

From: [Timothy Bleasdale](#)
To: [Gary Goeschel](#)
Cc: [Tracy M. Collins](#); [Dan Cunningham](#); [Janet Sutherland](#); [Kristen Chantrell](#); [Rich Gordon](#)
Subject: RE: Revised Regulations
Date: Tuesday, May 6, 2025 5:51:14 PM
Attachments: [image001.png](#)
[Email re Sec. 4 revisions 1.31.25 \(00793954xD3DC6\).pdf](#)
[Memo re 4-14-3 amendments \(00793953xD3DC6\).pdf](#)
[MZ Email Review Comments SubdivisionRegs Section 14-4 \(00785629xD3DC6\).pdf](#)

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Gary,

My apologies. I thought I had sent the below comments regarding the IWA regulations to you several weeks ago. They were minor comments, so I had not anticipated any follow up. As you know, we have been going through a transition period with Mark Zamarka's retirement, and I apologize for taking longer than expected to get back to you.

IWA Regulations Comments

- The draft as received by our office has a problem with pagination. It begins on page 51 rather than page 1.
- On pg. 51, it defines "Days" as calendar days. This is fine, but the IWA might consider adding to this definition that while calendar days includes holidays and weekend days, if the deadline for some act or action to occur falls on a holiday or weekend, the deadline is extended to the next business day. This is the usual legal rule and prevents someone from being penalized for failing to file something on a day when the IWA's offices are closed.
- On pg. 54, in the definition of "Riparian Buffer", the IWA should consider clarifying the person or entity that a conservation easement would be granted to. If it is in favor of the Town, the regulations should state this.
- On pg. 61, Sec. 6.2 refers to a Sec. 2.1.y, however, the draft we received does not contain this referenced section.
- On pg. 84, Sec. 18.2 the draft requires proof that all property taxes are current. The IWA should check with the tax collector's office regarding how this might be conveniently accomplished and whether the tax collector has a form or is willing to issue letters to applicants. The IWA should also consider whether this requirement should be relaxed a bit to accommodate people who owe back taxes but who have a payment plan in place with the tax collector and are current on the payment plan. Such people would not be able to get a permit under the current proposed language.

Subdivision Regulations

Regarding the revised Subdivision Regulations, I am attaching Mark's comments to the Commission from May of last year and August of last year, and my comments from January of

this year. My January comments noted there were significant issues with Sec. 4 in that the regulations seem to keep redefining “significant effect” in inconsistent ways. This appeared to be an overcorrection to Mark’s previous guidance that the regulations needed to define a “significant effect” and use identifiable criteria or guidelines to do so. The problem is when the regulations restate the definition or criteria inconsistently it creates ambiguities and confusion. My January comments also included questions regarding whether the Commission contemplated a specific action or an action chosen from a menu of choices being taken in response to the EIS information because the language seems to imply that the Commission is going to do something with the data, but it was not clear exactly what it was supposed to do. We don’t have a response to those comments in our file or further revisions from the Commission, so I will work on getting you more detailed comments soon using the draft we have.

Best regards,

Tim

Timothy D. Bleasdale, Attorney at Law
tbleasdale@wallersmithpalmer.com

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Thank you.

From: Gary Goeschel <ggoeschel@eltownhall.com>

Sent: Tuesday, May 6, 2025 4:13 PM

To: Timothy Bleasdale <tbleasdale@wallersmithpalmer.com>

Cc: Tracy M. Collins <tmcollins@wallersmithpalmer.com>; Dan Cunningham <dcunningham@eltownhall.com>; Janet Sutherland <jsutherland@eltownhall.com>; Kristen Chantrell <kristenkeenan@hotmail.com>; Rich Gordon <richgordon@frontier.com>

Subject: RE: Revised Regulations

Hello Tim,

As the Inland Wetlands Agency is meeting this evening, I correspond to check on the status of your review of their draft Regulations and the revisions to Section 4 of the Planning Commission's Subdivision Regulations. I called you this afternoon and left you a voicemail regarding this matter. As you know, the Inland Wetlands Agency began drafting their changes a couple of years ago and the Planning Commission began theirs last year. The wetlands Agency actually began its work on these regulation changes several years ago. The Commission's referred these changes to the Town Attorney for review back in October/November 2025. Understanding attorney Zamarka retired in December, you have had the proposed revisions since January. It is now May 5th, 5-months later and neither Commission has received a report or correspondence regarding their proposed changes. As such, I believe the Commissions are eager to move forward and will do so with or without a report or an opinion from the Town Attorney. If you have a report or any comments regarding either of the proposed regulation changes, please forward them to me as soon as possible.

I thank you in advance for your prompt attention to this matter.

Best 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

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[Book time to meet with me](#)

From: Gary Goeschel

Sent: Tuesday, April 1, 2025 11:58 AM

To: 'Timothy Bleasdale' <tdbleasdale@wallersmithpalmer.com>

Cc: Janet Sutherland <jsutherland@eltownhall.com>

Subject: RE: Revised Regulations

Hello Tim,

As it has been some time since we've sent these materials over for review and the Inland

Wetlands Agency is meeting this evening, I'm wondering if you might have any update on the status and where the review stands? While it's been quite some time since the Commission's started on the proposed changes and they understand there has been turnover with Mark's retirement, I believe both Commission's are anxious to move the changes forward. However, I've been and continue to recommend they continue to wait until they hear back from the Town Attorney. I'd hate to spend the energy, time, and money to start a public hearing, then potentially risk having to substantially change something because it's not statutorily consistent and then having to start the process all over again etc....

Also, as the Planning Commission has a meeting next Tuesday, April 8, 2025 as well. I'm also looking for a status update on their proposed changes. As the language they were contemplating is much shorter and smaller in scope than the IWA's proposed changes, I'm hoping this may be further along.

Thanks,
Gary

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From: Gary Goeschel
Sent: Friday, January 24, 2025 11:06 AM
To: Timothy Bleasdale <tbleasdale@wallersmithpalmer.com>
Cc: Janet Sutherland <jsutherland@eltownhall.com>
Subject: RE: Revised Regulations

Tim,
Attached are the Draft Wetland Regulations and the Draft Subdivision Regulation Section 4-14. I've also include a copies of the current regulations.
I will note I updated the Title page on the Inland Wetlands Regulations. As such, it has a 2025 date. However, the last time I made any substantive changes was July 2024. In addition, I include correspondence that Mark and I had generated and have provided to the

commissions.

If you have any questions, please don't hesitate to contact me.

Thank you,
Gary

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From: Timothy Bleasdale <tbleasdale@wallersmithpalmer.com>
Sent: Friday, January 24, 2025 9:30 AM
To: Gary Goeschel <ggoeschel@eltownhall.com>
Subject: Revised Regulations

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Gary,

Could you send me the draft regulations that you are looking for comments on? I have looked around Mark's office and have not been able to locate the file.

Best regards,
Tim

Timothy D. Bleasdale, Attorney at Law
tbleasdale@wallersmithpalmer.com

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Thank you.