

Minutes of the East Lyme Zoning Commission January 18, 2024, Regular Meeting

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Date and time: 1/18/2024 7:30PM to 8:20PM

Present: Members: Nancy Kalal, Norman Peck, Michael Foley, Denise Markovitz, Gary Pivo, Anne Thurlow. Alternates: Marc Peterson, Sarah Susco. Ex-Officio: Roseanne Hardy. Staff: William Mulholland. Recording Secretary: Jessica Laroco.

Absent: Alternate: Cathy Yuhas

Location: East Lyme Town Hall, Upper Conf. Room, 108 Pennsylvania Avenue

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**1. Call Meeting to Order & Pledge**

Secretary, and Acting Chairman Nancy Kalal called the January 18, 2024, meeting of the East Lyme Zoning Commission to order at 7:30PM and led the Pledge of Allegiance.

**2. Attendance**

Ms. Kalal called the roll and noted that Alternate Cathy Yuhas was not present.

**3. Public Delegations**

-Barbara Ann Booth, 38 Riverview Rd, spoke of overdevelopment and future development, referring to Sound Cove Land Development. She wished there had been more effort to make the development look like part of the landscape. She is looking for responsible future development to enhance the community and not ruin our air, water and land. Ms. Booth is concerned with the buried gas tanks at Costco. She also noted that on Roxbury Rd there is a lot of development, and the wetlands is in danger. She would like to see planning with consideration. She recognizes that developments near highway access are desirable. She would like to see natural beauty preserved.

-Nick Menapace, 38 Hope St, was not happy with the process of the election of Ms. Thurlow. He wished to enter into the record an email from Ms. Kalal (Attachment 1) as he did not appreciate her words. He wishes to move forward.

-Lisa McGowan, 33 Spinnaker, supports Mr. Menapace. She also indicated she spent a long time calling voters on voting day asking them to come out. She pointed out that Ms. Thurlow had previously lost the election. She entered a Democratic Slate list into the record (Attachment 2).

**4. Election of Chairman**

Ms. Kalal asked for a nomination for Chairman.

Mr. Pivo nominated Mr. Peck stating Mr. Peck is kind, considerate, and respectful. He is a long-standing Board member and has integrity. There is no question as to his position on the Board. Ms. Markovitz seconded the motion.

Ms. Kalal asked for any other nominations.

Mr. Foley nominated Ms. Thurlow.

Ms. Kalal seconded the motion.

Mr. Peck made the statement that he appreciated the nomination but had reasons for not accepting.

Ms. Kalal noted that Mr. Peck declined the nomination.

Ms. Kalal noted the nomination for Ms. Thurlow was still on the floor and asked for a vote.

RECEIVED FOR RECORD  
EAST LYME, CT  
2024 JAN 22 A 9:24  
Cathy Yuhas  
TOWN CLERK

**DECISION MOTION 1**

Motion passed 4-2 with Ms. Kalal, Mr. Foley, Mr. Peck and Ms. Thurlow voting in favor and Mr. Pivo and Ms. Markovitz voting against.

Ms. Thurlow resumed the meeting, as Chairman.

**5. Public Hearing**

Ms. Thurlow noted there was none.

**6. Regular Meeting**

**6-1 Approval of Minutes of January 4, 2024, and January 18, 2024.**

**DECISION MOTION 2**

Ms. Kalal moved to approve the minutes of both meetings.

Mr. Foley seconded the motion.

Ms. Markovitz abstained.

Motion passed 5-0-1.

**7. Old Business**

There was none.

**8. New Business**

**8-1 Any business on the floor, if any, by the majority vote of the Commission.**

Mr. Pivo stated that he believed it was time to get down to business and follow the law. His challenges regarding elections were borne of legal and political concerns. He thought the vacancies should be filled by someone from the same party. He wondered if everyone could think of things they wanted to work on. He is concerned with the Trakas tract and the Landmark Project site or other large properties because time is of the essence.

Ms. Thurlow suggested that the Board think of things and bring ideas to the next meeting for discussion when everyone has had a chance to gather thoughts.

Mr. Pivo asked if anyone had ideas at this meeting.

Mr. Peck is interested in a potential Text Amendment regarding new construction and mixed use. He pointed to preserving first generation buildings in Niantic and true affordable housing on second and third floors. He would like to see that language assigned to the CA Zone as well to help with housing and preservation. He noted there are still historic buildings in Flanders worth preserving.

