

**EAST LYME ZONING COMMISSION  
PUBLIC HEARING I  
Thursday, MARCH 15th, 2007  
MINUTES**

The East Lyme Zoning Commission held a Public Hearing on the Application of Greg Terracciano, Owner of Flanders Donut & Bake shop Inc. to amend the East Lyme Zoning Regulations by adding a definition of a "Bakery"; amend Section 8 to allow a bakery as an outright permitted use and to amend Section 20 to allow a bakery with a drive-thru facility within One Thousand Feet (1000') of a business having a drive-thru that sells similar bakery products, on March 15, 2007 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order at 7:35 PM.

**PRESENT:** Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,  
Ed Gada, Marc Salerno, Norm Peck, William Dwyer, Alternate

**ALSO PRESENT:** William Mulholland, Zoning Official  
Joe Barry, Alternate  
Rose Ann Hardy, Ex-Officio, Board of Selectmen,  
(around 7:50 PM and left early)

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

*Mar 23*  
arrived 20 07 at 12:30 AM  
PM

**ABSENT:** Pamela Byrnes, Bob Bulmer, Alternate

*Ethel B. Williams*

EAST LYME TOWN CLERK

**PANEL:** Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,  
Ed Gada, Marc Salerno, Norm Peck, William Dwyer, Alternate

**Pledge of Allegiance**  
The Pledge was observed.

**Public Hearing I**

1. Application of Greg Terracciano, Owner of Flanders Donut & Bake shop Inc. to amend the East Lyme Zoning Regulations by adding a definition of a "Bakery"; amend Section 8 to allow a bakery as an outright permitted use and to amend Section 20 to allow a bakery with a drive-thru facility within One Thousand Feet (1000') of a business having a drive-thru that sells similar bakery products.

Chairman Nickerson noted that he had seated Alternate William Dwyer at the table for this Public Hearing.

Mr. Nickerson asked Ms. Carabelas, Secretary to read the correspondence into the record.  
Ms. Carabelas read the following correspondence into the record:

- ◆ Letter dated 3/15/07 to EL Zoning Commission from William Mulholland, Zoning Official – Re: Proposed Zoning Regulation Text Amendment Bakery CA Zones – finding that the language is written to clarify and distinguish a difference between restaurants, food service establishments and bakeries, as they relate to the thousand-foot regulation rule and advising the Commission to consider the entire amendment proposal.
- ◆ Letter dated 3/14/07 to Mark Nickerson, Chairman, EL Zoning Commission from Francine Schwartz, Secretary, EL Planning Commission - Re: 8-3a Referral – Application of Terracciano – Text Amendment – finding the proposal neither Consistent or Inconsistent with the Plan of Conservation and Development and therefore having no impact on the required vote of the Zoning Commission.

- ◆ Letter dated 2/14/07 to Bill Mulholland, from Marcia Balint, Sr. Coastal Planner, CT DEP Office of Long Island Sound Programs – Re: Zone Change Referral – Section 20 to allow a bakery with a drive-thru facility – finding that the proposed amendments are generally consistent with the goals and policies of the CT Coastal Management Act and that there would be no adverse impact.

Mr. Nickerson noted that the legal ad had run in the New London Day on 3/2/07 and 3/12/07.

Mr. Nickerson called for the applicant to present their case.

Greg Terracciano, 313 Flanders Road said that he is the owner of the Flanders Donut & Bake shop, Inc. and that he is proposing a definition of a bakery as it is different from that of restaurants. He noted that Webster's Dictionary has a 'bakery' definition that is basically the same as what he is presenting this evening. He said that he was also looking for an amendment change to allow a 'bakery' to have a drive-thru within one thousand feet of a business having a drive-thru that sells similar bakery products.

Mr. Nickerson reminded the Commission that this is a text amendment change and not site specific and that it will be something that they will be deciding upon based upon the entire Town.

Mr. Peck asked about the definition and if there should be a separate line saying that the retail area should be a certain percentage of the whole area.

Mr. Terracciano said that he has researched this and from what he has found, 50% is a good figure but he would ask for more than that. He submitted a revised definition and explained that the revision had the majority of the area being for the retail use. This was entered into the record as **Exhibit A**. (Attached at end of Minutes)

Mr. Mulholland said that in realizing that this is not site specific that he had asked for the phrase: *'The majority of floor area shall be for retail use.'* He asked Mr. Terracciano if this would be for the majority of mom and pop shops.

Mr. Terracciano said yes.

Mr. Peck said that if for an example they say that they have a 1000 sq. ft. bakery – he asked if Mr. Terracciano is saying that most of that 1000 sq. ft. would be retail and the smaller area would be for baking. Mr. Terracciano said no and explained that it is because he does everything by hand and does not have a conveyor system like the large baking installations have. Those systems take up a lot of space.

Mr. Mulholland said that 51% would be for retail and the rest would be for the other.

Mr. Peck suggested calling it 'public area' versus 'manufacturing area' and asked Mr. Terracciano what his percentage is.

Mr. Terracciano said that 10% of his shop is public area.

Mr. Nickerson said that he thinks that this needs to be refined further.

Mr. Mulholland and Ms. Carabelas asked where they would draw the line.

Mr. Peck cautioned them that they are straying from the public hearing format here.

Mr. Peck asked Mr. Terracciano if he would have any issue with a size limitation being inserted in the definition.

Mr. Salerno added and said that the definition appeared to have no seating and asked Mr. Terracciano if he would mind if it said that.

Mr. Terracciano said no – he added that the State of CT licensing considers them a bakery and gave them a bakery license. He said that he knows that Ledge Light has four classes and that the highest involves touching meat whereas Class 4 – which is what he is, involves coffee and eggs. In a bakery much of what you do is to handle dough and to put it in the oven.

Mr. Salerno asked if it was customary for bakeries to distribute.

Mr. Terracciano said yes – as long as it is not a majority of the business.

Mr. Peck asked if this definition had the potential to be a pizza place.

Mr. Gada said that it could not as it touches and involves meat.

Mr. Peck said that a main concern here is traffic on Flanders Road and that someone is going to come up with some scheme to sell pizza out of a window.

Mr. Terracciano said that pizza is not a bakery product per se.

Mr. Mulholland advised that they look at the definition of a restaurant when deliberating. He added that he would not classify pizza as a bakery.

Mr. Nickerson said the he would want to clarify this further as it is not site specific and so that they do not have a donut shop that ships in donuts from off-site somewhere.

Mr. Nickerson called for anyone from the public who wished to speak in favor of this application -

Vincent Pellegrino, Decatur Drive said that he had arrived a bit late when they were discussing the percentage of the site that should be retail versus wholesale. He said that by defining what percentage of the product is retail versus wholesale whether they do it by percentage or sq. ft. will define if it is a small mom and pop shop or some other type.

Randy white, 41 West Main Street said that he is in favor of this. He also noted that some 10 to 12 years ago in New London there was a pizza house that required a bakery license – he said that he is not sure if that is still true today.

David Murphy, 490 Boston Post Road said that he is in favor of this and that he realizes that they are not talking site specific and appreciates their concern. He said that he thinks that this would be good for the Town.

Trux Brodhead, 58 Oswegatchie Hills Road said that he is totally in favor of this.

Bob Gadbois, 358 Boston Post Road said that he is in favor of this application and that this is a good Town business and they deserve this.

Paul Dagle, 8 Bobwhite Lane said that he is also an Alternate member of the Planning Commission. He said that he is in favor of this regulation and that he understands the 1000 ft. rule and why it was set up but he is sure that they realize that there are many other drive-thrus that fall outside of that 1000 ft. rule that also disperse their wares.

Mr. Nickerson called for anyone from the public who wished to speak in opposition to or neutrally on this application -  
Hearing no one –

Mr. Nickerson asked if the Commission members had other comments –  
Hearing none –

Mr. Nickerson called for a motion to close this Public Hearing.

**\*\*MOTION (1)**

**Mr. Gada moved that this Public Hearing be closed.**

**Ms. Carabelas seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Nickerson closed this Public Hearing at 8:20 PM.

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary

EXHIBIT A

June 24,2006  
Revised March 14,2007

**Add to DEFINITIONS:**

Proposed definition of a “**RETAIL BAKERY**”

**RETAIL BAKERY:** An establishment whose primary business is the sale of retail bakery products such as pastries, donuts, cakes (including made to order), bagels, rolls, etcetera. These products are completely made and baked on the premises using the baker's on unique recipes. This process includes mixing the primary ingredients such as flour, butter, sugar, eggs, and yeast on the premises. These products are then dropped and/or shaped into forms for baking or frying. The products are displayed in cases for the public's viewing, sold on the premises, and taken away by the public for consumption elsewhere. The majority of floor area shall be for retail use. A manufacturing facility whose majority is the selling of wholesale bakery products shall not be construed to be included in this definition.

In **SECTION 8:**

**CA COMMERCIAL DISTRICTS**

**8.1 PERMITTED USES**

In 8.1.6 add “**retail bakery**” so that the amended sentence now reads: “Retail sales stores, gasoline services station, standard restaurant, **retail bakery**.”

Add new section 20.26.1: “ A retail bakery may be permitted a drive thru facility if it is located within 1000 feet of a business having a drive thru that sell some similar bakery products. Not withstanding the foregoing provision, it is here by expressly provided that any retail bakery as that term is defined in section 1.3.1 of these regulations may be permitted a drive thru facility, subject to section 20.28 Drive Thru Facilities.”

Attachment Zoning Ord I 3/15/07

June 24, 2006

Add to DEFINITIONS

Proposed definition of "BAKERY"

BAKERY An establishment whose primary business is the sale of bakery products such as pastries, donuts, cakes (including made to order), bagels, rolls, etcetera. These products are completely made and baked on the premises using the bakery's own unique recipes. This process includes mixing the primary ingredients such as flour, butter, sugar, eggs, and yeast on the premises. These products are then dropped and/or shaped into forms for baking or frying. The products are displayed in cases for the public's viewing, sold on the premises, and taken away by the public for consumption elsewhere.

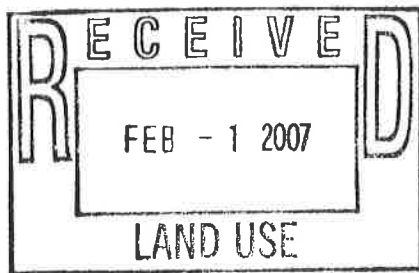
In SECTION 8

CA COMMERCIAL DISTRICTS

8.1 PERMITTED USES

In 8.1.6 add "**bakery**" so that the amended sentence now reads: "Retail sales stores, gasoline services station, standard restaurant, **bakery**"

Add a new section 20.<sup>26</sup>~~25~~ "A bakery may be permitted a drive through facility if it is located within 1000 feet of a business having a drive through that sells some similar bakery products."



Attachment Zoning Ord I 3/15/07