

**EAST LYME ZONING COMMISSION  
PUBLIC HEARING  
Thursday July 8, 2010  
MINUTES**

The East Lyme Zoning Commission held a Public Hearing on Thursday July 8, 2010 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

**MEMBERS PRESENT:**

Rosanna Carabelas  
Steve Carpenteri  
Marc Salerno  
Norm Peck, III

**ALSO PRESENT:**

James Liska, Alternate and Planning Commission, Liaison, Seated  
Bob Bulmer, Alternate  
William Dwyer, Alternate, Seated  
William Mulholland, Zoning official  
Rose Ann Hardy, Ex-Officio

**ABSENT:**

Matt Walker  
Ed Gada

**ALTERNATES:**

Bob Bulmer  
Bill Dwyer, Seated July 8, 2010  
James Liska, Seated July 8, 2010  
Bob Bulmer, Seated June 17, 2010, scheduled to sit for the next absence.

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

July 15, 2010 at 8:15 <sup>AM</sup> ~~PM~~

Esther B. Williams

EAST LYME TOWN CLERK

**Pledge of Allegiance**

The pledge was observed.

**Public Hearing**

**1. Continuation of Application of Theodore A. Harris, for New England National, LLC to amend the East Lyme Zoning Regulations to add Section 12B, SU-A Special Use District. This proposal will provide for single family and two family homes with provisions for mandated affordable housing.**

Mr. Ted Harris of 351 Main Street, Niantic, wanted to briefly recap the text change being applied for. He stated the change would only be allowed in three zones the CA the R-10 and the RU40. It also has an affordable component and requires 20 percent of affordable units to be comprised of the overall development. Mr. Harris proceeded to respond to the issues previously stated by the Commission. He distributed to the Commission the modifications, recorded as Exhibit 4. The first area to discuss was on page 3 of the regulation, 12B.4.5, and 12B.5 itself, the coverage density standards. Mr. Harris presented a change of 5 percent maximum coverage on anything in the RU-40 and 10 percent in all other zones. He explained the benefit of increased density as being able to

afford to build homes that would be more affordable to first time home buyers. The next topic was sidewalks, Mr. Harris added a provision in 12B.5.6 addressing the sidewalk issues. Mr. Harris also addressed Architectural design and had added wording within 12B.5.1 that the development would be designed with traditional New England Architecture. Mr. Harris also addressed the concerns about Resource Conservation. Mr. Mulholland asked about 12B.5.1 the 40 percent entitling the applicant to increased density, Mr. Harris replied that 40 percent of open space had to be provided within the development area.

Mr. Peck asked if the applicant had a specific site in mind for this type of Zoning. Mr. Harris said he didn't think he could discuss that. Mr. Peck said there may be a conflict and he would have to bring this up again.

Chairman Salerno opened the discussion to the public and asked for those in favor to approach. He then asked for those against to approach.

Mr. Mark Christensen of Grassy Hill Road, East Lyme said that he was against the proposal for this special use zone because it does not agree with the recent POCD updates and all Zoning changes are to be reviewed for consistency with the POCD. He said this topic is addressed in the POCD when it speaks about adequate water and soil resources for septic systems. Mr. Christensen read this information to the Commission. He also felt that this didn't appear to be an appropriate time for the Zoning Commission to make such a vast change while they were in the process of reviewing their regulations. Mr. Christensen also said that the application has been forwarded to the Planning Commission for review and the application has since been amended and the Planning Commission is not aware of the amendment. He felt the proper course of action would have been to close the Public Hearing and resubmit the amended application to the Planning Commission, then reopen the Public Hearing.

Mr. Mulholland said it is up to the Commission to go forward if the changes are minor.

Mrs. Ann Gaffey of 2 Pepperidge Lane, East Lyme said that none of our roads are sufficient. She felt that this was a good reason to not consider increased density.

Mr. Butterfield of 6 Upper Walnut Hill Road, East Lyme, said that this text amendment affects a great area in town it is not confined to a smaller area that section 32 covers. He feels that section 32 is well written and covers what the town needs for affordable housing and didn't see the benefit of amending the SU regulation. He was also concerned about the change from a 30 percent mandate for affordable housing to 20 percent and the increased density.

Mrs. Barbara Wingardner of 95 Walnut Hill Road, East Lyme is very much opposed to the proposal to allow denser housing in RU-40 zoned areas. She said it is not recommended in the 10 year master plan of conservation and development. She also asked about water restrictions. Mrs. Wingardner read the responsibilities of the Commission to the members and asked that they do their job and vote no.

Mr. Tom Kalal of 80 Grassy Hill Road, East Lyme is also opposed to the amendment as it is written. He feels that the change to this amendment supersedes all the work put into the ten year plan of the POCD. As a citizen Mr. Kalal is concerned about a duplex being built right next to his property affecting the value of his property. Also he asked about the costs of town services increasing with all this new housing.

Mrs. Maureen Bell of 18 upper Walnut Hill Road, East Lyme is opposed to the amendment because it looks as if the RU-40 zone covers close to half of the town and she feels this change could be farther reaching than it appears.

Mr. Nick Dombrowski of 103 Walnut Hill Road, East Lyme is opposed to the amendment. His concern is the plan of increased density and the cost of community services, he presented a study of information to the Commission regarding these costs.

Based upon his information he is opposed to the amendment as it's written he does not see it as a benefit to the town and although he feels affordable housing is an issue, the infrastructure is not there to support it.

