



# TOWN OF EAST LYME

108 Pennsylvania Avenue, Niantic, CT 06357 • (860) 691-4114

## Commission for the Conservation of Natural Resources

*Penelope Howell Heller, Chair*

Received

DEC 5 2025

Town of East Lyme  
Land Use

December 1, 2025

Richard Gordon, Chairman  
Kirk Scott, Vice Chair  
East Lyme Planning Commission

RE: Cedarbrook / Catbird Lane Resubdivision Referral

Dear Planning Commission,

As requested by the planning Commission at its November 10th meeting, members of the CCNR have reviewed the application of Kristen Clarke, the Applicant for Hathaway Farm, LLC, Owner, for a resubdivision of land located at Cedarbrook Lane (Assessor's map 36.0, Lot 31). Our comments are as follows.

From an ecological perspective there is nothing particularly unique about this parcel of wooded ledge although a small portion is identified in the state Natural Diversity Database. However, its value lies in its position within an extensive housing development that has a long history with the town Planning Commission. In 1988, this parcel was part of a complex housing plan designed with naturally vegetated buffer zones to minimize stormwater runoff and prevent soil erosion caused by the intrusion of impervious roads, driveways, and roofs. Those ecological services have not changed or become less necessary. There is little justification to single out this piece from the rest of the acreage designated as "open space." Any and all resubdivision actions should maintain the total 10% "open space" acreage within the Phase I subdivision as it was originally designed under an Open Space Concept.

The label "open space" mischaracterizes the vital ecological services provided by every foot of naturally vegetated land. This designation rightfully carries a long-established expectation of permanence, and should not be removed unless a critical need supersedes the value of natural land (aka open space) to protect air and water quality as well as land values. No such need has been presented in this application.

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The CCNR respectfully recommends that the Planning and Zoning Commissions more clearly define the designation of “open space”, or its equivalent, in its policies and regulations. If the town’s lands are so designated in planning documents and on town maps but have no lasting legal status, this status can be subsequently changed at the whim of land owners. Thus, the label has no real meaning and the intent of “open space” is nullified.

Unfortunately, some designations of “open space” in town developments simply include land that is unbuildable (e.g. ledge, steep slopes, fragmented) and even if contiguous, they may provide little or no value to wildlife or for human recreation. This practice sets a poor precedent, undermining free ecological services as well as the potential economic value of such public land. Later division of fragmented “open space” such as this application seeks exacerbates this situation and points to the reasons why this form of cluster zoning was abandoned in 1992.

The CCNR concurs with the statements made by Michael Carey in the second paragraph of his June 2, 2025, memo to Gary Goeschel, stating that approved plans of the area including the parcel in question are marked as “open space” multiple times. It should remain as originally designated. The CCNR supports the findings made in the reviews of the application by East Lyme Planning and Zoning officials and the town’s legal representation.

Sincerely,

A handwritten signature in black ink, reading "Penny Howell Heller". The signature is fluid and cursive, with the first name "Penny" being the most prominent.

Penny Howell Heller, Chair

East Lyme Commission for the Conservation of Natural Resources