

TOWN OF EAST LYME

ZONING COMMISSION

MARCH 2, 2017

REGULAR MEETING MINUTES

MEMBERS PRESENT:

MATTHEW WALKER, CHAIRMAN
JOHN MANNING
GEORGE MCPHERSON
TERENCE DONOVAN
WILLIAM DWYER
NORM PECK
PETER LUKAS, ALTERNATE (SAT FOR ITEM 3)

FILED

Mar 6 2017 AT 8:50 AM/PM
KAREN GALBRAITH
EAST LYME TOWN CLERK

MEMBERS ABSENT:

JAMES LISKA, ALTERNATE
DAVID MCILHENNEY, ALTERNATE

ALSO PRESENT:

BILL MULHOLLAND, ZONING OFFICER

1. **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).**

Mr. Dwyer stated this is more lax than the regulation for 50+ acres.

Mr. Manning stated he doesn't understand why we would give 5+ acres less latitude than 50+ acres. He is all about promoting the business but amplified music is a problem.

Mr. McPherson stated we disallowed it for 50+ acres.

Mr. Manning stated for the people who live around there it is problematic.

Mr. Peck stated if this is approved it wouldn't make sense to leave the 50+ acre regulation as it is. This would be the first step. We would need to come back and go to our existing farm regulation and give them the same rights to get 50+ acres consistent.

Mr. Donovan asked why 5+ acres can't be consistent with what we did for 50+ acres.

Mr. Peck stated it would be our job to come back and correct that.

Mr. Manning asked if we can approve a portion of this.

Chairman Walker stated it is all or nothing; it is not our job to amend it.

Mr. McPherson stated he has a problem with the amplified music and the amount of people allowed. The numbers are way too high.

Chairman Walker stated we have a responsibility to all residents of the town. This is not a responsibility anyone takes lightly. This could potentially apply to 283 properties in town. Right now there may be only 40 or 50. Someone could put a few Christmas trees on their property and start having farm events. This would be amplified music in a residential zone, a music venue in a residential area. A 5 acre parcel is not big enough for that type of act. Residents raised concerns at the public hearing. Not one resident that lived on the road supported it, and one was ambivalent. He doesn't mind pony rides, hay rides or apple picking, but outdoor music is problematic.

Mr. Manning stated he would like to approve 2b and not 2a.

Mr. Donovan stated this is proposed as written. There are plenty of issues with this. There are contradictions in there. Nowhere in the POCD does it say anything about music. The client's attorney had ample time to sit with Mr. Mulholland and he could have steered them in the right direction.

Mr. Mulholland stated they came down prior to the last hearing. He gave them his views. The text before you is a choice made by the applicant and his legal counsel.

Mr. Donovan stated he can't support this.

Chairman Walker stated it is not our job to cherry pick the text, we look at it in its entirety. He will oppose this.

Mr. Manning suggested a sub-committee to encourage activities we want to see on the farms.

Mr. Donovan stated there was a lot of testimony in favor of this on the first night and unfortunately it was all about music. There are other ways to have ancillary uses on the farm. That is in the POCD. The applicant did not seem to want to budge on having a lesser time for the music.

Mr. Peck stated he was in favor of this. He is surprised at so much opposition. He has a problem with the 10 p.m. amplified music and wanted it to be consistent with McCook's. At this time they can do 1 of 2 things, we can tweak this to satisfy the board or request an extension on the decision.

Mr. Mulholland stated if we are making changes then it will be our text amendment and not theirs.

Mr. Peck asked if the Board would be in favor of tweaking this?

Mr. Donovan stated there would be too many tweaks, too many loopholes; they applied for the whole text amendment.

Chairman Walker stated how will we allow music in an RU40 and RU80 when we do not allow nightclubs in Niantic. McCook's is a community hub, in the summer the downtown is bustling, residents expect traffic, and there are different expectations in the north end of town.

Mr. Peck requested that if this is denied that we form a sub-committee to hash this out, or suggest the applicant do it.

Mr. Mulholland stated the applicant paid a fee, and hired counsel. They chose to ask for what they asked for. We have to zone for everyone.

Chairman Walker stated the sub-committee should start by looking at our definition. The State's definition of farm is more expansive than ours.

Mr. Peck stated if there is a sub-committee he would like to see it wrapped up before summer.

Motion (1) Mr. Donovan moved to deny the 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.

Seconded by Mr. McPherson.

Motion Passed 5-1-0 (Mr. Peck – Nay)

- 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 MODIFYING SECTION 11.2.4, BY REDEFINING HOTELS AND ADDING A DEFINITION OF MOTELS.**

Motion (2) Mr. McPherson moved to approve the 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 modifying section 11.2.4 by redefining Hotels and adding a definition of Motels.

Seconded by Mr. Dwyer.

Motion Passed 6-0.

- 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".**

Mr. Peck recused himself and Chairman Walker sat Mr. Lukas in his place.

Motion (3) Mr. Donovan moved to approve the application of Jason Pazzaglia, for a text amendment to add to Section 8 CA Commercial Districts, "Notwithstanding the above where the

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”.

Seconded by Mr. Manning.

Motion Passed 5-1-0 (Mr. McPherson – Nay)

4. APPLICATION JAMES BRAHM/WRIGHT’S POND LLC FOR SITE PLACE APPROVAL FOR CONSTRUCTION OF A NEW COMMERCIAL STRUCTURE OVER 30,000 SQUARE FEET, AT PROPERTY IDENTIFIED IN THE APPLICATION AS 225-237 FLANDERS ROAD.

Mr. Peck returned and Mr. Lukas stepped down.

This item has been withdrawn by the applicant.

5. APPROVAL OF MINUTES OF FEBRUARY 16, 2017

Motion (4) Mr. Donovan moved to approve the Public Hearing and Regular Meeting Minutes for February 16, 2017.

Seconded by Mr. McPherson.

Motion Passed 6-0.

OLD BUSINESS

1. SUB-COMMITTEE – MIXED USE IN CB ZONE

Mr. Mulholland stated he is working on this.

2. SUB-COMMITTEE – MAXIMUM ALLOWED SIGNAGE

Mr. Mulholland stated he is working on this.

NEW BUSINESS

1. ANY BUSINESS ON THE FLOOR, IF ANY BY THE MAJORITY VOTE OF THE COMMISSION

The members of the Agricultural Sub-Committee will be Mr. Donovan, Chairman Walker and Mr. Manning. Mr. Peck will be an Alternate. They will meet on March 6th at 6:30 p.m.

2. ZONING OFFICIAL

Mr. Mulholland reported that Cory’s is getting close, the Dollar General has started, the dental office is moving along, he has been talking to Costco, the brewery is still coming, JAG Capital has been in.

3. COMMENTS FROM EX-OFFICIO

The Ex-Officio was not in attendance.

4. COMMENTS FROM ZONING BOARD LIAISON TO PLANNING COMMISSION

There were no comments. Mr. Manning will attend the next meeting.

5. COMMENTS FROM CHAIRMAN

Chairman Walker had no comments.

Motion (5) Mr. McPherson moved to adjourn the meeting at 9:05 p.m.

Seconded by Mr. Donovan.

Motion Passed 6-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary**