

Minutes of the East Lyme Zoning Commission June 20, 2024, Regular Meeting

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Date and Time: 6/20/2024 7:28PM to 9:10PM

Present: Members: Chairman, Anne Thurlow, Secretary, Nancy Kalal, Norman Peck, Debbie Jett-Harris. Alternates: Jim Liska, Cathy Yuhas. Town Attorney, Michael Carey. Ex-Officio: Roseanne Hardy. Staff: William Mulholland. Recording Secretary: Jessica Laroco

Absent: Members: Michael Foley, Densie Markovitz. Alternate: Sarah Susco

Location: East Lyme Town Hall Upper Conf Room 18 Pennsylvania Avenue

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**1. Call to Order and Pledge**

Ms. Thurlow called the Regular Meeting of the East Lyme Zoning Commission to order at 7:28PM and led the Pledge of Allegiance.

**2. Attendance**

Ms. Thurlow called the roll noting Members Michale Foley and Dense Markovitz, and Alternate Sarah Susco were absent.

Ms. Thurlow sat Mr. Liska for Ms. Markovitz and Ms. Yuhas for Mr. Foley.

**3. Public Delegations**

Ms. Thurlow asked for comments to be limited to 2 minutes.

Lisa McGowan, 33 Spinnaker, read from a prepared statement regarding some Commissioners emails (Attachment 1)

RECEIVED FOR RECORD  
EAST LYME, CT  
2024 JUN 25 A 8 42  
Cecilia M. Kelly  
TOWN CLERK

**4. Public Hearing**

**4-a Continuation of Application by Kristen Clarke, P.E., for an amended, modified, Conceptual Site Plan approval per Conn. Gen. Stat. 8-30g (affordable housing) of the original application for a 25-unit age restricted single- and multi-family affordable residential housing development to be located on the northerly side of Boston Post Rd on a parcel identified as 91 Boston Post Road, Assessor Map 31.0 Lot 2.**

Ms. Thurlow noted that all Staff memos were in the record and had been provided to the Commissioners previously. She then asked for any new comments from the public for, against or neutral, stating that all previous comments are still part of the current record.

There were no new comments.

Ms. Thurlow asked Town Attorney, Michael Carey, if he had any comments.

Atty Carey responded that he had no further comments beyond those he had already made, on the record.

Attorney Geraghty presented the following: He submitted Exhibit Items: MMMM 2-lot subdivision at 101 Upper Pattagansett Rd and NNNN IWA permit for a hot tub at 152 Upper Pattagansett Rd. These items, while not relating to this application, relate to previous questions from the Commissioners regarding the locations of septic systems as well as regarding well water within the 300-foot distance from Latimer Brook. Additionally, he read from Exhibit Item LLLL, a summary memo from Atty Geraghty addressing the

points raised by Commissioners. Attorney Geraghty noted that the Applicant would have to gain approvals for IWA, Septic, Zoning Final Site Plan, Building, State of CT Dept of Health, and any other Applications and this Conceptual Site Plan Approval is not an approval of a final site plan.

See the following Q & A between Commissioners and Atty Geraghty, and Engineer Rep, Tim May.

Peck: Can the use of 100% organic fertilizer and treatment be a guaranteed on the site?

Geraghty: Is the questions; what effect, if any, would there be on Latimer Brook, located downhill from the project. The septic systems would be designed to not impact Latimer Brook. The use of fertilizer, if any, would be limited to approx. 300 feet from Latimer Brook and there is not likely to be any activity used near the brook. The Applicant would accept the use of 100% organic fertilizer as a condition of approval.

May: Is there an ordinance in the Town, in Planning or Zoning Regulations, requiring the use of said fertilizer? As fertilizers are legal products, sold in retail stores to be used in accordance with whatever directions provided. If it is required by regulation or ordinance, then yes it would be a requirement. What is the sensitivity to fertilizer.

Liska: The site is uphill, and the Brook is downhill. That is the sensitivity.

Mulholland: There is nothing in the regulatory process requiring it, but it could be conditioned in the approval. It is difficult to police that. HOA's do not always follow what the Board requires.

Peck: (Directed to Ex-Officio Ms. Hardy) Is there a chance the BOS would consider implementing such an ordinance, to prevent anything except organic fertilizer for use and treatment.

