

Minutes of the East Lyme Zoning Commission January 16, 2024, Special Meeting

Date and time: 1/16/2024 6:30PM to 6:51PM
Present: Jessica Laroco, Recording Secretary, Members Present: Nancy Kalal, Secretary (Acting Chairman), Norman Peck, Michael Foley
Alternates Present: Marc Peterson
Roseanne Hardy, Ex-Officio, William Mulholland, Staff, Mark Zamarka, Town Attorney
Absent: Gary Pivo, Member, Denise Markovitz, Member, Sarah Susco, Alternate
Location: East Lyme Town Hall, Upper Conf. Room, 108 Pennsylvania Avenue

1. Call the Meeting to Order & Pledge

Secretary (Acting Chairman) Nancy Kalal called the January 16, 2024, Special Meeting to order at 6:30PM and led the Pledge of Allegiance.

2. Attendance

Ms. Kalal called the roll, noted the Members and Alternates who were present and absent, and sat Mr. Peterson as alternate. She noted Attorney Zamarka's presence.

3. Public Delegations

Ms. Kalal noted that there was a typo on the recorded agenda, and the Public Delegations would extend to any subject, and there would be a two (2) minute limit.

Michelle Maitland, 6 Acorn Dr, is a member of the Democratic Town Committee and the Outreach Committee. She's asking for clarity on the scheduling of meetings. She then read an email from Mr. Pivo and Ms. Markovitz (Attachment 1).

Nick Menapace, 38 Hope St, gave his opinion on the Charter, the recent election and democracy. He also commented on voter suppression.

Lisa McGowan, 33 Spinnaker, gave her personal history. She stated that she missed personal things to be at this Special Meeting. She gave her opinion on a previously made an FOI request. She read the letter received from the Zoning Office regarding her FOI request (Attachment 2).

John Vilcheck, 4 Meadow St, wondered if the evening's member choice would include people previously applying for the open position.

Daniel Glynn, 103 Flanders Rd, is applying for the open member position and read his application into the record again (Attachment 3).

RECEIVED FOR RECORD
EAST LYME, CT
JAN 18 A 9:34
TOWN CLERK

4. Election of Zoning Commission Vacancy

DECISION MOTION 1

Mr. Foley nominated Anne Thurlow.

Mr. Peck seconded the nomination.

Ms. Kalal asked for any other nominations. There were none.

Mr. Foley asked for discussion and noted that Ms. Thurlow is the obvious choice as she only missed winning the election by 40 votes and she is experienced and conscientious.

Ms. Kalal agreed.

Motion passed 4-0.

Mr. Peck noted that he was surprised by some of the public comments as he has served on the Board a long time and the Board has never done back-room decision making, it has followed the law, guided by Zoning. He assured the citizens that the Board is fair and by the law and is not political. It allows people to speak when the law allows.

Mr. Zamarka remarked that the oath (for Ms. Thurlow) is not effective until it is recorded with the Town Clerk, he suggested that Ms. Thurlow go to the Town Clerk's Office.

5. Adjournment

DECISION MOTION 2

Mr. Foley moved to adjourn the Special Meeting of the East Lyme Zoning Commission at 6:51PM.

Mr. Peck seconded the motion.

Motion carried 4-0.

Jessica Laroco

From: Pivo, Gary E - (gpivo) <gpivo@arizona.edu>
Sent: Tuesday, January 16, 2024 3:04 PM
To: Jessica Laroco; Bill Mulholland; Dan Cunningham; debbie jett-harris; Gary Goeschel; Janet Sutherland; marcpeterson73@gmail.com; Marcy Balint; markii243@gmail.com; mjfoley1956@gmail.com; Nancy (nancykalal8934@gmail.com); npeck@pequotcommercial.com; Roseanne Hardy; sarahsusco@gmail.com
Subject: RE: Agenda Special Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

MEMORANDUM

TO: Members of the Zoning Commission
FROM: Gary Pivo & Denise Markovitz, Members of the Zoning Commission
DATE: 1/16/2024
RE: Special Meeting Tonight

We will not be attending the Special Meeting called for tonight because in our view it cannot be justified under Robert's Rules of Order, which our bylaws require us to follow. We apologize to everyone who is inconvenienced by our decision.

Special meetings are necessary when critical matters come up that must be dealt with quickly. But they can also be used improperly and unfairly to push through ill-advised or hurried decisions. That is why section 9:13 of Robert's Rules of Order Newly Revised, 12th edition (RONR), gives two specific reasons that justify a special meeting.

The first reason is to deal with matters that arise between regular meetings and require action before the next regular meeting. But the 30-days allowed by the town charter for the zoning commission to fill the vacancy in question includes the regular meeting scheduled for this Thursday, and the one after that. Therefore, action before the next regular meeting is not required.

The second reason for calling a special meeting is to dedicate an entire session to a particular matter. And since an "entire session" is the time required to go through an entire order of proceedings for a regular meeting (RONR 8:4), and vacancies never require more than a small part of a regular meeting, there is no need or justification for dedicating an entire session to this matter, especially when the agenda that's been circulated for this Thursday's regular meeting is virtually empty and this matter could easily be addressed under New Business.

Therefore, since there is no need to act before the next regular meeting, nor the need to devote an entire session to this matter, there is no justification for calling this meeting under Robert's Rules of Order.

Given we will be absent, Ms. Susco is out of town, and Mr. Foley is not a legal member of the commission under CGS Chapter 146 §9.221(b), as discussed in another memorandum circulated to the commission, it seems there will be no quorum and any business transacted will be null and void under section 40:6 of RONR.

Town of



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

(860) 691-4114

Fax (860) 691-0351

Zoning Department

Lisa McGowan
33 Spinnaker Dr
Niantic, CT. 06357

December 12, 2023

RE: FOIA Request of November 14, 2023
Zoning Commission Messages

Dear Ms. McGowan,

This letter is to notify you of the results of the phone request for records of messages between East Lyme Zoning Commission Members concerning the filling of the vacancy left on the Commission when Member Terry Granatek resigned.

The Commission Members were emailed on November 16, 2023, and asked to provide any messages between them regarding the above-mentioned vacancy. The responses this office has received from the Commission Members indicated that there are no such messages.

Please note that on November 16, 2023, this office attempted to contact you via email (mcgowan1@alberta.edu) at the address provided to us during the phone request. The email was returned, undeliverable. Additionally, this office attempted to contact you via phone (860-287-4982) and left a message indicating receipt of the request for information, as well as requesting a different email be provided. There has been no response to this request.

If you have any further questions, please do not hesitate to reach out.

A handwritten signature in black ink, appearing to read "William Mulholland".

William Mulholland
Zoning Official

Zoning Commission Position

January 17, 2024

Daniel Glynn
103 Flanders Road

I've been a Niantic resident since 1958. I can actually remember when East Lyme was mostly woods. My grandfather and my father built about two dozen houses in town including 13 in Black Point. I attended the old Lillie B. Haynes school which was torn down to make way for the Middle School. I graduated from the Rhode Island School of Design with a Bachelor of Fine Arts and a Bachelor of Architecture. In 1985 I became a licensed architect. I designed and built our house on Flanders Road in 1989.

I've worked for several architectural firms including 19 years at Centerbrook Architects, which in 1998 was named the #1 Architectural Firm in the Country by the American Institute of Architects. The first project I worked on in that office was the East Lyme Community Center. In 2009 I opened my own office working from my home. I am quite familiar with the zoning regulations because I use them every time I design a project in town.

Last year I drew up plans for the new Cafe Sol because the old Cafe Sol is planned to be torn down to make way for an oversized mixed-use monstrosity. The vast majority of townspeople spoke out against that project at numerous public hearings, but the Zoning Official and prior Commission appeared hell-bent on approving it, even if the regulations were ignored in the process. The project planned for the old Cafe Sol site was approved IN ERROR because it does not meet the minimum lot size requirements in Section 9.3.1. According to the formula, the planned 18-apartment mixed-use building is PROHIBITED on a lot that small. The permit was granted anyway.

This exemplifies the deliberate lax enforcement of the regulations which has led to rampant overdevelopment in town. The question to ask the Zoning Official and prior Commission is this: "Why, if the entire town tells you they don't want the project, and the regulations tell you it's not allowed, why, then, do you STILL approve it?" The Zoning Official admits it was a mistake but says the zoning approval cannot be revoked. But the Town can and should deny a Building Permit and a C.O. for a building that does NOT comply with the zoning regulations. CT General Statutes Chapter 124, Section 8-12, provides the legal basis to terminate that project. I highly recommend that the Board of Selectmen look into this matter NOW and stop it in its tracks before the three existing buildings on that site are torn down.

Related to this, I also wish to reiterate an issue I recently brought to the attention of the First Selectman, the Zoning Official, the Commission, and the Board of Finance. In January of 2020, Architectural Design Review Regulations were put into place for Downtown Niantic Village. Last month, Flanders Village was added as a second district subject to Architectural Design Review. Section 34.11.2.1 requires that the Town hire an architect to act as the Village District Consultant to ensure that projects in these two districts comply with the Architectural Design Review Regulations. For the past 4 years projects have been given zoning approvals without the oversight of a licensed architect. That position has been left vacant by the Zoning Official, the previous Zoning Commission, and the Town for the past 4 years.

Because of this vacancy, approvals have been granted by laymen with no architectural training, resulting in anomalies like the yellow behemoth known as the Norton, which will continue to diminish the streetscape of Downtown Niantic for generations to come. A licensed architect would have clearly flagged Section 34.8 which states, "With the objective of maintaining a small-town character, buildings should appear to be modest in scale, relating to the scale of the immediate surroundings." The Norton is so obviously out of scale with its neighbors, it is an architectural insult to the community. It is high time that the Town of East Lyme fills the position of Village District Consultant so that the architectural integrity of Downtown Niantic and Flanders Village is not further compromised.

My main purpose in running for the Zoning Commission is to ensure that the zoning regulations are enforced and that more discipline and oversight is exercised in the approval process. I want to help East Lyme to improve and to be a beautiful and caring place to live.

Thank you.

Daniel H. Glynn, Architect (AIA)

103 Flanders Road
Niantic, CT 06357
860-334-9295
danglynn2@gmail.com

Self-Employment:

2009-2024

Daniel H. Glynn, Architect (AIA)

- Breen-Stetson Residence (2023)
- Café Sol 2.0 (2023)
- McEwan Residence (2022)
- Essex House (2022)
- Paradis Residence (2022)
- Urso Garage (2022)
- Woznicki Residence (2021)
- Grota Solna Salt Cave (2021)
- Henry Residence (2021)
- Baumgartner Residence (2021)
- Terry Residence (2021)
- Stoddard Barn (2021)
- All Souls Unitarian Congregation Addition (2015-2020)
- Kouroyen Deck (2020)
- Marolda Residence (2020)
- Gorecki Garage (2019)
- Baskin Residence (2018)
- Guiliano Residence (2017)
- LT Construction Office Building / Apartments (2017)
- Whitewater Park (2017)
- Stack Residence (2017)
- Lundy Residence (2017)
- Hygienic Pavilion (2016)
- Johnson Residence (2016)
- Brown Residence (2016)
- Kallaugher Carport (2016)
- McGuire Residence (2015)
- Greenberg Barn (2015)
- Maxson Residence (2015)
- Riverside Park Restroom Facility (2015)
- Brockett Residence (2014)
- Creller Residence (2014)
- Sokol Residence (2014)
- Barstow Residence (2012)
- Glew Residence (2012)
- Stidfole Residence (2010)
- Glynn Art Studio - Architect, General Contractor (2010)
- Glynn Residence - Architect, General Contractor (1989)
- Cacciatore Residence (1987)
- Cullotta Residence (1986)

Employment:

2006-2008

Arbonies King Vlock Architects, Branford, CT – Project Manager

- SCSU – Buley Library, New Haven, CT
- Soundview Family YMCA, Branford, CT

1987-2006

Centerbrook Architects, Essex, CT – Associate / Project Manager
(1998 AIA Award for #1 Architectural Firm in the Country)

- Quinnipiac University Village IV Dormitory, Hamden, CT
- Quinnipiac University Ledges II Dormitory, Hamden, CT
- Trudeau Institute – EAM Addition, Saranac Lake, NY
- King Low-Heywood Thomas Middle School, Stamford, CT
- First Unitarian Church, Providence, RI
- CSHL - Woodbury Technical Center, Woodbury, LI
- UConn Central Heating Plant, Storrs, CT
- UConn Chemistry Building, Storrs, CT – Job Captain
- Quinnipiac University Law School, Hamden, CT – Job Captain
- CSHL – Neuroscience Center, Cold Spring Harbor, LI – Job Captain
- East Lyme Community Center, East Lyme, CT – Job Captain

Related Professional Experience:

- Instituted the Electronic Submittal System
- Conducted quality assurance reviews - SD, DD and CD phases
- Presented seminars on UL Directory, Construction Administration
- Travel Grants: 1992 – Chicago; 2003 – Hamburg, Berlin, Germany

1984-1987

Barun Basu Associates, New London, CT – Project Manager

- New London Senior Citizens Center, New London, CT
- Hartford Temple, Middletown, CT
- Best Western Olympic Inn, Groton, CT

1977-1984

Lindsay Liebig Roche Architects, Waterford, CT- Designer/Draftsman

1980

Facilities Design Associates Inc, New London, CT - Interior Designer

1977

Sanford Meech, Architect, Groton, CT – Designer/Draftsman

Education:

1981

Rhode Island School of Design, B. Arch.

1980

Rhode Island School of Design, B.F.A.

Scholarships:

1976-1981

Rhode Island School of Design

1976-1980

Connecticut State Scholarship

Licensing:

1985-2024

State of CT Architectural Licensing Board - License No. 3768

Software:

AutoCAD / SketchUp