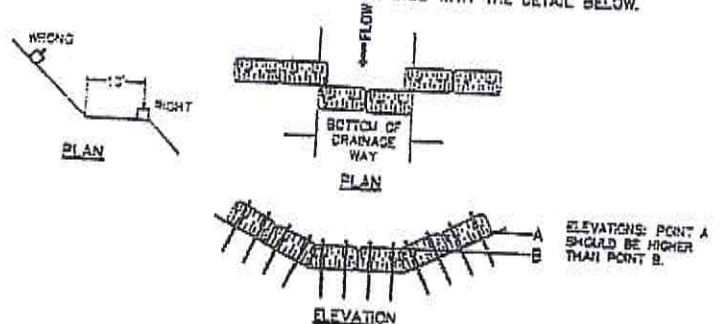
MULCHES	RATES PER 1000 FT	NOTES
STRAW OR HAY 1/2 - 2 TONS PER ACRE	70-90lbs	FREE FROM WEEDS & COARSE MATTER. MUST BE ANCHORED SPREAD WITH MULCH BLOWER OR BY HAND

8. ANY HAY BALES OR SILT FENCE REMOVED DURING CONSTRUCTION SHOULD BE REPLACED EACH NIGHT.
9. ANY MATERIAL STOCK PILED SHOULD BE TEMPORARILY SEEDED.



TYPICAL HAY BALE INSTALLATION

10. ALL ROAD SECTION EMBANKMENTS, EITHER CUT OR FILL, SHOULD BE STABILIZED AT THE TOE OF THE SLOPE BY STAKED HAYBALES OR SILT FENCE.
11. SWALES AND DIVERSION STRUCTURES SHOULD HAVE HAY BALES PLACED ACROSS THEM EVERY 100' IN ACCORDANCE WITH THE DETAIL BELOW.



ELEVATIONS: POINT A SHOULD BE HIGHER THAN POINT B.

EXHIBIT 1

Sincerely,



Kristen T. Clarke PE

Cc Paul Geraghty via email pgeraghty@geraghtybonnano.com
Danielle Holmes via email dholmes@ilhd.org
Bill Mulholland via email billm@eltownhall.com
Mark Nickerson via email mnickerson@eltownhall.com

3. Yield Plan Section 4-2-4

This was provided as part of the initial application on March 3, 2020 as page 3 of the submitted plans and appears in the record of this application as page 3 of the East Lyme Planning Department's Ex. B. I provided this plan again in my reply dated July 7, 2020 to your and Mr. Benni's comments received on June 30, 2020. The Conventional Plan appears as part of that response which is identified as Ex. E to the Planning Departments record.

If you believe this plan is deficient please provide me the specifics of your claimed deficiency so we can either discuss it/them or we can make the requested corrections.

4. Erosion and Sedimentation and Control Plan

See attached Ex. 1 which will be added to a new page (Page 5 of 5) to this applications plans.

If you believe this plan is deficient please provide me the specifics of your claimed deficiency so that we can either discuss it/them or we can make the requested corrections.

5. Construction Sequence Plan for Driveway and Rain Garden

See attached Ex. 2 which will also be added to new page 5 Of 5 of this applications plans.

If you believe this plan is deficient please provide me with the specifics of your claimed deficiency so that we can either discuss it/them or we can make the requested corrections.

Please be advised our Surveyor's office has been without power and closed for much of the past week due to Tropical Storm Isaias so it may be a few days before we are able to provide you with revised plans which will be provided to you in both electronic and original form stamped, signed and sealed.

EXHIBIT 3

From: [Gary Goeschel](#)
To: [Kristen Clarke: ngeraghtv@geraghtybonnano.com](#)
Cc: [Jennifer Lindo; Bill Mulholland; Victor Benni; dholmes@llhd.org](#)
Subject: Nottingham Hills 4-Lot Re-subdivision, Conservation Design Development
Date: Tuesday, August 25, 2020 11:52:47 AM
Attachments: [Zonino Comments 8-24-20.pdf](#)

Kristen and Paul,

Attached are comments from William Mulholland, our Zoning Official, regarding the above proposed resubdivision. Upon review of those comments, it appears Section 23. 2 of the Zoning Regulations requires the Conservation Design Development (CDD) provisions in the subdivision of any parcel 10-acres or more or any subdivision of 4 or more lots. I would note the proposed subdivision was initially proposed as 4-lots and has subsequently been reduced to 3 during the review process. As noted by the Zoning Official, the Planning Commission may require a Conservation Subdivision by Design (CDD) for subdivisions of less than 10-acres or a subdivision of less than 4 lots. As such, you will need to demonstrate how the proposed resubdivision furthers the objectives in Section 23. 1 of the East Lyme Zoning Regulations in order for the Planning Commission to make the necessary findings to approve the application as a CDD Subdivision. In addition, it comments indicate Section 23.5 B of the Zoning Regulations requires a wooded or otherwise landscaped buffer be provided along the perimeter of the CDD to Screen Development on the proposed lots from existing contiguous lots. The minimum width if the buffer shall be 40-ft, any portion of which may either subdivision open space area or area contained within the lots (e.g. conservation easement). Further, Section 23.6 – D requires all lot to have access to the open space. He also questions how the proposed resubdivision meets Section 23.2 D and 23.5 of the Zoning Regulations (e.g. lot#2 has no lot frontage as proposed).

If you have any questions regarding this correspondence, the attached, or any of the East Lyme Subdivision Regulations, please do not hesitate to contact me.

Regards,
Gary

Gary A. Goeschel II

Director of Planning / Inland Wetlands Agent

Town of East Lyme

PO Box 519 | 108 Pennsylvania Avenue | Niantic, Connecticut 06357

Office 860-691-4105 | Fax 860-691-0351

ggoeschel@eltownhall.com

EAST LYME DEPARTMENT OF PLANNING

SUBDIVISION REVIEW SHEET

TITLE OF PLAN:	Conservation Design Development Nottingham Hills Subdivision; 4 lot Re-subdivision of Lots 19 and 21
DATE RECEIVED:	March 2020
DATE DISTRIBUTED:	May 2020
REVIEW DEADLINE:	July 7, 2020

	Storm Water Calculations	Plans
William Mulholland, Zoning Official		✓

COMMENTS:

edited 23.6-F - El 2. Resubdivisions requires "open space" to be labeled & purpose of such area labeled on plan - not there? 23.6-E requires wetlands to be labeled. Section 23.5-B requires 60' buffer to be labeled on plan unless waived. Section 23.6-D requires all lots to have access to "open space". Section 23.2-D requires compliance with 2-Regs. - lot frontage? - lot # 2.-?

REVIEWED BY: WMM DATE: 8/24/2020

- ^{IS} note. ~~Does~~ a 3 lot subdivision under 10 acres allowed under Section 23.2-?
- See Section 23.3 Planning may require CBD - must make a finding that it meets Section 23.1 Purpose A-D.

EXHIBIT 4

**Geraghty &
Bonnano, LLC**
Attorneys at Law

August 26, 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: billm@eltownhall.com
William Mulholland, Zoning Official
Via Email: ggoeschel@eltownhall.com
Gary Goeschel, Director of Planning
Town of East Lyme
108 Pennsylvania Avenue
Niantic, CT 06357

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

Dear Gary & Bill:

I write in response to your email dated August 25, 2020 regarding zoning comments, Ex. A, on the above-referenced re-subdivision and to follow up on my several recent attempts to contact Gary. I note for the record the “**REVIEW DEADLINE**” on the zoning comments received August 25, 2020 was July 7, 2020.

Please enter this letter into the record of the above referenced re-subdivision application.

I need to first address the untimeliness of these comments which together with others demonstrates a rather troubling pattern by Town Staff regarding my client’s application that has been pending since March 3, 2020. A timeline demonstrating this troubling pattern is attached as Ex. B. Notwithstanding the fact Gary has on at least two occasions, indicated during the public hearings held to date that the application was complete we have thereafter received comments and requests from staff, who presumably had previously reviewed the application, and have requested additional changes subsequent thereto.

First, regarding Mr. Goeschel’s email;

1. The language of Section 23.3 of the Zoning Regulations states as follows:
“the Planning Commission *may require* Conservation Subdivision by Design for subdivisions of any parcel of land less than 10 acres or a subdivision of less than 4 lots upon finding that such development will further the objectives specified in Section 23.1” (Emphasis added).

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

What this section of the regulations clearly provides by use of the words "may require" is the right of the Planning Commission to require the use by an applicant of a Conservation by Design Development subdivision notwithstanding the fact it may contain less than four (4) lots or less than ten (10) acres. What Section 23.3 clearly **does not do**, is to prohibit an applicant from electing on its own to pursue a Conservation by Design Development subdivision containing less than 4 lots or on less than 10 acres nor does it require the applicant to "demonstrate" how the proposed subdivision furthers the objectives of Section 23. Any position to the contrary is incorrect. As evidence of this we would direct you to the Darrow's Ridge/Pazzaglia Conservation by Design Development subdivision that the East Lyme Planning Commission just approved on July 27, 2020 that created 2 lots on a total of 5.2 acres (the same night our application was initially heard).

2. With regard to the buffer Gary and the Planning Commission both well know from the "Fusari" Green Valley Road Conservation by Design Development subdivision that Town Counsel opined pursuant to the attached Ex. C. that the entire property is not subject to this buffer. Moreover given the facts of this application, including but not limited to the demonstration of the conventional yield plan of 4 lots, the creation of one additional residential, and similar sized, lot in a residential subdivision and the Open Space this lot will back up to, entitles this application to the waiver of section 23.5 of the zoning regulations. This waiver would be consistent with the waivers previously granted by this commission for similar applications.

Section 25 B., goes on to state that the waiver can be granted when the adjoining land, here the open space, and topography are such they obviate the need for a buffer, the waiver can be granted. I would submit that the topography, surrounding open space and proposed location of the houses obviates the need for the buffer. Not to mention the fact the property itself can be used for counting the buffer.

3. With regard to Open Space you are well aware that this subdivision has "banked" land to use for Open Space as is evidenced the minutes of the Planning Commission dated November 2010 and is further supported by the Opinion Letter provided to Gary Goeschel in his capacity as Director of Planning by Town Counsel that in a phased subdivision, as is the case with Nottingham Hills Subdivision, the development has otherwise met its Open Space obligations as such no further Open Space is required. Ex. D.
4. With regard to road frontage none is required in a Conservation by Design Development as is addressed in Section 23 of the Town of East Lyme Zoning Regulations.

In response to Bill's comments not already addressed;

1. Wetlands are identified by the wetland flag numbers and wetlands boundary delineation on the plans both of which are further identified in the plans legend.

2. Access is available to Open Space which abut the lots on their northwestern boundary. We will identify the Open Space area on the revised plans being prepared to the extent that it is unclear as presently exists.

Finally, this correspondence will request an immediate meeting with Mr. Goeschel, Mr. Mulholland and Mr. Benni to address the matters identified by each of you this past week together with my concerns regarding the untimely review of this application amongst other related matters.

Sincerely,



Paul M. Geraghty

Cc: Kristen T. Clarke PE via email kristentclarke@gmail.com
Mark Nickerson via email mnickerson@eltownhall.com
Victor Benni PE via email vbenni@eltownhall.com
Danielle Holmes via email dholmes@llhd.org

EXHIBIT A

EAST LYME DEPARTMENT OF PLANNING

SUBDIVISION REVIEW SHEET

TITLE OF PLAN:	Conservation Design Development Nottingham Hills Subdivision; 4 lot Re-subdivision of Lots 19 and 21
DATE RECEIVED:	March 2020
DATE DISTRIBUTED:	May 2020
REVIEW DEADLINE:	July 7, 2020

	Storm Water Calculations	Plans
William Mulholland, Zoning Official		✓

COMMENTS:

23.2-0
 23.2-0 requires "open space" to be labeled & purpose of such area labeled on plan - see the code, 23.6-E requires setbacks to be labeled. Section 23.5-B requires 40' setbacks to be labeled on plan unless waived. Section 23.6-D requires all lots to have access to "open space". Section 23.2-D requires compliance with 2-Prop. - lot frontage? - lot # 2-?

REVIEWED BY: WJM DATE: 8/24/2020

- *IS* note. Does a 3 lot subdivision under 10 acres allowed under Section 23.2-?
- See Section 23.3 Planning may require CBD - must make a finding that it meets Section 23.1 Purpose A-D.

8/25/2020

Fwd: Nottingham Hills 4-Lot Re-subdivision, Conservation Design Development

From: kristentclarke@gmail.com,
To: jtorra5608@aol.com,
Subject: Fwd: Nottingham Hills 4-Lot Re-subdivision, Conservation Design Development
Date: Tue, Aug 25, 2020 11:56 am
Attachments: Zoning Comments 8-24-20.pdf (100K)

Sent from my iPhone

Begin forwarded message:

From: Gary Goeschel <ggoeschel@eltownhall.com>
Date: August 25, 2020 at 11:52:47 AM EDT
To: Kristen Clarke <kristentclarke@gmail.com>, "pgeraghty@geraghtybonnano.com" <pgeraghty@geraghtybonnano.com>
Cc: Jennifer Lindo <jlindo@eltownhall.com>, Bill Mulholland <billm@eltownhall.com>, Victor Benni <vbenni@eltownhall.com>, "dholmes@llhd.org" <dholmes@llhd.org>
Subject: Nottingham Hills 4-Lot Re-subdivision, Conservation Design Development

Kristen and Paul,

Attached are comments from William Mulholland, our Zoning Official, regarding the above proposed resubdivision. Upon review of those comments, it appears Section 23. 2 of the Zoning Regulations requires the Conservation Design Development (CDD) provisions in the subdivision of any parcel 10-acres or more or any subdivision of 4 or more lots. I would note the proposed subdivision was initially proposed as 4-lots and has subsequently been reduced to 3 during the review process. As noted by the Zoning Official, the Planning Commission may require a Conservation Subdivision by Design (CDD) for subdivisions of less than 10-acres or a subdivision of less than 4 lots. As such, you will need to demonstrate how the proposed resubdivision furthers the objectives in Section 23. 1 of the East Lyme Zoning Regulations in order for the Planning Commission to make the necessary findings to approve the application as a CDD Subdivision. In addition, it comments indicate Section 23.5 B of the Zoning Regulations requires a wooded or otherwise landscaped buffer be provided along the perimeter of the CDD to Screen Development on the proposed lots from existing contiguous lots. The minimum width if the buffer shall be 40-ft, any portion of which may either subdivision open space area or area contained within the lots (e.g. conservation easement). Further, Section 23.6 – D requires all lot to have access to the open space. He also questions how the proposed resubdivision meets Section 23.2 D and 23.5 of the Zoning Regulations (e.g. lot#2 has no lot frontage as proposed).

If you have any questions regarding this correspondence, the attached, or any of the East Lyme Subdivision Regulations, please do not hesitate to contact me.

Regards,

Gary

EXHIBIT B

<u>Ex. No.</u>	<u>Date</u>	<u>Subject of Document</u>	<u># of Pages</u>
1.	June 29, 2020	Email form Gary Goeschel	1
2.	March 3, 2020	Yield Plan	1
3.	March 3, 2020	Cultural Resources Plan	1
4.	March 3, 2020	Lot Line Revision Plan	1
5.	March 16, 2020	Email from Jen Lindo Cancellation of April 7, 2020 Public Hearing	1
6.	March 16, 2020	Letter from Gary Goeschel Notice of rescheduled Public Hearing :May 5, 2020	1
7.	4/20/2020	Email to Goeschel Re: Abutter (Thomas)	2
8.	4/23/2020	Email re Compliance with 3/16/2020 letter from Goeschel re: site sign, certificate of mailing	46
9.	4/23/2020	Email re: Plan Revisions, Open Space Letter from East Lyme Land Trust	3
10.	6/22/2020	Plan Revisions	2
11.	6/30/2020	Email form Goeschel Beni Plan Comments (Only reviewed original plans submitted March 3, 2020 and not revisions which had been submitted on 4/23 & 6/22)	2
12.	7/7/2020	Applicants response to Benni & additional application exhibits	
13.	7/24/2020	Plan revisions (4 pages) emailed to Planning Department per East Lyme "Covid" policy.	
14.	7/24/2020	Applicants submission of additional application exhibits AA thru HH inclusive.	
15.	7/25/2020	Applicants submission of additional application exhibits II thru NN inclusive.	

16. 7/26/2020 Applicant delivers original stamped and signed 4 pages plan Planning Office.
17. 8/4/2020 Applicant submission of additional application exhibits OO thru TT inclusive.
18. 8/2/2020 Email received from Goeschel re: plans submitted on July 24, 2020
19. 8/10/2020 Applicants response to Goeschel 8/5/2020 email providing requested information
20. 8/20/2020 Geraghty & Clarke both email Benni re: no comments attached or included in 8/17/2020 email.
21. 8/20/2020 Benni response to Geraghty & Clarke email "I sent them to Jen Lindo"
22. 8/20/2020 Benni "second round of comments" received to plans provided On July 24, 2020.
23. 8/25/2020 Email from Goeschel re: zoning comments
24. 8/26/2020 Geraghty response to Goeschel 8/25/2020 email and demand for meeting with staff to address "untimely comments" amongst other legal issues.

EXHIBIT C



WALLER SMITH & PALMER
Attorneys at Law

BY EMAIL AND REGULAR MAIL

May 15, 2017

William Mulholland
Zoning Official
Town of East Lyme
P.O. Box 519
Niantic, CT 06357
Billm@eltownhall.com

HUGHES GRIFFIS
EDWARD B. O'CONNELL
TRACY M. COLLINS*
PHILIP M. JOHNSTONE+*
CHARLES C. ANDERSON
KERIN M. WOODS+
ELLEN C. BROWN*
KARL-ERIK STERNLOF
MARK S. ZAMARKA
CATHERINE A. MARRION
RACHAEL M. GAUDIO+*

OF COUNSEL:
ROBERT W. MARRION
ROBERT P. ANDERSON, JR.
FREDERICK B. GAHAGAN

+ ALSO ADMITTED IN RI
*ALSO ADMITTED IN MA

Re: Twin Valley Subdivision

Dear Mr. Mulholland:

On April 28, 2017, we provided an opinion letter regarding the above proposed subdivision. Our letter addressed three specific questions:

- (1) Is a 40' buffer required around existing lots?
- (2) Must the subdivision have a 200' no cut/no build buffer from the roadway?
- (3) If the 200' buffer from the roadway is required, can the entry road into the subdivision go through that buffer?

Since that time, another issue has arisen regarding the 40' buffer found in section 23.5.B.1 of the East Lyme Zoning Regulations ("Regulations" or "ZR"). The plans provided for our review show two existing lots along Green Valley Lakes Road, and provide for a 40' buffer between those existing lots and the proposed lot #1 in the new development. The plans also show a proposed access street or road that would run parallel to the western most existing lot, noted on the plans as "N/F Brian Lepkowski & Diane Lepkowski" (the "Lepkowski lot"). The developer has now inquired whether a 40' buffer is also required along the portion of the Lepkowski lot that abuts the proposed road. Put another way, must a 40' buffer be installed to screen an existing contiguous lot from a proposed road or street?

ZR 23.5.B.1 states in relevant part that a "wooded or otherwise landscaped buffer shall be provided along the perimeter ... to Screen Development on the proposed lots from existing contiguous lots." (Emphasis added).¹ The plain wording of this section indicates that the purpose of the 40' buffer is to screen existing lots from development on proposed new lots, not roads. This interpretation is consistent with the Regulations and principles of statutory construction. "Zoning regulations are local legislative

¹ Although capitalized, neither "Screen" nor "Development" are defined terms in the Regulations.

EX "KKK"



WALLER
SMITH &
PALMER
P.C.
Attorneys at Law

enactments ... and, therefore, their interpretation is governed by the same principles that apply to the construction of statutes...." Trumbull Falls, LLC v. Planning & Zoning Commission, 97 Conn. App. 17, 21–22, cert. denied, 280 Conn. 923 (2006); see also 9A R. Fuller, § 33:7, p. 261. "In the construction of the statutes, words and phrases shall be construed according to the commonly approved usage of the language ... If a statute or regulation does not sufficiently define a term, it is appropriate to look to the common understanding of the term as expressed in a dictionary." Moon v. Zoning Board of Appeals, supra, 291 Conn. 16, 21 (2009)

The Regulations also draw a clear distinction between a lot and a street. A lot is defined in pertinent part as a "... parcel of land occupied or capable of being occupied by one principal building ..." ZR 1.29. The Lepkowski lot, and the proposed numbered lots on the plans all meet this definition. In contrast, ZR 1.54 provides in pertinent part that a street is "Any way which is an existing town or state highway ..." or any way which is shown on a recorded and duly approved subdivision map. While the Regulations do not provide a definition of road, Webster's Dictionary notes that a road is "... an open way for vehicles ... especially one lying outside an urban district." Here, the proposed access road is not a lot, as it would not be occupied, or be capable of being occupied, by a building.

Based on the foregoing, it is our advice that the 40' buffer found in ZR 23.5.B.1 is not intended to screen existing lots from proposed streets or roads in a Conservation Design Development. As applied here, a 40' buffer would not be required to separate or screen the Lepkowski lot from the proposed access road.

If you have any additional comments or questions, we would be pleased to respond.

Very truly yours,

Mark S. Zamarka, of
Waller, Smith & Palmer, P.C.

cc. East Lyme Town Planner

EXHIBIT D

MEMORANDUM

TO: GARY GOESCHEL, DIRECTOR OF PLANNING
FROM: MARK E. BLOCK, ESQ.
DATE: FEBRUARY 1, 2010
RE: OPEN SPACE DEDICATION - HERITAGE AT EAST LYME RESUBDIVISION

You have asked for an opinion in regards to open space dedication for the proposed resubdivision of Heritage at East Lyme. (the "Resubdivision")

The facts as related to me are that Heritage at East Lyme was, when first subdivided ("Original Subdivision"), an estimated 330 acre tract of land ("Original Tract"). The Original Subdivision contained one lot comprised of a 198 acre tract, which is the subject of the resubdivision application ("Subject Parcel"). At the time of the approval of the Original Subdivision, there was approximately 39.45 acres dedicated as open space as a condition of that approval.

The question presented is can the Planning Commission require a dedication of additional open space as part of the approval of the Resubdivision.

Conn. Gen. Stat. §8-25 provides that the Town's subdivision regulations may require the applicant by deed, payment of a fee or combination of the two, to provide the Town with open space of a value not to exceed 10% of the fair market value of the land to be subdivided "prior to the approval of the subdivision".

Section 10-5 of the Subdivision regulations is consistent with the General Statutes, and says that in arriving at the fee in lieu of the dedication of the land, the fee cannot equal more than 10% of the "fair market value of the land to be subdivided "prior to approval of the subdivision."

Further, Section 10-2-2 of the Subdivision Regulations says that if a parcel "is subdivided in stages, the open space dedication attributable to the subdivision of a portion of the entire tract" may be deferred to a later date. The critical language in this section is the reference to the subdivision being in stages and calculating open space based upon the entire tract.

There are no cases on this precise issue, so one must look to the language of the statute and the regulations. In this case the Original Tract that was submitted to the Commission for subdivision approval comprised 330 acres. The Commission required, per its regulations, that the Developer set aside open space calculated on the number of acres in the Original Tract, i.e., 300 acres. Both the Statute and the Regulations speak of the dedication for open space to be from the land to be subdivided. The Town's regulations also speak of a subdivision developed in stages, with provision for deferral of the open space.

In my opinion, since with original developer met the open space requirements at the time of the

Original Subdivision, and made that dedication out of the Original Tract, the Commission cannot require an additional dedication from the Subject Parcel, which is a resubdivision of a portion of the Original Tract/Subdivision.

M:\users\MEE\Est L\in\open space memo.wpd

EXHIBIT 5



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

August 12 2020

Via email ggoeschel@eltownhall.com

Gary Goeschel
Director of Planning
Town of East Lyme
108 Pennsylvania Avenue
Niantic, CT 06357

Re: Lots 19 & 21 Upper Pattagansett Drive English Harbour

Dear Gary:

This letter is to follow up on my correspondence of Monday regarding the hearing for the above captioned re-subdivision. Given the executive orders regarding public hearings I wanted to confirm my understanding as to the time frame remaining for the commission to act. The initial public hearing was opened on July 27, 2020 by way of a special meeting. It was continued until August 4, 2020 and thereafter further continued to August 11, 2020 awaiting a response from Ledge Light Health District as to the septic approval. On August 10, 2020, I requested the August 11 meeting be cancelled and the hearing rescheduled to the regular September meeting which is September 8, 2020 in order that we will have a response from Ledge Light Health District so the commission may act. My client has consented to the extension of time to conclude the public hearing until September, 9, 2020

Please confirm that we are within time frame for conducting and concluding the public hearing in a timely manner or in the alternative schedule a public hearing on this matter on or before the August 31, 2020 original deadline

Replies to New London only at:

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

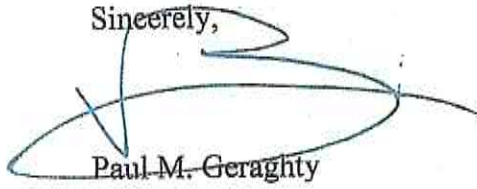
WWW.GERAGHTYBONNANO.COM

131 DWIGHT STREET
NEW HAVEN, CONNECTICUT 06511

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

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Paul M. Geraghty', written over the printed name.

Paul M. Geraghty

cc: English Harbour Asset Management, LLC

EXHIBIT 6

Exhibit S

From: [Paul Geraghty](#)
To: [Gary Goeschel](#); [Jennifer Lindo](#)
Subject: Lots 19 & 21
Date: Friday, August 21, 2020 4:01:41 PM

Gary, in light of the comments received today not from but on behalf of Mr Benni my client will be seeking a continuance of the hearing on the 1st to the 8th. Paul

EXHIBIT 2

From: Paul Geraghty <pgeraghty@geraghtybonnano.com>

Sent: Wednesday, September 16, 2020 8:32 AM

To: Gary Goeschel <ggoeschel@eltownhall.com>; Jennifer Lindo <jlindo@eltownhall.com>

Subject: Eng Harbour

Gary and Jen please find the attached correspondence. Regards Paul.

Geraghty & Bonnano, LLC

Attorneys at Law

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

*Also Admitted in New York
† Board Certified, Trial Advocate
†† Also Admitted in Massachusetts and North Dakota

September 15, 2020

Via Email: ggoeschel@eltownhall.com
Gary Goeschel, Director of Planning
Town of East Lyme
108 Pennsylvania Avenue
Niantic, CT 06357

Re: Lot Line Revision for lots 19 & 21 and One lot subdivision

Dear Gary:

I write to follow up on the request I filed to keep this matter open for the next sixty-five days. While I did not attend the Zoom meeting where the commission continued the matter I have subsequently reviewed the recording.

In my letter I asked that the hearing be kept open for another 65 days, the full time allotted applicants because I and my client were concerned about the delays in getting staff replies and our ability to respond to those given the short time to the last hearing. We are preparing a response to those comments and should have them shortly. In which case I would request a special meeting so that we can keep this matter moving forward. As you know any delay results in additional costs to my client both with professional expenses and interest on the tax bills.

I was informed that the continuance would be simply tabling the matter and no more and thus did not attend. In reviewing the video it appears much more took place including substantive discussions by Commissioner Bohmbach who not only visited the site without providing notice and or seeking permission, ostensibly for purposes of informing his opinion on matters, but then undertook to voice his opinions at the last meeting without the applicant having the opportunity to respond¹. Moreover, his comments as to providing a memo to the Commission members on the subject appears a wholly inappropriate attempt to influence the other commissioners. This is troubling for two reasons: 1. Unseated alternates are not allowed to participate deliberations; *Komondy v. ZBA*, 127 Conn. App. 669 (2011). While we are not at that stage yet he indicated he would submit a memo with his position to the member which would then be,

¹ I would note that one of the main reason for such prohibitions is the fact that it provides one member with an unfair, if not unfounded, advantage to claim personal knowledge over those who may not have visited the site thus unduly and unfairly influencing the outcome.

presumably part of the record and available for review by the deliberating members. 2. It would have the effect of denying my client the right to respond, resulting in effect the submission of an ex parte communication.

If such a memo has been prepared and submitted or should be submitted please accept this letter as a request for a copy as soon as same is submitted.

As we have a buyer for the lots moving this matter forward as quickly as possible is of paramount concern to us.

Sincerely,

Paul Geraghty, Esq.

EXHIBIT 3

From: Jennifer Lindo [mailto:jlindo@eltownhall.com]

Sent: Wednesday, September 16, 2020 2:33 PM

To: Paul Geraghty <pgeraghty@geraghtybonnano.com>; Gary Goeschel <ggoeschel@eltownhall.com>

Subject: RE: Eng Harbour

Good Afternoon Attorney Geraghty,

I am writing in response to your letter of September 15, 2020 regarding the re-subdivision of 22 and 24 Upper Kensington.

Please note that it is our understanding that an unseated alternate can participate in a public hearing. The unseated alternate cannot vote and cannot participate in deliberations.

Gary asked that I express his sincere apology that the Alternate Member spoke without your presence. Please be reminded that the public hearing is open, and therefore there is an opportunity for the applicant to respond.

We received an email from Mr. Bohmbach AFTER the of the Planning meeting adjourned on September 1. To my knowledge that email has NOT been shared with the other planning commission members, the public or anyone else. As with all written correspondence, it will be entered as an exhibit at the next meeting during the continuance of the public hearing on the matter. Historically, this is how we have handled all correspondence for all public hearings regardless of Commission or Agency. It will be marked as Exhibit W.

Jenn

Jennifer Lindo

Administrative Assistant, Land Use

Town of East Lyme

108 Pennsylvania Ave

PO Box 519

Niantic, CT 06357

(860) 691-4114

Fax: (860) 691-0351

EXHIBIT 4

From: [Brian Bohmbach](#)
To: [Jennifer Lindo](#); [Gary Goeschel](#); [Gary@uptonbass.com](#)
Subject: Comments on the 22-24 Upper Kensington Re-subdivision
Date: Tuesday, September 01, 2020 8:12:17 PM

Gary,

I have the following opinion of the 22-24 Upper Kensington Re-subdivision; after reviewing the Architect's drawings and viewing the site plan from the road, it is my opinion the re-subdivision is inconsistent with the POCD. My opinion is based on Section 1.1 of the POCD that describes that part of the mission of the POCD is for the "maintenance of property values."

The lot on Kensington is a wooded, slopped lot that will require significant site work to cut the property into the proposed building lots, versus the original property layout. The lots shown on the drawings show proposed homes with very little distance from one another and lot sizes that will limit the square footage of homes that can be built there. This plan is inconsistent with the neighborhood houses, which consist of large lots with large single family homes situated on them. Build up of these lots in my opinion will negatively affect the property values of the surrounding properties.

Thanks.

Sent from [Mail](#) for Windows 10

From: [Jennifer Lindo](#)

Sent: Wednesday, August 26, 2020 11:22 AM

To: [Balint, Marcy](#); [Brian Bohmbach](#); [Elizabeth Allen \(eallensocialphd@gmail.com\)](#); [Gary Goeschel](#); [Gary@uptonbass.com](#); [Jennifer Lindo](#); [Karen Zmitruk](#); [kirk scott](#); [Marc Salerno \(marcsalerno@sbcglobal.net\)](#); [Mark Nickerson](#); [Mary Ann Salvatore](#); [Michelle Royce Williams \(m.roycewilliams@gmail.com\)](#); [Nichole Davison \(affair2remember22@gmail.com\)](#); [Rich Gordon \(richgordon@frontier.com\)](#); [Rose Ann Hardy \(rannhardy@yahoo.com\)](#); [Sue Spang \(suespang58@gmail.com\)](#); [Tom Fitting \(tomfitting9@hotmail.com\)](#)

Subject: Planning Commission Meeting of September 1 2020

Good Morning,

Attached please find the Agenda for Tuesday's meeting and last months minutes for review.

Below please find the link to the website where all of the documents are located for your review:

<https://eltownhall.com/government/boards-commissions/planning-commission/planning-commission-2020-materials/planning-commission-2020-materials-september-1/>

Below is the link to the Zoom meeting for Tuesday:

Join Zoom Meeting

<https://us02web.zoom.us/j/88057365418?pwd=UVIrbTN6YnhydTlvREJlOQ1NHVTlVQT09>

Please be sure to rsvp for attendance purposes.

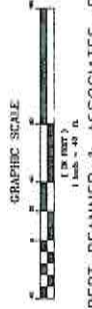
Thank you,
Jenn

Jennifer Lindo
Administrative Assistant, Land Use
Town of East Lyme
108 Pennsylvania Ave
PO Box 519
Niantic, CT 06357
(860) 691-4114
Fax: (860) 691-0351

EXHIBIT 5



GRADING AND E & S PLAN
 NOTTINGHAM HILLS SUBDIVISION
 PHASE II A
 NIAN TIC REAL ESTATE, LLC
 East Lyme, Connecticut
 SHEET SD5 APRIL 10, 2004



J. ROBERT PFANNER & ASSOCIATES, P.C.
 CIVIL ENGINEERS & LAND SURVEYORS

37 GRAND STREET SUITE 101, CONNORVILLE, CONNECTICUT 06033
 TEL. 860-739-4216 FAX 860-739-0993

NO.	DATE	DESCRIPTION	BY
1	5-17-04	SD5 THE ADDED	JRP
2	5-23-04	REV. AS PER PLANNERS NOTES	JRP

EXHIBIT 6

NOTES

1. UNDERLAYS SHOWN ON THE PLANS CAN BE OBTAINED AT THE TIME OF CONSTRUCTION.
2. DIMENSIONS NECESSARY AT THE TIME OF CONSTRUCTION AS DIRECTED BY THE TOWN ENGINEER.
3. ALL DIMENSIONS TO BE PLACED AS SHOWN ON THE PLANS UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS SHALL BE RECHECKED BEFORE PLACEMENT OF BACK FILL.
5. THE ENGINEER HAS REVIEWED THE LAND OWNER'S RECORDS AND IS RESPONSIBLE FOR THE ACCURACY OF THE SAME.
6. ALL DIMENSIONS OF WALLS TO BE CONFORMED TO THE WALL MANUFACTURER'S SPECIFICATIONS.

LEGEND

- 1. 200' TEST HOLE
- 2. PERCOLATION TEST
- 3. 400' PAH TUBE
- 4. 800' PAH TUBE
- 5. EXISTING CONTROL
- 6. PROPOSED CONTROL
- 7. AUTO LINE
- 8. EXISTING PROHIBITIVE-SHADE (PVS)
- 9. EXISTING PROHIBITIVE-SHADE (PVS)
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GRADING AND E&S PLAN
LOTS 15, 16, 17, 25, 26 & 27
NOTTINGHAM HILLS SUBDIVISION
PHASE 3
NIANTIC REAL ESTATE, LLC
 East Lyme, Connecticut
SHEET SD5 **AUGUST 1, 2005**



J. ROBERT PFANNER & ASSOCIATES, P.C.
CIVIL ENGINEERS & LAND SURVEYORS
 37 GRAND STREET, NANTIC, CONNECTICUT 06337
 TEL. 860-739-6216 FAX 860-739-5913
 0301-E-00117-0-03

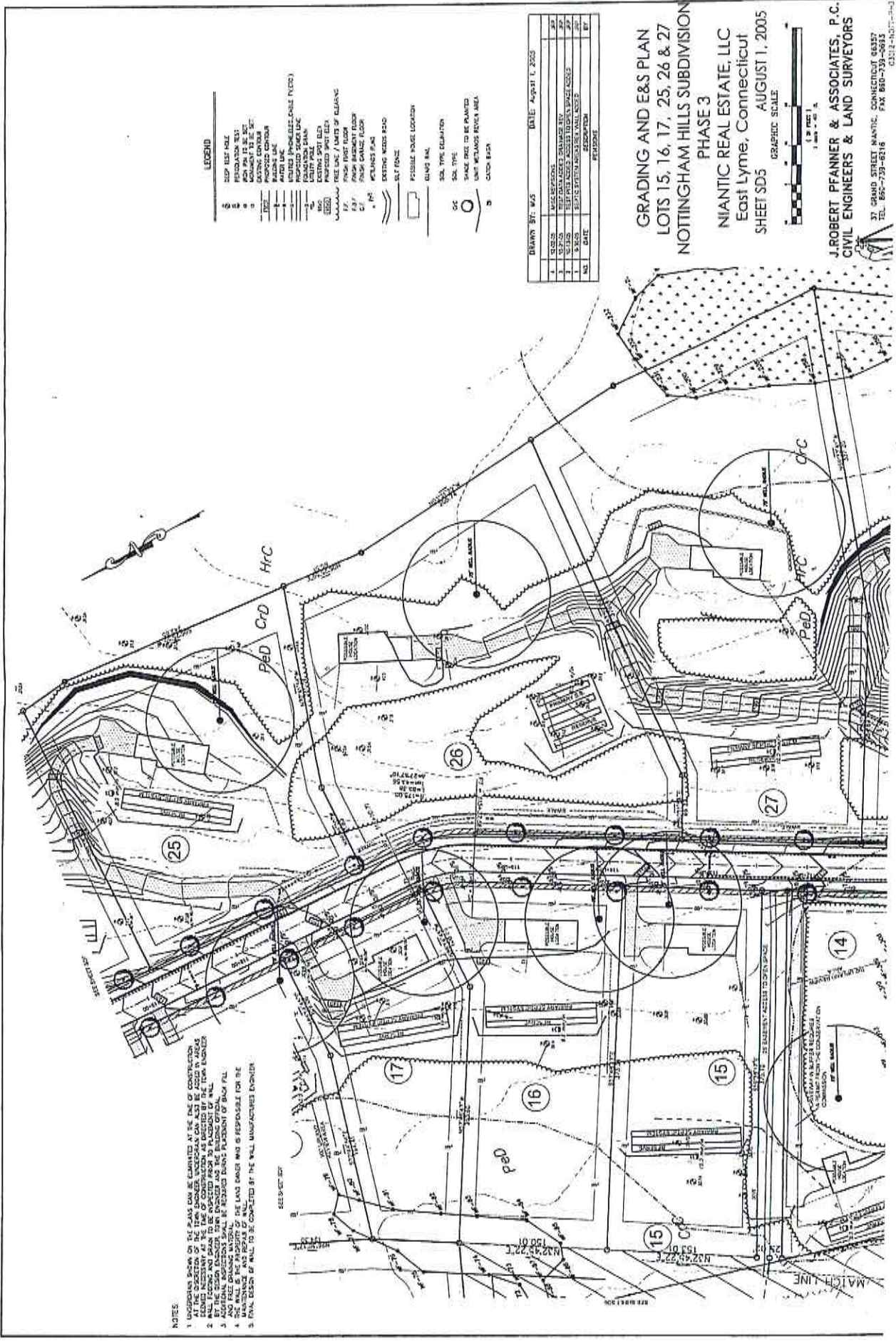


EXHIBIT 7

EXHIBIT 8

EXHIBIT 9

EXHIBIT 10

EXHIBIT 11

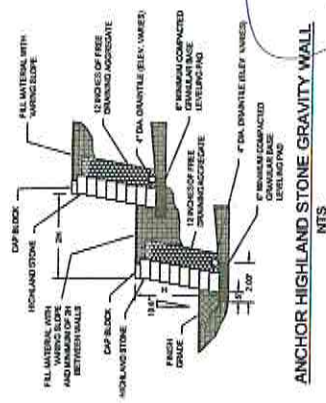


J. ROBERT PFANNER & ASSOCIATES, P.C.
CIVIL ENGINEERS & LAND SURVEYORS
37 GRAND STREET HUNTING, CONNECTICUT 06457
TEL 860-739-0216 FAX 860-739-0023

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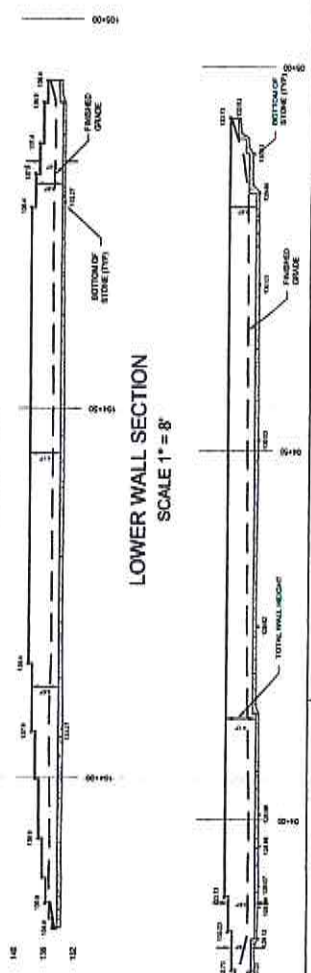
DATE: 2/03/08
DRAWN BY: JF

PLEASE PRINT THE NAME AND TITLE OF THE ENGINEER OR SURVEYOR IN CHARGE OF THIS PROJECT AND THE PROFESSIONAL SEAL OF THE ENGINEER OR SURVEYOR.



UPPER WALL SECTION
SCALE 1" = 8'

LOWER WALL SECTION
SCALE 1" = 8'



ZONING COMPLIANCE CHART

TYPE - NAME	SEARCHED	REVISION	PROVIDED
APPROXIMATE AREA	60,000 S.F.	15,000 S.F.	15,000 S.F.
APPROXIMATE VOLUME	200,000 CU. YD.	50,000 CU. YD.	50,000 CU. YD.
APPROXIMATE WEIGHT	1,000,000 LBS.	250,000 LBS.	250,000 LBS.
APPROXIMATE NUMBER OF TREES	10	2	2
APPROXIMATE NUMBER OF WETLANDS	1	0	0
APPROXIMATE NUMBER OF UTILITIES	1	0	0
APPROXIMATE NUMBER OF FOUNDATIONS	1	0	0
APPROXIMATE NUMBER OF STRUCTURES	1	0	0
APPROXIMATE NUMBER OF UTILITIES	1	0	0
APPROXIMATE NUMBER OF FOUNDATIONS	1	0	0
APPROXIMATE NUMBER OF STRUCTURES	1	0	0

- LEGEND**
- DEEP TEST HOLE
 - PERCUSSION TEST
 - IRON PIN RECOVERED
 - AGGREGATE RECOVERED
 - EXISTING CONTOUR
 - PROPOSED CONTOUR
 - WATER LINE
 - UTILITIES (PHONE, CABLE, ETC.)
 - FOUNDATION DRAIN
 - UTILITY POLE
 - EXISTING SPOT ELEV.
 - PROPOSED SPOT ELEV.
 - TREE LINE / LIMITS OF CLEARING
 - F.F. FINISH FIRST FLOOR
 - B.B.F. FINISH BASEMENT FLOOR
 - G.F. FINISH GARAGE FLOOR
 - #/B WETLANDS FLAG

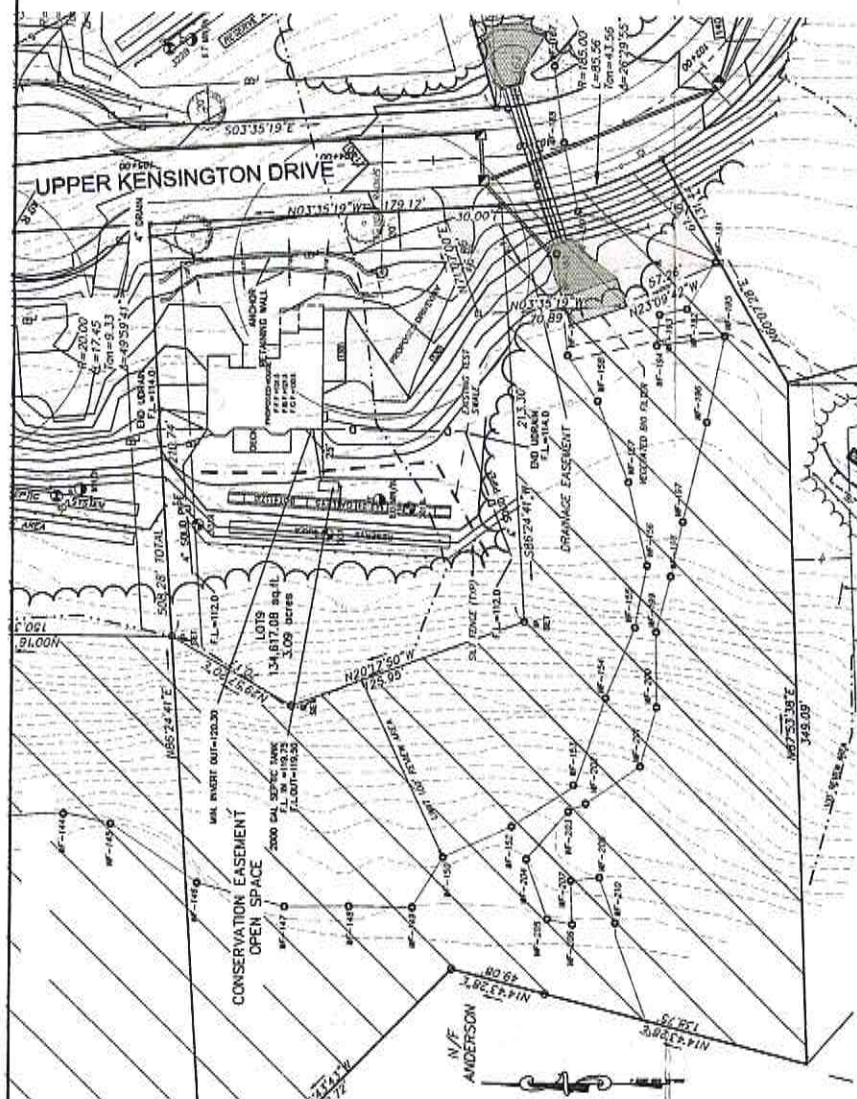


EXHIBIT 12

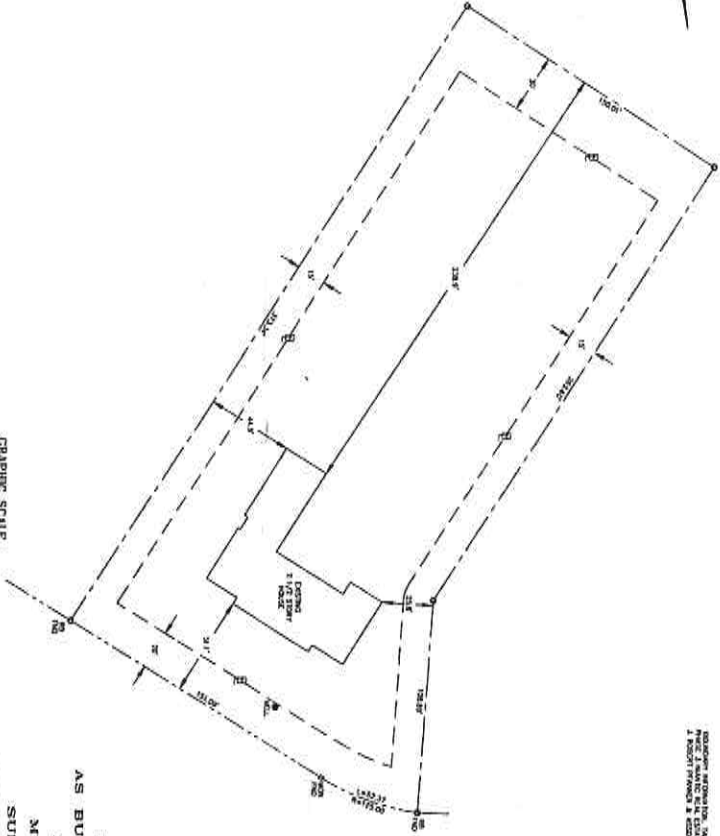
EXHIBIT 13

EXHIBIT 14

EXHIBIT 15



RECEIVED
DEC 15 2009
LAND USE



LEGEND
--- PROPOSED LOT
--- EXISTING LOT
--- EXISTING HOUSE

DE
THE DRAWING IS THE PROPERTY OF THE LAND SURVEYOR OR ARCHITECT. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE LAND SURVEYOR OR ARCHITECT.
SEE MEASUREMENTS ON SHEET 12

NOTE: DIMENSIONS AND LOCATIONS OF ALL STRUCTURES AND UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND ARE NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE LAND SURVEYOR OR ARCHITECT.



DE
DIETTER & GARDNER
LAND SURVEYORS
1611 CONNECTICUT AVENUE
SUITE 100
WESTPORT, CT 06880
TEL: (860) 441-2000
FAX: (860) 441-2000
WWW.DIETTERANDGARDNER.COM

PLAN SHOWING
AS BUILT HOUSE LOCATION
PREPARED FOR
MICHAEL NAZARCO
SUBDIVISION LOT 16
16 UPPER KENSINGTON DRIVE
EAST LYME, CONNECTICUT
SCALE: 1"=30'
DECEMBER 2009

THIS IS NOT A CONTRACT. THE ONLY CONTRACT IS THE AGREEMENT BETWEEN THE CLIENT AND THE LAND SURVEYOR OR ARCHITECT. THIS DRAWING IS THE PROPERTY OF THE LAND SURVEYOR OR ARCHITECT. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE LAND SURVEYOR OR ARCHITECT.
SEE MEASUREMENTS ON SHEET 12
DATE: 12/15/09

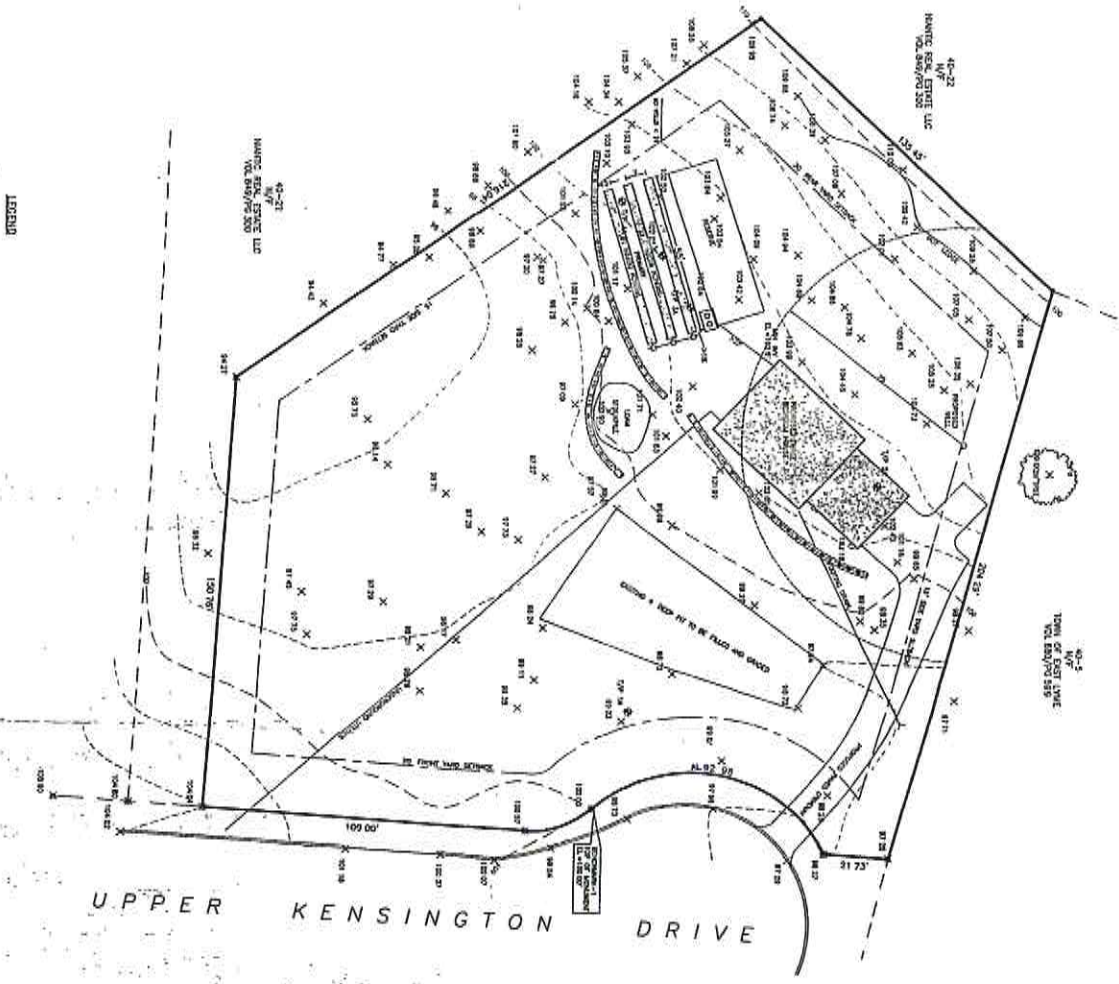
INDICATED MEASUREMENTS WERE TAKEN FROM THE EXISTING HOUSE FOUNDATION. THE HOUSE FOUNDATION IS LOCATED AT THE CORNER OF THE LOT. THE HOUSE FOUNDATION IS LOCATED AT THE CORNER OF THE LOT. THE HOUSE FOUNDATION IS LOCATED AT THE CORNER OF THE LOT.

EXHIBIT 16

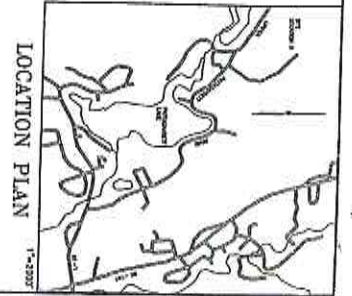


LEGEND

- TSPTM
- PERC HOLE
- CENTRAL
- NEED CENTER
- SPR ELEVATION
- NUMBERS



FOR REFERENCE MAP-1



NOTES

1 This survey has been prepared pursuant to the requirements of the Illinois Surveying Act, Sections 30-200a-1 through 30-200a-20 in addition to the provisions of the Surveying Act of 1983, as amended, in effect on September 21, 1998.

2 Survey for ADJACENT LOT/OWNER OWNER

- Boundary Determination Only

- This survey conforms to a Class "A" method accuracy

- VERTICAL DATUM IS ASSUMED

3 Reference called for locate point 102.00/102.007

4 Not sold except as here specified and enclosed and

5 This survey is based exclusively on accepted practices of surveying

6 The surveyor has not been notified of any existing easements or

7 Easements, encumbrances, or other interests in the land or

8 The surveyor has not been notified of any existing easements or

9 The surveyor has not been notified of any existing easements or

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ASSISTANT SURVEYOR: WAYNE PALCO
 12-31-12
 SCALE 1"=20' DECEMBER 2012
 SHEET 1 OF 2

IMPROVEMENT LOCATION SURVEY

WAYNE PALCO

12-31-12

SCALE 1"=20' DECEMBER 2012

SHEET 1 OF 2

EXHIBIT 17

EXHIBIT 18

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 burden 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."

Recorded
2/15/06
10:30 PM

"LOT LINE REVISION LOT 7 NOTTINGHAM HILLS SUBDIVISION PREPARED FOR NIANTIC 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 NIANTIC 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 NIANTIC 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:

BOOK 733 PAGE 347

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
Jeff P. Lloyd

NIANTIC REAL ESTATE LIMITED LIABILITY COMPANY
By: Jeffrey A. Torrance L.S.
Jeffrey A. Torrance, its Manager, duly authorized.

STATE OF CONNECTICUT
COUNTY OF NEW LONDON

ss: Niantic February 3, 2006

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 Reg. Clk

EXHIBIT 19

2 KENSINGTON DR

Location 2 KENSINGTON DR

Mblu 35.0/ 31-11///

Acct# 009848

Owner SANTOS ADRIAN O

Assessment \$248,570

Appraisal \$355,100

PID 104158

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2016	\$340,000	\$15,100	\$355,100

Assessment			
Valuation Year	Improvements	Land	Total
2016	\$238,000	\$10,570	\$248,570

Owner of Record

Owner SANTOS ADRIAN O
Co-Owner
Address 2 KENSINGTON DR
EAST LYME, CT 06333

Sale Price \$445,900
Certificate
Book & Page 1016/0319
Sale Date 08/16/2019
Instrument 07

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
PAZZ & CONSTRUCTION LLC	\$50,000		0977/0628	07	03/09/2017
TORRANCE ANNE K	\$0		0952/0443	04	08/31/2015
NEW ENGLAND NATIONAL LLC	\$0		0922/0510	03	10/15/2013
NIANTIC REAL ESTATE	\$0		0535/0084		07/30/2001

Building Information

Building 1 : Section 1

Year Built: 2018
Living Area: 2,316
Replacement Cost: \$340,037

Building Percent Good: 100

Replacement Cost

Less Depreciation: \$340,000

Building Attributes

Field	Description
Style	Cape Cod
Model	Residential
Grade:	Very Good
Stories:	2
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Ceram Clay Til
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	Central
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	1
Total Xtra Fixtrs:	2
Total Rooms:	6
Bath Style:	Modern
Kitchen Style:	Modern
Num Kitchens	
Cndtn	
Usrflid 103	
Usrflid 104	
Usrflid 105	
Usrflid 106	
Usrflid 107	
Num Park	
Fireplaces	
Usrflid 108	
Usrflid 101	
Usrflid 102	
Usrflid 100	
Usrflid 300	

Building Photo



(http://images.vgsi.com/photos2/EastLymeCTPhotos/\01\01\34\39.JPG)

Building Layout

Building Layout (ParcelSketch.ashx?pid=104158&bid=103601)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
TQS	Three Quarter Story	1,620	1,296	
BAS	First Floor	1,020	1,020	
FGR	Garage	600	0	
FOP	Porch, Open, Finished	170	0	
UBM	Basement, Unfinished	1,020	0	
WDK	Deck, Wood	180	0	
		4,610	2,316	

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 1010
Description Single Fam MDL-01
Zone R40
Neighborhood 0060
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.92
Frontage
Depth
Assessed Value \$10,570
Appraised Value \$15,100

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$340,000	\$15,100	\$355,100
2018	\$158,900	\$15,100	\$174,000
2017	\$0	\$15,100	\$15,100

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$238,000	\$10,570	\$248,570
2018	\$111,230	\$10,570	\$121,800
2017	\$0	\$10,570	\$10,570

EXHIBIT 20

4 ABERDEEN CT

Location 4 ABERDEEN CT

Mblu 35.0/ 31-7///

Acct# 009357

Owner SCHMITZ NICHOLAS S &
ALLISON N

Assessment \$331,800

Appraisal \$474,000

PID 101562

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2016	\$320,300	\$153,700	\$474,000
Assessment			
Valuation Year	Improvements	Land	Total
2016	\$224,210	\$107,590	\$331,800

Owner of Record

Owner SCHMITZ NICHOLAS S & ALLISON N
Co-Owner
Address 4 ABERDEEN CT
EAST LYME, CT 06333

Sale Price \$480,000
Certificate
Book & Page 0946/0757
Sale Date 05/18/2015
Instrument UNKQ

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
NIANTIC BAY DEVELOPMENT LLC	\$80,000		0924/0517	UNKQ	11/22/2013
BOOS ROBERT G & TERESA A	\$205,000		0695/0220	UNKQ	01/21/2005
CARBONI CURTIS C & URSULA M	\$165,000		0685/0566	UNKQ	10/08/2004
NIANTIC REAL ESTATE LIMITED	\$0		0535/0084	03	07/30/2001

Building Information

Building 1 : Section 1

Year Built: 2013
Living Area: 2,881

Replacement Cost: \$328,784
Building Percent Good: 97
Replacement Cost Less Depreciation: \$318,900

Building Photo



(<http://images.vgsi.com/photos2/EastLymeCTPhotos/A01\01\61\59.jpg>)

Building Layout

Building Layout (ParcelSketch.ashx?pid=101562&bid=9729)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,325	1,325
FUS	Upper Story, Finished	1,182	1,182
FHS	Half Story, Finished	624	374
CTH	Cathedral Ceiling	143	0
FGR	Garage	624	0
FOP	Porch, Open, Finished	175	0
UBM	Basement, Unfinished	1,325	0
WDK	Deck, Wood	180	0
		5,578	2,881

Building Attributes	
Field	Description
Style	Colonial
Model	Residential
Grade:	Good
Stories:	2
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Carpet
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	Central
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	1
Total Xtra Fixtrs:	2
Total Rooms:	8
Bath Style:	Modern
Kitchen Style:	Modern
Num Kitchens	
Cndtn	
Usrflid 103	
Usrflid 104	
Usrflid 105	
Usrflid 106	
Usrflid 107	
Num Park	
Fireplaces	
Usrflid 108	
Usrflid 101	
Usrflid 102	
Usrflid 100	

Usrflid 300	
Usrflid 301	

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL	FIREPLACE	1.00 UNITS	\$1,400	1

Land

Land Use

Use Code 1010
Description Single Fam MDL-01
Zone R40
Neighborhood 0060
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 1.34
Frontage
Depth
Assessed Value \$107,590
Appraised Value \$153,700

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$320,300	\$153,700	\$474,000
2018	\$320,300	\$153,700	\$474,000
2017	\$320,300	\$153,700	\$474,000

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$224,210	\$107,590	\$331,800
2018	\$224,210	\$107,590	\$331,800
2017	\$224,210	\$107,590	\$331,800

EXHIBIT 21

1A UPPER KENSINGTON DR

Location 1A UPPER KENSINGTON DR

Mblu 40.0/ 14-1///

Acct# 009487

Owner ZECCO MARK A

Assessment \$333,830

Appraisal \$476,900

PID 101894

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2016	\$318,900	\$158,000	\$476,900
Assessment			
Valuation Year	Improvements	Land	Total
2016	\$223,230	\$110,600	\$333,830

Owner of Record

Owner ZECCO MARK A
Co-Owner
Address 1A UPPER KENSINGTON DR
 EAST LYME, CT 06333

Sale Price \$115,000
Certificate
Book & Page 0880/0653
Sale Date 12/05/2011
Instrument UNKQ

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
PAZZ CONSTRUCTION LLC	\$65,000		0871/0410	UNKQ	05/27/2011
NEW ENGLAND NATIONAL LLC	\$0		0870/0693	03	05/12/2011
NIANTIC REAL ESTATE LIMITED	\$0		0694/0107	04	01/07/2005

Building Information

Building 1 : Section 1

Year Built: 2012
Living Area: 2,685
Replacement Cost: \$323,237
Building Percent Good: 96

Replacement Cost
Less Depreciation:

\$310,300

Building Attributes	
Field	Description
Style	Colonial
Model	Residential
Grade:	Good
Stories:	2
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	Stone/Masonry
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	Central
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	8
Bath Style:	Modern
Kitchen Style:	Modern
Num Kitchens	
Cndtn	
Usrflid 103	
Usrflid 104	
Usrflid 105	
Usrflid 106	
Usrflid 107	
Num Park	
Fireplaces	
Usrflid 108	
Usrflid 101	
Usrflid 102	
Usrflid 100	
Usrflid 300	

Building Photo



(<http://images.vgsi.com/photos2/EastLymeCTPhotos/A01\01\56\89.jpg>)

Building Layout

Building Layout (ParcelSketch.ashx?pid=101894&bid=9850)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
FUS	Upper Story, Finished	1,160	1,160
BAS	First Floor	1,147	1,147
FHS	Half Story, Finished	630	378
FGR	Garage	630	0
FOP	Porch, Open, Finished	111	0
UBM	Basement, Unfinished	1,147	0
WDK	Deck, Wood	168	0
		4,993	2,685

Extra Features

Extra Features					Legend
Code	Description	Size	Value	Bldg #	
FPL	FIREPLACE	2.00 UNITS	\$2,700		1

Land

Land Use

Use Code 1010
 Description Single Fam MDL-01
 Zone R40
 Neighborhood 0060
 Alt Land Appr No
 Category

Land Line Valuation

Size (Acres) 3.04
 Frontage
 Depth
 Assessed Value \$110,600
 Appraised Value \$158,000

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	SHED FRAME			192.00 S.F.	\$1,500	1
PAT1	PATIO-AVG			608.00 S.F.	\$1,500	1
SPL2	VINYL/PLASTIC			390.00 S.F.	\$2,900	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$318,900	\$158,000	\$476,900
2018	\$318,900	\$158,000	\$476,900
2017	\$318,900	\$158,000	\$476,900

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$223,230	\$110,600	\$333,830
2018	\$223,230	\$110,600	\$333,830
2017	\$223,230	\$110,600	\$333,830

EXHIBIT 22



< East Lyme, CT X

By Lisa Bernard with Coldwell Banker Realty - East Lyme Office



New For Sale - Active 1 / 10

Veterans: Check Eligibility for a \$0 Down VA

\$534,900

\$1,806/mo

4 bed 2.5 bath 2,600 sqft 1.29 acre lot
3 Upper Kensington Dr, East Lyme, CT, 06333



Commute time

Noise: Low

FEMA Zone X (est.) • Flood Factor 1 / 10 NEW

Property Type	Single Family Home	Last Sold	\$ 53k in 2020
Days on Realtor.com	5 Days	Year Built	2020
Price per sqft	\$206	Garage	2 Cars

Ask a question

Share this home

Open Houses

Prev

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Property Details

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Find out how much paint you need for your new home

NEW CONSTRUCTION IS NOW UNDER WAY IN THE SOUGHT AFTER EAST LYME NEIGHBORHOOD, Nottingham Hills! THE ENDLESS SEARCH OF JUST THE RIGHT PROPERTY AT THE RIGHT PRICE IS OVER! This 4 bedroom colonial with open floor plan is sure to please! You will absolutley love the front covered porch overlooking the views that this location has to offer. All your boxes will be checked with Hardwood flooring, Beautiful White kitchen cabinets with granite and center island, Stainless Steel Appliances, Front covered porch with stamped concrete walkway and more! You will appreciate special features like the window seat in the kitchen area, Trayed ceiling in the master suite, large sitting area upstairs which is extra space that you can define as you wish! Quality construction with attention to detail right down to the custom built beautiful stone wall adding to the landscape, warmly welcomes you and your guests home! Call soon and you just may be able to pick out some final touches!!

Property Features

Interior Features

- Open Floor Plan

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[Email Agent](#)

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EXHIBIT 23

8 UPPER KENSINGTON DR

Location 8 UPPER KENSINGTON DR

Mblu 40.0/ 30/ //

Acct# 009486

Owner DONAHUE CHRISTOPHER J &

Assessment \$326,480

Appraisal \$466,400

PID 101893

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2016	\$315,600	\$150,800	\$466,400
Assessment			
Valuation Year	Improvements	Land	Total
2016	\$220,920	\$105,560	\$326,480

Owner of Record

Owner DONAHUE CHRISTOPHER J &
Co-Owner DONAHUE ALISON D
Address 8 UPPER KENSINGTON DR
 EAST LYME, CT 06333

Sale Price \$160,000
Certificate
Book & Page 0802/0756
Sale Date 05/30/2008
Instrument 13

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
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: 2008
Living Area: 2,878
Replacement Cost: \$327,429
Building Percent Good: 96

Replacement Cost

Less Depreciation: \$314,300

Building Attributes	
Field	Description
Style	Colonial
Model	Residential
Grade:	Good
Stories:	2
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Fir 1	Hardwood
Interior Fir 2	Carpet
Heat Fuel	Oil
Heat Type:	Forced Air-Duc
AC Type:	Central
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	1
Total Xtra Fixtrs:	3
Total Rooms:	8
Bath Style:	Modern
Kitchen Style:	Modern
Num Kitchens	
Crdtn	
Usrflid 103	
Usrflid 104	
Usrflid 105	
Usrflid 106	
Usrflid 107	
Num Park	
Fireplaces	
Usrflid 108	
Usrflid 101	
Usrflid 102	
Usrflid 100	

Building Photo

(<http://images.vgsi.com/photos2/EastLymeCTPhotos/A01101\32\39.JPG>)

Building Layout

Building Layout (ParcelSketch.ashx?pid=101893&bid=9849)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,469	1,469
FUS	Upper Story, Finished	1,063	1,063
FHS	Half Story, Finished	576	346
CTH	Cathedral Ceiling	84	0
FGR	Garage	576	0
FOP	Porch, Open, Finished	40	0
UBM	Basement, Unfinished	1,469	0
WDK	Deck, Wood	224	0
		5,501	2,878

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL	FIREPLACE	1.00 UNITS	\$1,300	1

Land

Land Use

Use Code 1010
 Description Single Fam MDL-01
 Zone R40
 Neighborhood 0060
 Alt Land Appr No
 Category

Land Line Valuation

Size (Acres) 1.06
 Frontage
 Depth
 Assessed Value \$105,560
 Appraised Value \$150,800

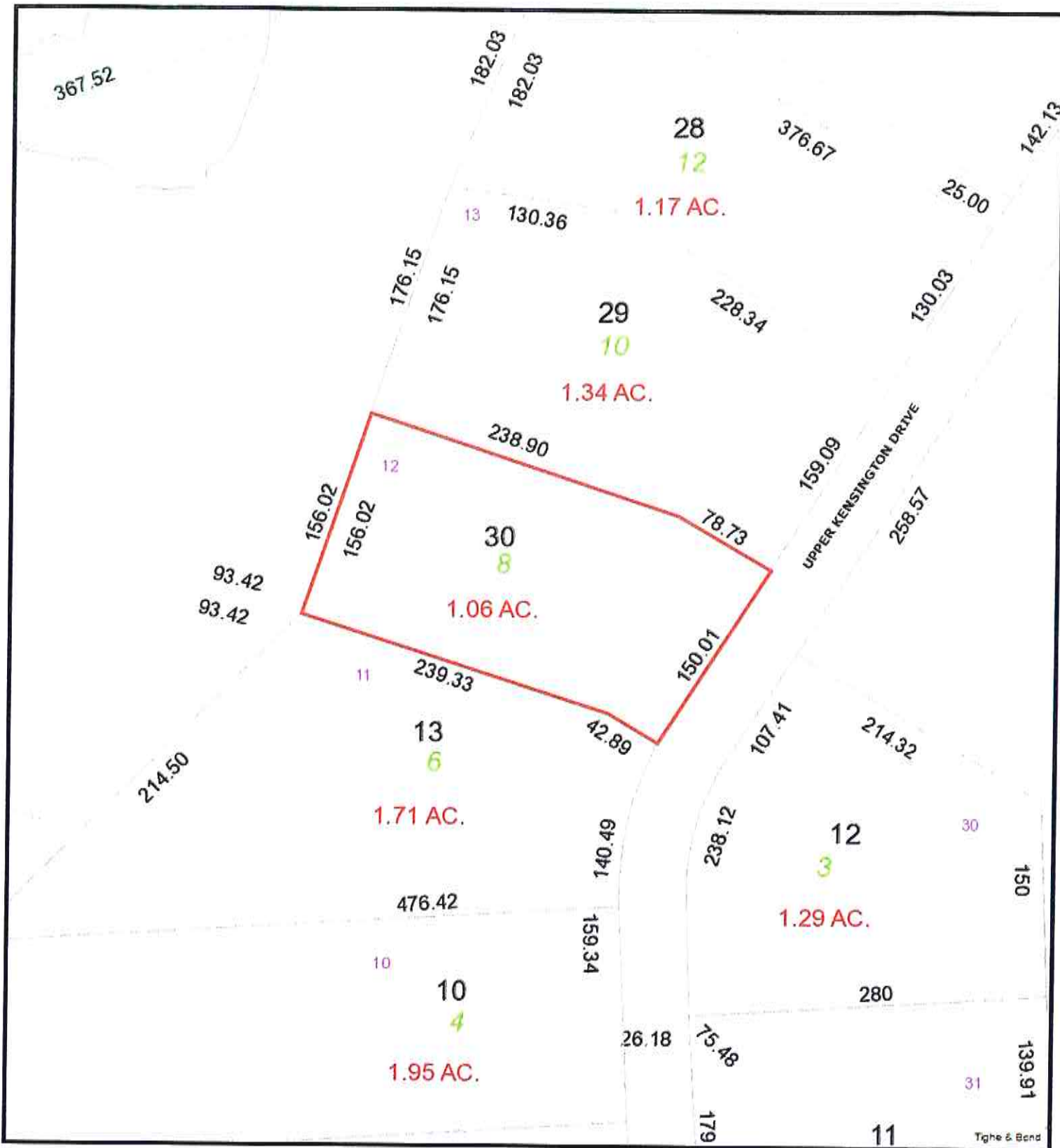
Outbuildings

Outbuildings		Legend
No Data for Outbuildings		

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$315,600	\$150,800	\$466,400
2018	\$315,600	\$150,800	\$466,400
2017	\$315,600	\$150,800	\$466,400

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$220,920	\$105,560	\$326,480
2018	\$220,920	\$105,560	\$326,480
2017	\$220,920	\$105,560	\$326,480



9/29/2020 1:34:22 PM

Scale: 1"=100'

Scale is approximate

The information depicted on this map is for planning purposes only.
It is not adequate for legal boundary definition, regulatory



EXHIBIT 24

10 UPPER KENSINGTON DR

Location 10 UPPER KENSINGTON DR

Mblu 40.0/ 29/ 11

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 &

Sale Price \$452,086

Co-Owner HOOPER TRACY A

Certificate

Address 10 UPPER KENSINGTON DR

Book & Page 0966/0486

EAST LYME, CT 06333

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

Building Percent Good: 100

Replacement Cost

Less Depreciation: \$294,900

Building Attributes

Field	Description
Style	Colonial
Model	Residential
Grade:	Good
Stories:	2
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	Central
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	1
Total Xtra Fixtrs:	1
Total Rooms:	7
Bath Style:	Modern
Kitchen Style:	Modern
Num Kitchens	
Cndtn	
Usrflid 103	
Usrflid 104	
Usrflid 105	
Usrflid 106	
Usrflid 107	
Num Park	
Fireplaces	
Usrflid 108	
Usrflid 101	
Usrflid 102	
Usrflid 100	
Usrflid 300	

Building Photo



(http://images.vgsl.com/photos2/EastLymeCTPhotos/A01\01167\96.jpg)

Building Layout

Building Layout (ParcelSketch.ashx?pid=101892&bid=9848)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,022	1,022
FUS	Upper Story, Finished	956	956
TQS	Three Quarter Story	600	480
CTH	Cathedral Ceiling	66	0
FGR	Garage	600	0
FOP	Porch, Open, Finished	202	0
UBM	Basement, Unfinished	1,022	0
WDK	Deck, Wood	280	0
		4,748	2,458

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL	FIREPLACE	1.00 UNITS	\$1,400	1

Land

Land Use

Use Code 1010
 Description Single Fam MDL-01
 Zone R40
 Neighborhood 0060
 Alt Land Appr No
 Category

Land Line Valuation

Size (Acres) 1.34
 Frontage
 Depth
 Assessed Value \$105,560
 Appraised Value \$150,800

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$296,300	\$150,800	\$447,100
2018	\$296,300	\$150,800	\$447,100
2017	\$296,300	\$150,800	\$447,100

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$207,410	\$105,560	\$312,970
2018	\$207,410	\$105,560	\$312,970
2017	\$207,410	\$105,560	\$312,970

EXHIBIT 25



< East Lyme, CT ×

By Traci Pazzaglia with Berkshire Hathaway HomeServices New England Properties - East Lyme



New For Sale - Active 2 / 14

Veterans: Check Eligibility for a \$0 Down VA

\$549,000

\$1,853/mo

4 bed 3 bath 2,600 sqft 1.17 acre lot
12 Upper Kensington Dr, East Lyme, CT, 06333

Commute time

Noise: Low

FEMA Zone X (est.) • Flood Factor 1 / 10 NEW

Virtual tour

Property Type	Single Family Home	Days on Realtor.com	6 Days
Year Built	2020	Price per sqft	\$211
Garage	2 Cars	Style	Colonial

Ask a question

Share this home

Open Houses

Prev

Next

Property Details

Sponsored by  Sherwin-Williams

Find out how much paint you need for your new home

Beautiful new construction in East Lyme neighborhood. Quality and details always abound in homes by Pazz Construction. Hardwood throughout first floor, custom tile designs and custom tiled master shower. Granite counters in kitchen and all bathrooms, tile backsplash in kitchen, crown moulding details in main living area. Price includes paved driveway. Buyer can choose tile selections, granite, kitchen cabinet styles and finish, hardware, paint, lighting, door styles, decking, siding. In-house designer will be available to help with selections to make the building process a breeze! Call today to discuss your plans and to view one of our models!

Property Features

Appliances

- Oven/Range
- Microwave

[SEE MORE ▾](#)

Find out more about this property.

[Email Agent](#)

Local Home Services

Advertisement

Cable and Internet

Moving? Keep your TV & Internet connected.

[See Offers Now](#)

PRE



Moving

Need a Mover? Get Free Moving Quotes and a Cost Estimate

[Get Moving Quotes](#)

PRE



 **Home Value** New



[Prev](#)

[Next](#)

 **Monthly Payment**

EXHIBIT 26

14 UPPER KENSINGTON DR

Location 14 UPPER KENSINGTON DR

Mblu 40.0/ 27/ / /

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

Replacement Cost: \$331,477
Building Percent Good: 94
Replacement Cost
Less Depreciation: \$311,600

Building Photo



(<http://images.vgsi.com/photos2/EastLymeCTPhotos/A01\01\32\36.JPG>)

Building Attributes	
Field	Description
Style	Colonial
Model	Residential
Grade:	Good
Stories:	2
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Carpet
Heat Fuel	Oil
Heat Type:	Forced Air-Duc
AC Type:	Central
Total Bedrooms:	4 Bedrooms
Total Bthrms:	2
Total Half Baths:	1
Total Xtra Fixtrs:	2
Total Rooms:	8
Bath Style:	Modern
Kitchen Style:	Modern
Num Kitchens	
Cndtn	
Usrflid 103	
Usrflid 104	
Usrflid 105	
Usrflid 106	
Usrflid 107	
Num Park	
Fireplaces	
Usrflid 108	
Usrflid 101	
Usrflid 102	

Building Layout

Building Layout (ParcelSketch.ashx?pid=101890&bid=9846)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
FUS	Upper Story, Finished	1,624	1,624
BAS	First Floor	1,366	1,366
CTH	Cathedral Ceiling	116	0
FGR	Garage	528	0
UBM	Basement, Unfinished	1,366	0
WDK	Deck, Wood	174	0
		5,174	2,990

Usrflid 300	
Usrflid 301	

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL	FIREPLACE	1.00 UNITS	\$1,300	1

Land

Land Use

Use Code 1010
 Description Single Fam MDL-01
 Zone R40
 Neighborhood 0060
 Alt Land Appr No
 Category

Land Line Valuation

Size (Acres) 1.27
 Frontage
 Depth
 Assessed Value \$107,240
 Appraised Value \$153,200

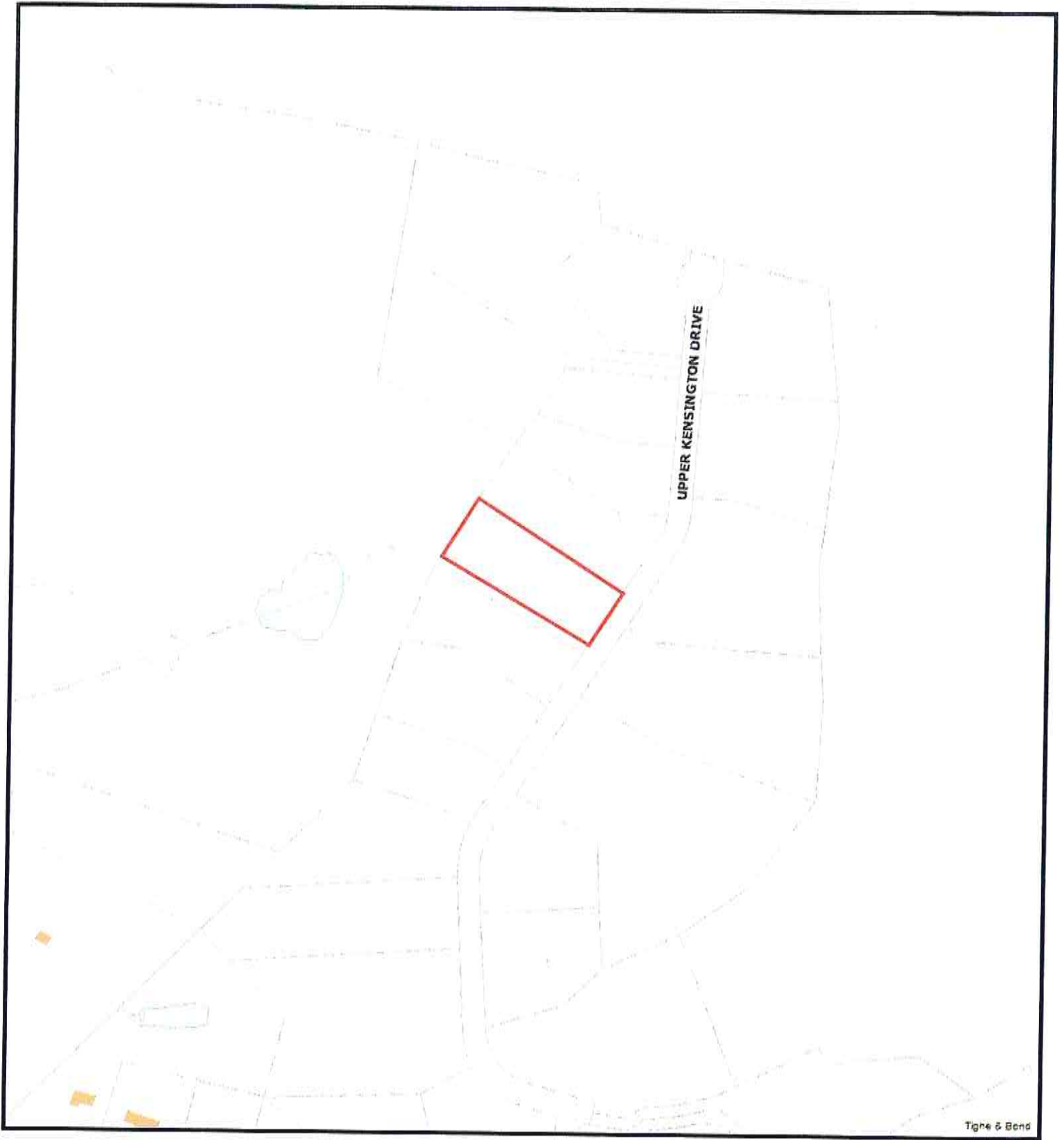
Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$312,900	\$153,200	\$466,100
2018	\$312,900	\$153,200	\$466,100
2017	\$312,900	\$153,200	\$466,100

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$219,030	\$107,240	\$326,270
2018	\$219,030	\$107,240	\$326,270
2017	\$219,030	\$107,240	\$326,270



9/29/2020 1:38:08 PM

Scale: 1"=300'

Scale is approximate

The information depicted on this map is for planning purposes only.
It is not adequate for legal boundary definition, regulatory



EXHIBIT 27

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

Building Percent Good: 95

Replacement Cost

Less Depreciation: \$356,400

Building Attributes

Field	Description
Style	Colonial
Model	Residential
Grade:	Good
Stories:	2
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Carpet
Heat Fuel	Oil
Heat Type:	Forced Air-Duc
AC Type:	Central
Total Bedrooms:	4 Bedrooms
Total Bthrms:	3
Total Half Baths:	1
Total Xtra Fixtrs:	2
Total Rooms:	8
Bath Style:	Average
Kitchen Style:	Average
Num Kitchens	
Cndtn	
Usrflid 103	
Usrflid 104	
Usrflid 105	
Usrflid 106	
Usrflid 107	
Num Park	
Fireplaces	
Usrflid 108	
Usrflid 101	
Usrflid 102	
Usrflid 100	
Usrflid 300	

Building Photo



(http://images.vgsi.com/photos2/EastLymeCTPhotos/A0101132\34.JPG)

Building Layout

Building Layout (ParcelSketch.aspx?pid=101888&bid=9844)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
FUS	Upper Story, Finished	1,584	1,584
BAS	First Floor	1,386	1,386
FRB	Fin Raised Bsmt	874	699
CTH	Cathedral Ceiling	176	0
FBM	Basement, Finished	168	0
FGR	Garage	528	0
UBM	Basement, Unfinished	344	0
WDK	Deck, Wood	190	0
		5,250	3,669

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL	FIREPLACE	1.00 UNITS	\$1,300	1

Land

Land Use

Use Code 1010
 Description Single Fam MDL-01
 Zone R40
 Neighborhood 0060
 Alt Land Appr No
 Category

Land Line Valuation

Size (Acres) 1.00
 Frontage
 Depth
 Assessed Value \$105,560
 Appraised Value \$150,800

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$357,700	\$150,800	\$508,500
2018	\$357,700	\$150,800	\$508,500
2017	\$357,700	\$150,800	\$508,500

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$250,390	\$105,560	\$355,950
2018	\$250,390	\$105,560	\$355,950
2017	\$250,390	\$105,560	\$355,950

EXHIBIT 28

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

Sale Price \$132,000

Co-Owner

Certificate

Address 26 UPPER KENSINGTON DR
EAST LYME, CT 06333

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

Replacement Cost

Less Depreciation: \$300,200

Building Attributes	
Field	Description
Style	Colonial
Model	Residential
Grade:	Good
Stories:	2
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Carpet
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	Central
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	7
Bath Style:	Modern
Kitchen Style:	Modern
Num Kitchens	
Cndtn	
Usrflid 103	
Usrflid 104	
Usrflid 105	
Usrflid 106	
Usrflid 107	
Num Park	
Fireplaces	
Usrflid 108	
Usrflid 101	
Usrflid 102	
Usrflid 100	
Usrflid 300	

Building Photo



(http://images.vgsi.com/photos2/EastLymeCTPhotos//A01\01\58\40.jpg)

Building Layout

Building Layout (ParcelSketch.ashx?pid=101884&bid=9840)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,312	1,312
FUS	Upper Story, Finished	1,312	1,312
FGR	Garage	600	0
FOP	Porch, Open, Finished	44	0
PTO	Patio	387	0
UBM	Basement, Unfinished	1,312	0
		4,967	2,624

Extra Features

Extra Features					Legend
Code	Description	Size	Value	Bldg #	
FPL	FIREPLACE	1.00 UNITS	\$1,400		1

Land

Land Use

Use Code 1010
Description Single Fam MDL-01
Zone R40
Neighborhood 0060
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 1.30
Frontage
Depth
Assessed Value \$107,380
Appraised Value \$153,400

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	SHED FRAME			144.00 S.F.	\$1,000	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$302,600	\$153,400	\$456,000
2018	\$302,600	\$153,400	\$456,000
2017	\$302,600	\$153,400	\$456,000

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$211,820	\$107,380	\$319,200
2018	\$211,820	\$107,380	\$319,200
2017	\$211,820	\$107,380	\$319,200

EXHIBIT 29

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)

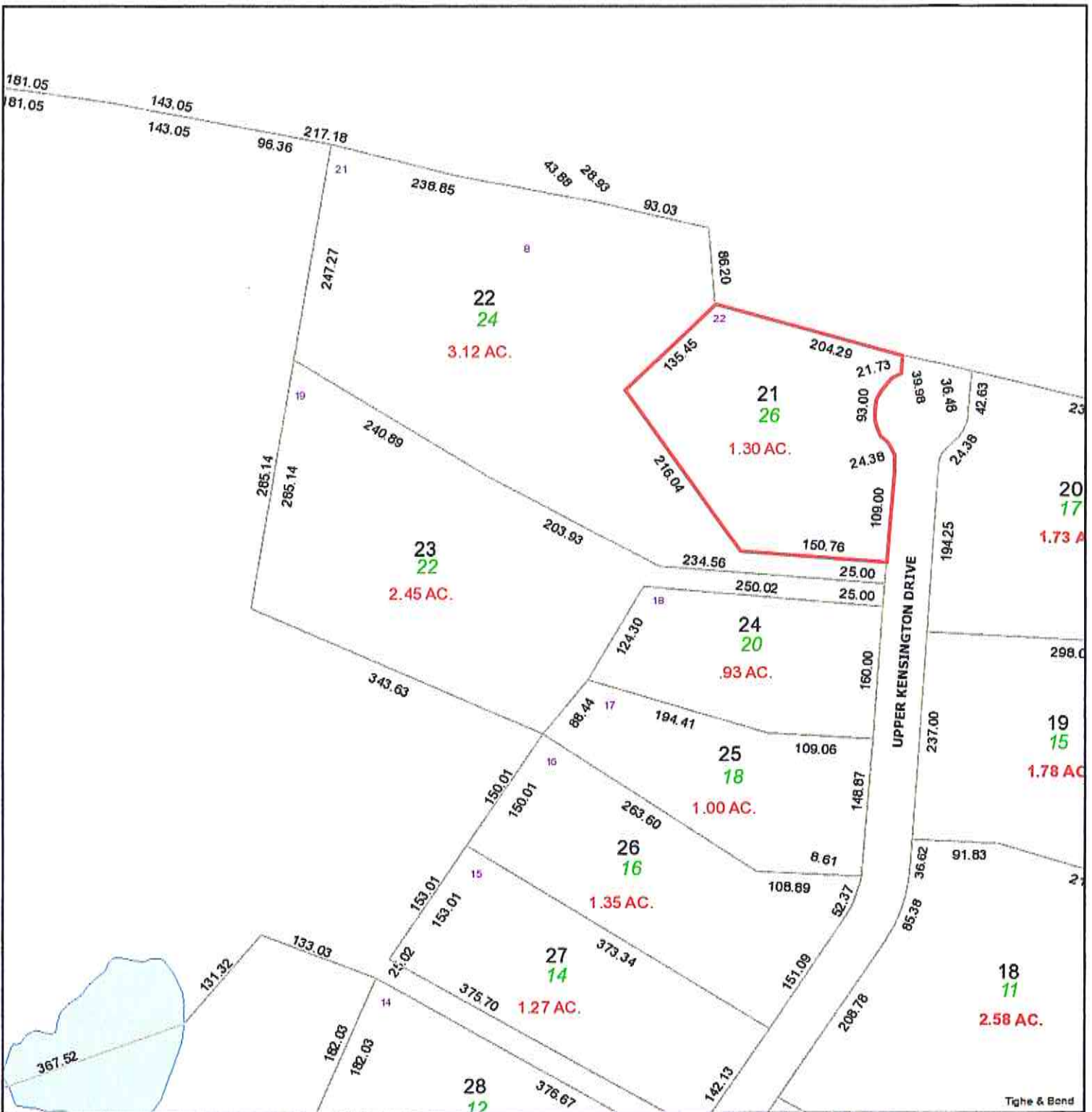
2.96 (Conservation Easement)

TOTAL ACRES

LOTS: 107.82

OPEN SPACE: 41.35

EXHIBIT 30



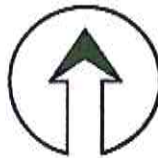
26 UPPER KENSINGTON

10/4/2020 7:43:07

1"=150'

Property Information

Parcel ID 40.0 21
 Address 26 UPPER
 Sale Price \$132,000.00



The information depicted on this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analyses.