Hardy: The BOS would want to hear specific recommendations presented from Zoning Board Members at a meeting. This is not something that would normally come before the Board, but it is something they should be aware of.

Carey: Even if regulations do not specifically prohibit an applicant from using anything except organic products, if it is reasonably connected to activities proposed for the site, a condition of approval could be made. If it is a term of condition and the water begins to be affected, and the source is the project site, it is then something to enforce.

Geraghty: Because it is a small area of development, the Applicant would be amenable to the condition. He also clarified that this project is being proposed as apartments, and therefore owned by one entity and perhaps managed by the same entity or a property manager, who would be made aware of the conditions of approval. There would be no HOA.

Mulholland: Could these be turned into condos at a future point without any regulatory activity?

Geraghty: Unsure, but it is being established under 8-30g, therefore it would stay rentals.

May: Under 8-30g, once you determine your path, you must stay there.

Peck: Please comment on the public access to the open space

Geraghty: He would need to discuss further with the Applicant as to the liability aspect. It is intended to be preserved, not used or developed for recreation. He noted at an earlier meeting there had been discussion as to access to the rear of the property

May: The open space on the site would be intended to remain undeveloped and it would not be made into a usable area.

Liska: Is open space 8 acres?

May: Yes.

Liska: In your original proposal it was 8 acres for public use, but that is not the case now?

Geraghty: It would be available to the residents, not open or advertised as public use.

Mulholland: Who would hold title to the open space?

Geraghty: Either the Town would accept conveyance, or the East Lyme Land Trust as there has been ongoing discussion with the EL Land Trust about this.

Mulholland: Total acreage of parcel?

Geraghty: 12 acres

Kalal: Recalled original discussion regarding access to the shopping plaza, then she asked after the design of the buildings, specifically the height and visibility.

Geraghty: The bridge abutment is a DOT right of way and therefore they would have to agree to a sidewalk being installed. That's not up to the Applicant. Regarding the design: 3 stories including the walkout level.

May: The bottom floor is subterranean and then 2 story structure would be seen, the current farmhouse is 2 stories.

Geraghty: The slope of the property is such that it can't be seen from the road. The back of the current grocery store parking lot is where one may see the peak of a roofline.

Kalal: The first presentation included buildings that resembled town houses, or farmhouses. This presentation includes a more contemporary look.

Geraghty: Yes, they are more apartment, vertical look as opposed to a horizontal or townhouse look.

Kalal: Questioned Mr. May regarding a statement that septic tank should last 50-100 years, and how would you know, prior to 100 years if it was leaking? Would it fail and everything would run downhill? How do we avoid this?

May: Yes, if it's built to standard. You may have a breakout, or the system would fail. You could see a very wet spot, or something not absorbing correctly. He suggested that Commissioners educate themselves on septic systems work. He explained their functionality and how a homeowner knows when there is a problem. He noted that there are many indicators of a failing system long before a system fails. He related that he lives near a reservoir, and it is required that it be tested and inspected regularly, and suggested Commissioners find out if LLHD has a similar process for Niantic River Watershed. He wondered if it was part of the design parameters for the Zoning Regulations.

Geraghty: Have the tanks pumped regularly, the tank is unlikely to fail. However, the leaching system may not be working properly. He noted that in densely populated, and older systems, such as in the Pine Grove Area, those systems are overloaded and very close together and perhaps too small. The septic tanks themselves are constructed very well and it's typically the leaching fields that fail.

May: Demonstrated to the Commissioners and aerial view of the property noting that the sight of the buildings would not be visible, or not highly visible.

Yuhas: Asked for clarification as to why the State of CT would require a 3% slope for the first 50 feet of driveway.

May: It's a state design standard they want a 3% landing pad to make exiting a steep slope safer. It gives a place to stop, the car is level and gives good sight line. He noted a parking lot maximum is 5% with handicapped spaces with a 1% grade and explained why that was important and what it meant.

Yuhas: Considering actual vehicle speed, not the posted speed limit, would the change of the slope make a difference in sight line? She noted the rock ledge in the landscape.

May: The last 50 feet will be parking lot level, and it would make it more optimal. He pointed out the sight line analysis map provided from around 2018 and showed the Commissioners how the sightline worked. Also, the State of CT DOT approved sightline. Additionally, there is a stoplight 800-900 feet down, there are signs and whether people follow those is not the fault of the Applicants.

Liska: Asked for explanation of the word "crossbar" in Exhibit LLLL.

May: That is a "stopbar" a painted white line, on the ground, where a stop sign is. There will be a stop sign at the exit to the project.

Peck: In looking at the sightline, which goes through a bush and some trees and he thought that the sightline is better than what is portrayed, and would the Applicant remove bushes/trees to improve the sightline?

May: There is also an "East Lyme" sign which could be requested to be moved.

Geraghty: The Applicant could reach out to CT DOT and based on the communication so far, he did not think there would be a problem.

## DECISION MOTION 1

Ms. Kalal moved to close the Public Hearing.  
Ms. Jett-Harris seconded the motion.  
Motion passed 6-0-0.

## 5. Regular Meeting

### 5-a Approval of Minutes of June 6, 2024, Regular Meeting

## DECISION MOTION 2

Ms. Kalal moved to approve the minutes of the 6/6/2024 meeting as presented.  
Ms. Jett-Harris seconded the motion.  
Mr. Liska abstained.  
Motion passed 5-0-1.

**5-b Continuation of Application by Kristen Clarke, P.E., for an amended, modified, Conceptual Site Plan approval per Conn. Gen. Stat. 8-30g (affordable housing) of the original application for a 25-unit age restricted single- and multi-family affordable residential housing development to be located on the northerly side of Boston Post Rd on a parcel identified as 91 Boston Post Road, Assessor Map 31.0 Lot 2.**

Ms. Thurlow asked Mr. Liska if he had reviewed everything and was comfortable discussing and deciding.

Mr. Liska indicated that he had and was comfortable.

The following comments were made:

Liska: Thanked Atty Geraghty for providing so much data even though he claimed that not all documents made it into the record.

Jett-Harris: Thanked Mr. May as well.

Mulholland: Everything is in the record and was put into the record.

Peck: Reminded the Board that the burden is on them to prove there would be issues, not that there could be issues. He stated the issues as being environmental and traffic. His opinion is that he is not convinced there is a real traffic problem, it isn't the most convenient. There has been a good response to questions about the Brook and the Niantic River. The State of CT, the EL Wetlands Commission will have to approve the project. He noted that based on the state statutes, he was uncomfortable denying the application.

Thurlow: Stated that she still had traffic concerns, and wished that the Applicant, who did the traffic analysis, had been present for cross examination

Yuhas: Was uncomfortable with the traffic and noted that making a left turn into the property could be difficult especially in high peak traffic and could cause further congestion into Flanders Four Corners. She noted that the potential for faulty sceptics uphill from Latimer Brook is a problem and the Board has a responsibility to protect it.

Jett-Harris: Agreed with Peck and Yuhas and has a problem with traffic and creates an unsafe situation and would be a danger to the Town.

Liska: complimented the Board, as the original plan indicated a sod farm, more buildings, and was a good back and forth (with the Applicant) with questions and solutions. The CT DOT reviewed the parking and recommended the change to the first 50 feet and maybe it's not the greatest but it's better. A well-designed septic will be important. He noted the application was better today than day one.

Kalal: Has environmental concerns and noted that it is the Board's responsibility to look down the road at the next 100 years and see where the Town is headed and how to save the Brook and the River. She has many reservations as to how it will work and understands that best laid plans can go wrong, and mistakes happen, and this can adversely impact the watershed. She mentioned the Town's solar field and that a lot of silt in the river due to an accident and there isn't anything the Town can do about it.

Thurlow: Would have felt more comfortable with the traffic study if the Applicant had hired an independent company rather than doing it herself. Since there was no opportunity to cross examine her, the Board did not even know if she had been on the property.

### **DECISION MOTION 3**

Ms. Jett-Harris moved to deny the application due to the stated reasons (Attachment 2).

Ms. Kalal seconded the motion.

Ms. Kalal, and Ms. Yuhas also supported the motion.

Mr. Peck and Mr. Liska opposed the motion.

Motion to deny passed 4-2-0.

### **5-c Application of Bruce and Linda Dworak for Coastal Area Management (CAM) Review for property located at 13 Point Rd GNB, Niantic. Assessor Map 04.14 Lot 2.**

Ms. Kalal read a memo from W. Mulholland, Zoning Official (Attachment 3).

