

Minutes of the East Lyme Zoning Commission September 4, 2025, Regular Meeting

Date and Time: 9/4/2025 7:30PM to 8:05PM

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

Absent: Member: Debbie Jett-Harris. Alternates: Jim Liska.

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

1. Call to Order and Pledge

-Ms. Thurlow called the September 4, 2025, Regular Meeting of the East Lyme Zoning Commission to order at 7:30PM and led the Pledge of Allegiance.

2. Attendance

-Ms. Thurlow called the roll and noted Member Debbie Jett-Harris was absent and sat Alternate Sarah Susco in her place. She also noted that Alternate Jim Liska was absent.

3. Public Hearing - None

4. Regular Meeting

a. Application of Ocean County Construction for Coastal Area Management (CAM) Review for repair to existing seawall at property located at 1 Blue Heron Ct, Niantic Assessor Map 05.19 Lot 95.

-Ms. Kalal read a memo from the Zoning Official (Attachment 1).

-Applicant, Adam Vernot of Ocean County Construction in North Stonington, presented several maps to the Commission and described their meaning. He pointed to the disrepair of the existing seawall as well as locations of work to be performed along with their descriptions. He confirmed Mr. Mulholland's question that he had previously obtained approval from the CT DEEP. He also confirmed Mr. Peck's question that the boulders in front of the seawall would be replaced in the same location after the repair was complete.

MOTION 1

-Ms. Markovitz moved to approve the Application of Ocean County Construction for Coastal Area Management (CAM) Review for repair to existing seawall at property located at 1 Blue Heron Ct, Niantic Assessor Map 05.19 Lot 95, noting the application is consistent with all applicable goals and conditions of the CAM Act and the Applicant had taken all reasonable measures to mitigate any adverse impacts of the proposed activity on both coastal resources and future water dependent uses.

-Mr. Foley seconded the motion.

-Motion passed unanimously, 6-0-0.



5. Disposition of Minutes

Approval of Minutes of August 7, 2025, Regular Meeting

MOTION 2

-Ms. Kalal moved to approve the Minutes of the August 7, 2025, Regular Meeting of the East Lyme Zoning Commission, as presented.

-Ms. Markovitz seconded the motion.

-Motion passed unanimously, 6-0-0.

6. Old Business – There was none

7. Subcommittee Reports – There were none.

8. New Business

- a. **Application of Jerry Lokken, for East Lyme Parks & Recreation for Special Permit under Section 20.1-F of the East Lyme Zoning Regulations, for property located at 16 Mostowy Rd, East Lyme, Assessor Map 40.0 Lot 5.**

-Ms. Thurlow asked Mr. Mulholland to schedule a Public Hearing.

- b. **Application of Alex Klose, for East Lyme Public Works, for Special Permit under Section 20.1-F of the East Lyme Zoning Regulations, for property located at 475 Boston Post Rd, East Lyme, Assessor Map 18.0 Lot 21.**

-Ms. Thurlow asked Mr. Mulholland to schedule a Public Hearing.

- c. **Application of Robert Farrior, agent for Kari-Hill Post #5849 & Veteran of Foreign Wars, for Special Permit for a Private Club per Section 9.2.1 of the East Lyme Zoning Regulations for property located at 39 Columbus Ave, Niantic, Assessor Map 11.4 Lot 78.**

-Ms. Thurlow asked Mr. Mulholland to schedule a Public Hearing.

- d. **Application of Thomas Gannoe for waiver of ownership for back lot per Section 20.8 in favor of property located at 29 Upper Walnut Hill Rd East Lyme, Assessor Map 54.0 Lot 9.**

-Ms. Thurlow asked Mr. Mulholland to schedule a Regular Meeting.

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

-Ms. Kalal voted to add the discussion of amending the EL Zoning Regulations regarding chickens

-All members unanimously agreed to add the item.

-Ms. Kalal stated that keeping chickens should be available to anyone in town, not just people with 1 acre of land or more. She quoted Chat GPT as stating that we (East Lyme) only have 1 lot in town which is less than 10,000 square feet. She later wondered what the current smallest lot in East Lyme was. She commented that people often lose interest in chickens after time and she receives a lot of people's unwanted animals.

-Mr. Foley wondered if the Regulations define what a chicken is (they do not, specifically).

-Ms. Markovitz wondered why there was a limit of 6 chickens and stated not everyone has chickens for eggs, some have them for meat.

-Ms. Susco wondered about the individual HOA rules regarding chickens. She also wondered if anyone else on the Board had been hearing about people asking for chickens. Most answered no.

-Mr. Peck wondered if this would be self-governing.

-Mr. Mulholland stated that the change could be to add the ability to have chickens to the R-12 and R-10 Districts and drop the size requirement or use a 10,000 square foot minimum. He read the current Regulations regarding chickens found in Section 25.5. He relayed the history of this regulation that it was made some years ago and noted at that time, the Commission felt the acreage and the limit was appropriate, as there were concerns over the denser neighborhoods and the potential not being well kept and therefore inviting vermin. He reminded the Commissioners of the referral process regarding a Text Amendment. He noted HOAs would be able to additionally regulate chickens, should the Commissioners vote to allow them in these neighborhoods. He noted this regulation would be self-governing and people would not need to come in for a permit.

MOTION 3

-Mr. Peck voted to bring a Text Amendment regarding the keeping of chickens to Public Hearing.

-Ms. Markovitz seconded the motion.

-Motion passed unanimously, 6-0-0.

-Ms. Thurlow asked Mr. Mulholland to schedule a Public Hearing.

f. **Correspondence-** There was none

9. **Public Delegations** -There were none

10. Zoning Official

-Mr. Mulholland noted the fall is going to be busy for the Commission and he reported that the First Selectman had told the Town Attorney to move forward with the Affordable Housing Appeals Moratorium Application.

11. Comments from Ex-Officio

-Ms. Hardy reported that the BOS voted unanimously to pass a Water and Sewer Moratorium which would last 3 years and would allow the Town to develop a plan to move forward regarding current and future capacity needs. She suggested a Commission Member may want to be active in these discussions. She also suggested Member watch the BOS meeting that was recorded for more information.

-There was some confusion over the 2 Moratoriums (Affordable Housing Appeals and Sewer Capacity), and it was ultimately determined that Ms. Hardy would question Mr. Cunningham for more information regarding the Affordable Housing Appeals Moratorium.

12. Zoning Board Liaison to the Planning Commission

a. August 12, 2025- Foley

-Mr. Foley went to the meeting and noted that the Planning Commission had discussed the Text Amendment which had since been withdrawn.

b. September 9, 2025-Jett-Harris

13. Comments from the Chairman-There were none

14. Adjournment

MOTION 4

- Ms. Markovitz moved to adjourn the September 4, 2025, Regular Meeting of the East Lyme Zoning Commission at 8:05PM.
- Ms. Susco seconded the motion.
- Motion passed unanimously, 6-0-0.

Respectfully submitted,
Jessica Laroco,
Recording Secretary

Town of

Zoning Department



Attachment 1 East Lyme

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MEMO TO: East Lyme Zoning Commission

FROM: William Mulholland, Zoning Official *WM*

RE: Coastal Area Management (CAM) Review
1 Blue Heron Ct, Niantic

DATE: September 3, 2025

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-depending activities.

The Applicant, Ocean County Construction, has applied for a Coastal Area Management (CAM) Site Plan Review. The purpose of the application is to repair an existing seawall. The subject wall is approximately 104 feet in length with a set of concrete stairs at the northerly end. The stairs access the shoreline. The wall protects an existing dwelling on the upland area of the property. The applicant will excavate the waterside of the wall, repair it as necessary and reface the wall with a 10-inch-thick reinforced concrete face up to the existing top elevation of 8.2 feet. The excavation will then be backfilled with stone and regraded. The concrete stairs will also be replaced.

I note here that the Connecticut Dept of Energy and Environmental Protection has already issued a Certificate of Permission (COP) to perform the work. Because the project is a solid erosion control structure, the CAM Act requires both the Town and CT DEEP to review and approve. The State has

jurisdiction below the Coastal Jurisdiction Line (CJL) and the Town, above. In this application, the CJL is halfway up the face of the seawall.

Because the Town has limited authority, and CT DEEP has already approved, our review is essentially a housekeeping process.

Motion to Approve: Application of Ocean County Construction for Coastal Area Management (CAM) Review for repair to existing seawall at property located at 1 Blue Heron Ct, Niantic Assessor Map 05.19 Lot 95.

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 Ocean County Construction for Coastal Area Management (CAM) Review for repair to existing seawall at property located at 1 Blue Heron Ct, Niantic Assessor Map 05.19 Lot 95.