

**Geraghty &  
Bonnano, LLC**  
Attorneys at Law

MICHAEL S. BONNANO  
JOHANNA McCORMICK  
PAUL M. GERAGHTY\*  
MARK A. DUBOIS\*  
WILLIAM J. RIORDAN

\*Also Admitted in New York  
† Board Certified, Trial Advocate

February 21, 2024

Via Regular Mail  
Anne Thurlow, Chairman  
Town of East Lyme Zoning Commission  
108 Pennsylvania Avenue  
Niantic, CT 06357

Via email to [billm@eltownhall.com](mailto:billm@eltownhall.com)  
William Mulholland, Zoning Official  
Town of East Lyme  
108 Pennsylvania Avenue  
Niantic, CT 06357

Re: 91 Boston Post Road  
Conceptual Site Plan Application

Dear Chairman Thurlow and Mr. Mulholland,

As you each are aware I represent Kristen Clarke P.E. who is the applicant on the above referenced application.

I write to address the following concerns I have discovered with regard to the above referenced application submitted on January 17, 2024, and accepted by the East Lyme Zoning Commission ("the Commission") at its January 18, 2024 regularly scheduled meeting pursuant to Conn. Gen Statute 8-7 (d) subsection (c):

- 1) A) The Commission has scheduled a Public Hearing, (Ex. A), for my client's application despite, as is well known by the Commission and Mr. Mulholland, that there is no statutory authority under Conn. Gen. Statute 8-30g ("8-30g") to hold a Public Hearing on a conceptual site plan approval nor are there any rights to do so under this Commission's own regulations. In this regard I would direct you to Section 32.9 of your regulations, (Ex. B), which provides the discretion for the Commission to hold a Public Hearing for a *Preliminary Site Plan or a Final Site Plan Application* but not a *Conceptual Site Plan* a fact that clearly defers to and is consistent with 8-30g. In addition, I would note that the Commission at neither its January 18, 2024, nor subsequent meetings on February 1, 2024, and February 15, 2024, did the Commission vote, as is legally required, to hold a Public Hearing on my client's application. It would appear therefore that the Commission is attempting to change the statutory burden of proof in 8-30g applications.

B) The review standard for a conceptual site plan is substantially less rigorous than for a preliminary and or final site plan. By conducting a public hearing, the Commission is allowing and element not contemplated by C.G.S. 8-30g, which is intended to allow the applicant to present the concept of what is proposes for approval by the Commission without the level of detail otherwise required in the final approval process. Nothing, in the conceptual process eliminates the requirements otherwise required for a final approval.

Accordingly, I am requesting the Commission place my clients on the regular agenda of the Commissions March 7, 2024, meeting and withdraw/cancel the Public Hearing notice. Alternatively, given the factual background referenced herein I am respectfully insisting you provide immediately to me in writing and for the record of this matter the statutory authority you are relying upon to ignore 8-30g and this commissions own regulations.

2) Despite the passage of nearly five (5) weeks my client nor I have yet to see a single staff comment on our submissions.

3) I am still waiting for Mr. Mulholland to schedule the meeting requested with Town Staff reviewing the application submission that was requested on both January 17, 2024 and January 31, 2024.

As a matter of due process and fundamental fairness to the applicant I am requesting your immediate attention to these matters.

Please make this correspondence a part of the record of my client's pending application.

Sincerely,



Paul M. Geraghty

Cc Kristen Clarke P.E.

Jessica Laroco via e-mail [jaroco@eltownhall.com](mailto:jaroco@eltownhall.com)