Ms. Thurlow invited the Applicant Agent to speak.

Mr. Seamus Moran, professional civil engineer at H & H Engineering and Assoc out of Mystic, CT gave a brief presentation. Giants Neck Beach Assoc has approved the project which abuts Long Island Sound. The project site has an existing seven (7) bedroom house, with an inground pool along with a paved driveway and concrete walkways. The Applicant is looking to remove the existing home and concrete walkways (leaving the pool) and replace it with a new five (5) bedroom home. While the footprint is larger, the lot coverage down, and impervious surfaces will be reduced by 268 square feet. There are soil erosion and sediment controls in place, temporary stockpile area is far away from the watercourse and sediment fence downgradient edges of project. The site includes public water and sewer, and connections will be maintained. Point One Architect (in Old Lyme, CT) designing to FEMA standards. The original home was constructed in 1928.

Mr. Liska asked Mr. Moran for clarification of which house was in question to be demolished, noting that older houses could contain lead paint or asbestos and wanted to be sure whoever demos the house takes care to keep pollutants and hazards out of the air and the water.

Mr. Mulholland stated that a Demolition Permit, from the Building Department would be required and they would need to have a plan for hazards and provide insurance etc.

Ms. Thurlow, as an aside, wondered how often Building Officials went on inspections and Mr. Mulholland answered that he and 2 assistants are out every day doing inspections.

Ms. Thurlow asked when the project was hoping to begin.

Mr. Moran stated that the owners had hoped to start this past February (2024) but did not realize a CAM application was needed.

#### **DECISION MOTION 4**

Mr. Liska moved to approve the Application of Bruce and Linda Dworak for Coastal Area Management (CAM) Review for property located at 13 Point Rd GNB, Niantic. Assessor Map 04.14 Lot 2.

Ms. Kalal seconded the motion.

Motion passed 6-0-0.

#### **6. Old Business**

##### **6-a Subcommittee- Text Amendment CA Zone (Mixed Use)**

Mr. Peck indicated that he is working with Mr. Mulholland and that they should have something to present soon.

##### **6-b Affordable Housing Update**

Ms. Thurlow noted that Atty Bleasdale is missing just a few pieces of information.

Mr. Mulholland stated that gathering all the required facts and documents necessary to make a determination has been a large and difficult undertaking for admin staff who, in addition to the day-to-day duties, continue to try to contact the administrators of the affordable housing numbers to obtain and verify data. He appreciates the Commissioners patience.

#### **7. New Business**

##### **7-a Application of Ricky Au for Spice Club, for a renewal of Special Permit for Outdoor Dining at 239 Main St, Niantic.**

Mr. Mulholland to schedule a Public Hearing.

##### **7-b Application of William R Sweeney, Esq. for proposed Text Amendment to Section 11.1.4 of the East Lyme Zoning Regulations.**

Mr. Mulholland to schedule a Public Hearing.

##### **7-c Any business on the floor, if any, by majority vote of the Commission.**

Ms. Kalal stated she would like to discuss moving Public Delegations to the end of the meeting.

Ms. Thurlow noted that after the last meeting she agreed. She is concerned by the people who speak at the meeting regarding topics that have nothing to do with Land Use, but rather their own personal agendas.

Mr. Peck stated two reasons he did not agree; 1. He would hate to punish the whole town for the activities and behavior of a couple of people. 2. This would bring a lot of criticism.

Ms. Thurlow would agree if there were any land use topics, but there have not been. She noted that Applicants pay consultants and attorneys, and they must wait through political theater and agendas. Additionally, the purpose of Public Delegations is to discuss land use issues.

Ms. Yuhas agreed with Mr. Peck and stated that it would not serve the Town to move it. She did not think it was fair for the Public to have to wait until the end to speak, noting meetings sometimes go until beyond 10:00PM.

Ms. Jett-Harris stated that the Commissioners owe it to the Applicants spending huge amounts of money, she is also concerned that the Commission is getting a reputation for being difficult to work with when that is not the case. The Commission is there to do business. Ms. Jett-Harris also reminded the Commission that the Public can also write letters to be included in Correspondence regarding land use matters. She stated that the Commissioners are working hard, doing their best and do not deserve to be bashed during Public Delegations.

Mr. Peck suggested stating at the beginning of that section the purpose and intent and imposing a time limit.

