

TOWN OF EAST LYME
ZONING COMMISSION
JANUARY 5, 2017
PUBLIC HEARING MINUTES

Members Present:

Matthew Walker, Chairman
George McPherson
Terence Donovan
Norm Peck
John Manning
Peter Lukas, Alternate (Sat for Public Hearing)
David McIlhenney, Alternate (Did Not Sit)

Members Absent:

William Dwyer
James Liska, Alternate

Also Present:

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

FILED

Jan 10 20 17 AT 8:30 AM/PM
William Mulholland, ATC
EAST LYME TOWN CLERK

CALL TO ORDER

Chairman Walker called the Public Hearing to order at 7:31 p.m.

PLEDGE OF ALLEGIANCE

Chairman Walker led the assembly in the Pledge of Allegiance.

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

PUBLIC DELEGATIONS

There were no public delegations.

1. REQUEST OF THE TOWN OF EAST LYME ZONING COMMISSION FOR A TEXT AMENDMENT TO DELETE FROM THE EAST LYME ZONING REGULATIONS, SECTION 11.2.7 CONVALESCENT HOMES FROM SECTION 11 "LI LIGHT INDUSTRIAL DISTRICT". CONVALESCENT HOMES ARE PRESENTLY PERMITTED BY SPECIAL PERMIT

Chairman Walker confirmed the legal advertisement ran on this item.

Mr. McPherson read a memo from Mr. Mulholland.

Mr. McPherson read a letter from David Zozak of DEEP.

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

Mr. Mulholland stated the Commission decided to eliminate convalescent homes in the LI district. It is a result of a recent legal case. They had wanted to remove it to assure that it offers protection to the Commission. It is essentially a housekeeping issue.

There was no public comment.

Chairman Walker stated they discussed this at multiple meetings, all of the members felt strongly about this.

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

Seconded by Mr. Donovan.

Motion Passed 6-0.

2. 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)

Chairman Walker informed those in attendance they would start the Public Hearing by reading correspondence that had been received. They would then have a presentation by the applicant, and then they would get public comment for and against.

Chairman Walker confirmed the legal advertisement ran on this item.

Mr. McPherson read a letter from Mr. Mulholland.

Mr. McPherson read a letter from David Zozak of DEEP.

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

Mr. Mulholland stated he received letters for and against this item. They would be read into the record. If they were sent to his office after 3:00 p.m. today they would not be read.

Chairman Walker read an email from Elizabeth Koch.

Chairman Walker read an email from Dorothy Reiser.

Chairman Walker read an email from Diana and Charles Smith.

Mr. Donovan read an email from Patricia Travali.

Mr. Donovan read an email from John Smith.

Mr. McPherson read an email from Cody and Elana Chapman.

Chairman Walker stated this application is not about Mr. Foster, it is not personal. They have to enforce the Regulations as they are written and make changes when they make sense. It is not a site specific application. If this were passed it would apply to anyone with 5+ acres.

Erin Kabelis representing the application stated this is a proposed text amendment; it is intended to be in addition to what already exists. They tried to work within the framework of what was already established. This would even the playing field for all farms. There would be no activity within 150 feet of residential dwellings, and 350 feet from a boundary.

Henry Talmidge, Prospect Avenue, Niantic, is the Executive Director of the Connecticut Farm Bureau. He stated East Lyme is not alone in this discussion. The size of CT farms are decreasing and it is becoming increasingly hard to produce commodities that can compete with the national prices. Municipalities are trying to deal with this in a number of different ways. Colchester and Griswold recently adopted similar text amendments. He encouraged the town to look at the State's definition of Agriculture and he encouraged them to incorporate that definition into their Regulations. The scale of this is different for each community.

Mr. Talmidge presented the following Exhibits:

Exhibit A - Colchester & Griswold Text Amendment
Exhibit B - Salem Text Amendment

Mr. McPherson asked how many properties would be affected by this.

Mr. Mulholland stated that is not an easy answer. He can try to find out.

Mark Christensen, Grassy Hill Road, East Lyme stated he is the Chair of the Agri-Business Sub-Committee. Agriculture in East Lyme is far different than other parts of the country of state. To keep the farms thriving we need to attract people with more blending of Agriculture and Tourism that will help make them viable. In a 2007 survey for the POCD 94% of those who replied stated the preservation of local farmland is very important. The Town has music at McCook's, it would be inconsistent of the Town to allow music at McCook's and not allow music on the farms. East Lyme should establish itself as a Town that welcomes and encourages agriculture.

Pam Strollo of Quaker Hill, CT stated she is interested in music. It is a way to help all different people connect with each other. She went to one of Old Orchard Farms gatherings. They sell things there such as pumpkins and cider. She supports this change.

Robert Foster, 22A Scott Road, East Lyme thanked the Commission members, he thanked his supporters. This is to protect the entire farming community in East Lyme. This proposal is not about one farm only. The Regulations passed in April of 2016 has limitations and unfairly precludes small farms.

Mr. Foster presented the following Exhibit:

Exhibit C - Agri-Tourism Brochure for East Lyme

Mr. Foster asked the Zoning Commission to respectfully adopt the proposed text amendment as submitted.

PUBLIC COMMENT

Chairman Walker asked the comments be as brief as they can. He also reminded the audience this is a text amendment application for our Regulations. It is not site specific. He asked that comments be limited to the text amendment.

Robin Levine, 130 Boston Post Road, Unit 28, East Lyme stated she has lived in town over 20 years. She works for the school system. She is in favor of this. She works in special education, they make requests of businesses in town and Old Orchard Farm always says yes. She hopes this is passed. She does not believe the music is loud. When she walks to her car she can't hear the music.

Lewis Bull, Hathaway Road, East Lyme stated he has lived in town since 1959. He sold his farm in 1999. He wishes this had been in place when he owned his farm. At that time East Lyme was anti-farming. He is in favor of this proposal.

Anne Block, 28 Stoneywood Drive, Niantic stated she grew up in Iowa. She supports farming. The farm community is diminishing. She also walked outside while the music has been playing and could not hear it.

Dalton Maurice, 1878 Hartford New London Turnpike, Salem stated he is the nephew of the Christensen's. He grew up on their farm. It has played a big part in his life. He supports the text amendment.

Bill Young stated he is a 1972 graduate of East Lyme High School. Old Orchard Farm has a coffee house and the barn dances are a way of blowing off steam. He was born in this town, he moved away, but moved back. He urged them to adopt this.

Ken Turcotte, 6 Holly Lane, Old Lyme stated he is the owner of Divine Wine Emporium. The small farms makes this community strong. People who come to town are looking for unique things.

Millie Caron, Old Black Point Road, Niantic stated she supports Old Orchard Farm and the events that go on there. The events are not loud or a burden. Her first experience with a barn dance was there, and she hopes to go back and continue.

James Stidfole, 461 Bank Street, New London stated he spent 5 years helping to put together Fiddleheads in New London. He urged the Commission to "go for it".

Cathy Christensen, 66 Grassy Hill Road, East Lyme stated they own 11 acres on Grassy Hill. They raised 3 kids there. The entire community would benefit from this amendment.

Thomas Moysey, 7 Whitman Lane, Old Lyme stated his daughter is an accomplished pianist. At a young age she didn't want to go on stage to perform. One day at the farm she played on a keyboard. She was asked to go back to perform. She has now won awards and that is thanks to the farm.

Howard Estes, 7 Prospect Avenue, Niantic stated he supports this amendment, the character of the town will benefit.

Ryan Foster, the son of the applicant stated he is in favor of the amendment.

Ronald Lewis, Quaker Hill CT stated agriculture is very important. The noise and people speeding are a lot of hearsay.

James Christensen, 66 Grassy Hill Road, East Lyme stated the farm has exposed him to a lot.

Joe Martini, 11 Lantern Lane, Niantic stated he is in favor of the amendment.

Lois Smith, 4 Scott Road, East Lyme stated she has lived there 37 years. Not one person who has spoken in favor of this lives on Scott Road. The educational aspect is great, but that area is not designed for that type of thing. Most people move there for quiet and privacy.

Joseph Smith, 179 Main Street, Niantic stated his concern is the length of time. 10 p.m. is too late.

Cody Chapman, 20 Scott Road, East Lyme stated no one speaking for this lives on Scott Road, he has a resident perspective. It does get loud and he is again expressing his opposition. 5 acres is not enough. It is not just the noise, it is also the traffic, he has waved at people to slow down and those people have then stopped. He asked how many properties would fall under this. He asked that they continue this so they can learn more and get the number of properties in town that would be affected by this.

Walter Scott, 32 Scott Road, East Lyme stated he is not for this or against it. The noise is not that bad, but he thinks there is more dialogue needed.

Jim Elia, 21 Scott Road, East Lyme stated he is not opposed to agriculture, but he is opposed to 25-30 cards shining their lights in his house at 10:30 p.m.

There was a 3 minute recess.

Mr. McPherson stated Mr. Smith brought up the lateness.

Mr. Mulholland stated that can be saved for deliberations.

Chairman Walker stated yes we can get to specifics for entertainment in our deliberations.

Mr. Manning asked about this being a one-time special permit.

Mr. Mulholland stated they can make it by event, or have it expire. The representative's attorney is still here.

Attorney Kabelis stated they wanted to balance the administrative burden on the Town and the practicality on the farm owners. She stressed this is a proposed amendments. They are open to dialogue.

Mr. Manning stated the White Gate language was to have it renewed on an annual basis.

Mr. Donovan stated there are contradictions in the language. A lot of people are thinking this is about the Fosters; this Commission has to keep the whole town in mind.

Attorney Kabelis stated this is a working document. It is a large issue. They want to try to make it work in framework of what has been already established.

Mr. Donovan stated the White Gate dinners at the farm are five times a year.

Mr. Manning stated 2a would be 25 times per year.

Mr. Donovan stated we need to look out for everyone in this town.

Mr. Peck asked if they can work with limitations on the number of events with outdoor music.

Attorney Kabelis stated she thinks that can be entertained. Activities like apple picking and hayrides may differ from events with music. They may need to tweak the language. She suggested decibel limitations.

Chairman Walker stated we have to consider the feelings and sentiments of all residents in town. He thinks the information on how many properties this affects would be helpful before making a decision. The applicant seems open to tweaking the language. We also may need to consider looking at the definition of agriculture in our Regulations.

Mr. McPherson stated these changes would affect larger farms as well.

Mr. Manning stated yes, greater than 5 acres would apply to larger farms such as White Gate.

Mr. McPherson stated they could add a minimum of 5 acres and a maximum of 49 acres.

Attorney Kabelis stated they do not want to undo what was done. They will modify it.

Mr. Mulholland suggested it is in the interest of the Zoning Commission to leave this open and allow the applicant to modify this.

Attorney Kabelis stated she can discuss this with her client to better comply with what is in place.

Chairman Walker stated the presence of farms in Town is important, but the rights of people who live in the area is also important.

Mr. Mulholland stated they will have to see how extensive the modifications are to see if a new legal advertisement needs to be run.

Motion (2) Mr. McPherson moved to continue the Public Hearing to the next meeting.

Seconded by Mr. Manning.

Motion Passed 6-0.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Karen Miller Galbo".

**Karen Miller Galbo
Recording Secretary**