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ex "III"

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March 28, 2024

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Via email to billm@eltnhall.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 Mike and Bill,

I have reviewed the minutes of the last hearing on March 21, 2024. In the minutes commissioner Pivo stated (at page 5) that he had done his own research and made certain findings, which were not revealed publicly. I raise this issue because I believe Commissioner Pivo is going beyond both his obligations as a commission member by engaging in developing evidence outside the record and what is legally permissible, both of which are inappropriate and impermissible. His comments also note that he believes additional information should be presented by the applicant, which is not required as part of a conceptual application.

Moreover, because he stated he has made "his findings" it demonstrates a predetermination of the application before the hearing has been completed. Moreover, it ignores the legal requirements that any findings be the collective decision of the Commission. This is a clear violation of my client's right to a fair and full hearing resulting in a denial of fundamental fairness to my client.

I am therefore asking Commissioner Pivo to recuse himself from further participation in this application.

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

Sincerely,


Paul M. Geraghty

cc:client