

TOWN OF EAST LYME
ZONING COMMISSION
FEBRUARY 16, 2017
PUBLIC HEARING MINUTES

Members Present:

Matthew Walker, Chairman
Terence Donovan
John Manning
George McPherson
William Dwyer
Norm Peck
James Liska, Alternate (Did Not Sit)
David McIlhenney, Alternate (Did Not Sit)

Members Absent:

Peter Lukas, Alternate

Also Present:

Bill Mulholland, Zoning Officer
Rose Ann Hardy, Ex-Officio

CALL TO ORDER

Chairman Walker called the Public Hearing to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

Chairman Walker led the assembly in the Pledge of Allegiance.

PUBLIC DELEGATIONS

Tom Kalal, 80 Grassy Hill Road, stated there will be a continuing education program on beekeeping on March 17th 6:00 p.m. to 8:30 p.m. at the East Lyme Community Center, the focus of the program will be on what residents can do to encourage bees and other pollinators.

PUBLIC HEARING

- 1. CONTINUATION OF APPLICATION OF ROBERT S. FOSTER (OLD ORCHARD FARM) FOR A TEXT AMENDMENT TO AMEND SECTION 25 OF THE EAST LYME ZONING REGULATIONS TO PERMIT FARMS OF 5+ ACRES TO OBTAIN A SPECIAL PERMIT IN ORDER TO CONDUCT FARM EVENTS AND AGRITOURISM EVENTS (ACTIVITIES ACCESSORY TO FARM/AGRICULTURE USE OF THE PROPERTY).**

FILED
Feb 21 20 17 AT 8:00 AM/PM
Matthew Walker, Clerk
EAST LYME TOWN CLERK

Chairman Walker stated this public hearing was left open, they will read correspondence first; he asked that people not repeat comments that they have already made.

Mr. Dwyer stated he has read all of the notes from the prior public hearing and even though he wasn't at that meeting, he is up to speed on this item.

Mr. McPherson read a letter from the Planning Commission;

Mr. McPherson read an email from Lindsay Bollenbach;

Mr. McPherson read an email from Ethan and Kristen Stam, the previous owners of 20 Scott Road;

Mr. Donovan read an email from Charlie and Diana Smith;

Mr. Donovan read a letter from John Wood, 19 Kevin Road, East Lyme;

Chairman Walker read a letter from Ann Block, 28 Stoneywood Drive, Niantic;

Chairman Walker read a letter from Susan Perry;

Mr. McPherson read a letter from John Smith, 16 Scott Road, East Lyme

Mr. McPherson read an email from Peter Caron, 46 Old Black Point Road, Niantic

Chairman Walker read a letter from Howard Estes, 7 Prospect Avenue, Niantic

Mr. McPherson read an email from Amy Leigh, 330 Boston Post Road, East Lyme;

Mr. Donovan read a letter from Marion Frink, 22 Scott Road, East Lyme;

Mr. Donovan read a letter from James and Wendy Elia, 21 Scott Road, East Lyme

Mr. Donovan read a letter from Elana and Cody Chapman, 20 Scott Road, East Lyme

Chairman Walker read an email from Donna Whitehouse;

Attorney Erin Cabelus representing Mr. Foster stated they have revised their proposed text amendment; she reminded them this is a supplement and not intended to replace the current section. This will give a level playing field to smaller farms. This is consistent with the POCD. This will only apply to lots that have agricultural uses. This would enable the smaller farms to obtain an annual Special Permit for Dinners at the Farm for 5 consecutive nights one time per calendar year. This would enable the smaller farms to have amplified sound events up to 5 times in one calendar year. There would be a one-time special permit for agri-tourism events such as indoor music, fruit picking, trail rides, indoor farm to table dinners, etc. They took into consideration the comments from the last hearing. They do not want to add an administrative burden to the Town. All outdoor music would cease by 10 p.m.

Mr. Peck asked about the language 150 feet to the property or 350 feet to the dwelling. He thought it should be "and" instead of "or".

Robert Foster, 22A Scott Road, East Lyme thanked the members and respectfully wished to keep the comments brief and on point. He asked his supporters to be here, and he asked their comments to only be pertinent to the text amendment. This entire process is based on suggestions by Mr. Mulholland in a letter he received last year. He believes they have addressed their concerns. The East Lyme Planning Commission outlined the parcels of land that could be affected. However, this would only concern the 50 active farms, not land parcels, but active farms. The Planning Commission comments are in conflict with the POCD. They do not wish to have all of New London County at their farm functions, they are mostly by invitation.

Chairman Walker asked that comments by related to the text amendment.

Mark Christensen, 66 Grassy Hill Road, East Lyme stated he is the Chair of the Agri-Business Sub-Committee; he was also a member of the 2009 POCD Sub-Committee, and a former member of the

Planning Commission. He was dismayed to read the Planning Commission's letter saying that this would be inconsistent with the POCD. What could be more "New England" than a small farm? They overreacted with stating 283 parcels would be affected. People talked about what kind of farming can be done at 10 p.m., but often times it is imperative to work late at night.

Attorney Cabelus entered the following exhibits:

Exhibit AA – POCD Sections;
Exhibit BB – Special Permit application for McCook's.

Mr. Donovan asked if they are trying to replace the current section.

Attorney Cabelus stated they are just supplementing it.

Mr. Manning stated they should add a heading stating it is for farms of 5 to 49 acres.

Mr. McPherson stated this allows amplification, but for 50 plus acres it is not allowed.

Attorney Cabelus stated that theirs would have to be amended then.

Mr. Mulholland stated they should weigh this text amendment and discuss it during deliberations.

Attorney Cabelus stated she hopes they clarified that this doesn't affect 283 parcels.

Mr. Donovan stated White Gate went under the same scrutiny.

Mr. Peck stated as to the amplified music and in fairness to everyone, he has been told the Special Permit for McCook's the music stops at 8:00 p.m. except for Celebrate East Lyme when the music has to stop at 10:15 p.m. Is 8:00 acceptable to the applicant for amplified sound events?

Mr. Foster stated they would defer to the existing Noise Ordinance that is in place, 8:00 may be considered not practical.

Mr. Donovan asked if that was a no?

Mr. Foster stated they can take that as a no.

Attorney Cabelus stated they had presented them with sample ordinances from other towns, there are some interesting points in Salem's and Griswold's ordinances.

Chairman Walker stated he struggles with the outdoor amplified music. We have an obligation to help small farms, but we also have an obligation to all residents.

There were no comments for or against this item from the Public in attendance.

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

Seconded by Mr. Donovan.

Motion Passed 6-0.

- 2. REQUEST OF THE TOWN OF EAST LYME ZONING COMMISSION FOR A TEXT AMENDMENT TO AMEND SECTION 11, LIGHT INDUSTRIAL DISTRICTS BY MODIFYING THE LANGUAGE IN SECTION 11.2.2 AND MOFIDYING SECTION 11.2.4 BY REDEFINING HOTELS AND ADDING A DEFINITION OF MOTELS.**

This item was opened and continued with no discussion.

- 3. APPLICATION OF JASON PAZZAGLIA, FOR A TEXT AMENDMENT TO ADD TO SECTION 8 CA COMMERCIAL DISTRICTS, "NOTWITHSTANDING THE ABOVE, WHERE MUNICIPAL SEWER IS AVAILABLE, LOTS USED FOR MIXED USE SHALL HAVE A MINIMUM OF 7,500 SQUARE FEET PLUS 1,200 SQUARE FEET FOR EACH EFFICIENCY OR ONE-BEDROOM LIVING UNIT AND 2,000 SQUARE FEET FOR EACH TWO-BEDROOM UNIT.**

This item was opened and continued with no discussion.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary**