

Minutes of the East Lyme Zoning Commission January 8, 2026, Regular Meeting

Date and Time: 01/08/2026 7:31PM to 8:54PM

Present: Members: Chairman, Anne Thurlow, Secretary, Nancy Kalal, Norman Peck, Debbie Jett-Harris, Denise Markovitz, Cathy Yuhas. Alternates: Kerry Edwards, Sarah Susco, James Liska. Staff: William Mulholland. Ex-Officio: Roseanne Hardy. Recording Secretary: Aviana Lozano with notes from Kerry Edwards

Absent: None

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

1. Call to Order and Pledge

-Chairman Thurlow called the January 8, 2026, Regular Meeting of the East Lyme Zoning Commission to order at 7:31PM and led the Pledge of Allegiance.

2. Attendance

-Ms. Thurlow had alternate Kerry Edwards take minute notes.

3. Public Hearing

a. Arx Wireless Infrastructure, LLC and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility and associated equipment located at 306 Flanders Road, East Lyme, Connecticut.

-Ms. Kalal read Mr. Mulholland's memo.

-Ms. Thurlow summarized the history of the process of the Cell Tower application

-Ms. Thurlow asked public if anyone would like to give their opinion.

-John Drabik, 18 Drabik Road, requested Commission to turn down the application because it is incomplete due to Arx Wireless not doing enough research.

-Ken Thomas, Consultant for John Drabik, stated he reviewed the Cell Tower application and presented pictures of current cell tower locations to the Commission [Attachment A] and stated it is less than a mile away from proposed cell tower. He believes Arx Wireless had not done their due diligence and explained why they have not.

-Ken Thomas stated that the Town should deny the Cell Tower application and showed evidence of why by having pictures and Thomas quoted from Siting Council page and zoning regulations.

-Mr. Mulholland pointed out the fall zone of cell tower location. Mrs. Thurlow agreed it could fall on cars and people.

-John Tichy, 9 Bittersweet Drive, stated AT&T had an application on the same site and withdrew it because they found a Native American historical sacred burial site.

-Anne Santoro, 11 Rose Lane, commented the commission will have 'double trouble' on Route 161 cell tower and Ancient Highway Cell Tower applications. Ms. Santoro pointed out the short three-day Notice for the Board of Selectman Public Hearing. Ms. Santoro furthered that the First Selectman's office ignored the communication from applicants and there was no formal informational session.

-Anne Santoro agreed with the points Mr. Mulholland made on the November 19, 2025, meeting. Ms. Santoro thought the location is problematic, elevation is low, and the tower does not go with

COMMITTEE
RECORD
2026-01-08 P 12:28
EAST LYME ST

the landscape. Ms. Santoro added East Lyme is not an intervenor on the case and hopes for the Town to do its due diligence and added there is a schedule of deadlines until January 22, 2026, for municipal comments. Ms. Santoro stated the Ancient Highway Radio Tower is at 155 feet elevation and could go to 195 feet. Ms. Santoro added that it was a stipulated case that Ms. Thurlow, Ms. Markovitz, and Ms. Peck denied the case and went to Superior Court, which was then subsequently a stipulated judgement and in that reads the agreement between Mr. Drabick and the town of East Lyme. Ms. Santoro agreed with Mr. Tichy about the withdrawal of the application from AT&T in 2015.

-Ms. Thurlow stated the First Selectman had been advised by Town Council to speak with Eversource to extend their lease,

-Ms. Santoro has three items to submit for the record [Attachment B, C, D].

-Ms. Santoro inquired about radio tower in the Capital Improvement Plan and if it is going to happen or has it begun to replace tower by Flanders school and has not spoken to Emergency services about it.

-At 8:10 PM Ms. Kalal left the meeting. Ms. Thurlow then seated Mr. Liska.

- Mr. Thomas spoke again and asked to verify the Indian pile of stones and they were never documented on the registry. Mr. Thomas stated they have to do collocation and offered communications to the Town of East Lyme.

-Susan Tichy, 9 Bittersweet Drive, said our neighborhood fought 10 years ago to not have cell tower and majority doesn't want it now.

MOTION 1

-Markovitz moved to close the Public Hearing

-Yuhas seconded the motion.

-Motion passed, 6;0;0.

b. Application of Jerry Lokken, for East Lyme Parks & Recreation, for a Special Permit under Section 20.1.2(F) of the East Lyme Zoning Regulations, to construct an ADA accessible trail, and improve the existing parking area for Darrow Pond, at property located at 16 Mostowy Road, East Lyme, Assessor Map #40.0, Lot #5.

-Continued to next meeting.

MOTION 2

-Jett-Harris moved to continue the Public Hearing

-Markovitz seconded the motion.

-Motion passed unanimously, 6;0;0.

4. Regular Meeting

a. Arx Wireless Infrastructure, LLC and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility and associated equipment located at 306 Flanders Road, East Lyme, Connecticut.

-Ms. Markovitz stated the area will be taken up by the cell tower, Smokey O'Grady's is going to lose parking and there are major drainage problems, and the application does not address said problem. Ms. Markovitz added the site is not appropriate. Ms. Markovitz added Drabick's site wasn't put into consideration as well as other sites she listed.

-Ms. Thurlow noted the proposed cell tower is 100 feet from the wetlands but should be 300 feet by regulation.

-Ms. Markovitz added she is not against the Arx Wireless cell tower but is not an appropriate site location.

-Ms. Yuhas agreed and noted all the places Arx Wireless looked at is the Flanders area. Ms. Yuhas added a future issue that if owner changes it will become non-conforming because they're taking away parking spaces.

-Ms. Thurlow noted there is already illegal parking.

-Mr. Mulholland interjected and stated the adjacent northerly parcel has expanded its existing parking without a permit. Mr. Mulholland added This condition requires to send a violation notice. He stated offsite parking cannot be counted towards compliance for uses on other lots. Mr. Mulholland added lack of parking may make it a non-conformity.

- Mr. Peck stated due to Commission's influence which creates a nonconformity and there is lack of information.

-Ms. Jett-Harris also disagreed with the location of the cell tower. Ms. Jett-Harris expressed concern for radiation effects.

-Mr. Mulholland listed good recommendations for other potential locations for cell tower.

-Ms. Jett-Harris stated the Siting Council wants it to go into a place the people feel comfortable, gives thanks to Mr. Mulholland and asked when did he get notified of this.

-Ms. Markovitz reads the application submission from October 15, 2025.

MOTION 3

-Markovitz moved to draft a letter to the [Connecticut] Siting Council with concerns as listed in the Public Hearing record.

-Liska seconded the motion. Jett-Harris opposed it based on radiation effects.

-Motion passed, 5;1;0.

MOTION 4

-Markovitz moved to have the Board of Selectmen hire an intervenor.

-Jett-Harris seconded the motion.

-Motion passed unanimously, 6;0;0.

b. Application of Jerry Lokken, for East Lyme Parks & Recreation, for a Special Permit under Section 20.1.2(F) of the East Lyme Zoning Regulations, to construct an ADA accessible trail, and improve the existing parking area for Darrow Pond, at property located at 16 Mostowy Road, East Lyme, Assessor Map #40.0, Lot #5

-Continued to next meeting.

5. Disposition of Minutes

Approval of Minutes of December 4, 2025, Regular Meeting

MOTION 5

- Markovitz moved to approve the Minutes of December 4, 2025, Regular Meeting of the East Lyme Zoning Commission with corrections.
- Jett-Harris seconded the motion.
- Liska abstained from the vote
- Motion passed, 5-0-1.**

6. Old Business - None

7. New Business

- a. Application of Jerry Lokken, for East Lyme Parks & Recreation for a Coastal Area Management (CAM) Review for seawall replacement for property located McCook's Beach, 8 Atlantic Street, Niantic, Assessor Map #11.4, Lot #175
- b. Any business on the floor, if any, by the majority vote of the Commission.
- b. Correspondence

8. Public Delegations – There were none

9. Zoning Official -There was no comment

10. Comments from Ex-Officio

- Ms. Hardy stated they are working on filing vacancies for Boards and Commissions that are not elected and began working on people who would like to be reappointed. Ms. Hardy added to look for list of position vacancies online. She also asked Commission if they know anyone with a plan for any event the 250th Committee will be meeting every first and third Thursday of the month. Ms. Hardy added possibly bringing in automated traffic enforcement safety developments.

11. Subcommittee Reports

- a. Short-Term Rental Subcommittee
- Ms. Jett-Harris has no update and stated they will meet on January 13, 2026.
- Ms. Yuhas would like to have meeting start at 10:00 AM.

12. Zoning Board Liaison to the Planning Commission

- a. January 13, 2026 – Edwards
- b. February 10, 2026 – Jett-Harris

13. Comments from the Chairman

-Ms. Thurlow stated she did go to last Planning meeting. She added most of the meeting was about election of officials. Ms. Thurlow added at the meeting they did vote on building trails around Darrow Pond and approved the parking.

14. Adjournment

MOTION 6

-Ms. Jett-Harris moved to adjourn the January 8, 2026, Regular Meeting of the East Lyme Zoning Commission at 8:54PM.

-Ms. Markovitz seconded the motion.

-Motion passed unanimously, 6-0-0.

Respectfully submitted,
Aviana Lozano,
Recording Secretary

Attachment A

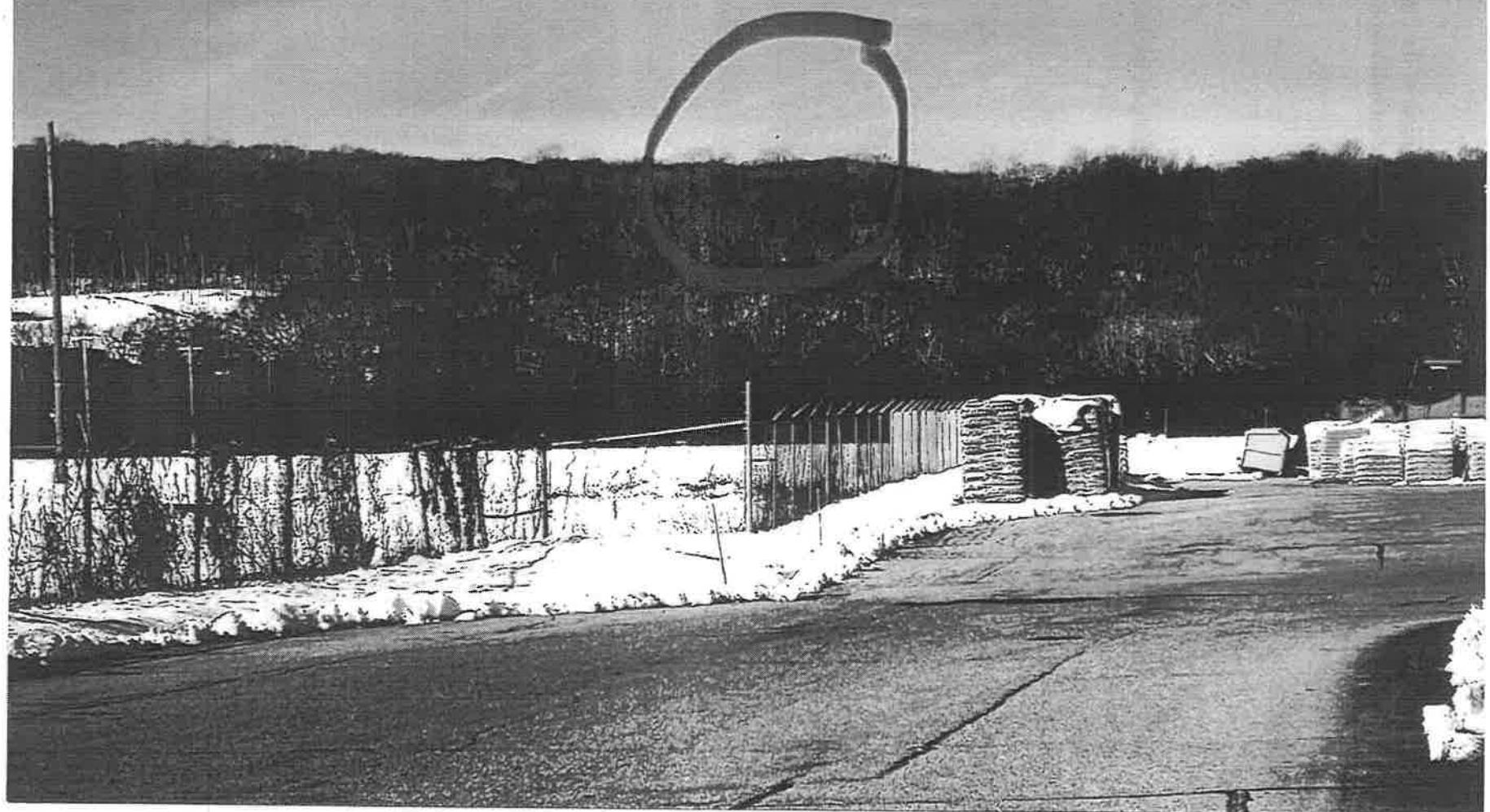


Exhibit "A"

130 Toured
Accident Highway

Exhibit "B"

Attachment B



Photo - 2015 - provided by Anne Santos
Area in front Ancient Highway, East Lymne, CT

Exhibit "C"

Attachment C

DOCKET NO. KNL-CV19-6042862 : **SUPERIOR COURT**
JOHN H. DRABIK : **J.D. OF NEW LONDON**
V. : **at NEW LONDON**
TOWN OF EAST LYME ZONING : **OCTOBER 19, 2021**
COMMISSION

STIPULATED JUDGMENT

The parties hereto stipulate and agree that, solely for the purpose of resolving the above-captioned matter, judgment may enter sustaining the plaintiffs' appeal only upon the following conditions:

1. The tower will be 155 feet tall;
2. The tower will be painted gray to blend in with its surroundings better; and
3. No costs shall be awarded to any party.

THE PLAINTIFF
JOHN DRABIK

/s/ Eric J. Garofano
Eric J. Garofano, Esq.
Conway, Londregan,
Sheehan & Monaco, P.C.
38 Huntington Street
New London, CT 06320
860-447-3171
Juris # 010792
His Attorney

THE DEFENDANT,
TOWN OF EAST LYME ZONING COMMISSION

/s/ Mark S. Zamarka
Mark S. Zamarka, Esq.
Waller, Smith & Palmer, P.C.
52 Eugene O'Neill Dr.
New London, CT 06320
860-442-0367
Juris # 065975
Its Attorney

DOCKET NO: KNLCV196042862S

ORDER 089996

DRABIK, JOHN
V.
TOWN OF EAST LYME ZONING
COMMISSION

SUPERIOR COURT

JUDICIAL DISTRICT OF NORWICH/NEW
LONDON
AT NEW LONDON

10/28/2021

ORDER

ORDER REGARDING:

10/27/2021 117.00 CASEFLOW REQUEST (JD-CV-116)

The foregoing, having been considered by the Court, is hereby:

ORDER: GRANTED

Short Calendar Results Automated Mailing (SCRAM) Notice was sent on the underlying motion.

089996

Judge: BY THE COURT
Processed by: Rohan Kapur

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.

Exhibit D

Attachment D

(Page 85 of 86
Return of sealed

ZC Public Hearing Jan 8, 2026 : Exhibit "D"

From: towernotifyinfo@fcc.gov
Sent:
To:
Cc:
Subject:

Dear Nicole Castro Mrs,

Thank you for using the Federal Communications Commission's (FCC) Tower Construction Notification System (TCNS). The purpose of this email is to inform you that an authorized user of the TCNS has replied to a proposed tower construction notification that you had submitted through the TCNS.

The following message has been sent to you from Deputy THPO Elaine Thomas of the Mohegan Indian Tribe in reference to Notification ID #125589:

TCNS# 125589- Our office has completed research for the proposed new telecommunications facility located at Ancient Highway, East Lyme, CT. We have reviewed the Preliminary Archeological Assessment that was prepared for this project that concluded the proposed tower location has remained undeveloped and it is forested to this day. To date no archaeological sites and/or National Register of Historic Places Properties have been identified within 0.8 km (0.5 mi) of the proposed project location. Heritage Consultants, LLC proposed that no additional archaeological research is recommended for this project.

A site walk conducted by the Mohegan THPO on June 10, 2015 confirmed that the location is undisturbed by development and no visible cultural features were identified within the Area of Potential Effects-Direct Effects (APE-DE) of the project property. However there are substantial stone groupings on the adjacent property. Although the cultural stone features are outside of the APE-DE, the proposed new telecommunications facility would clearly impact the view shed and possibly cause impact to the overall integrity of the landscape.

The Mohegan THPO strongly believes that the needs of the Applicant can be met without compromising the integrity of historic properties of religious and cultural significance, and notably in regards to this project and what most likely is a ceremonial stone landscape that would be eligible for the National Register.

Based upon these findings, it is the opinion of the Mohegan THPO that this undertaking would cause an Adverse Effect to properties of traditional religious and cultural significance to the Mohegan Tribe. Our office looks forward to working together with all parties to avoid potential destruction of properties of religious and cultural significance to our Tribe. The Mohegan THPO is in support of finding an alternative location for the proposed new telecommunications facility located at Ancient Highway, East Lyme, CT, to avoid potential effects to the view shed and possibly cause potential adverse effects to the overall integrity of the landscape due to the abundance of cultural features nearby.

Thank you for the opportunity to research this project in accordance with the National Historic Preservation Act.

Best Regards,

Elaine Thomas
Mohegan Tribe Deputy THPO

For your convenience, the information you submitted for this notification is detailed below.

Notification Received: 04/10/2015

Notification ID: 125589

Tower Owner Individual or Entity Name: AT&T Mobility d/b/a New Cingular Wireless PCS, LLC (AT&T),

Consultant Name: Nicole Castro Mrs

Street Address: All-Points Technology Corp., P.C.

3 Saddlebrook Drive

City: Killingworth

State: CONNECTICUT

Zip Code: 06419

Phone: 860-663-1697

Email: ncastro@allpointstech.com

Structure Type: MTOWER - Monopole

Latitude: 41 deg 21 min 36.8 sec N

Longitude: 72 deg 13 min 35.1 sec W

Location Description: Ancient Highway

City: East Lyme

State: CONNECTICUT

County: NEW LONDON

Detailed Description of Project: Refer to Site Plans

Ground Elevation: 76.2 meters

Support Structure: 53.3 meters above ground level

Overall Structure: 53.3 meters above ground level

Overall Height AMSL: 129.5 meters above mean sea level

