

Minutes of the East Lyme Zoning Board of Appeals September 22, 2025, Regular Meeting

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Date and Time: 9/22/2025 7:00PM to 7:23PM

Present: Members: Chairman Steve Carpenteri, Wayne Blair, Spencer Clapp.  
Alternates: Patricia Kolosowski. Recording Secretary, Jessica Laroco

Absent: Members: Kevin Mace. John Manning

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

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**1. Call to Order**

-Chairman Carpenteri called the Regular Meeting of the East Lyme Zoning Board of Appeals to order at 7:00PM, noted Members John Manning and Kevin Mace were absent and sat Alternate Patricia Kolosowski.

**2. Public Hearing**

**Case 2-2025, Application of Thomas & Erica Wilson for a variance to the East Lyme Zoning Regulations Section 5.3.3 Setbacks from 20 feet to 1.5 feet on the eastern property line for placement of a 128 square foot (8 x 16 foot) shed at property located at 23 Hillwood Dr, Niantic. Assessor Map 16.3 Lot 10**

-Mr. Carpenteri noted that the legal ads had been run, abutter letters had been sent, and copies were in the file. He invited the Applicant to speak.

-Thomas Wilson, 23 Hillwood Dr, described his property using Exhibit 6 noting the setbacks and the significant grade. He noted anything bigger than an 8' x 10' shed would be hard to place. There is a patio on the eastern side of the property and is not level with the backyard, it is a few steps up to the patio.

-Mr. Carpenteri noted the 30-foot area at the back of the house.

-Mr. Wilson stated there had previously been a pool there, which he removed and put down sod, and there had been a timber retaining wall there. He had removed the retaining wall and replaced it with a 3-tier stone retaining wall. He noted that he did not want a shed outside the back window and also it was inconvenient to get the lawnmower up and down the steps. He also stated his desire to put a patio in that area just outside the house.

-Mr. Clapp asked about the upper grassy area and needing to get a lawnmower up and down the steps to mow it regardless of where the shed was placed. He noted that the upper area was a large area. He explained what it would mean to be impractical, i.e. there is no other viable way to put a shed, noting also that a hardship might consist of a steep grade coming all the way to within just a few feet of the house, which is not the case with this property. The area where the pool was filled is 30 feet and a shed could be placed there as it is on grade with the current driveway, and the upper area could also have a shed placed on it. He also noted that if the pool had been filled in correctly and had an entire year to show signs of settling and isn't it should be fine to put a shed on.

-Mr. Carpenteri noted that if there are other options for where a shed could go, a variance is not needed and therefore the Board could not grant a variance.

-Mr. Wilson wondered if he could add a garage to the property and the Board could not answer without an application. He stated that he was not given clear guidance prior to the application. He could not understand the information he requested and that was sent to him prior to attending the meeting. He felt that he had not been given accurate information as to the approval process.

-Mr. Carpenteri asked if anyone had told him he would be fighting an uphill battle and Mr. Wilson responded that the front office said “put it in”. He admitted that the front office told him the regular zoning application as it stood was a waste of money because they knew it would not be approved that close to the property line. He stated that he was then told to apply for a variance because he would need it. He stated that he was advised by the front office to apply for a variance. He made his own assessment that the area where the pool previously sat was not suitable and therefore wanted to move the shed to another location.

-Mr. Clapp noted because there was no hardship they could not grant a variance.

-Mr. Wilson wondered if there was a way to change the way a variance could be granted and the Board told him no because it is state law.

-Mr. Blair inquired about the planter shown on the plan and there was discussion about another place for a shed which could be next to the driveway.

-Mr. Wilson lamented the previous allowed uses and retaining walls and sidewalks and Mr. Clapp reminded him that people do things without permits and there are several neighborhoods that are very close together and his property has several options.

-Mr. Carpenteri asked if there was any comment from the public for, against or neutral to the proposal. There was none.

### **MOTION 1**

-Mr. Clapp moved to close the Public Hearing.

-Ms. Kolosowski seconded the motion.

-Motion passed unanimously, 4-0-0.

### **3. Regular Meeting**

**Case 2-2025, Thomas & Erica Wilson for a variance to the East Lyme Zoning Regulations Section 5.3.3 Setbacks from 20 feet to 1.5 feet on the eastern property line for placement of a 128 square foot (8 x 16 foot) shed at property located at 23 Hillwood Dr, Niantic. Assessor Map 16.3 Lot 10**

-The Board discussed the hardship aspect and that there were other areas a shed could go and noted that they had discussed this during the Public Hearing.

### **MOTION 2**

-Mr. Clapp moved to deny the application of Thomas & Erica Wilson for a variance to the East Lyme Zoning Regulations Section 5.3.3 Setbacks from 20 feet to 1.5 feet on the eastern property line for placement of a 128 square foot (8 x 16 foot) shed at property located at 23 Hillwood Dr, Niantic. Assessor Map 16.3 Lot 10 for the following reasons:

- There is no legal hardship, or impracticality, and there are other options for shed placement.
  - Mr. Blair seconded the motion.
  - Motion passed unanimously, 4-0-0.
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#### **4. Adjournment**

##### **MOTION 3**

- Mr. Clapp moved to close the Regular Meeting of the East Lyme Zoning Board of Appeals at 7:23PM.
- Mr. Blair seconded the motion.
- Motion passed unanimously, 4-0-0.

Respectfully submitted,  
Jessica Laroco,  
Recording Secretary

# Town of

Zoning Department



# East Lyme

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To: Zoning Board of Appeals

From: <sup>JS</sup>Jessica Laroco, Land Use Coordinator, Janet Sutherland, Administrative Assistant

RE: September 22, 1025, ZBA Regular Meeting

Meeting record correction

Please accept this notice as an addendum to the record the September 22, 2025, Regular Meeting of the East Lyme ZBA. During the Regular Meeting, on several occasions the Applicant made statements to the Board which were felt to be inaccurate by the office staff, including the Recording Secretary:

1. The office staff cannot and will not state what the ZBA Board may decide.
2. The office staff cannot and will not deny anyone the right to apply for a variance.
3. The office staff cannot be held responsible for the information disseminated to Mr. Wilson from Mrs. Wilson.
4. The office staff can and does provide an opinion as to whether something qualifies as a legal hardship, however, the staff will not deny anyone the right to go before the Board.
5. The office staff provides information from a legal land use primer entitled "Connecticut Practice Series, Connecticut Land Use Law and Practice" by Attorney Robert Fuller which describes legal hardships as well as ZBA powers, authorities, and duties.