

Kristen T. Clarke P.E.  
20 Risingwood Drive  
Bow, New Hampshire 03304

January 11, 2026

Brian Bohmbach, Chairman  
Town of East Lyme Planning Commission  
108 Pennsylvania Avenue  
Niantic, CT 06357

Re: Cedarbrook Lane Re-Subdivision  
Assessors Map 36.0 Lot 31-1

Dear Chairman Bohmbach,

This correspondence shall serve as a response the "review" of the above referenced re-subdivision dated December 1, 2025 a copy of which is attached as Exhibit A.

As initial matters I would note the following;

- 1) My application was not submitted for review by the East Lyme Planning Commission to the Commission for the Conservation of Natural Resources Commission ("CCNR") until after the commencement of the Public Hearing which began on November 10, 2025.
- 2) The response from CCNR dated December 1, 2025 was not received by you land use office until December 5, 2025 and was not provided to our attorney by the Land Use Office until the late afternoon of December 9, 2025 a date and time which prevented us adequate time to review and meaningfully respond prior to the December 10, 2025 meeting of this commission.
- 3) In referring this matter to the Commission for the Conservation of Natural Resources the Planning Commission made no finding that the review was necessary or required by any provision of subdivision regulation 4-14-1.
- 4) The undersigned applicant nor their legal counsel were made aware of the scheduling of the "Special Meeting" of the CCNR despite the fact that a review of my re-subdivision application was the only item on its agenda.
- 5) As evidenced by the meeting minutes of November 12, 2025 CCNR meeting minutes Ms. Heller and Mr. Christiansen are, in my opinion, part of a Town of East Lyme Staff organized group sowing confusion by use of false narratives regarding my pending application before this commission with the intent of unlawfully interfering with our private property ownership rights. As evidenced by the minutes "*Ms. Heller and Mr. Christensen explained this proposed housing development project and how it related to the use or misuse of open space and the concept of a cluster subdivision*". See. Exhibit B.
- 6) To demonstrate a pre determination of the CCNE the Commission members voted to approve "the [pre prepared] final draft memo" that was provided that differs greatly from the minutes of the "Special

Ex "k.k."

November 24, 2025 Meeting” which reflect that *“Mr. Dinsmore stated the entire focus needs to be on how much open space will be in the Phase 1 development area if the subdivision is permitted....Ms. Heller suggested the memo to the planning commission state that 10% of the total Phase subdivision should be retained as open space”*. See Exhibit C.

In response attached as Exhibit D is a map of the property the Town of East Lyme Board of Selectman approved on December 15, 1993 together with the minutes of the acceptance meeting, Exhibit E, and the request from this commission to the Board of Selectman that they accept the 20+ acres property as Open Space. See minutes of the December 7, 1993 Planning Commission attached as Exhibit F. I note that the land area for phase 1 of the subdivision was 139 +/- acres demonstrating the land received was in excess of the 10% required.

With regard to the statements set forth in the December 1, 2025 CCNR letter to this commission which are largely incorrect, materially misleading or deliberately incomplete in my opinion I offer the following as is demonstrated by the record of this matter;

- *“From an ecological perspective there is nothing particularly unique about this parcel of wooded ledge although a small porting is identified in the state Natural Diversity Database”*

In response I note that these claims are materially misleading as only a small portion of this existing lot contains “ledge” which is consistent with most of the properties within the Heritage at East Lyme Subdivision. Attached as Exhibit G is an aerial photo from the East Lyme GIS showing similar ledge outcroppings on the adjacent Meadowlark Lane lots and elsewhere within the Heritage at East Lyme subdivision. Secondly, as evidenced by the Natural Diversity Database report submitted to this commission as Exhibit D to the Design Report for our property the DEEP opined as follows *“In accordance with the project information provided in your request submittal, implementation of the following best management practices will avoid negative impacts to listed species”* a fact ignored by the CCNR.

- The letter next states; *“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 designed with naturally vegetated buffer zones to minimize stormwater runoff and prevent soil erosion caused by 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 re-subdivision actions should maintain the total 10% “open space acreage within the Phase 1 subdivision as it was originally designed under an Open Space Concept.”*

In response I would note that these statements are false and materially misleading for a number of reasons. First, the statement ignores the fact that this commission made several changes to the Heritage at East Lyme subdivision in subsequent re-subdivisions and lot line revisions as is your legal right as well as the locations of open space as is your right as a matter of Connecticut law. Additionally, none of these parcels were ever formally dedicated as open space as is required by Connecticut General Statute § 47-5 in order for a deed restrictive covenant to be in force or effect. The originally considered open space areas were not meant as buffer zones or to as stated *“to minimize stormwater runoff...”* . The ultimately abandoned areas considered by this commission as part of its December 6, 1988 Conditional Approval

were not part of any stormwater or environmentally sensitive areas falsely claimed by the CCNR but rather “left over” land created by the design of the lots that were rectangular in shape. The subject parcel was abandoned for consideration as open space as part of a 1993 “Final” re-subdivision as were three other previously considered parcels. See Exhibit H. It is also noteworthy that the CCNE has ignored the fact that over 115 homes and over 14,000 linear feet of road on over 200 acres contemplated by the original conditional approval, Exhibit I, were never built and instead became dedicated Open Space. See Exhibit J.

- The CCNR letter next, “...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 not lasting legal status, this status can be subsequently changed at the whim of land owners. Thus, the label has no meaning and the intent of “open space is nullified”.

This statement ignores the multiple legal requirements and obligations required for formal Open Space Dedication. Simply stated, just because a label of Open Space appears on a map does not in of itself make it enforceable as a matter of law. As this commission is aware a formal written undertaking, i.e. deed restriction/covenant or conservation easement, is required to be executed by the landowner in order for an intended Open Space or Conservation restriction to be enforceable as reflected in the previously referenced §47-5 statute. Also see 1988 Open Space dedication requirements which restrict formal dedication until a date “improvements have been completed” Exhibit K. Further ignored is the fact that this commission has the legal authority to change the location of Open Space locations which is a common occurrence by this commission, as was done with the Heritage at East Lyme subdivision and other larger multi phased subdivisions developed in the Town of East Lyme.

- Next, the CCNR letter falsely and misleadingly claims “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.”

In response, first keep in mind it is a fact the subject property is not dedicated open space, two, the property is not “public land” nor has it ever has been, three, cluster zones have been replaced by “Conservation Design Development” which for the most part is merely cluster regulations in disguise making the CCNR statement materially misleading.

- Finally, the claim that “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 reviews of the application by the East Lyme Planning and Zoning officials and the Town’s legal representation.”

**Response;** The CCNR “concurrence” determination ignores the fact that the town’s legal counsel admitted in his June 3, 2025 memo to Gary Goeschel memo did not review the subdivision regulations in effect in 1988, and demonstratively did not perform a title search or review the historical records of this commission relative to the Heritage at East Lyme subdivision. In essence what the town’s legal counsel did was start with the Town Staff desired conclusion and then work his way back words to justify it. No title work or review of this commissions historical records is an intentional act by the town’s legal counsel because

reviewing these documents and discovering the documents provided by us would not allow town counsel, legally or ethically, from making the desired false narrative supported statements contained in his memorandum. This is exemplified by the town legal counsel's concession in his June 3, 2025 memo that states *"while 47-5 does require conveyances to be in writing and meet other formal requirements it does not say what happens if a conveyance of open space land on a subdivision plan is not made"*. In response, first this confirms the requirement of a formal written undertaking and the answer to the second prong i.e. "what happens ..." is that as has been demonstrated herein, and elsewhere in the record of my application, this planning commission accepted open space in other locations that more than met the required open space obligations of the Heritage at East Lyme subdivision. See Exhibit L. The Board of Selectman then accepted the deed to the subdivision's open space in the alternative locations approved by this commission. The purported CCNR review is disturbing as it is false and misleading in nearly every respect and demonstrates rather conclusively the CCNR has engaged in nothing short of a sham, pre-determined review of my application choosing to join the false narrative created by Town Staff and the town's legal counsel instead of performing an honest review of my application.

Sincerely,



Kristen Clarke, PE, Applicant

# EXHIBIT A



# 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.

# TOWN OF EAST LYME

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

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 a long horizontal line extending from the end.

Penny Howell Heller, Chair

East Lyme Commission for the Conservation of Natural Resources

## EXHIBIT B



EAST LYME COMMISSION FOR THE CONSERVATION OF NATURAL RESOURCES  
REGULAR MEETING MINUTES  
NOVEMBER 12, 2025

Present: Don Danila  
Penny Heller  
Mark Christensen  
Harvey Beeman  
Laura Ashburn  
Steve Dinsmore, Alternate

Absent: Marjorie Meekhoff, Alternate

Also Present: Rose Ann Hardy, Ex officio

**I. CALL TO ORDER.** Ms. Heller, Chair, called the East Lyme Commission for the Conservation of Natural Resources meeting of November 12, 2025 to order at 7:05 p.m.

**II. SEATING ALTERNATES (IF NECESSARY).** Having no absences, there was no need to seat an alternate.

**III. CALL FOR ADDITIONS TO THE AGENDA.** Ms. Heller noted the need to add under VI. New Business as item c Comments on the Proposed Cedarbrook / Catbird Lane Resubdivision Requested by the Planning Commission and under VII. Old Business item d Memo to Parks and Recreation Regarding Vehicle Damage to Sand Dunes.

**MOTION (1):** Ms. Ashburn moved to approve the additions to the November 12 Agenda of the Commission for the Conservation of Natural Resources. Seconded by Mr. Danila (5-0). Unanimous.

**IV. CALL FOR PUBLIC DELEGATIONS.** There were no public delegations.

**V. REVIEW AND APPROVAL OF MINUTES OF OCTOBER 8, 2025 MEETING.** The following corrections were noted: On page 2, VII. b., the third sentence: "work" should be changed to "assist" and on page 3, item VIII. c., in the second sentence: "42" should be "40".

**MOTION (2):** Mr. Danila moved to approve the October 8, 2025 Commission for the Conservation of Natural Resources Minutes, as amended. Seconded by Ms. Ashburn. (3-0-2) . Ms. Heller and Mr. Christensen abstained.

**VI. NEW BUSINESS**

- a. **2026 Meeting Schedule.** The 2026 Meeting Schedule was reviewed and approved (attached). Mr. Danila will send a copy to the Town Clerks office.

**MOTION (3):** Mr. Beeman moved to approve the 2026 meeting schedule for the Commission for the Conservation of Natural Resources.  
Seconded by Ms. Ashburn. (5-0). Unanimous.

- b. **Brief Report on the November 3 Hole-in-the-Wall Workshop.** Mr. Danila mentioned that this workshop, which was sponsored by the Niantic River Watershed Committee, was deemed to be very successful. Held in Niantic, the meeting was attended by 38 people from local town staff, including East Lyme, Waterford, Montville, and Groton, organizations such as The Nature Conservancy (TNC), National Estuarine Research Reserve (NERR), Pollinator Pathways East Lyme (Ms. Meekhoff of this Commission), and our Chair, Ms. Heller. Presentations were given by UConn CLEAR on methods to handle stormwater and the TNC on identifying and controlling invasive plant species. Attendees walked around Niantic village streets and the Hole-in-the-Wall demonstration project observing the installed stormwater infrastructure, including the variety of permeable pavers at the latter, Mr. Jerry Lokken of East Lyme Parks and Recreation was very helpful in these demonstrations
- c. **Comments on the Proposed Cedarbrook / Catbird Lane Resubdivision Requested by the Planning Commission.** Ms. Heller and Mr. Christensen explained this proposed housing development project and how it is related to the use or misuse of open space and the concept of a cluster subdivision. Considerable discussion by commission members ensued. As our comments about this issue are due to the Planning Commission by December 9 (see the attached letter), a Special Meeting of this commission is warranted. Mr. Danila will provide a notice and agenda to the Town Clerks office.

**MOTION (4):** Mr. Danila moved to hold a Special Meeting of the Commission for the Conservation of Natural Resources to provide comments to the Planning Commission. Seconded by Ms. Ashburn. (5-0). Unanimous.

#### **VII. OLD BUSINESS**

- a. **Saving an Iconic Town Tree from Potential Damage due to Beech Leaf Disease.** Mr. Christensen reported that even before Mr. Decker notified this Commission about this tree under Public Delegations at our September 10 meeting, town personnel were aware of the issue. Treatment of this tree by a tree service company had begun under the direction of Parks and Recreation Department.
- b. **Maintenance of the ELHS Rain Garden.** Ms. Ashburn reported no further action has taken place since our last meeting. She still needs to meet with Mr. Lund, ELHS Facilities Head, to see what can be done. Again, Ms. Meekhoff will assist on plantings and help determine future planting plans.
- c. **2025 RBV Sampling.** Mr. Danila reported that after much consideration, he and the East Lyme RBV team, which besides him includes Ms. Heller and her husband,

# EXHIBIT C

EAST LYME COMMISSION FOR THE CONSERVATION OF NATURAL RESOURCES  
SPECIAL MEETING MINUTES  
NOVEMBER 24, 2025

Present: Penny Heller  
Mark Christensen  
Don Danila  
Harvey Beeman  
Laura Ashburn  
Steve Dinsmore, Alternate

Absent: Marjorie Meekhoff, Alternate

Also Present: Rose Ann Hardy, Ex officio  
Attorney Paul Garrity

**I. CALL TO ORDER.** Ms. Heller Chair, called the East Lyme Commission for the Conservation of Natural Resources Special Meeting of November 24, 2025 to order at 7:03 p.m.

**MOTION (1):** Mr. Christensen moved to add Public Delegations as item II of this evening's Agenda. Seconded by Ms. Ashburn. (5-0) Unanimous.

**II. PUBLIC DELEGATIONS.** Attorney Garrity attended the meeting to represent Hathaway Farms LLC, an applicant before the Planning Commission. The Planning Commission has asked the CCNR to comment on this application. The applicant is requesting that a 1.16-acre parcel currently designated as open space, as required in the original permit, be resubdivided as a building lot.

**MOTION (2):** Mr. Christensen moved to open discussion with Mr. Garrity. Seconded by Mr. Danila. (5-0) Unanimous.

Commission member Ms. Ashburn left the meeting.

**MOTION (3):** Mr. Danila moved to seat Mr. Dinsmore for Ms. Ashburn. Seconded by Mr. Beeman. (4-0) Unanimous.

Mr. Garrity outlined the details of the application, including details of the undeveloped land northwest of the housing complex in question. Mr. Christensen stated that this parcel (#4 or Phase II) was not an approved subdivision and should not be considered here. It is separate and given to the East Lyme Land Trust by the applicant. Mr. Garrity agreed that phase II was never officially permitted. Mr. Christensen stated the CCNR and the Planning Commission need to know what percentage of open space acreage would be left in the Phase I development area if this application was approved. Mr. Garrity said he would find out. He

was thanked by Commission members for providing the applicant's perspective and left the meeting.

In continued discussion, Mr. Danila stated that a few parcels near Latimer Brook are not buildable. Mr. Dinsmore stated the entire focus needs to be on how much open space will be left in the Phase I development area if the resubdivision is permitted. Mr. Dinsmore stated the adjacent Latimer Brook watershed needs to be protected from over development. Ms. Heller suggested the memo to the Planning Commission state that 10% of the total Phase I subdivision should be retained as open space.

**MOTION (4): Mr. Danila moved to approve the final draft Memo to the Planning Commission. Seconded by Mr. Dinsmore. (5-0) Unanimous.**

#### **IV. ADJOURNMENT**

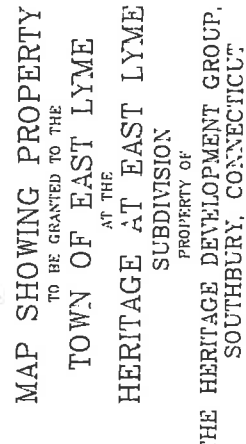
**MOTION (5): Mr. Danila moved to adjourn the November 24, 2025 Special Meeting of the Commission for the Conservation of Natural Resources at 8:38p.m. (5-0) Unanimous.**

**Respectfully submitted,**

**Frances Gherisi, Recording Secretary**

## EXHIBIT D

STONHALL  
WIRE FENCE  
TREE WITH FIRE  
VOLUNTARY TO  
ROI PM OR DR  
'RO', plus HECO



SCALE 1" = 100'

SHEET 49 OF 130  
NOVEMBER 17, 1988

REV 11/29/88

**ROBERT PFANNER & ASSOCIATES P.C.**  
SURVEYING & ENGINEERING  
77 GRAND STREET EAST LYME, CONNECTICUT

**SUBJECT:** [REDACTED]  
**REFERENCE:** [REDACTED]  
**CHARACTER:** [REDACTED]  
**CLASSIFICATION:** [REDACTED]

INCIDENT NUMBER P.L. L.S. NO. 9442

# EXHIBIT E



Filed In East Lyme Town

Clerk's Office

TOWN HALL  
7:30 pm  
Rooms 1 & 2

Dec 10, 1993 AT 12:30

AM  
PM

*Lesley Ables*  
Clerk East Lyme Town Clerk

EAST LYME BOARD OF SELECTMEN  
MEETING  
December 15, 1993

AGENDA

1.
  - a. Pledge Allegiance to the Flag
  - b. Additional Agenda & Consent Calendar Items
  - c. Delegations
  - d. Approval of Minutes Meeting of Nov. 17, 1993
  - e. Consent Calendar
2. OLD BUSINESS
  - a. Harbor Management Plan/Ordinance
  - b. Town Building Committee Code Report
3. NEW BUSINESS
  - a. Appointment to Economic Development Commission
  - b. Appointments to Wtfd/E.L. Shellfish Commission
  - c. Discussion of Flanders Fire Dept. Parking Lot
  - d. Minority Representation Request
  - e. Parks & Rec. Playground Equipment Project
  - f. St. Matthias Church Tax Reimbursement Request
  - g. Budget Transfer - Final Telephone System Payment
  - h. Sleepy Hollow Ext. Sub-Div. - Accept Improvements
  - i. Acc. Open Space - Heritage at E.L. - Kavanewsky
  - j. Acc. Improvements - Brookview Sub-Div.-Mayfield & Chester.
  - k. Coves and Embayments Program
  - l. Accept Resignation of P. McDonough - EDC
  - m. Appoint E. Hafner - Cons. Comm. Alt.
4. COMMUNICATIONS
  - a. Northeast Corridor Improvement Project
  - b. Grant Agencies - Progress Report Request
  - c. Ref-Fuel Update (SCRRA)
  - d. Letter from J. Reynolds - Student at E.L. High
  - e. FY 1994/1995 Budget Planning
  - f. Check Registers
5. INFORMATION AND REPORTS
  - a. Ex-Officio Reports
  - b. First Selectman's Report
6. PUBLIC DISCUSSION
  - a.
7. FUTURE BUSINESS
  - a. E. L. Arts League Lease Agreement

East Lyme Board of Selectmen Minutes 12/15/93 page thirteen  
proper form.

Ms. Elam presented the plans and drawings to the Board.

MOTION (12)

Mr. Sistare moved to accept on behalf of the Town of East Lyme, as recommended by the Planning Commission, the roads, deeds, and appurtenances in the Sleepy Hollow Extension, Section I, Subdivision, as described in the deeds and easements and approved by Town Counsel.

Seconded by Mr. McNamara. Motion passed unanimously.

3i. Accept Open Space - Heritage at East Lyme - Kavenewsky

Ms. Elam noted that this has been ongoing since 1987. The property includes almost 21 acres, which consists of floodplains and wetlands. The Town is trying to protect Latimer Brook, and we have plans to have open space along the brook. The Planning Commission assured plenty of public access, and there is also access up north for fishing, etc. This area is part of our aquifer protection area.

Ms. Elam showed the plans to the Board.

MOTION (13)

Mr. Sistare moved to accept on behalf of the Town of East Lyme, as recommended by the Planning Commission, the two brook front open space parcels as shown on sheet 49 of subdivision plans entitled "Heritage at East Lyme" and described in warranty deeds from Joseph Kavenewsky to the Town of East Lyme.

Seconded by Mr. Rando. Motion passed unanimously.

3j. Accept Improve.- Brookview Sub.-Div. - Mayfield & Chesterfield

Ms. Elam explained that this area has been a problem since the contractor went bankrupt. They have been working with the FDIC on it. One of the concerns was that they were not able to get the school buses into the area. The property has now been purchased and the unfinished work has been completed. The one year bond is completed, and now we know the buses will be going in. Mr. Thumm also wanted the Board to consider a stop sign in the area also.

Mr. Sistare noted that "appurtenances" included signs, drains, etc.

Ms. Elam said they have not lost a bond yet. The developers had to insure the area.

MOTION (14)

Mr. Sistare moved to accept on behalf of the Town of East Lyme, as recommended by the Planning Commission, the roads, deeds, and appurtenances, including a stop sign at the Rt. 161 intersection, in the Brookview Subdivision as described in the deeds and

# EXHIBIT F



AGENDA  
EAST LYME PLANNING COMMISSION  
REGULAR MEETING  
December 7, 1993

ELECTION OF OFFICERS:

1. Chairman
2. Secretary

Delegations

I. Approval of Minutes:

1. October 19, 1993
2. November 16, 1993

II. Subdivisions

Subdivisions Approved - Action Required:

1. Green Meadow Resubdivision, Fairhaven Road - Formal application of Richard J. Mazzella, owner; J. Robert Pfanner, P.E., applicant, for 4 lot resubdivision (Assessor's Map 15, Lots 8-2 and 8-3) - Approved November 16, 1993.
2. Business Park West Resubdivision, Liberty Way and Freedom Way - Formal application of John Knox, Leonard Suzio, Arthur Mioline, Vincent Bruno, owners; Attorney Vincent Bruno, Authorized Agent for Owners, applicant, for 8-lot resubdivision (Assessor's Map 6, Lots 5-9, 5-10, 5-11, 5-12, 5-13) - Approved November 16, 1993. Bond Required.
3. Cranberry Brook Estates, Walnut Hill Road, John Bialowans, Jr., applicant; John Bialowans, Jr. and Kathleen Ann Napert, owners - (Assessor's Map 91, Lots 1 and 1A) - 2 year conditional approval granted 7-14-92 for 8 lots. - Revised Plan Submitted; As-built drawings received - Request Received for final acceptance. Deeds required.
4. Sleepy Hollow Extension, Section I, T.M.K. Associates, George P. Mitchell, et al, owners; George P. Mitchell, applicant; Sleepy Hollow Road and Stone Cliff Drive - (Assessor's Map 63, Lots 1 and 4; Map 67, Lots 6 and 7) - 5 lots - Conditional approval changed to final approval with a bond 7-13-93. - Recommendation forwarded to Board Selectmen for final acceptance.
5. Heritage at East Lyme, Section I, Chesterfield Rd., Nazarko Properties Inc., new owner - Approved 12-6-88 - Request received from Mr. Kavanewsky for acceptance of the open space. Recommendation to be forwarded to Board of Selectmen.
6. Sleepy Hollow Extension, Phase II, Sleepy Hollow Road and Stone Cliff Drive; T.M.K. Associates, George Mitchell, Partner, owner and applicant - Assessor's Map 63, Lot 1) - 2 lots - Two-year conditional approval granted with modifications 10-20-92.
7. Rose Cliff Cluster Subdivision, Poppy Lane and Chris Alan Drive, Laurelwoods Development Corp., owners; Laurelwoods Development Corp., Douglas Cymbala, Project Mgr., applicant; 36 lots - Approved 6-2-92.
8. Tanglewood Estates, Section II, Boston Post Road, Tanglewood Assoc., owner; - (26 lots) - Conditional approval extended to 6-21-93 - (As-built drawings received.)

FILED IN EAST LYME TOWN

CLERK'S OFFICE

*Dec 2*, 19*93* at *2:55* AM  
PM

*Esther B. Bialowans*

EAST LYME TOWN CLERK

Planning Commission Minutes of Regular Meeting December 7, 1993

between the homeowner and the developer. The person who bought the house claims that he was not aware of the slope rights. The developer has told the town staff that he would take care of this matter. 2. The second situation was the gentleman who came to the last meeting relative to the area in front of his driveway where the pavement and the former cul-de-sac had been removed. He was unhappy that his driveway now terminates on gravel rather than on the road. Mr. Thumm did not see anything particularly dangerous about this and felt there was no safety problem driving over gravel. Ultimately for final acceptance, the developer will have to connect the driveway to the pavement and backfill on either side of the driveway and restore it. 3. The third condition pertained to the area across the street where the other half circle of the cul-de-sac was removed. The house sloped down from the road and there was quite an excavation which must be filled on the West side of Cedarbrook. The Nazarko's have been told more than a month ago to fill this. He felt that action must be taken to get this done.

Mr. Waterman said he looked at it and the pictures taken by staff this morning clearly showed the problems out there. He felt that Mr. Nazarko had had enough time to fill in the roadway which was a dangerous situation. The utility pole sticks out into the road and must be removed. Mr. Thumm noted that the pole had always been there. Mr. Waterman felt that the pole was a big problem. In response to a question, Mr. Thumm indicated that the particular section had a binder course only on it.

Mr. Bonin noted the importance of maintaining control over connections from existing cul-de-sacs to new roads. Ms. Davies said that in discussions with the Town Attorney that if there is work done on the town roads and it creates an unsafe condition, there is a certain liability to the town. Based on inspections by Mr. Thumm it did not appear to present an unsafe condition out there. She felt that for future subdivisions all the interior improvements should be completed prior to the cul-de-sac being torn up.

Mr. Thumm said that the cul-de-sac improvements could not be made at this time since they involved loaming and seeding. He said that the depression would be filled in with gravel and the bill forwarded to Mr. Nazarko if he did not take care of it first.

It was noted that snow removal maintenance bonds have not been received as yet.

Ms. Elam reported that a request had been received by Attorney Genuario on behalf of Mr. Kavanewsky for acceptance of the open space. She explained that many years ago the Planning



Planning Commission Minutes of Regular Meeting December 7, 1993

Commission and the Board of Selectmen adopted a policy of protecting Latimer Brook and the associated wetlands and floodplains. These parcels comprise about 20.5 acres and are in the aquifer protection area. The deeds have been received and reviewed by staff and the Town Attorney who found them to be in proper form.

MOTION (6): Dr. Johnson moved that, consistent with the policy of protecting Latimer Brook and making it accessible for fishing and environmentally sound recreation, a recommendation be forwarded to the Board of Selectmen that the brook front open space area (2 parcels) as shown on sheet 49 of subdivision plans entitled "Heritage at East Lyme, Section I" and described in warranty deeds from Joseph Kavanewsky to the Town of East Lyme, be accepted by the Town. Seconded by Mr. Rebelowski. Motion passed by unanimous vote (6-0).

6. Sleepy Hollow Extension, Phase II, Sleepy Hollow Road and Stone Cliff Drive; T.M.K. Associates, George Mitchell, Partner, owner and applicant - Assessor's Map 63, Lot 1) - 2 lots - Two-year conditional approval granted with modifications 10-20-92.

7. Rose Cliff Cluster Subdivision, Poppy Lane and Chris Alan Drive, Laurelwoods Development Corp., owners; Laurelwoods Development Corp., Douglas Cymbala, Project Mgr., applicant; 36 lots - Approved 6-2-92. - Mr. Thumm reported that the paving of certain areas had been completed before December 1st. Five houses are under construction which they intend to connect to public water. They hope to get the water pressure without having to complete the improvements on the booster pumping station. He did not know if they would be able to get the required 35 psi. They were installing curbing last week and proceeding with the drainage work in the remainder of the subdivision. Ms. Davies reported that they had been working on the drainage improvement in the Ancient Highway area and another access way was completed for the residents to use temporarily until the drainage work is completed.

8. Tanglewood Estates, Section II, Boston Post Road, Tanglewood Assoc., owner; - (26 lots) - Conditional approval extended to 6-21-93 - (As-built drawings received.)

9. Glen Lakes, Section I, Chesterfield Road, Meadow Lakes Realty Company, Angus McDonald, Donald Brodeau, Sr., Peter Locarno, Sr., Dennis Marlowe, Donald Snow, Jr., owners and applicant - Assessor's Map, 87, Lot 9) - 17 lots approved 11-13-90 - Bond required before commencement of work.

10. Grassy Hill Estates, Section II, Grassy Hill and Whistletown Rds., Grassy Hill Assoc. Lim. Partnership, owner and applicant - 7 lots approved 8-2-88

## EXHIBIT G





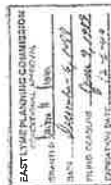
1/5/2026 3:02:47 PM  
Scale: 1"=376'  
Scale is approximate

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.



# EXHIBIT H

Dr4 # 766



OPEN SPACE  
HERITAGE AT EAST LYME  
SUBDIVISION SECTION I  
PROPERTY OF  
THE HERITAGE DEVELOPMENT GROUP, INC.  
SOUTHBRURY, CONNECTICUT

SCALE 1" = 100'

SHEET 49B OF 130  
NOVEMBER 28, 1988

J. ROBERT PFANNER & ASSOCIATES P.C.  
SURVEYING & ENGINEERING  
37 GRAND STREET EAST LYME, CONNECTICUT

EDNEY CERTAIN THAT THE MAP AND GUIDE ARE PREPARED IN ACCORDANCE WITH THE STANDARD. IS A CLASS A/2 DATA AS LISTED IN THE 1988 PRODUCTION FROM STANDARDS OF ACCURACY OF SURVEY AND MAPS ACTIVED BECAUSE IN 1975 AS AVERAGE BY THE COMPARISON ASSOCIATION AS

M/F  
PAUL C. & LOUISE J.  
PETERSON

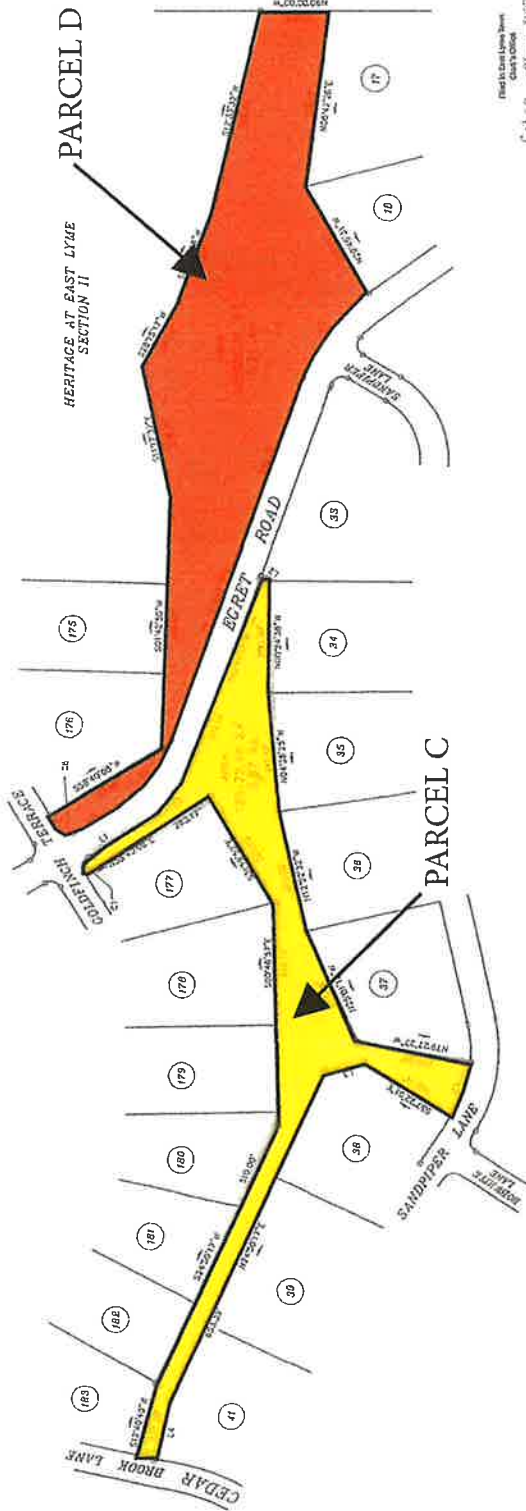
P.O.W. TO LANDS OF PETERSON

MACINIS  
12/5

# PARCELS ABANDONED FOR CONSIDERATION AS OPEN SPACE AS PART OF JULY 13, 1993 RESUBDIVISION

STATION	BEARING	DISTANCE	AREA
10	101° 14' 00" W	25.00	11.42
11	101° 14' 00" W	25.00	11.42
12	101° 14' 00" W	25.00	11.42
13	101° 14' 00" W	25.00	11.42
14	101° 14' 00" W	25.00	11.42
15	101° 14' 00" W	25.00	11.42
16	101° 14' 00" W	25.00	11.42
17	101° 14' 00" W	25.00	11.42
18	101° 14' 00" W	25.00	11.42
19	101° 14' 00" W	25.00	11.42
20	101° 14' 00" W	25.00	11.42

\* NON-RACIAL CURVED BEARINGS = 1182527E 156.61'

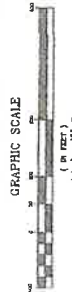


N/P  
WILLIAM P. & ADRIENNE E.  
TITLA

EAST LYME PLANNING COMMISSION  
APPROVED: *[Signature]*  
October 3, 1993  
12-6-93

Field & East Lyme Town  
CLAYTON  
10/1/93  
10/1/93  
10/1/93

OPEN SPACE  
HERITAGE AT EAST LYME  
SUBDIVISION - SECTION I  
PROPERTY OF  
THE HERITAGE DEVELOPMENT GROUP, INC.  
SOUTHBRURY, CONNECTICUT



SHEET 49A OF 130  
NOVEMBER 17, 1988  
REV. SEPTEMBER 11, 1993  
LOT 37 & OPEN SPACE

J. ROBERT PFANNER & ASSOCIATES P.C.  
SURVEYING & ENGINEERING  
37 GRAND STREET EAST LYME, CONNECTICUT



NOTICE: THE SURVEYOR HAS BEEN ADVISED THAT THE SURVEYED AREA IS NOT A PART OF THE TOWN OF EAST LYME, CONNECTICUT. THE SURVEYOR HAS BEEN ADVISED THAT THE SURVEYED AREA IS NOT A PART OF THE TOWN OF EAST LYME, CONNECTICUT.

Surveyed by: *[Signature]*  
J. Robert Pfanner & Associates P.C.  
1000 PINE HILL RD  
SOUTHBRURY, CT 06488

# EXHIBIT I

THIS SUBDIVISION INCLUDES ONLY THAT AREA DELINEATED AS SECTION I LAYOUT OF LOTS AND ROADS IN PROPOSED SECTION II ARE SHOWN ONLY TO INDICATE THE APPLICANTS INTENDED FUTURE USE OF LAND ABUTTING THIS SUBDIVISION.



REV. 6-24-88  
REV. 8-9-88  
REV. 8-18-88  
REV. 10-3-88

SHEET 1 OF 130

GRAPHIC SCALE

0 50 100 150 200

( IN FEET )

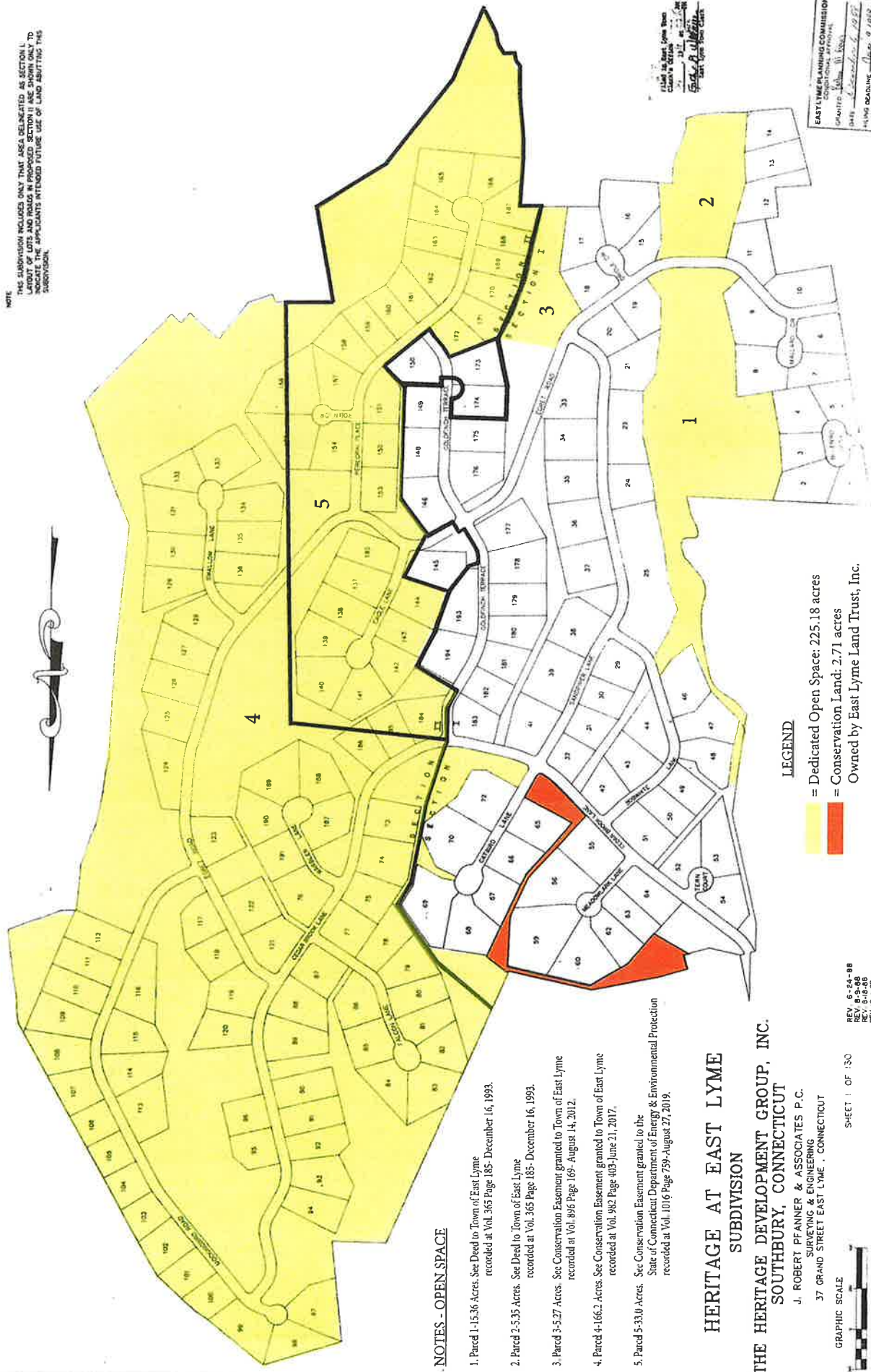
1 inch = 200 ft

# EXHIBIT J



NOTE

THIS SUBDIVISION INCLUDES ONLY THAT AREA DELINEATED AS SECTION I. LAYOUT OF LOTS AND ROADS IN PROPOSED SECTION II ARE SHOWN ONLY TO INDICATE THE GENERAL LOCATION OF THE APPLICANTS INTENDED FUTURE USE OF LAND ADJACENT TO THIS SUBDIVISION.



EAST LIME PLANNING COMMISSION  
CAPITAL PROJECTS  
DATE: December 6, 2017  
HOLDING DATE: June 9, 2018  
EXPIRATION DATE: 12-12-18

East Lyme Town Clerk  
13.17 at 2.24 PM  
East Lyme Town Clerk

LEGEND

- = Dedicated Open Space: 225.18 acres
- = Conservation Land: 2.71 acres
- Owned by East Lyme Land Trust, Inc.

NOTES - OPEN SPACE

1. Parcel 1-15.36 Acres. See Deed to Town of East Lyme recorded at Vol. 365 Page 185- December 16, 1993.
2. Parcel 2-5.35 Acres. See Deed to Town of East Lyme recorded at Vol. 365 Page 185- December 16, 1993.
3. Parcel 3-5.27 Acres. See Conservation Easement granted to Town of East Lyme recorded at Vol. 899 Page 169- August 14, 2012.
4. Parcel 4-166.2 Acres. See Conservation Easement granted to Town of East Lyme recorded at Vol. 982 Page 403-June 21, 2017.
5. Parcel 5-33.0 Acres. See Conservation Easement granted to the State of Connecticut Department of Energy & Environmental Protection recorded at Vol. 1016 Page 759-August 27, 2019.

HERITAGE AT EAST LYMES  
SUBDIVISION  
THE HERITAGE DEVELOPMENT GROUP, INC.  
SOUTHBRURY, CONNECTICUT  
J. ROBERT PFANNER & ASSOCIATES P.C.  
SURVEYING & ENGINEERING  
37 GRAND STREET EAST LYMES, CONNECTICUT

GRAPHIC SCALE  
1 inch = 200 ft.  
SHEET 1 OF 130  
REV 6-24-88  
REV 6-18-88  
REV 6-18-88  
REV 6-18-88  
FEBRUARY 1988

# EXHIBIT K



## SUBDIVISION REGULATIONS IN EFFECT IN 1988

### SECTION 10 OPEN SPACES AND EASEMENTS

10-1 PURPOSE - It is the purpose of this section to (1) maintain and enhance the conservation of natural and scenic resources, (2) protect natural streams or water supply, (3) promote conservation of soils, wetlands, beaches or tidal wetlands, (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces, (5) enhance public recreation opportunities, and (6) promote orderly development.

10-2 GENERAL - For subdivisions not utilizing the provisions of the Zoning Regulations pertaining to Open Space/Cluster development, the Commission shall require dedication of open space in locations and with public access deemed proper and adequate by the Commission. The Commission may require dedication of open space in an amount not less than ten (10) percent of the gross land area of the subdivision. Up to fifty (50) percent of the open space may be land covered by water if, in the Commission's judgment, such water body is deemed suitable for any of the purposes stated in Section 10-1 and has suitable access. In determining the total open space to be required, and what percentage of the gross land area of the subdivision shall be dedicated as open space, the Commission shall consider: the size of the subdivision, the availability of existing parks, playgrounds, recreation areas, and other open space in the vicinity of the subdivision, and the open space and public access recommendations of the East Lyme Plan of Development and the Coastal Area Development Plan. The area required for access shall not be included in lot calculations. This regulation may be waived in accordance with Section 4-14 of these Regulations.

10-3 CONVEYANCE OF OPEN SPACE - The open space area shall be conveyed by the applicant at the stage and in the condition agreed upon in the approved subdivision and may be conveyed by any of the following means as determined by the Commission.

(1) Deeded in perpetuity to the Town of East Lyme after all improvements have been completed.

(2) Deeded to a homeowner's association within the subdivision upon terms and conditions, as approved by the Commission, which will protect the public welfare and assure the continued use of the open space for the intended purpose. A copy of the proposed homeowner's deed and the by-laws of the homeowner's association should be submitted with the application for subdivision.

(3) Open space may be reserved for common use or ownership of all property owners within the subdivision by covenants, as approved by the Commission, in the deeds. A copy of the covenant shall be submitted as a part of the application.

## EXHIBIT L

33219

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, that JOSEPH KAVANEWSKY of Deerfield Beach, Florida, for good and other valuable consideration, received to his full satisfaction of THE TOWN OF EAST LYME, does hereby give, grant, bargain, sell and confirm unto the said THE TOWN OF EAST LYME and unto its heirs and assigns forever:

SEE SCHEDULE "A" ATTACHED HERETO.

TO HAVE AND TO HOLD, the above granted and bargained premises, with the appurtenances thereof, unto it, the said grantee, and unto its heirs and assigns forever, to its and their own proper use and behoof.

AND ALSO, it, the said grantor, does for himself, his successors and assigns, covenant with the said grantee and with its heirs and assigns, that at and until the ensealing of these presents, he is well seized of the premises, as a good indefeasible estate in FEE SIMPLE; and has good right to bargain and sell the same in manner and form as is above written; and that the same is free from all encumbrances whatsoever, except as hereinbefore mentioned.

AND FURTHERMORE, the said grantor does by these presents bind himself and his successors and assigns forever to WARRANT AND DEFEND the above granted and bargained premises to it, the said grantee and to its heirs and assigns, against all claims and demands whatsoever, except as hereinbefore mentioned.

IN WITNESS WHEREOF, I have hereunto caused to be set my hand and seal this 14<sup>th</sup> day of December, 1993.

Signed, Sealed & Delivered  
in the presence of:

Almeta Klett  
Almeta Klett

Joseph Kavanowsky L.S.  
JOSEPH KAVANEWSKY

Richard Randall  
Richard Randall

NO CONVEYANCE TAXES COLLECTED  
Eathan B. Williams  
TOWN CLERK OF EAST LYME

VOL. 365 PAGE 186

STATE OF Connecticut :

COUNTY OF Fairfield : ss.: Norwalk Dec 14 , 1993

Personally appeared, JOSEPH KAVANENSKY, signer and sealer of the foregoing instrument, and acknowledged same to be his free act and deed before me.

*Almeta Kielt*

Notary Public  
ALMETA KIETT  
NOTARY PUBLIC  
MY COMMISSION EXPIRES MAY 31, 1998

Parcel 1

Southerly Parcel Sheet 49

Beginning at iron pin to be set on the Southerly line of Egret Road at the Northwesterly corner of Lot 15, thence running S 07° 02' 12" W a distance of 170.32', thence S 02° 44' 56" E a distance of 97.84' to an iron pin to be set at the corner of Lots 15 and 16, thence S 05° 05' 56" E a distance of 110.43' to a stone wall and land n/f of William P. & Adrienne E. Tytla thence N 87° 19' 39" W a distance of 29.54' to the centerline of Latimer Brook, thence Southerly along the centerline of Latimer Brook 330' more or less to land n/f of Hale, thence S 72° 28' 08" W a distance of 66.98' to a 30" maple tree, thence S 84° 58' 37" W a distance of 105.16' to a fence post, thence S 89° 42' 35" W a distance of 100.79' to an iron pin recovered thence S 83° 00' 04" W a distance of 22.25' to iron pin to be set at the southeast corner of Lot 14, thence N 03° 13' 50" E a distance of 194.87' to iron pin to be set at the corner of Lots 13 & 14, thence N 02° 57' 06" W a distance of 147.33' to iron pin to be set at the corner of Lots 12 & 13, thence N 30° 55' 11" E a distance of 108.50' to a point, thence N 01° 18' 14" W a distance of 103.21' to iron pin to be set at the corner of Lots 11 & 12, thence N 11° 53' 17" E a distance of 166.44' to iron pin to be set at the corner of Lot 11, thence along the southerly line of Egret Road along a curve having a radius of 200.00' a delta of 11° 53' 17" and a length of 41.50' to monument to be set, thence S 90° 00' 00" E a distance of 182.02' to monument to be set, thence along a curve having a radius of 325.00' a delta of 20° 32' 44" and length of 116.54' to the point and place of beginning. Said parcel being 232,850 ± square feet. Said parcel being the southerly tract of land on a map titled "Map showing property to be granted to the Town of East Lyme at the Heritage at East Lyme Subdivision property of the Heritage Development Group, Inc. Southbury, CT. Scale 1" = 100' Sheet 49 of 130 November 17, 1988, rev. 11-29-80 by J. Robert Pfanner & Associates. P.C.

Vol 365 Pg 186A

Parcel 2

Beginning at monument to be set on the northerly line of Egret Road at the southeasterly corner of Lot 9, thence N 47° 08' 16" E a distance of 110.24' to iron pin to be set, thence N 13° 20' 04" W a distance of 249.55' to iron pin to be set at the corner of Lots 8 and 9, thence N 01° 54' 43" W a distance of 255.39' to iron pin to be set at the corner of Lot 8, thence S 80° 46' 49" W a distance of 170.00' to iron pin to be set at the corner of Lot 4, thence N 10° 40' 42" W a distance of 207.51' to iron pin to be set at the corner of Lots 3 and 4, thence N 03° 50' 10" W a distance of 185.91' to iron pin to be set at the corner of Lots 2 and 3, thence N 17° 18' 45" E a distance of 143.01' to iron pin recovered at land n/f of Mugge, thence S 87° 33' 16" E a distance of 176.81' to iron pin recovered at Land N/P of Thornton, thence S 87° 31' 24" E a distance of 250' more or less to the centerline of Latimer Brook, thence northwesterly along the centerline of Latimer Brook 1,200' more or less to land N/P of Puzas, thence northerly 30' more or less to iron pin recovered, thence S 89° 51' 18" E a distance of 30.26' to iron pin to be set at the corner of open space and Lot 47, thence S 44° 27' 23" E a distance of 191.87' to iron pin to be set at the corner of Lots 46 and 47, thence S 23° 26' 20" E a distance of 146.57' to a point, thence S 19° 41' 59" E a distance of 104.31' to iron pin to be set at the Southerly corner of Lot 46, thence N 51° 03' 14" E a distance of 128.02' to a point, thence N 34° 43' 10" E a distance of 95.09' to iron pin to be set at the southerly line of Bobwhite Lane, thence along the southerly line of Bobwhite Lane S 17° 31' 56" E a distance of 60.09' to monument to be set thence along a curve having the radius of 175.00' a delta of 11° 21' 02" and a length of 34.67' to iron pin to be set at the corner of Lot 25, thence S 30° 12' 17" W a distance of 136.83' to a point, thence S 22° 39' 40" W a distance of 123.92' to a point, thence S 20° 11' 18" E a distance of 132.47' to a point, thence S 07° 19' 53" E a distance of 175.03' to a point, thence S 12° 52' 32" E a distance of 180.00' to a point the last 5 courses being bounded by Lot 25, thence S 08' 34' 39" E a distance of 177.71' to a point, thence S 12° 45' 47" E a distance of 186.98' to a point, thence S 00° 24' 38" E a distance of 218.51' to iron pin to be set at the corner of Lots 21 and 23, thence S 35° 31' 16" W a distance of 103.59' to a point, thence S 05° 59' 56" W a distance of 217.25' to iron pin to be set at the corner of Lots 19 and 21, thence S 00° 44' 45" W a distance of 140.97' to a point thence S 36° 12' 34" E a distance of 126.00' to a monument to be set on the northerly street line of Egret Road at the southwest-erly corner of Lot 19, said last two courses being bounded by Lot 19, thence along northerly line of Egret Road along a curve having a radius of 275.00' a delta of 36° 12' 34" and a length of 173.79' to a monument to be set, thence N 90° 00' 00" W a distance of 182.02' to a monument to be set, thence along a curve having a radius of 150.00' a delta of 47° 08' 16" and a length of 123.41' to monument to be set at the point and place of beginning. Said parcel being 669,240± square feet. Said parcel being the tract of land north of Egret Road on a map entitled map showing property to be granted to the Town of East Lyme at the Heritage at East Lyme Subdivision, property of The Heritage Development Group, Inc., Southbury, CT. Scale 1" = 100' Sheet 49 of 130, November 17, 1988, rev. 11-29-88 by J. Robert Pfanner & Associates, P.C.

Rec'd for record Dec 16, 1993

2:27 PM Est. BULLOCH  
East Lyme Town Clerk