

Public hearing on Halls Road zoning changes postponed again

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By **Elizabeth Regan**

e.regan@theday.com

Old Lyme — Roadblocks remain amid a continued push to transform the town's main commercial thoroughfare into a livable, walkable and shoppable neighborhood center that capitalizes on the village ambiance of historic Lyme Street.

Halls Road Improvements Committee Chairwoman Edie Twining on Thursday said a Zoning Commission public hearing on proposed zoning regulations to guide the transformation has been pushed off for the second time in as many months. The language is awaiting "tweaks" at the behest of the commission attorney, Matthew Willis of Halloran Sage, according to Twining.

Committee members have been working since 2015 to make Halls Road more of a destination and less of a highway rest stop. A master plan from Glastonbury-based engineering firm BSC Group completed in 2021 led to suggestions for changes both conceptual and tangible, from revising zoning regulations to building a pedestrian bridge over the Lieutenant River.

The zoning proposal now under consideration was conceived as a way to bring face-to-face contact back in an online era, according to the committee.

At the crux of the proposed regulations are requirements that shops and restaurants be located on the first floor facing the street for a more "browsable" village experience. In return, developers get something not allowed under existing regulations: the chance to build lucrative apartments or condominiums above the businesses, behind them, or in buildings not directly fronting the road.

A letter from Halls Road Improvements Committee members introducing the proposal to the Board of Selectmen this fall said the people living in the neighborhood provide a built-in consumer base for goods and services sold there. That's especially important when online retailers are taking business away from local shops, they said.

"Retail does better today in living, mixed-use neighborhoods, in part because they supply one crucial thing the Internet cannot: human, face-to-face contact," the letter read. "In responding to such challenges, it seemed to many residents that creating a mixed-use shopping district along Halls Road could provide a stronger future environment for local businesses and ease the shortage of smaller-scale housing types in Old Lyme."

Halls Road functions as a connector between Lyme Street and Route 156, where Interstate 95 on and off ramps are located. It is lined with businesses, a post office and restaurants in mid century-era strip malls.

Second time around

The proposal comes a year after a previous iteration of [changes drafted by the committee](#) was abruptly withdrawn by First Selectman Tim Griswold to allow more time for review. He said at the time concerns about the “village district” proposal were brought to his attention by two members of the improvements committee, including Halls Road property owner and current Board of Finance Chairman David Kelsey.

Kelsey has told The Day he felt the language in the first proposal was [rushed and too restrictive](#), putting expensive demands on anyone who wants approval to operate a business on Halls Road.

In response to the objections, the committee instead proposed an “overlay zone” that developers can opt into. It was a departure from the obligatory village district pitched the first time around that would have required participation by anyone planning to renovate or build in the area.

A total of \$76,000 has been spent out of \$95,000 budgeted so far for Halls Road Improvements Committee expenses including the master plan, consulting fees and legal fees, according to budget documents. That includes \$19,000 for guidance from the BSC Group and an attorney hired by the committee to advise them on the draft zoning regulations.

The committee hired William R. Sweeney of the New London-based Tobin, Carberry, O'Malley, Riley & Selinger law firm after taxpayers approved the funding at a March town meeting.

Land use coordinator and Zoning Enforcement Officer Eric Knapp said the postponed public hearing, initially set to go before the Zoning Commission in November and then in December, will happen in January.

Knapp was a partner with the Branse, Willis and Knapp law firm for 14 years before he went into municipal planning in several towns along the shoreline. He replaced former land use coordinator Dan Bourret at the end of August when Bourret left to become the Portland planner.

Knapp said he gave the draft proposal to Willis, the commission’s legal counsel, a day or two before the Planning Commission’s November meeting. Willis is also an alumnus of Branse, Willis and Knapp.

“I thought it was important for the commission to have their own independent review of the application,” Knapp said.

Willis identified areas to be “modified slightly” because of inconsistencies between the overlay district and existing regulations, according to Knapp. He said Sweeney, the committee’s attorney, is currently addressing those concerns.

“There’s nothing in there that’s deal breaking, there’s nothing that says it’s illegal,” Knapp said. “There’s just things that don’t seem to track well from the existing regs to the proposed regs, and we just need to make sure that when we’re done with have regs that are usable on the book.”

Referrals

The Board of Selectmen in September recommended approval of the overlay district to the Zoning Commission. But the Planning Commission last month gave the proposal a “negative referral,” a move that raises the bar for the Zoning Commission members if they choose to approve the new regulations.

State statute requires a supermajority vote by all Zoning Commission members in order to approve any proposal not endorsed by the planning commission. Knapp said that means it will take a yes vote from four out of five Zoning Commission members to get the Halls Road overlay zone added to the regulations.

The Planning Commission in its rationale for the negative referral said it wasn’t clear if the overlay zone was optional or not. And if it is optional, they said, it’s unclear how the mix of standards would be an improvement on the status quo.

They also urged the commission to substitute the word “may” for “shall” in places where they could make the standards less “cost-prohibitive” without altering the impact of the regulation.

The draft regulations specify the overlay zone “is intended as an alternative set of zoning requirements” that act as an incentive for developers who wouldn’t otherwise be able to build apartments or condominiums there.

The proposal emphasizes in bold font that current regulations will remain in effect “unless and until” the property owner asks for and receives a special permit to participate in the overlay district.

Twining, the improvements’ committee chairman, said she felt neither Knapp nor the members of the Planning Commission understood the proposal. She declined to comment further until the language is revised by the committee’s attorney based on the other attorney’s suggestions.

“We have answers to all their questions but we’re waiting for the lawyers to finish their work before we can publish anything,” she said.

Meanwhile, the committee has issued a Request for Proposals seeking engineering designs for the pedestrian bridge, a town green and walking and biking paths on mostly town- and state-owned land between Halls Road and Lyme Street. The committee received \$135,000 in pandemic-relief funding from the town for the design work, which Twining said will be leveraged to secure millions of dollars in grant funding from the state.

Seven years into efforts to improve Halls Road, Twining acknowledged it could take ten more before there is visible change. The same sentiment was echoed in the proposed zoning regulations drafted to inspire private development for the public good.

“The aim is to create, over time, an inviting pedestrian-friendly shopping street in a living, mixed-use neighborhood along Halls Road,” the proposal said. e.regan@theday.com