

**EAST LYME ZONING COMMISSION  
PUBLIC HEARING I  
Thursday, MAY 6th, 2004  
MINUTES**

The East Lyme Zoning Commission held the Proposal to Amend Section 11 (Light Industrial Districts – Special Permit Uses) deletion of Section 11.2.2 (Regional Shopping Centers) Public Hearing on May 6, 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, Shawn McLaughlin, Pamela Byrnes,

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

**ALSO PRESENT:** William Mulholland, Zoning Official  
Rose Ann Hardy, Ex-Officio - Board of Selectmen

*May 10 20 04 at 4:20 AM*

**ABSENT:** Rosanna Carabelas, William Dwyer, Alternate, Marc  
Salerno, Alternate, William Henderson, Alternate

*Esther B. Williams*

EAST LYME TOWN CLERK

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

**Pledge of Allegiance**

The Pledge was observed.

**Public Hearing I**

**1. East Lyme Zoning Commission proposal to amend Section 11 (Light Industrial Districts) of the East Lyme Zoning Regulations, by deleting Section 11.2.2 – Regional Shopping Center**

Mr. Nickerson read the following correspondence into the record:

- ◆ Letter dated 5/6/04 to The EL Zoning Commission from Wm. Mulholland, Zoning Official – Re: Amendment, Proposed deletion of “Regional Shopping Centers” - noting that this is currently permitted in LI zones by Special Permit which requires a public hearing forum and suggesting that the Commission should carefully consider whether the amendment as proposed is in the best zoning interest of the community.

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

- ◆ Letter dated 5/3/04 to the EL Zoning Commission from Marcy Balint, Sr. Coastal Planner Office of LI Sound Programs – Re: Zoning Amendment Section 11.2.2 – Regional Shopping Center finding the amendment consistent.
- ◆ Letter dated 5/4/04 to Mr. Mark Nickerson, Zoning Chairman from Francine Schwartz, Chairman EL Planning Commission – Re: Proposed Amendment Section 11.2.2 – to eliminate “Regional Shopping Center” as a Special Permit use in the LI District finding this Inconsistent with the Plan of Conservation and Development and suggesting that controls be added rather than to eliminate it.
- ◆ Letter dated 4/20/04 from Gene Lohrs, Chairman SECCOG Regional Planning Commission Reference Committee – Re: Proposed Amendment to eliminate Section 11.2.2 – Regional Shopping Centers finding no adverse inter-municipal impact.

Mr. Gada noted for the record that the Legal Ad was published in the New London Day on April 23, 2004 and May 3, 2004.

Mr. Nickerson asked Mr. Peck if he would like to comment first on this proposal.

Mr. Peck said that this came up mainly as a result of the 'noise' and (appeared) opinion of the Townspeople last fall in regard to 'big box' retailers. 'Big box' was in the newspaper quite a lot last fall. The Gateway zone that is to the North of I-95 limits any one store to 25,000-sq. ft. but to the South there could potentially be a 'big box'.

Mr. Nickerson opened this up for public discussion and called three times for anyone in favor of the application to speak –

Hearing no one he called for anyone who wished to speak against the application –

John Jensen, 3 Larchwood Lane, East Lyme said that he is here as the Chair of the EDC. They are in favor of anything that promotes economic growth and by eliminating this option from the LI zone, they are limiting growth. They are taking a broader view of the Town than the snapshot of last fall and the election. They like to be more flexible. Mr. Mulholland explained in his brief to you that there are other regulations that kick in to protect this. They would also like to keep the option open on the 20,000-sq. ft. with the point being that a building of 100,000-sq. ft. may fit in and look a lot better than five buildings of 20,000 sq. ft. They like to think in much broader terms than the election of last fall.

Joe Kwasniewski, 67 Walnut Hill Road, East Lyme asked them why they would want to delete something from the regulations when they are saying on their agenda that they just want to amend it.

Mr. Nickerson asked if anyone else wished to speak against this application –

Hearing no one, he asked if anyone wished to speak neutrally on this application –

Hearing no one – he asked for any other comments from the Commission members.

Ms. Byrnes said that she understands the EDC and appreciates the work that they are doing and that of the Planning Commission. She thinks that some of them as Norm said, are responding to a heartfelt sentiment expressed by the people of this Town. She thinks that it is important to have an overall plan like the Charrette that was done and like the studies for downtown Niantic. This gives them an opportunity to put some parameters around things and to direct options for development in accordance with the wishes of the people who live in this Town so she supports this application.

Mr. Peck said that he went through the Yale Charrette and the Plan of Development recently in regards to this subject and one of the strategies of the Yale Charrette - #3 Big Box retail – an attractive use for a retail site or one or more (group) of stores. In the conclusion of the Yale Charrette they encourage large-scale retail. In the Plan of Development it discourages strip development (lining Flanders Road with retail) but encourages retail in the back. Guess what? – Industrial is located in the back. So, this is what they say and according to these, industrial parks are probably a good place to put large-scale retail rather than lining the main roads with it.

Mr. McLaughlin and Mr. Gada said that they think that they are covered as it is because under the LI zone a special permit is required and that is a control in and of itself.

Mr. Nickerson commented that regional shopping center does not say 'big box', it says regional shopping center.

Mr. Mulholland said that this was debated some 10 years ago and that it can be different things and there are different visions. Crystal Mall has been regarded as a regional mall. The dictionary has various meanings. Stores can be considered regional because they draw shoppers to them. If the Commission is comfortable, there are enough controls within the regulations to address this.

Mr. Nickerson said that with this amendment that they are asking that no retail go in back there. We have our controls in place. He also said that he was the one pushing for higher square footage on the Gateway as they are restricting this and hurting the tax base. At this point he is apt to turn this amendment down as there is only 5% commercial development in this Town and it is necessary for the tax base.

Ms. Byrnes said that she looks at the Crystal Mall area and that she thinks that the people of this Town do not want that here. She also cited that she does not want us to look like a Berlin Turnpike. Her question to them is if they have controls within their regulations to prohibit that from happening.

Mr. Mulholland said that there are a lot of issues and controls such as the parking issue and 40% lot coverage. Professionally he thinks that there are enough tools in place. He cautioned that there are also

property rights that have to be considered as well and that they cannot prohibit people from assembling parcels. The special permit process does control a lot of issues.

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

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

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

**Mr. Gada seconded the motion.**

**Vote: 5 – 0 – 0. Motion passed.**

Mr. Nickerson closed this Public Hearing at 8:12 PM.

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary

**WHITE GATE FARM  
P.O. Box 250  
83 UPPER PATTAGANSETT ROAD  
EAST LYME, CT 06333**

April 23, 2004

Mr. Mark Nickerson, Chairman  
East Lyme Zoning Commission  
P.O. Box 519  
Niantic, CT 06357

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.

Dear Mr. Nickerson,

By this letter, it is hereby requested that the Zoning Commission consider the attached proposed amendment to the Zoning Regulations. As the owner of a local organic farm, I would like to be able to lease a portion of our property for weddings and other special events. According to the Zoning Official, there are currently no regulations in place to allow this use in the rural districts. The proposed regulations were developed with the assistance of Planning & Zoning Department staff and are intended to minimize any adverse impacts to surrounding properties.

Enclosed with the proposed amendment is a fee in the amount of \$220.00. It is respectfully requested that this item be placed on your agenda at your May 6<sup>th</sup> meeting for scheduling of a public hearing.

If approved, it is my intention to follow with a Special Permit Application to allow this use at White Gate Farm. I believe that the proposed amendment will serve to encourage preservation of agricultural lands within the Town of East Lyme by allowing an additional source of revenue to keep the farming operation economically viable.

Thank you for your consideration of this matter.

Sincerely,

*Pauline Lord*

Pauline Lord

received  
4/23/04 *al*

220.00  
#211 *al*

739-2728

Draft 04/16/04

PROPOSED AMENDMENT TO THE ZONING REGULATIONS

20.1.2 (F) Private social event or assembly conducted as an accessory to an agricultural use.

25.5 TABLE OF MINIMUM CONTROLS FOR SPECIFIC SPECIAL PERMIT

<u>USE</u>	<u>DISTRICT</u>	<u>CONTROLS</u>
Agricultural Or Farm	All Rural & Residence Districts	<p>3. The maximum number of persons allowed at a single event as permitted under Section 21.1.2 (F) shall not exceed 350.</p> <p>4. Notwithstanding the requirements of Section 22, sufficient area shall be available and suitably improved to provide one parking space for every 3 guests.</p> <p>5. For events attended by more than 200 persons, a traffic guard shall be posted wherever traffic enters/exits onto a Town road.</p> <p>6. Potable water and toilet facilities sufficient to accommodate the maximum number of people assembled, shall be provided in accord with Section 4.3.9 &amp; 4.3.10 of the Mass Gathering Ordinance of the Town of East Lyme and the CT Public Health Code.</p> <p>7. Music and entertainment shall be limited to the hours of 10:00 a.m. – 9:00 p.m. The maximum noise level shall not exceed 55 dB at the property line.</p> <p>8. Adequate external illuminations shall be provided for events extending past daylight. Lighting shall be directed so as not to spill over onto adjoining properties.</p>