

**EAST LYME ZONING COMMISSION
PUBLIC HEARING I
Thursday, JUNE 17th, 2004
MINUTES**

The East Lyme Zoning Commission held the Application of Pauline Lord to amend Section 20.1 and 25.5 of the Zoning Regulations Public Hearing on June 17, 2004 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, Ed Gada, Secretary,
Norm Peck, Pamela Byrnes, Rosanna Carabelas,
Shawn McLaughlin

ALSO PRESENT: Pauline Lord, Applicant
William Mulholland, Zoning Official
William Dwyer, Alternate
William Henderson, Alternate
Marc Salerno, Alternate
Rose Ann Hardy, Ex-Officio, Board of Selectmen

**FILED IN EAST LYME TOWN
CLERK'S OFFICE**

June 22 20 04 at 3:15 AM
PM
Esther B Williams
EAST LYME TOWN CLERK

ABSENT: No one.

PANEL: Mark Nickerson, Chairman, Ed Gada, Secretary,
Norm Peck, Pamela Byrnes, Rosanna Carabelas,
Shawn McLaughlin

Pledge of Allegiance

The Pledge was observed.

Public Hearing I

1. Application of Pauline Lord to amend Section 20.1 and 25.5 of the Zoning Regulations to permit leasing of property for private social events or assemblies as an accessory use to an agricultural use.

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

- ◆ Letter dated 4/23/04 to Mr. Mark Nickerson, Chairman EL Zoning Commission from Pauline Lord, White Gate Farm – Re: Proposed Amendment to Sections 20.1 and 25.5 to allow leasing of property for private social events or assemblies as an accessory to agricultural use.
- ◆ Draft dated 4/16/04 of Proposed Amendment to the Zoning Regulations - Section 20.1.2 (F) Private social event or assembly conducted as an accessory to an agricultural use. – Section 25.5 Table of Minimum Controls for Specific Special Permit starting at #3 through #8.

Mr. Mulholland noted that this starts with #3 because there are already two controls in place for Agricultural or Farm use.

- ◆ Letter dated 6/4/04 to Mr. Mark Nickerson, Chairman EL Zoning Commission from Francine Schwartz, Chairman Planning Commission – Re: 8-2a Referral on Application of Pauline Lord to amend Section 20.1 and 25.5 of the Zoning Regulations to allow leasing of property for private social events or assemblies as an accessory to agricultural use – finding the application CONSISTENT with the Plan of Conservation and Development goal to encourage preservation of farmland.
- ◆ Letter dated 5/19/04 to Ed Gada, Secretary EL Zoning Commission from Gene Lohrs, Chairman Reference Committee SECCOG – Re: Proposed Amendments to Zoning Regulations regarding Sections 20.1 and 25.5 to allow leasing of property for private social events or assemblies as an accessory to agricultural use – finding that without a permit process linked to each event that these types of uses could have an adverse inter-municipal impact and further a well-defined permit process would curb potential abuses and minimize off-site adverse impacts.

- ◆ Letter dated 6/14/04 to Wm. Mulholland, Zoning Official from Marcy Balint, Sr. Coastal Planner – Re: Amendments to Section 20.1 and 25.2 Private Social Events – citing that OSLIP has reviewed the zone change with the goals and policies of the CCMA and offers the following: consideration should be given to disallowing paved parking areas in order to minimize potential adverse impacts to water quality; gravel or grassed areas would adequately suffice. The Commission could consider disallowing the use within or near the coastal boundary area in EL. Also asked if buildings will be built and advising considerations regarding relatively small sized rural lots.

Mr. Mulholland stated that the Legal Ad ran in the New London Day on 6/4/04 and 6/14/04.

Mr. Mulholland explained that Section 20.1.2 sets up the use classification. Section 25.5 is self-explanatory and anyone seeking this type of use would have to come back before this Commission and go through the process to get a special permit.

Ms. Byrnes asked if it would be each time that they would have to get a special permit.

Mr. Mulholland said no.

Mr. Nickerson called upon the applicant to give their presentation.

Pauline Lord of 83 Upper Pattagansett Road, East Lyme said that she and her husband David Harlow own White Gate Farm, a small organic farming business that has some lakefront property on Upper Pattagansett Road. They are interested in creating a small revenue stream by bringing in this type of business for the farm for those people who would like to have weddings or parties in a farm type of setting. The number of guests would be no more than 350 and for 200 and over they would have traffic guards and parking attendants. They will have portolet type of restroom facilities and they will not pave any area as they have plenty of grassed area. They also intend to keep the noise under the decibel limit.

Mr. Gada asked if there would be any tents erected.

Ms. Lord said yes, by the caterers who work with Taylor's Tents and they would be for dancing, dining and a cook tent and a portolet tent.

Mr. Gada asked if any flooring or carpeting of some of the grass area would be done.

Ms. Lord said yes, a floor for dancing would be installed and taken up when done.

Mr. Mulholland said that he wants to make sure that the Commission focuses on this particular amendment that is being presented with this application as should it be approved, it applies throughout the Town and at this point in time, it is not site specific. It would become site specific upon the request for a special permit for this type of use and at that time these type of issues would be addressed on an individual basis.

Mr. Nickerson asked Mr. Mulholland what defines a farm and agricultural business.

Mr. Mulholland said that the regulations have a farm defined but have nothing for agricultural business as such. They would need to define it and would have to research that on a case by case basis plus check case law and obtain input from the Town Attorney to tighten it up.

Mr. Nickerson asked if the Commission had any questions on the amendment.

Ms. Lord said that she has spoken at length with people who are in this type of business such as Happy Smith at Stonington Vineyards who has been doing this for 17 years now. She has obtained a lot of information from them and was advised by them to utilize some of it.

Mr. Nickerson asked if this business would be run year round.

Ms. Lord said that she supposed that it could and that they could have weddings in the snow near the lake and the icehouse.

Ms. Carabelas asked about traffic. She said that if they could put 350 people at a wedding then what about all of the cars and the traffic from these guests.

Mr. Mulholland said that traffic is certainly a concern at this time. He said that the criteria for an *agricultural farm* is that it must have a minimum of two acres and that the raising of livestock or poultry is kept no less than 100' from any lot line. A *farm* is defined in the regulations as: 'A tract of land used for the necessary farm buildings in connection with the raising and/or caring for agricultural, livestock, poultry, or dairy products, but excluding the raising of fur bearing animals and the maintaining of dog kennels.' Agricultural use is not defined at this point.

Ms. Carabelas said that if there is no paving allowed and no gravel that she is concerned that during the rainy season of May and June that they will have a lot of mud.

Mr. Mulholland said yes. He explained that this is an amendment proposal and that they can add to it with an acreage requirement and even a time frame on the special permit such as one year – otherwise once you give a special permit it runs with the land.

Mr. Nickerson asked if anyone had any other comments – hearing none he called for a motion to close the public hearing.

****MOTION (1)**

Mr. Gada moved that this Public Hearing be closed.

Ms. Byrnes seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson closed this Public Hearing at 8:10 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary