

Enclosure 1:

Someone first questioned the use of the "approved building lot prior to 1982 to allow for less than 50 feet from the reserve to open water" during the first variance public hearing at 83 Inchcliffe Drive (Lot #8) on May 17, 2006 before the Ledyard Zoning Board of Appeals (ZBA). I spoke to Ryan McCammon, the sanitarian, several times starting in August 2006 about my opinion that Mr Coen had not proven his "approved building lot" claim.

Ledge Light Health District sent a letter signed by Mr. McCammon to Mr Coen August 20, 2006 where his septic system was "approved w/ conditions" in which Item 1 states, "Engineer/owner to submit information showing the lot was an approved building lot prior to 1982 to allow for <50' from the reserve to open water and 1994 for reduced leaching area". I understand the only information submitted before or after August 20 was general Note 1. on Mr. Coen's original plot plan where the old property description was quoted, " Map reference: A certain tract or parcel of land, designated as Lot #8 of a map titled, "Final subdivision plan, Torrey Park Development, April 1964 layout by Michael J. Garvie L.S. 4172, sheet 1 of 2."

That reference refers to two town maps, 173 and 280 ,which show the Torrey Park Subdivision approval by Planning and Zoning. Map 173 states in the approval block,"Lots 2-4 & 6 and lots 16 to 26 inclusive Approved by the Ledyard Planning and Zoning Commission". It is signed by the chairman on April 22, 1964. The other map, 280, states in the approval block,"Lots #9 thru #13 only Approved by the Ledyard Planning and Zoning Commission". It is signed by the chairman on Jan 6, 1965. Lot 8 was not part of the subdivision approval on either map. We also know from Planning and Zoning Commission (P&Z) minutes of September 2, 1964 and December 2, 1964 that Lot 8 was specifically not approved because as was stated in the latter, "... lot 8 is still under size since much of it is now under water and beyond the building line. There is only approximately 6,400 sq. ft. available, therefore, this lot will not be approved at this time." No further mention was made for Lot 8 in the P&Z minutes; therefore, Lot 8 was never approved. Without showing proof of pre-existence, Mr. Coen installed the nonstandard septic system.

This issue was brought up again in the second ZBA public hearing for the variance on Feb 21, 2007 by board member Mr Godino and referenced in our first brief to the court on March 20, 2008. I spoke with Mr. McCammon again in early April 2008 about this issue and referred to the brief. I then emailed Mr McCammon a copy of the brief. His response, dated April 7, 2008, was as follows, "Mr. Gorham, thank you for forwarding me the brief. I notified Scott Duffus (Ledyard Zoning/Wetlands Officer) and sent him a copy. We will be determining the future of the installed leaching system and working with the town. Respectfully yours, Ryan McCammon, LLHD ".

Speaking for the Superior Court On June 24, 2009 Judge Hendel dismissed both of Mr Coen's appeals for variances which means he has now been denied two times. Among several objections in his decision, Judge Hendel declared 83 Inchcliffe as, "...a nonconforming lot..." when the "...property was acquired..." by Mr Coen. I emailed Mr McCammon this information and the only thing I heard back from Ledge Light was that Mr McCammon was transferred to East Lyme in July.

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