Ms. Jett-Harris did not think that would make a difference.

Mr. Liska stated that he had been off the Commission for a period, and then a vacancy became available, and he applied and was nominated and voted on. He suggested that perhaps the Townspeople did not fully understand the process. He thought that perhaps by moving this item, people would stay for the entire meeting and see how business was done so they would understand going forward.

#### **DECISION MOTION 5**

Ms. Jett-Harris moved to move Public Delegations to after Correspondence.

Ms. Kalal seconded the motion.

Ms. Thurlow and Mr. Liska were in favor.

Mr. Peck and Ms. Yuhas were against.

Motion passed 4-2-0.

#### **7-d Zoning Official**

Mr. Mulholland noted that the project at 138 Boston Post Rd is almost finished with construction and looking for CO's. The units are currently being advertised as condos when they were approved by the Zoning Commission as apartments. He is looking into it and has spoken to the legal team regarding that. He noted that the zoning department is still busy. He has heard nothing further on the Trakas project.

Ms. Jett-Harris asked if there was any news on the Main St Restaurant (374 Main).

Mr. Mulholland is pursuing that further.

Ms. Kalal asked if the Commission approves a project at a property and the property is sold, is the Commission able to retract the approval.

Mr. Mulholland noted that could not happen, however, whoever buys the property can only do that which was approved, unless they apply for an amendment to the permit.

#### **7-e Comments from Ex-Officio**

Ms. Hardy reported that the BOS had heard an extensive report of the Yale Charet Committee who made several recommendations to the Town. The Main Street Organization received a grant and that is what paid



for the study. The consensus of people interviewed enjoy Niantic/East Lyme the way it is. It was suggested to find something to do with the former police station, better signage for town parking lots, as well as perhaps a parking garage, more bike paths and more. The report is available online for viewing. Commission of Natural Resources will be reporting at the next BOS meeting and have gotten ARPA funding regarding being proactive against environmental damages, planning for natural disasters. Ms. Jett-Harris asked if there was news of a splash pad at McCooks and Ms. Thurlow asked about a potential dog park. Ms. Hardy had no new information on either.

**7-f Zoning Board Liaison to the Planning Commission**

May 14, 2024 – Mr. Liska had nothing to report

June 11, 2024 – Mr. Peck reported that discussion was had regarding bike paths, a resubdivision on 123 Scott Rd, text amendment to Section 4.14 of the subdivision regulations, street designs, sidewalks, an amendment to the POCDD regarding sidewalks.

**7-g Correspondence**

**There was none.**

**7-h Comments from the Chairman**

**8. Adjournment**

**DECISION MOTION 6**

Ms. Yuhas moved to close the 6/20/24 Regular Meeting of the East Lyme Zoning Commission at 9:10 PM.  
Ms. Jett-Harris seconded the motion.  
Motion passed 6-0-0.

Respectfully submitted,  
Jessica Laroco,  
Recording Secretary

# Attachment 1

THANK YOU TO THE CITIZENS OF EAST LYME, Mr. Mulholland, Jessica Laroco and the EL town attorney for providing me with the FOI information for tonight's presentation. Thank you also to past and present members of the Zoning Board who answered my query with diligence and responsibility.

My interest in attending the zoning board meetings began back in October of 2023 when I supported the Pollinator Pathway initiative. Since last October I have been to more board meetings than anyone currently serving tonight except Norm Peck (who I tied with at 14 appearances).

For any newcomers, I am the person who starts off every meeting reminding the voters that the current chairperson, Anne Thurlow, had been voted off the zoning board in the November 2023's municipal election and is sitting illegitimately as chairperson. Ms Thurlow is now making some of the most important decisions affecting East Lyme residents now and for years to come.

After viewing the You tube videos of ALL the meetings, reading and rereading the minutes, as well as FOI materials the records show the following:

There is a clear pattern of deception by 4 of the current board members (Anne Thurlow, Nancy Kalal, Debbie Jett-Harris and Michael Foley) to insert Ms. Thurlow and return Debbie Jett-Harris to the zoning board. In addition, the information will show the carelessness that Anne Thurlow exhibited when responding to my FOI query.

My query included the dates July 1st 2023 through January 16th 2024. Ms.Thurlow did not accurately check the dates for my query and in fact flagrantly disregarded the instructions when she responded "I have whatever you sent out, I have no zoning texts or other emails". (dated January 18th at 9:24pm)

The first of 3 emails that Ms.Thurlow sent out are as follows:

1. the first to Marc Peterson that includes the phrase "Hi Marc! Yes it's in the same room you will be attending the meeting. just take notes and report back". (dated 8/7/2023).
2. A second email that went unreported by Thurlow, was from TOM Kalal that concerned a vacated zoning seat from Nancy Kalal. (dated 10/31/2024)
3. A third email from Thurlow to Mark Peterson that reads "Hi Marc,it is your turn to be an alternate tonight. I am attaching 2 letters (Nancy Kalal and Mike Foley) from those interested in filling Terry's vacancy. You will be voting". (dated November 2nd 2023)

Next I turn to Mr.Foleys copied text dated January 12th to Mr. Peterson that reads "Nancy has scheduled a special meeting (1/16/2024) for Tuesday. Apparently she thinks it important that Anne T be elected to fill the vacancy prior to the Selectmen meeting Wednesday. So, need you at Town Hall Tuesday 1/16/ at 6:30. The agenda should be in your email. Mike".

In yet another example of an attempt to return Anne Thurlow to her seat, Ms. Kalal writes to Debbie Jett-Harris (using her husband's email address). This was right before Thurlow was nominated to AGAIN become the chair) "Hi Debbie, Hold your resignation until the next meeting. Just show up for the chair vote as we will not have Anne on board. Otherwise Pivo will win. Nancy". (January 7th 2024)

Finally, circling back to Anne Thurlow again, I want to read a last forwarded email that was sent to Norm Peck/Dave Schmidt/John Manning and Debbie Jett-Harris dated October 31st forwarding information about Nancy Kalal's application for zoning board member without including other current members. I believe this implies a secret and unlawful meeting that took place in order to nominate a candidate that Ms. Thurlow could easily manipulate.

In conclusion four of the current zoning board members Anne Thurlow, Debbie Jett-

Harris, Michael Foley and Nancy Kalal, have exhibited repeated conduct during the many meetings and in writing that is reckless, unrestrained, dishonest and most probably illegal.

Any motive for this behavior I cannot speak to, other than reminding folks that Anne Thurlow, Michael Foley, and Norm Peck are realtors in the area.

If you would like me to provide you with my research materials or speak to me I would be happy to share my thoughts.

You can reach me either by email or at (860) 287-4982

Respectfully,

Lisa A. McGowan, P.T., M.S.  
33 Spinnaker Drive  
Niantic, Connecticut  
06357-1600

**AMENDED "CONCEPTUAL SITE PLAN" APPLICATION FOR  
91 BOSTON POST ROAD SUBMITTED UNDER CONN. GEN. STAT. § 8-30g (h)  
BY KRISTEN CLARKE P.E., ET AL.**

**June 20, 2024**

**POSSIBLE MOTION**

**DENIAL OF AMENDED CONCEPTUAL SITE PLAN APPLICATION**

This is an application by Kristen Clarke, P.E., et al. ("Applicants"), pursuant to CGS section 8-30g (h), for approval of a conceptual site plan that the applicants claim to have modified in response to this commission's denial of their conceptual site plan application dated April 4, 2024 ("Decision"). The Decision is incorporated herein. Under CGS §8-30g (h), the modified application is to be treated as an amendment to the original application. The commission acknowledges that there is a need for affordable housing in the Town of East Lyme, and that less than 10% of its available housing stock meets the statutory definition of affordable housing. It also acknowledges that the amended application touches on objections to the original application contained in the Decision. However, based on the record created over two nights of public hearing, including information from the Applicants and their representatives, Town staff, public input, and the record of the proceedings on the original application, the commission hereby DENIES the modified application, finding that its denial is necessary to protect substantial public interests in health, safety or other matters which the commission may legally consider; (B) such public interests clearly outweigh the need for affordable housing; and (C) such public interests cannot be protected by reasonable changes to the affordable housing development. The commission finds as to specific public interests:

**1 –A** of Decision: "It is felt that the access and egress plan present a dangerous situation. The speed limit on this section of Route 1 is seriously ignored. The temptation to egress using a left turn is high, as the inconvenience of egressing right and finding a way back is great and has not been adequately addressed."