Mr. Marvin Schutt, 29 N. Edgewood Road, Niantic, Mr. Schutt felt that the concept being proposed had too wide of a range and had the potential for spoiling the North end of East Lyme. He asked the Commission to consider not approving such a far reaching change.

Mrs. Pauline Lord of 80 Upper Pattagansett Road, East Lyme, said the proposal represented everything that smart growth is not. She said you cannot concentrate housing in clumps in "God's Country" this constitutes sprawl. She said she was in favor of affordable housing and increased density in areas like down town Niantic.

Mrs. Nancy Kalal of 80 Grassy Hill Road, East Lyme said that she was not in favor of changing RU-40 in SU districts it is against the plan of POCD. She named various areas that were identified for affordable housing by the POCD. She also concurred with Mr. Dombrowski on the cost of increased density to the town taxpayers.

Mrs. Alicia Gear of 86-88 Grassy Hill Road, East Lyme asked the Commission to remember why the maps were done the way they were and to think about why these changes are being made.

Mr. Ted Harris said that RU40 does not cover the entire north end of town. He said they were requiring a minimum of 40 acres to cluster the area and also to provide on site services lessening the burden on the town. Mr. Harris reiterated the purpose to provide affordable single family housing. Mr. Harris distributed a study by the POCD recorded as Exhibit 5. This study addressed the concerns of schools and the increase in students. Mr. Harris also said that the Commission did still have control over denying applications within this regulation.

Rosanna Carabelas wanted to clarify the 20 percent and 30 percent requirement for affordable housing when an application came before the commission.

Mr. Carpenteri said according to this information a single family house will contain not less than 1200 square feet and a duplex is not less than 1000 square feet, does that mean that 20 percent of these could be within this size and the rest could be larger.

Mr. Harris said they did not establish a maximum size, however in an affordable development the affordable units have to comport with the non-affordable units, so essentially there would not be larger units.

#### **MOTION (1)**

**Rosanna Carabelas moved to close the Public Hearing on the Application of Theodore A. Harris, for New England National, LLC to amend the East Lyme Zoning Regulations to add Section 12B, SU-A Special Use District.**

**Seconded by Mr. Liska.**

Mr. Peck asked that the Zoning Map be brought into the room so they could all see where the RU40 zones are.

**Motion Passed 6-0-0.**

#### **2. Continuation of Application of White Gate Farm to amend the East Lyme Zoning Regulations to add Section 20.17.2 Agriculture Farm Store (Accessory Use)**

Rosanna Carabelas read into the record the following:

1. Zoning Official Memo, July 8, 2010
2. Planning Referral, Dated June 16, 2010
3. SCCOG Referral, Dated May 26, 2010
4. OLISP Referral

Mrs. Pauline Lord of White Gate Farm 83 Upper Pattagansett Road, East Lyme said the organic farm business was started ten years ago, the organic regulations are strictly enforced. Their mission is to provide healthy natural foods to the area and they are continually improving the soil, water, and wildlife of the area. Mrs. Lord explained the purpose of the store to help strengthen the financial future of the farm and to also provide more access to customers buying the products.

Mr. Salerno and Mr. Mulholland discussed the difference between what is allowed now being farm stands and what is being applied for being a farm store.

Mr. Dwyer asked if this store would be opened year round.

Mrs. Lord said yes they were planning on being opened year round.

Rosanna Carabelas asked for clarification on the size requirements.

Mr. Salerno opened the discussion to the public.

Mr. Mark Christensen of Grassy Hill, East Lyme was in favor of this amendment, it is in compliance with the POCD. He also stated the benefits of agriculture for the land and water of the town.

Mrs. Ann Gaffey of 2 Pepperidge Lane, East Lyme read to the Commission a letter from her husband Patrick Gaffey of 2 Pepperidge Lane, East Lyme supporting the amendment and the support of farming and agriculture of East Lyme.

Mr. Marvin Schutt of 29 N. Edgewood Road, Niantic, is greatly in favor of the amendment.

Mrs. Nancy Kalal of 80 Grassy Hill Road, East Lyme urged the Commission to approve this amendment she said that a farm store is a positive addition to the community.

Mr. Wally Bruckner of Roxbury Road, Niantic owner of the restaurant La Belle Aurore is in great support of the farm store. He said that he and his wife already have a relationship with the farm, they are currently purchasing products for their restaurant from Whitegate Farm. Mr. Bruckner said the farmland the farmers, and the agriculture in this town is an asset to the town and should be embraced.

Mr. Salerno asked Mr. Mulholland about sign regulations. Mr. Mulholland responded that they would have to follow the sign regulations in section 18.

Mr. Salerno asked if there would be alcohol sales allowed, Mr. Mulholland replied no.

Rosanna Carabelas asked about hours of operation. Mr. Mulholland said this would be addressed under the special permit regulations.

Mr. Salerno asked the applicant if there was currently a farm stand in operation. Mrs. Lord responded that there is a room that is set aside where some product is available.

There was discussion about parking and Mrs. Lord stated that there was more than enough space for parking.

#### **MOTION (2)**

**Mr. Dwyer moved to close the Public Hearing of the Application of White Gate Farm to amend the East Lyme Zoning Regulations to add Section 20.17.2**

**Agriculture Farm Store (Accessory Use.)**

**Seconded by Mr. Carpenteri.**

**Motion Passed 6-0-0.**

Respectfully Submitted,

Zoe Zrakas, Recording Secretary