

FILED IN EAST LYME  
CONNECTICUT  
Feb 23, 2016 AT 9:30 AM PM  
*Lesley A. B. O'Neil*  
EAST LYME TOWN CLERK

**TOWN OF EAST LYME**

**ZONING COMMISSION**

**FEBRUARY 18, 2016**

**PUBLIC HEARING MINUTES**

**Members Present:**

- Matthew Walker, Chairman
- Terence Donovan
- John Manning
- George McPherson
- Norm Peck
- James Liska, Alternate (Sat for Regular Meeting)
- Peter Lukas, Alternate (Sat for Public Hearing)

**Members Absent:**

- William Dwyer
- David McIlhenney, Alternate

**Also Present:**

- Bill Mulholland, Zoning Officer
- Rose Ann Hardy, Ex-Officio
- Rita Franco-Palazzo, Planning Representative

**CALL TO ORDER**

The Public Hearing was called to order at 7:34 p.m.

**PLEDGE OF ALLEGIANCE**

Chairman Walker led the assembly in the Pledge of Allegiance.

Chairman Walker sat Mr. Lukas as a regular member for the Public Hearing.

**PUBLIC DELEGATIONS**

Tom Kalal, 80 Grassy Hill Road, East Lyme stated he is on the Agriculture Commission; he introduced two other members of that Commission. He spoke about beekeeping, he feels the regulations are too restrictive, and as society changes so should our rules and regulations. He would like to educate the Zoning Commission on beekeeping either as a presentation or a sub-committee. There is going to be a celebration of agriculture in East Lyme on March 16<sup>th</sup> from 6:00 to 7:00 p.m.

1. **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**

Chairman Walker stated they are going to open the two public hearings separately although they will probably have some cross testimony. He advised the Commission members that any motions should be made separately.

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

Mr. McPherson read a letter from Mr. Mulholland.

Mr. McPherson read a letter from Marcy Balint of DEEP.

Mr. McPherson read a letter from Thomas Seidel of SCCOG.

Mr. McPherson read a letter from the East Lyme Planning Commission.

Chairman Walker read a letter from Vijay and Pradnya Sikand.

Mr. McPherson read a letter from Deborah Buxton Morris.

Chairman Walker read a letter from Linda Sample of Thyme to Cook.

Attorney Ed Cassella, 29 Elm Street, Old Saybrook stated White Gate Farm comprises a number of parcels which equal approximately 100 acres. There are two different applications, and two different public hearings. They are applying to amend the regulations to allow farm events as an accessory use in RU-40 zones and amend Section 25.5. The purpose is to allow ancillary events. This farm is an asset to this community. It is a historic property. The Planning Commission has weighed in that this application is consistent with the Plan of Conservation and Development. This will allow commercial farms to remain profitable. This is the first step in a two-step process. They are applying for the amendment and then that will be followed by the special permit application. The Zoning Commission can have assurance that the impacts to neighbors will be minimal. There are three types of events, dinners at the farm, weddings, and farm education. It could be applied for by any 50 acre parcel in RU-40, subject to a special permit. Dinners at the farm have been going on for 9 years from Wednesday to Sunday for one weekend a year. It has not had a large impact on the neighbors. There would be no activities within 500 feet of the property line; the buffer would be a major asset. The impact will be minimized. Weddings will be allowed up to 8 times a year, with a maximum of 100 people. Music will be done by 10:00 p.m. There will be no light sources seen by the neighbors. There will be 20 farm education events per year. He believes this farm is asset to the town that it is well suited for accessory events, and East Lyme should seek out the opportunity for farms to remain in business.

Chairman Walker asked about the language that says it is not limited to such events. What other events are they talking about?

Attorney Cassella they would take that language out. They can tailor the language as much as possible.

Mr. Donovan asked if the dinners are cooked on site.

Pauline Lord, 80 Upper Pattagansett Road, East Lyme stated they are catered by the chef at River Tavern, they are cooked in the field under a tent. It is all locally raised produce and there is no music at the dinners.

David Harlow, 80 Upper Pattagansett Road, East Lyme stated the dinners feature Connecticut produce including fish and meat.

Mr. McPherson asked how many people have attended the dinners over the last nine years.

Mr. Harlow stated they had last year's event in early August, three of the nights were sold out with 200 people each. One night had 175 and one had 150 people.

Mr. McPherson asked about traffic complaints.

Mr. Mulholland stated there were none that he is aware of.

Mr. Harlow stated there is sufficient parking and they have a traffic manager.

Mr. McPherson asked about the offsite parking.

Mr. Harlow stated it is across the street.

Attorney Cassella stated each event would need a zoning permit.

Mr. Lukas asked what type of farm it is.

Pauline Lord stated it is a certified organic farm. They grow produce primarily. They have 5 acres of cultivation. There are two greenhouses, they do raise chicken for eggs and meat, and they have turkeys. There are approximately 100 laying chickens, and 600 meat birds per year, and they are on a pasture which is about an acre.

Mr. Peck stated he is interested in the farm, however, we are just talking about a regulation change, and this will affect the whole town.

Chairman Walker stated yes, this is not just a site specific application. This is a text amendment.

Mr. Mulholland stated they would still require a special permit.

Mr. Donovan stated if this is approved there could be weddings all over town.

Mr. Mulholland stated it would have to be on a farm.

Chairman Walker stated yes, only farming as a principal use on the property.

Mr. Donovan stated he doesn't want to vote quickly on this, he wants to be able to read the whole thing.

Mr. McPherson asked if the dinners are in a building or under a tent.

Attorney Cassella stated there is no tent language for the dinners, they are indoor events.

Mr. Mulholland asked if there is music at the farm education events.

Attorney Cassella stated they are not outdoor.

Chairman Walker suggested they move to public comment at this point.

Mr. Mulholland stated comments should be limited to this proposal.

Chairman Walker reminded everyone this application is not site specific. This is for a text amendment to the Zoning Regulations to allow these events as accessory uses.

Barry Feldman of 271 North Bride Brook Road, East Lyme stated his daughter worked at the Farm. It is a treasure in East Lyme. Anything we can do to preserve it he is all for it. The dinners have been going on for 9 years. He doesn't think anyone has protested. The two people that wrote letters are not even near the farm. He would be happy to live next to the farm.

Ed Shapiro of 8 Irving Place, stated Niantic is coming alive, it has a beautiful downtown. This use would be a feather in the town's cap, it is upscale, sophisticated, and would enhance the retail environment.

Jeff Wickersham of 175 Upper Pattagansett Road, East Lyme stated there are few places where they can have access to fresh, local organic produce. They can also learn how to grow it, their doors are open to the public. They have an open door policy. He has no reservations about the noise. It is a great opportunity and he fully supports it.

Michelle Maitland, 6 Acorn Drive, stated she learned of the dinners from a friend. The farm is a destination now, she was blown away and impressed with how professional it was. Small farms struggle, she is in favor of this.

Dr. Si Baker-Goodwin, 32 North Bride Brook Road, Niantic stated sound does carry across water much more than land, she has been coming to East Lyme for decades. One asset of this town is this farm. It is important to remember that sound does carry across water. It is important to have good healthy food.

Jessica Jones of 74 Upper Pattagansett Road, East Lyme stated she is a long time neighbor. There is great benefit in being near the farm. She 100 percent supports what they are doing.

Jennifer Murray, 7 Tabernacle Road, Niantic stated small farms are struggling. This will set an example of more mixed use on their property. These are humanely treated animals. More weddings equal more business for our town.

Thomas Hall, 43 Riverview Road, Niantic stated White Gate Farm is trailblazing, this is a new model of small farming with very low impact, they are preserving 100 acres, while farming 6 of those acres. He encouraged the zoning change.

Dave Labrie, 60 Grand Street stated he runs a bed and breakfast in town. There is an economic impact and that can't be stressed enough. He would have guests that would partake in those dinners. There is a rippling effect. He wishes them luck.

Tom Migdalski of 207 Upper Pattagansett Road, East Lyme stated he is the Director of Yale Outdoor Education Center, the traffic issue on Upper Pattagansett is not the White Gate Farm, it is the motorcycles and young people ripping up the road. He is impressed when he goes by during the dinners. The problem is the locals causing the hazards.

Corey Harlow, 57 Shore Road, Old Lyme thanked everyone for the outpouring of the support. This will be another source of income for the farm.

Gary Evans, 1 Hathaway Road, East Lyme stated he echoed everything said tonight, the farm is a beautiful place.

Carol Migdalski, 207 Upper Pattagansett Road, East Lyme stated we need to keep the integrity of the area. We don't want to become Waterford, she supports this whole heartedly.

Mark Christensen of 66 Grassy Hill Road, East Lyme stated he is the Chair of the Agri-Business Committee, there is a 161 lot subdivision generating a lot of traffic on Route 1. If White Gate Farm was able to subdivide they could probably get about 60 lots in there.

\*\*There was a 5 minute recess.

\*\*The public hearing resumed at 9:10 p.m.

Mr. Donovan stated he would like to keep this public hearing open.

Mr. Mulholland stated we have 35 days to conclude. The 24<sup>th</sup> of March is the drop dead date.

Mr. McPherson stated we can continue it to March 24<sup>th</sup>.

Mr. Mulholland stated we can continue to receive additional public comments.

**Motion (1) Mr. Donovan moved to continue the public hearing to March 24, 2016.**

**Seconded by Mr. McPherson.**

**Motion Passed 6-0.**

**2. APPLICATION OF EDWARD M. CASSELLA, ESQ., FOR WHITE GATE FARM, FOR AN AMENDMENT TO THE EAST LYME ZONING REGULATIONS, SECTION 1 AND SECTION 25 FOR BED AND BREAKFASTS**

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

Chairman Walker stated some of the letters from the prior Public Hearing apply to this public hearing.

Mr. McPherson read a memo from Mr. Mulholland.

Mr. McPherson read a letter from the East Lyme Planning Commission.

Attorney Edward Cassella stated this is the second component of the application. The application requests an increase to the number of units to 12, and to allow a designated manager on site as opposed to the owners, and units on adjacent properties. The number of units doesn't need to be 12, White Gate will actually only seek 7 units. The designated manager needs to reside on site, and the owner will have to provide an affidavit. The adjacent property is across the street, an old building called the ice house. That would be available for lodging along with 6 units in the farm house.

Mr. Mulholland stated the applicant has requested 7 units.

**Motion (2) Mr. McPherson moved to close the public hearing.**

**Seconded by Mr. Donovan.**

**Motion passed 6-0.**

**\*\*Peter Lukas left the meeting at 9:30 p.m.**

**Chairman Walker sat Mr. Liska for the remainder.**

**Respectfully Submitted,**

**Karen Miller Galbo  
Recording Secretary**