The amended application does not adequately address the traffic safety concerns, including without limitation the safety of left turns onto the public road by which the site will be accessed, partly because, as the record establishes, actual travel speeds on that road are higher than posted speed limits and are too high for an intersection at that site to be safe. The modifications addressing these concerns are not sufficient to eliminate the bases for this finding that denial of the original and of the modified applications is necessary to protect the public interests in public safety and health and that the public interest in these concerns outweighs the public interest in affordable housing.

**1-B** of Decision: “Because of the limited buildable area of the parcel, the positions of the septic systems, leaching fields, and residential units themselves are all forced into being placed on the steep slope without alternative. The risk of stormwater runoff and septic runoff without public sewer is significant. The risk is too great as the Latimer Brook-Niantic River tributary is on the bottom of the hill.”

The modifications addressing these concerns are not sufficient to eliminate the bases for this finding that denial of the original and of the modified applications is necessary to protect the public interests in the protection of these environmental resources and that the public interest in these resources outweighs the public interest in affordable housing.

**2** of Decision: “The substantial public interests that we are trying to protect are the Niantic River tributary and motorists accessing and leaving the property. From evidence in the record addressing these issues, we feel that the risks involved with developing this land do, in fact, outweigh the need for affordable housing in East Lyme and that there appears to be no alterations that would correct the issues.”

The modifications addressing these concerns are not sufficient to eliminate the bases for this finding that denial of the original and of the modified applications is necessary to protect the public interests in the protection of these environmental resources and that the public interest in these resources outweighs the public interest in affordable housing.

For the reasons stated herein, the Commission DENIES the Amended Application.

Attachment 3

Town of

Zoning Department



East Lyme

108 Pennsylvania Ave  
Niantic, Connecticut 06357

(860) 691-4114

Fax (860) 691-0351

MEMO TO: East Lyme Zoning Commission  
FROM: William Mulholland, Zoning Official  
RE: Coastal Area Management (CAM) Review  
13 Point Rd, Niantic  
DATE: June 20, 2024

In this application, it is proposed to demolish an existing home and construct a new residence and garage. This property is identified in the application as 13 Point Rd which is located in the Giants Neck Beach Association. Because the Association has its own Zoning Authority, the East Lyme Zoning Commission jurisdiction is limited to the Coastal Area site plan issues.

A CAM review is required for this project because the proposed building location is within 100 feet of a coastal resource; rock shore fronts and developed shore front.

As the Commission is aware, coastal site plan reviews are a state mandated program authorized in Chapter 444 of the Connecticut General Statutes. This statute delegates legal authority to Zoning Commissions to adopt regulations and regulate activities, not otherwise exempted, occurring above the CJL or coastal jurisdiction line as identified by the Connecticut DEEP and within the defined coastal boundary of their respective communities to protect coastal resources and ensure compliance with the CAM Act's coastal goals and policies. The Board is charged with the review of coastal site plans and may approve, modify, or deny activities proposed after evaluating the specific site, and considering the potential effects, both beneficial and adverse, of the activities on coastal resources and their consistency with applicable state coastal goals and policies. In acting on a coastal site plan, the Commission must state its findings and reasons for the decision. To approve, the Board must find that the proposed activity is consistent with all applicable coastal policies and standards and whether or not any potential adverse impacts of the proposed activity on both coastal resources and future water development are acceptable.

The Board should consider the characteristics of the site including the location and condition of on-site coastal resources, if any. The Commission must find, in an approval, that the application is consistent with all applicable goals and conditions of the act and that all reasonable measures to mitigate any adverse impacts of the proposed activity on both coastal resources and future water dependent activities.

The application Agent is here this evening and will give a brief presentation.

**Motion to Approve:** Application of Bruce and Linda Dworak, for Coastal Area Management (CAM) Review for property located at 13 Point Rd GNB, Niantic, Assessor Map 04.14 Lot 2 for construction of a single-family dwelling.

Reasons:

1. Applicant is consistent with all-applicable goals and conditions of the CAM Act.
2. Applicant has taken all reasonable measures to mitigate any adverse impacts of the proposed activity on both coastal resources and future water dependent uses.

**Motion to Deny:** Application of Bruce and Linda Dworak, for Coastal Area Management (CAM) Review for property located at 13 Point Rd GNB, Niantic, Assessor Map 04.14 Lot 2 for construction of a single-family dwelling.