

Town of East Lyme

PO Box 519
Niantic, CT 06357
(860) 691-4114
Fax: (860) 691-0351

Zone Change Permit # _____

Date Entered into ZC Log _____

APPLICATION FOR ZONE CHANGE REQUEST

Date of Application: 7/28/2021 Zone: Properties are currently SU and SUE

Applicant's Name: Paul Geraghty, Esq.

Applicant's Address: 38 Granite Street, New London, CT Telephone: 860-447-8077

Location of Affected Premises: Holmes Road & Grassy Hill Road Assessor's Map/Block/Lot: 57.0-30/55.0-3-1/52.0-3

Owner of Record: Duval Partners, LLC Volume/Page: 956-613

Owner's Address: 1101 Red Ventures Drive, Fort Mill, SC 29707 Telephone: 803-831-2013

DESCRIPTION OF ZONE CHANGE REQUESTED *{Must comply with Section 28 of the East Lyme Zoning Regulations and requires compliance with all applicable Zoning Regulations of the Town of East Lyme}*:
The zone change requested will revert the zoning on these properties to RU-80. The current zone(s) are SU and SUE.

Signature of Owner: _____

Signature of Applicant: _____

Below this line for Office Use Only:

Attach a true copy of the Deed and a Site Plan {10 copies required}. A copy of the deeds for all affected properties and a site plan demonstrating compliance with all applicable zoning code requirements must accompany this application.

Attach an accurate map. Please attach a copy of a map delineating the dimensional meets and bounds and names of adjacent property owners.

Deed Copies Attached:	YES XXX	PERMIT FEE: ZONE CHANGE FEE	\$400.00 <u>X</u>
Map Attached:	YES XXX XXX	SITE PLAN FEE	\$200.00 _____
		STORM WATER	\$200.00 _____
		STATE FEE:	\$60.00 _____
		TOTAL DUE:	\$ <u>460.00</u>
		CHECK #:	<u>9458</u>

Date Approved: _____	Date Denied: _____
Approval subject to conditions below:	
1. _____	
2. _____	
3. _____	
Approval to become effective upon publication and date of entry into the land records of the Town of East Lyme affecting the premises as described in this application.	
Date: _____	Attest _____
East Lyme Zoning Chairman	

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

July 28, 2021

Hand Delivered

William Mulholland, ZEO
Town of East Lyme Zoning Commission
108 Pennsylvania Avenue
Niantic, CT 06357

Re: Duval Partners, Inc. Property Zone Change Application

Dear Mr. Mulholland:

Per your request enclosed please find the following:

1. Certificate of Foreclosure recorded in the East Lyme Land Records Vol. 956 Page 613 which vested title in the properties to Duval Partners, LLC.
2. Six 24"x 36" and six 11"x17" copies of an Alta Survey of the properties.
3. A check in the amount of \$460.00
4. The completed zone change application

Please place this matter on the August 5, 2021 Zoning Commission agenda. Thank you for your assistance.

Very truly yours,


Paul M. Geraghty

cc: Mark Brodsky w/o enc.
East Lyme Land Trust w/o enc.

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

July 21, 2021

Bill Mulholland
Zoning Enforcement Officer
Town of East Lyme
108 Pennsylvania Avenue
Niantic, CT 06357

Re: East Lyme Assessors Map: 52.0-3
57.0-30
55.0-3.1

Dear Bill:

Per our recent conversation, this correspondence shall serve as the landowner's request to abandon the SU and SUE overlay zoning on their above-referenced properties. The Special Permits issues for the Construction of a Golf Course and related facilities were abandoned by the properties prior owner. It is the current landowner's desire for the zone for their property be changed to revert back to RU-80 underlying zone which exists in this area of town.

I have enclosed the following:

1. Authorization from the property owner.
2. GIS maps of the subject properties in their current configuration.

I would appreciate your assistance in expediting this matter as two of the three properties are in the process of being sold to the East Lyme Land Trust, Inc.

Please advise if there is a fee for this and/or a specific application form you require to move the matter forward.

Thank you for your anticipated assistance.

Very truly yours,



Paul M. Geraghty, Esq.

Cc: East Lyme Land Trust, Inc.
Mark Brodsky

DUVAL PARTNERS, LLC

July 15, 2021

Via email pgeraghty@geraghtybonnano.com

Paul Geraghty, Esq.
Geraghty & Bonnano
38 Granite Street
New London, CT 06320

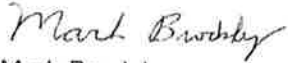
Re: East Lyme Assessors Map: 52.0-3
57.0-30
55.0-3.1

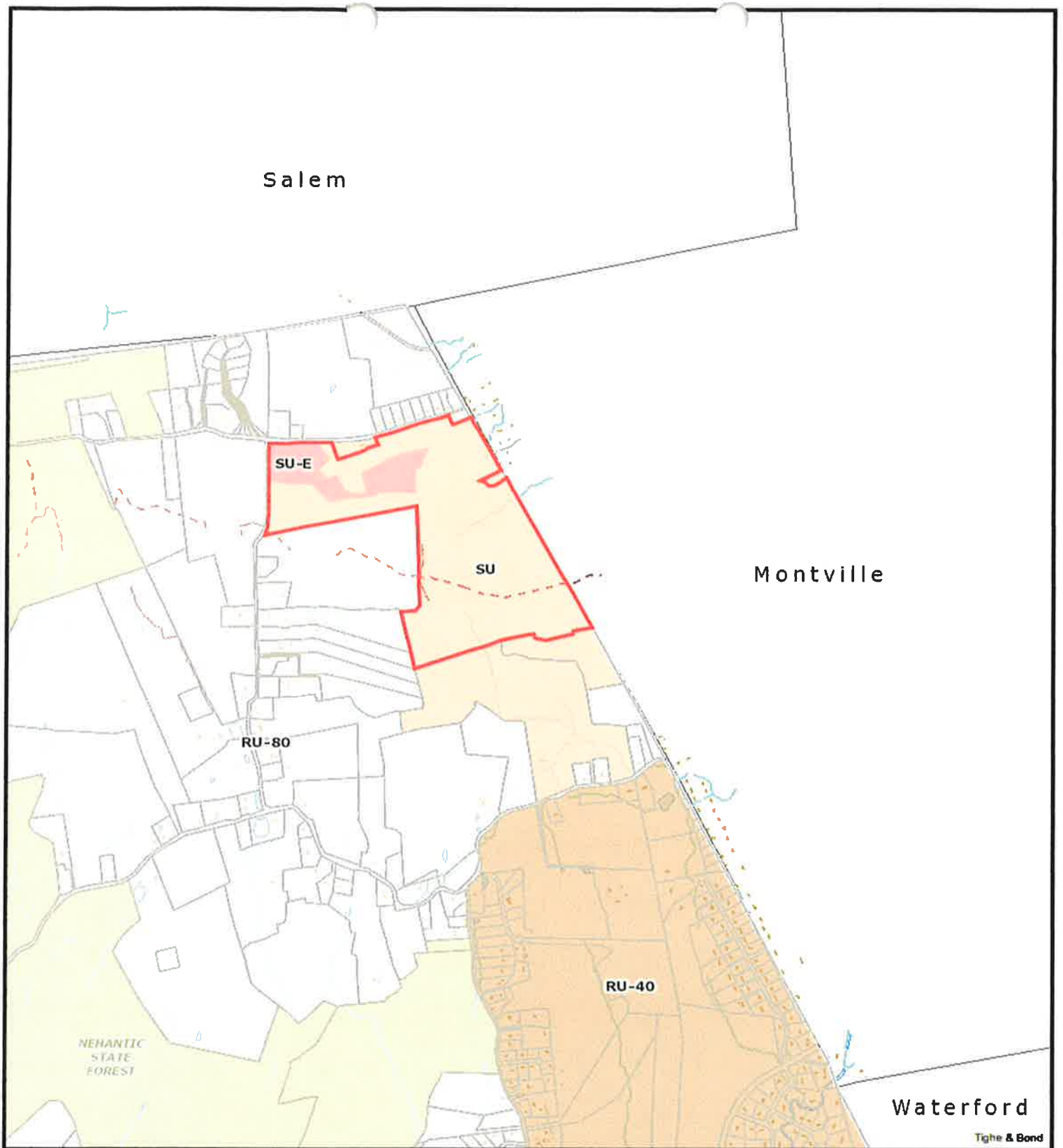
Dear Attorney Geraghty:

This correspondence shall serve as authorization for you to seek the requested zone change from the Town of East Lyme Zoning Commission as part of the pending lot line revisions of our above referenced East Lyme properties.

It is our understanding that the zone change request will abandon the existing SU and SUE "floating" zones and revert the zone(s) back to the underlying RU-80 residential zone which exists in the area of our properties.

Sincerely,


Mark Brodsky



Parcel ID # 57.0-30

7/28/2021 7:16:49 AM

Scale: 1"=2000'

Scale is approximate

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.





Parcel no 55.0-3-1

7/28/2021 7:19:09 AM

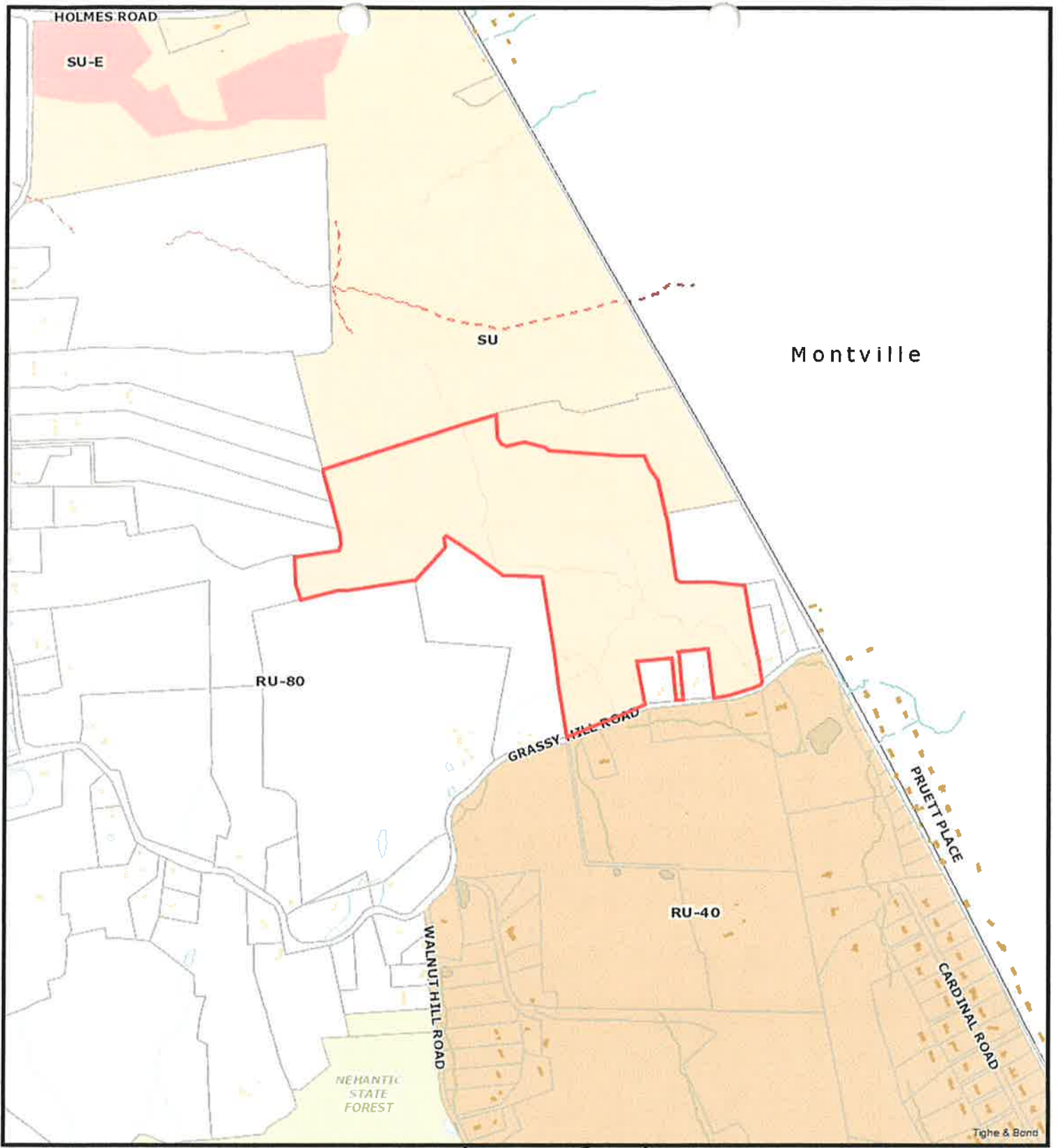
Scale: 1"=300'

Scale is approximate

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



Tighe & Bond



Parcel ID # 52.0-3

7/28/2021 7:17:35 AM
 Scale: 1"=1000'
 Scale is approximate

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.



Tighe & Bond

◇ DOCKET NO. KNL-CV-13-6016726-S : SUPERIOR COURT
DUVAL PARTNERS, LLC : JUDICIAL DISTRICT OF NEW LONDON
V. : AT NEW LONDON
NET FIVE AT PALM POINTE, LLC,
PLANET FIVE DEVELOPMENT
GROUP, LLC, NET FIVE HOLDINGS, : DECEMBER 9, 2015
LTD, PAUL ROHAN, COHN
BIRNBAUM & SHEA P.C.

TO ALL WHOM IT MAY CONCERN:

CERTIFICATE OF FORECLOSURE

This certifies that an Open-End Multistate Mortgage, Assignment of Rents and Security Agreement, from **Net Five at Palm Pointe, LLC**, having an address 4540 Southside Boulevard, Suite 603, Jacksonville, Florida, to **Duval Partners, LLC**, dated November 10, 2010, and recorded in the land records of the Town of East Lyme in Volume 860 at Page 159 and in the land records of the Town of Montville in Volume 555 at Page 321, was foreclosed upon the complaint of Duval Partners, LLC, in the Superior Court, Judicial District of New London, in the State of Connecticut on the 22nd day of December, 2014, as modified by subsequent orders entered on the 23rd of February, 2015, the 6th day of April, 2015, the 8th day of June, 2015, and the 24th of August, 2015. The premises foreclosed are known as **approximately 332.96 acres**

◇

◇ of land along Holmes Road and Walnut Hill Road, in East Lyme and Montville,
Connecticut, and are further described in Schedule A attached hereto.

The time limit for redemption in said judgment of foreclosure has passed and title to said
premises became absolute in **Duval Partners, LLC**, on November 25, 2015.

Dated at Hartford, Connecticut, this 9th day of December, 2015.

THE PLAINTIFF,
DUVAL PARTNERS, LLC

By: 

David A. Hill, Jr.
of Ford & Paulekas, LLP
280 Trumbull Street
Hartford, CT 06103
(860) 527-0400
Juris No. 100342
Its Attorneys

SCHEDULE A

EAST LYME & MONTVILLE PARCEL DESCRIPTION OF FULL SITE

Beginning at the northwest corner of the parcel said point is located on the south side of Holmes road at the intersection with Walnut Hill Road thence running in a counter clockwise direction the following courses:

Line	Course:	S 17-25-36 W	Length:	86.58
Line	Course:	S 10-03-27 W	Length:	910.32
Line	Course:	S 12-11-05 W	Length:	232.87
Line	Course:	S 34-55-53 W	Length:	121.11
Line	Course:	S 89-56-28 E	Length:	608.23
Line	Course:	N 89-13-40 E	Length:	340.83
Line	Course:	S 89-55-21 E	Length:	556.34
Line	Course:	N 88-52-27 E	Length:	785.14
Line	Course:	S 07-35-56 W	Length:	330.76
Line	Course:	S 09-10-35 W	Length:	738.00
Line	Course:	S 07-42-45 W	Length:	112.36
Line	Course:	S 08-36-02 W	Length:	316.56
Line	Course:	S 55-12-15 W	Length:	55.00
Line	Course:	N 85-42-18 W	Length:	249.17
Line	Course:	S 03-51-10 E	Length:	868.27
Line	Course:	S 04-18-21 E	Length:	215.09
Line	Course:	S 03-08-28 E	Length:	60.19
Line	Course:	S 03-15-19 E	Length:	72.85
Line	Course:	S 04-32-26 E	Length:	153.12
Line	Course:	S 00-13-14 W	Length:	62.98
Line	Course:	S 18-23-20 W	Length:	46.37
Line	Course:	N 89-54-44 W	Length:	351.75
Line	Course:	S 05-48-25 W	Length:	184.72
Line	Course:	S 08-10-41 E	Length:	133.66
Line	Course:	N 85-14-33 E	Length:	287.39
Line	Course:	S 80-46-13 E	Length:	77.15
Line	Course:	S 88-07-38 E	Length:	345.97
Line	Course:	S 88-37-12 E	Length:	166.64
Line	Course:	N 51-27-27 E	Length:	321.94
Line	Course:	N 05-31-58 E	Length:	67.23
Line	Course:	N 45-19-26 E	Length:	17.61
Line	Course:	S 48-42-33 E	Length:	256.95
Line	Course:	S 44-02-47 E	Length:	256.94
Line	Course:	S 77-27-34 E	Length:	278.10
Line	Course:	S 02-26-58 W	Length:	100.98
Line	Course:	S 01-13-52 W	Length:	327.95

Line Course: S 04-52-38 W Length: 95.25
 Line Course: S 01-18-27 W Length: 497.48
 Line Course: S 01-48-20 W Length: 184.36
 Line Course: N 78-13-24 E Length: 639.76
 Line Course: N 00-42-50 W Length: 326.20
 Line Course: S 84-39-35 E Length: 260.00
 Line Course: S 05-20-25 W Length: 320.73
 Line Course: S 84-28-36 E Length: 50.00
 Line Course: N 05-20-25 E Length: 365.00
 Line Course: S 84-49-57 E Length: 215.97
 Line Course: S 02-42-28 W Length: 365.00

Curve Length: 313.17	Radius: 1475.00
Delta: 12-09-53	Tangent: 157.17
Chord: 312.58	Course: N 86-37-31 E

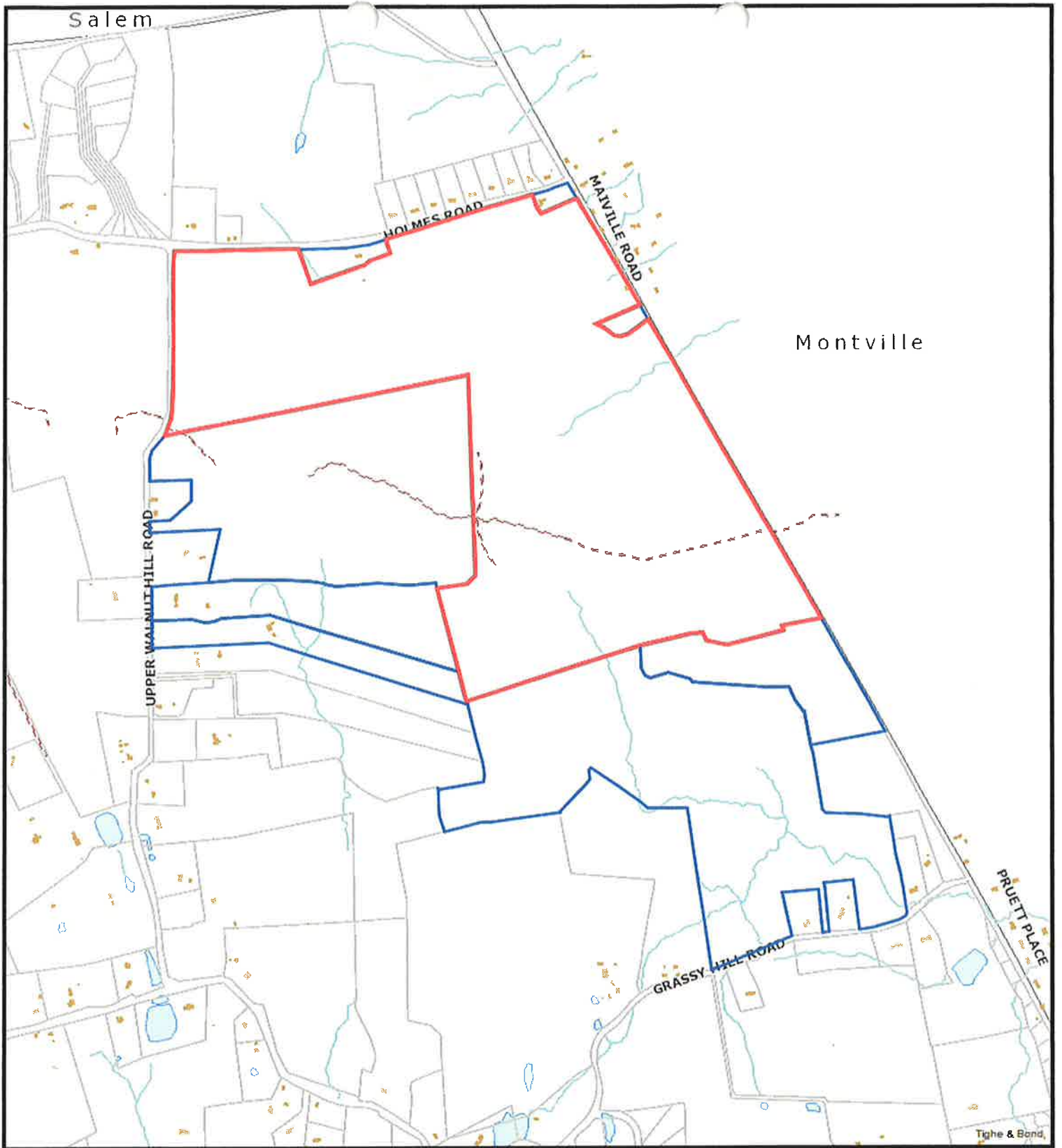
Curve Length: 57.27	Radius: 250.00
Delta: 13-07-31	Tangent: 28.76
Chord: 57.13	Course: N 73-58-55 E

Line Course: N 17-43-50 E Length: 25.67
 Line Course: N 01-03-50 E Length: 139.43
 Line Course: N 04-05-15 W Length: 81.42
 Line Course: N 00-25-47 E Length: 107.72
 Line Course: N 03-46-55 W Length: 97.04
 Line Course: N 00-13-58 E Length: 133.20
 Line Course: N 03-53-25 E Length: 33.61
 Line Course: N 05-12-10 W Length: 27.58
 Line Course: N 02-40-44 E Length: 98.43
 Line Course: N 73-26-13 W Length: 98.97
 Line Course: N 76-17-17 W Length: 110.82
 Line Course: N 77-28-15 W Length: 269.00
 Line Course: N 39-56-02 W Length: 38.87
 Line Course: N 04-44-44 E Length: 34.49
 Line Course: N 03-28-14 E Length: 154.28
 Line Course: N 00-09-43 W Length: 297.93
 Line Course: S 89-32-29 E Length: 966.70
 Line Course: N 00-34-34 W Length: 275.00
 Line Course: N 10-43-03 E Length: 145.00
 Line Course: N 10-43-03 E Length: 77.68
 Line Course: N 00-33-45 E Length: 162.46
 Line Course: N 09-30-39 W Length: 99.69
 Line Course: N 00-24-16 W Length: 101.79
 Line Course: N 07-06-59 W Length: 85.03
 Line Course: N 61-04-23 W Length: 15.51
 Line Course: S 87-46-47 W Length: 88.95
 Line Course: N 08-25-17 W Length: 520.07
 Line Course: N 26-50-05 W Length: 52.95

Line Course: S 87-33-27 W Length: 433.90
 Line Course: N 10-48-22 W Length: 344.11
 Line Course: N 09-48-20 W Length: 6.92
 Line Course: N 09-48-20 W Length: 41.36
 Line Course: N 09-48-20 W Length: 174.85
 Line Course: N 08-48-45 W Length: 130.68
 Line Course: N 08-48-45 W Length: 102.83
 Line Course: N 02-10-10 W Length: 67.37
 Line Course: N 22-48-58 W Length: 16.34
 Line Course: N 22-48-58 W Length: 55.72
 Line Course: N 13-14-52 W Length: 25.48
 Line Course: N 23-41-35 W Length: 142.32
 Line Course: N 23-29-18 W Length: 113.90
 Line Course: N 22-24-12 W Length: 191.61
 Line Course: N 21-49-23 W Length: 143.57
 Line Course: N 24-37-42 W Length: 145.26
 Line Course: N 23-28-48 W Length: 75.54
 Line Course: N 03-40-28 E Length: 214.81
 Line Course: S 80-30-53 W Length: 321.53
 Line Course: S 75-05-31 W Length: 171.58
 Line Course: S 65-06-57 W Length: 185.63
 Line Course: S 83-09-49 W Length: 58.39
 Line Course: N 76-23-08 W Length: 47.63
 Line Course: N 42-40-24 W Length: 94.44
 Line Course: N 55-55-52 W Length: 68.84
 Line Course: N 76-12-20 E Length: 359.46
 Line Course: N 20-29-07 W Length: 50.34
 Line Course: S 76-12-22 W Length: 116.27
 Line Course: N 13-48-16 W Length: 830.00
 Line Course: S 80-38-10 W Length: 261.73
 Line Course: N 20-50-01 W Length: 48.70
 Line Course: N 09-11-24 W Length: 112.00
 Line Course: S 86-54-27 W Length: 311.18
 Line Course: S 82-43-53 W Length: 842.36
 Line Course: S 07-16-07 E Length: 115.88
 Line Course: S 81-01-13 W Length: 157.10
 Line Course: S 56-32-42 W Length: 43.36
 Line Course: S 81-08-27 W Length: 412.86
 Line Course: N 08-40-54 W Length: 275.14
 Line Course: N 80-45-54 W Length: 926.68

Said parcel contains 14,503,801.00 sq.ft. 332.96 acres of land as shown on a map entitled "Property Survey Prepared For Net Five at Palm Point, LLC dated October 20, 2010 scale 1"=150' sheets 1-4" prepared by J. Robert Pfanner & Associates P.C.

Recorded Dec 11 20 15
 12:20 ^{AM} _{PM} Lesly A. Blais
 East Lyme Town Clerk



57.0 - 30

7/27/2021 4:19:57 PM

Scale: 1"=1000'

Scale is approximate

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.



54.0 8
COHEN BRUCE D & SUSAN C
31 UPPER WALNUT HILL RD
EAST LYME, CT 06333

57.0 30
DUVAL PARTNERS LLC
1101 RED VENTURES DR
FORT MILL, SC 29707

55.0 3-1
DUVAL PARTNERS LLC
1101 RED VENTURES DR
FORT MILL, SC 29707

52.0 3
DUVAL PARTNERS LLC
1101 RED VENTURES DR
FORT MILL, SC 29707

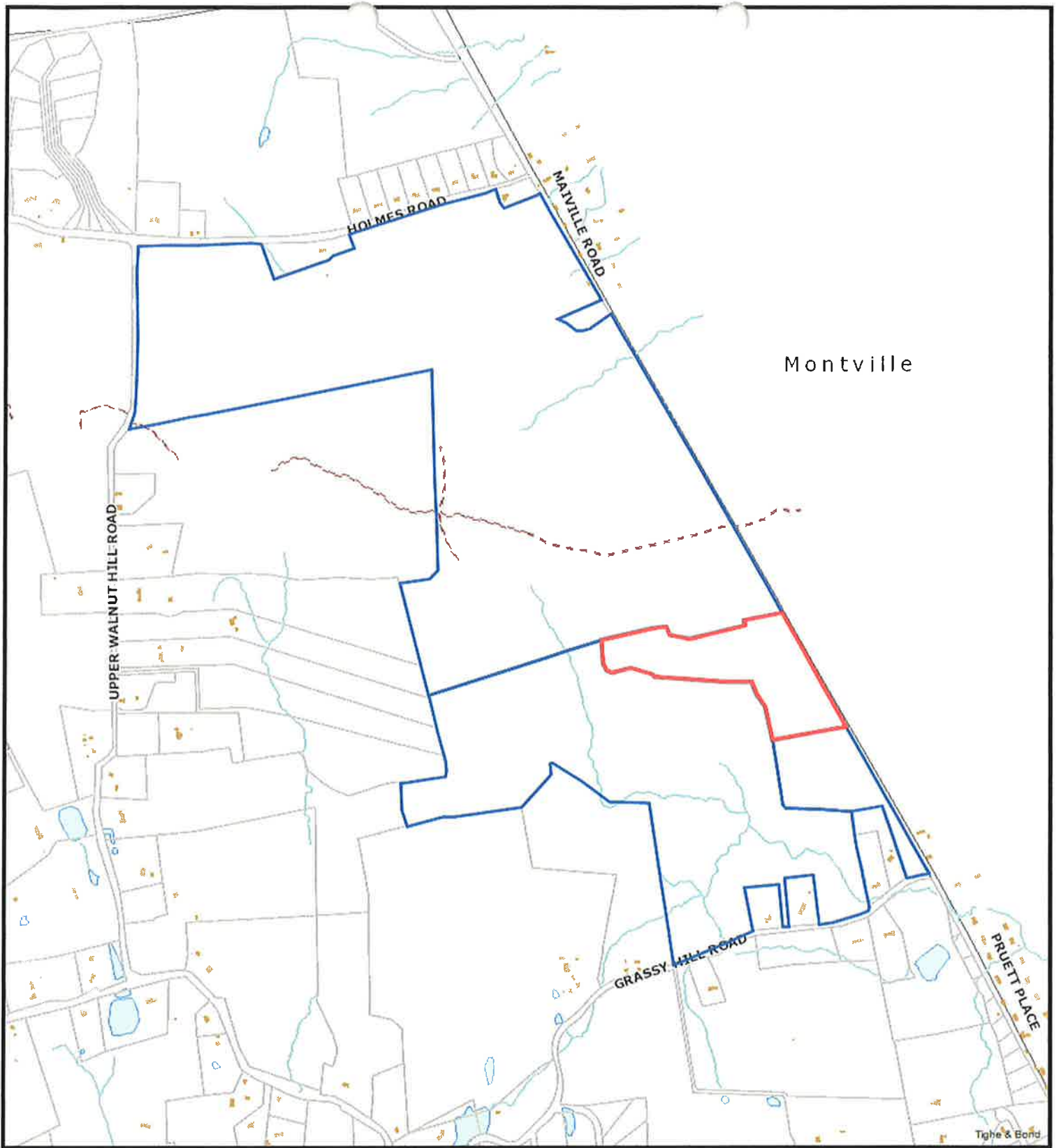
54.0 9
GANNOE JEFFREY T &
29 UPPER WALNUT HILL RD
EAST LYME, CT 06333

55.0 4
LAPLANTE CRAIG & HOLLY
40 BIRCH TERRACE
OAKDALE, CT 06370

54.0 6
MUSCARELLA LINDSAY C
33 UPPER WALNUT HILL RD
EAST LYME, CT 06333

57.0 29
RACICOT HEATHER L LONGO
38 HOLMES RD
EAST LYME, CT 06333

57.0 28
SCHULTZ ROBERT W SR &
20 HOLMES RD
EAST LYME, CT 06333



55.0-3.1

7/27/2021 4:18:28 PM

Scale: 1"=1000'

Scale is approximate

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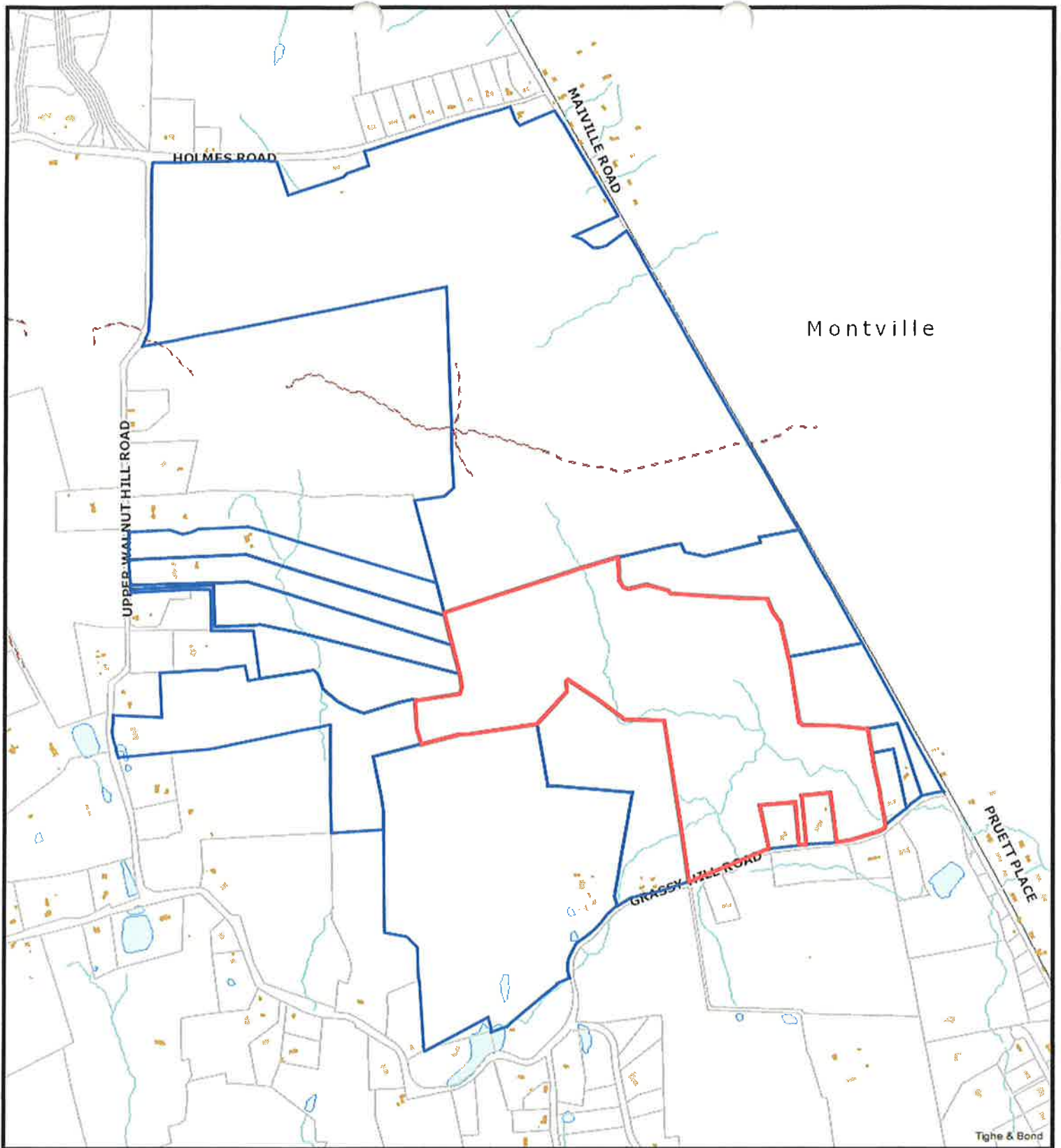


55.0 3
BIEDERKA JOHN WILLIAM
949 GRASSY HILL RD
OAKDALE, CT 06370

57.0 30
DUVAL PARTNERS LLC
1101 RED VENTURES DR
FORT MILL, SC 29707

55.0 3-1
DUVAL PARTNERS LLC
1101 RED VENTURES DR
FORT MILL, SC 29707

52.0 3
DUVAL PARTNERS LLC
1101 RED VENTURES DR
FORT MILL, SC 29707



50.0-3

7/27/2021 4:17:08 PM

Scale: 1"=1000'

Scale is approximate

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55.0 3
BIEDERKA JOHN WILLIAM
949 GRASSY HILL RD
OAKDALE, CT 06370

57.0 30
DUVAL PARTNERS LLC
1101 RED VENTURES DR
FORT MILL, SC 29707

55.0 3-1
DUVAL PARTNERS LLC
1101 RED VENTURES DR
FORT MILL, SC 29707

52.0 3
DUVAL PARTNERS LLC
1101 RED VENTURES DR
FORT MILL, SC 29707

54.0 9
GANNOE JEFFREY T &
29 UPPER WALNUT HILL RD
EAST LYME, CT 06333

54.0 10
GANNOE SUSAN J
27 UPPER WALNUT HILL RD
EAST LYME, CT 06333

54.0 11
GANNOE SUSAN J
27 UPPER WALNUT HILL RD
EAST LYME, CT 06333

54.0 12
GANNOE SUSAN J
27 UPPER WALNUT HILL RD
EAST LYME, CT 06333

52.0 2
GLEASON PAUL
PO BOX 852
OLD LYME, CT 06371

52.0 1
HUDYMA ROBERT DAVID
41 GRASSY HILL RD
EAST LYME, CT 06333

55.0 1
JOUVER GARY CHARLES &
7 GRASSY HILL RD
EAST LYME, CT 06333

54.0 15
RADYNSKI ANDREW &
15 UPPER WALNUT HILL RD
EAST LYME, CT 06333

52.0 3-1
RUSH LINDSAY M
15 GRASSY HILL RD
EAST LYME, CT 06333

55.0 2
TALBOT HENRY E &
5 GRASSY HILL RD
EAST LYME, CT 06333

52.0 3-2
WALKER RAIFORD &
13 GRASSY HILL RD
EAST LYME, CT 06333