Ms. Markovitz agreed with Mr. Peck and Mr. Pivo. She asked that the Board take more time to review materials and asked that staff provide applications and materials via email sooner. She also suggested that in the review of the By-Laws, a clearer process be outlined with regards to elections. She also believes that a vacancy should be filled by a person of the same party and is looking forward to a fresh start.

Ms. Thurlow noted that great suggestions had been made and looks forward to discussing new ideas.

Mr. Pivo thinks the historic nature of Flanders is important to preserve. He asked that the next agenda include discussion of the 8-30l opportunity as opposed to the 8-30g problem. This would give the Town four (4) years to not be subject to the appeals procedure that overrules the zoning discretion the Commission

has over affordable housing projects. He believes that because of the amount of affordable housing built, the Town would qualify for the moratorium application. He discussed how it could impact the decision-making process for the Board.

Ms. Thurlow asked Mr. Mulholland if Attorney Bleasdale had been in touch regarding the Affordable Housing numbers.

Mr. Mulholland indicated he would reach out to Attorney Bleasdale.

Mr. Pivo noted he had some numbers of his own regarding affordable housing and the above referenced application had to be submitted by the First Selectman and the Zoning Board could make the recommendation to file it.

Mr. Peck asked Mr. Mulholland about language in the Regulations regarding an architectural review consultant as it was not intended to require a consultant.

Mr. Mulholland responded that the Board could talk about a Text Amendment.

Mr. Peck and Ms. Thurlow asked it to be added to the list for discussion.

Mr. Pivo asked that the CT State Statutes be consulted so that the Board does not contradict them (when applying Text Amendments). He noted that a professional view could be different from a staff view. He also asked that the fee schedule be reviewed to add that if professional services are necessary, the cost would be passed on to the applicant.

Ms. Thurlow thanked everyone for their ideas and looked forward to working together.

### **8-2 Zoning Official**

Mr. Mulholland had nothing at this time.

### **8-3 Comments from Ex-Officio**

Ms. Hardy noted that she was happy to hear about new ideas. There are only a few vacancies left but most boards and commissions are full. The next order of business will be budget requests. She noted Mr. Mulholland could file an addendum to his budget if the Commission felt it necessary.

She also noted that, with the recent tragic house fire, it was painfully obvious that the emergency services in town are not keeping up with the demand. A recent situation arose where three (3) emergencies happened at once and the Town had to call Montville to send an ambulance to help. The three (3) separate fire departments share one (1) volunteer Fire Chief. She spoke of the need for increasing services to the elderly population, which is 27-30%, and the Commission on Aging is very busy. She'd like to see limits on massive developments because the services required are not keeping pace.

She noted Ms. Yugas (Alternate) had been sworn in.

She'd like to see the preservation of historic properties, perhaps by marking them as undevelopable.

It was noted that the Public Hearing for the Short-Term Rentals would be January 29, 2024, at 7:00PM at the Town Hall as the High School audio/visuals were lacking for the last meeting. It was noted that at the Town Hall the meetings could be televised and recorded.

**8-4 Comments from Zoning Board Liaison to the Planning Commission**

Mr. Foley attended the January meeting and reported that it was mostly administrative duties. The approval of the four (4) lot subdivision at 220 Pennsylvania Ave.

Ms. Susco agreed to attend the February 13, 2024, meeting.

**8-5 Correspondence**

There was none.

**8-6 Comments from Chairman**

Ms. Thurlow stated she looks forward to the year ahead and getting to work.

**9. Adjournment**

**DECISION MOTION 3**

Mr. Foley moved to adjourn the Regular Meeting of the East Lyme Zoning Commission at 8:20PM.

Ms. Markovitz seconded the motion.

Motion passed 6-0-0.

Respectfully submitted,

Jessica Laroco

Recording Secretary

Attachment 1

**Re: Question about aquifer**

NickMenapace@outlook.com <NickMenapace@outlook.com>

Wed 1/10/2024 1:58 PM

To: tom Kalal <nancykalal8934@gmail.com>

Dear Nancy,

I appreciate your candidness in expressing concerns about my behavior at the recent zoning meeting. Firstly, I want to apologize if my actions came across as obnoxious or offensive. It was not my intention to cause you any discomfort or distress.

I understand the importance of maintaining a respectful and constructive environment during these meetings and in our local government in East Lyme. As an elected member of the Planning Commission, I also recognize the responsibility I have to the community. Please know that I deeply value your role as the acting chair of zoning and the contributions you make in this capacity.

I believe in the power of open dialogue and discussion at town events, including those related to zoning matters. It is crucial for the public to have the opportunity to express their opinions and concerns.

If you are open to it, I would be more than willing to meet with you face to face to discuss this further. Perhaps we can grab a cup of tea or coffee and find a way to address our differences and establish a positive working relationship going forward. I'm free Saturday between 11 and 6 or possibly sometime next week.

Thank you for taking the time to read this email, Nancy. I genuinely hope that we can find common ground and work together towards the betterment of our community.

Best regards,

Nick Menapace

Nick Menapace

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**From:** tom Kalal <nancykalal8934@gmail.com>

**Sent:** Monday, January 8, 2024 7:01 PM

**To:** NickMenapace@outlook.com <NickMenapace@outlook.com>

**Subject:** Re: Question about aquifer

Dear Nick,

As long as you are mentioning being offensive, let's talk about your behavior at the zoning meetings a few meetings ago. You, who got elected to the BOS, were obnoxious. If I were Ann, I would have called the cops. I do not know what your plan was and is, but cut the crap behavior if you want to be respected. I am now acting chair of zoning and I will not tolerate stupidity or temper tantrums on your part. Think about what you are saying and how it can be perceived by the public. If you have nothing to say that is constructive and pertains to zoning, don't say a word. You are welcome to try my patience, and risk my wrath, but I will call the cops without any question at the first outburst, and if asked will press charges, which will look really positive towards your future aspirations.

Nancy

On Mon, Jan 8, 2024 at 2:41 PM [NickMenapace@outlook.com](mailto:NickMenapace@outlook.com) <[NickMenapace@outlook.com](mailto:NickMenapace@outlook.com)> wrote:  
Agreed. I just think it's so offensive to anyone who wants to work in our town government.  
Thank you.  
Sent from my iPhone

On Jan 8, 2024, at 2:38 PM, tom Kalal <[nancykalal8934@gmail.com](mailto:nancykalal8934@gmail.com)> wrote:

Hi Nick,

You are asking some good questions. Always remember that everything flows down hill. To understand the substrate of EL, talk to Art Carlson,, he has all th data. Also read the Niantic River Watershed Protection Plan Update by Fuss and Oneill, June 2020. IT is packed with info. Talk to Gary Goeschel and to the water dept, they will answer questions.

As to conflicts of interest, just because I live at the same address, does not mean that we share opinion.s Those kiind fo rumors are groundless and will go away.

Nancy

On Mon, Jan 8, 2024 at 11:05 AM [NickMenapace@outlook.com](mailto:NickMenapace@outlook.com) <[NickMenapace@outlook.com](mailto:NickMenapace@outlook.com)> wrote:

Hey Nancy

I wanted to ask you a question about building out the sewage system and how that connects to the aquifer. This is not connected to any project so no conflict of interest, but I wanted to learn more.

First off does an expansion of the water and sewage in East Lyme impact the aquafer at all? I don't know if the additional freshwater intake even happens in town. Secondly how much does the building of developments, housing or otherwise affect aquifer on what had previously been open land? Whether it be near aboveground freshwater or otherwise. It would seem that adding in adding so much impervious land, like what they did at Costco, would have serious repercussions on the aquafer. But what about for smaller lots of land?

I know this is a lot of information to ask and if you do not feel comfortable or knowledgeable enough, I appreciate any sources that you can provide. I just feel like there is a lot I need to know.

On a completely unrelated note, I was dismayed to see Board of Selectman member Hardy try and claim any type of conflict of interest between you and Tom. We have had spouses and family members serve on boards all the time. I find it disappointing that they would raise this as an issue. I was planning on speaking about this at the Board of selectman meeting on 1/17. I don't plan on mentioning any specific individuals but it seems like some people are playing political games with where they see conflicts of interest.

Nick Menapace







Spinner's

11/5/24

24 JOHN Rydwicki

KEN + PAT  
PAYNE

12 Spinner

Helping Hands: We donate LOTS of \$,  
food, clothes to care + share  
at 23 Neo

John Opeka: OUR HUA President 29 Spinner

33 Regatta Mark Nickerson Former 1st Select person