

TOWN OF EAST LYME

ZONING COMMISSION

MARCH 24, 2016

PUBLIC HEARING MINUTES

**Members Present:**

**Matthew Walker, Chairman**  
**George McPherson**  
**William Dwyer**  
**Terence Donovan**  
**Norm Peck**  
**John Manning**  
**David McIlhenney (Arrived at 7:35)**

**Members Absent:**

**James Liska, Alternate**  
**Peter Lukas, Alternate**

**Also Present:**

**Rita Franco-Palazzo, Planning Representative**  
**Bill Mulholland, Zoning Officer**

FILED IN EAST LYME  
CONNECTICUT  
Mar 29 2016 AT 10:45 AM/PM  
*Caia G. Gallo, Jr.*  
EAST LYME TOWN CLERK

CALL TO ORDER

Chairman Walker called the Public Hearing to order at 7:32 p.m.

PLEDGE OF ALLEGIANCE

Chairman Walker led the assembly in the Pledge of Allegiance.

PUBLIC DELEGATIONS

There were no public delegations.

- 1. CONTINUATION OF APPLICATION OF EDWARD M. CASSELLA, ESQ., FOR WHITE GATE FARM, FOR AN AMENDMENT TO THE EAST LYME ZONING REGULATIONS SECTION 1, SECTION 5.2.9, AND SECTION 25 FOR FARM EVENTS.**

Mr. McPherson read a letter from Liza Dousson.

Mr. McIlhenney arrived at 7:35 p.m.

Mr. McPherson read a letter from Jeff and Linda Michelson.

Mr. McPherson read a letter from Bill Morrison.

Mr. McPherson read a letter from Gary and Kathy Sterling.

Mr. McPherson read a letter from Michael Sheehan.

Mr. McPherson read a letter from John and Maureen Sheehan.

Mr. Donovan reminded everyone this is not just for White Gate Farm, it affects the whole town.

Mr. Mulholland stated if adopted then they would need a special permit, this application is not site specific.

Edward Cassella, 29 Elm Street, Old Saybrook stated that he made minor amendments to the text to clean up some language. On page two the buffer was changed to 350 feet and not 500 feet. There was a language change for designated parking areas for large events. Under Farm Education events, etc. was eliminated.

Chairman Walker stated they were not substantive changes to the original.

Attorney Cassella reminded the Commission that the Planning Commission said this was consistent with the POCD and at the February 18<sup>th</sup> meeting a number of people spoke in favor of this application.

Pauline Lord, 80 Upper Pattagansett Road thanked the Commission stated her mother cared about protecting the land from a developer. They take stewardship of the land seriously. She likes the peace and quiet on the lake also, but there are fireworks all the time. There are noisy parties at the campground. Jet skis and ski boats are just a fact of life on the lake. They also have the East Lyme Marching Band, war games at Stone's Ranch, and the Waterford Speedbowl as sources of sound. She enjoys the sound of people enjoying the lake. She wants to provide more ways for people to experience the farm. Hosting these events will allow them to further share the farm with the community and to help keep them in business.

Mr. Peck asked if the reduction of the buffer was a substantive change without a new notice.

Mr. Mulholland stated that could be debated, but he doesn't see that it was so significant that notice needs to be re-done. He asked Mr. Cassella about the outdoor amplification under Dinners at the Farm.

Attorney Cassella stated there is no music at the Dinners at the Farm, she has used a portable speaker, but it says no musical amplification.

Mr. Mulholland asked if he would add that music is prohibited.

Attorney Cassella stated yes, he is willing to say no music is allowed.

Mr. Manning asked what percentage of revenue would be provided by these weddings.

Pauline Lord stated about 10%.

Mr. Manning asked if amplified music is essential for weddings.

Mr. Donovan stated they are proposing to have that until 10:00 p.m.

Mr. Manning stated most of the complaints are about music, is there some sort of compromise?

Pauline Lord stated she understands their concerns. They are about 1000 feet from the lake where the weddings will be taking place.

Attorney Cassella stated 100 people is a small wedding.

Dr. Si Baker Goodwin, 32 North Bride Brook Road, East Lyme stated sound is not about distance, but what is around it and absorbs the sound. She is a supporter of the farm; she is not a friend of the owners. Noise is judgment, some might find it objectionable, and some might. There are ways to mitigate the sound issues. This farm has good local food grown on the property. They take care of the soil. If they don't keep the farm we will be in trouble, farms are great for tourist business.

Chairman Walker stated all testimony tonight should be new testimony.

Henry Talmage, 49 Prospect Avenue, Niantic stated he was in support of this application. He is Executive Director the CT Farm Bureau, prior to that he ran the CT Farmland Trust. He has had dinner at the White Gate Farm. Agriculture is changing. There are 30 plus Agriculture Commission's across the State. Farms are really struggling. The alternate can be 70 houses on the farm. This conversation is going on across the State. 50 acres is the biggest size restriction he has seen for this kind of use. Griswold and Colchester have similar items in their Zoning Regulations. He gave the Commission a copy of them.

Liza Dousson, 40 Franklin Street, New London stated she is not a friend of the owner, but she is a friend of the farm. She is so grateful the farm is in our community. The neighbors should think of the long term issues if the farm was not there.

Jennifer Murray, 7 Tabernacle Drive, Niantic stated she is strongly in favor of this application. She was recently put in charge of her niece's wedding. There were zero dollars spent on that wedding in East Lyme.

Edward Cassella read a letter from Robert and Jack Cutillo of Niantic Plumbing.

Edward Cassella read a letter from Emerson Dexter of True Value.

Edward Cassella read a letter from Colin Campbell of Rings End.

**Motion (1) Mr. Donovan moved to close the Public Hearing.**

**Seconded by Mr. McPherson.**

**Motion Passed 6-0.**

**2. APPLICATION OF THEODORE A. HARRIS FOR A TEXT AMENDMENT TO THE EAST LYME ZONING REGULATIONS TO ADD A DEFINITION FOR AN ANCHOR STORE IN THE GATEWAY DISTRICT.**

Mr. Mulholland confirmed the legal advertisement ran on this item.

Mr. McPherson read a memo from Mr. Mulholland.

Mr. McPherson read a letter from the Planning Commission.

Chairman Walker read a letter from Marcy Balint of DEEP.

Attorney Harris stated this is a request for a definition of Anchor Store. It is prudent to put the definition in the Regulations. The definition lists typical things. A permit is not required for each individual use. They cannot do items that are prohibited. This is to clarify what a large anchor store is. The maximum square footage is 140,000 square feet. That is not to be confused with a junior anchor store, which can go up to 90,000 square feet.

Mr. Donovan asked if they can remove motor vehicle fuel sales.

Attorney Harris stated that is an essential element.

Mr. Mulholland stated a gas station would not be in the aquifer.

Attorney Harris stated if someone tried to put fuel sales in the aquifer it would not be allowed.

Mr. Mulholland stated the site plan has been approved, that use is already allowed outside of the aquifer, this is to clarify the definition.

Mr. Donovan asked if only one anchor store is allowed.

Attorney Harris stated the Regulations for Gateway say that only one is allowed.

Chairman Walker stated DEEP would have had a problem if there was an issue with the aquifer.

Attorney Harris stated parts of Gateway are in the aquifer, but motor vehicle fuel sales cannot be in the aquifer, the uses have to comply with any Regulation.

Mr. Mulholland stated we don't want to limit what they can sell inside the store, as things come and go. The gas station is already allowed.

Attorney Harris stated the gas station is allowed if it is out of the aquifer. These types of stores do have fueling stations.

Mr. Mulholland stated this definition is not adding anything new; it is just clarifying what is allowed. Nobody wants to put anything that is not appropriate.

**Motion (2) Mr. McPherson moved to close the Public Hearing.**

**Seconded by Mr. Dwyer.**

**Motion Passed 6-0.**

**Respectfully Submitted,**

A handwritten signature in black ink, appearing to read "Karen Miller Galbo". The signature is written in a cursive, flowing style.

**Karen Miller Galbo  
Recording Secretary**