



# TOWN OF OLD LYME

www.oldlyme-ct.gov

52 Lyme Street  
Old Lyme, CT 06371

May 11, 2023

Mark Comstock  
146 Neck Road  
Old Lyme, CT 06371

Re: 146 Neck Road  
Commercial Propagation and Growing on Site

Dear Mr. Comstock:

As you are aware, there has been an ongoing investigation into your use of 146 Neck Road for commercial activity. I have been out to your site, and your neighbor's site several times. We have met in person there and in my office here on multiple occasions. I have spoken to your attorney, Thor Holth, as well as Susan Zilke, and her counsel, Mark Zamarka and Timothy Bleasdale. I have also reviewed correspondence provided by you and your counsel, as well as your neighbor and her counsel. Finally, I am in possession of a survey prepared by Richard Gates, revised through April 26, 2023, showing the current and proposed uses of the property at 146 Neck Road.

I have compared the uses shown and observed to what is allowed in the RU-40 Zoning District, as well as what is permitted pursuant to Section 11.15 of the Zoning Regulations.

It is my determination that if you limit activities to those shown on the Richard Gates plan, the activities will be considered "Commercial propagation and growing of flowers, plants, nursery stock and berries, without sales to the general public exceeding a sales area of 400 square feet." As such, it is a permitted use in the RU-40 Zone subject to the requirements of Section 11.15 of the Regulations.

This determination is conditional upon the following:

1. All signage must be approved by this office following the submission of a valid sign permit.
2. Customers shall not be allowed to walk the site freely. They must park in the parking spaces shown on the plan and purchase plants solely at the space designated for sales.
3. The sales hours must be respectful of the residential nature of the neighborhood.
4. Lighting must be designed not to interfere with the use of the adjacent property.
5. Per your commitment to me, the commercial fans that I observed on the site are not to be used, and new, quieter fans are to be installed.
6. Per the requirements of Section 11.15, all uses and structures which are "commercial in character" should be screened from your neighbor's property. A schedule of when you intend to plant the "row of green giant arbor vitae" shown on the plan must be provided.



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7. The conservation area must be respected. No commercial activities or other activities inconsistent with the existing conservation easement may be conducted in this area.
8. As this use is for growing and nursery stock, full grown plants shall not be brought to this site and sold, nor shall mulch or other soils products be sold at this site.

This is a **decision** of the Old Lyme Zoning Enforcement Officer, issued pursuant to Section 20.2.2 of the Zoning Regulations. As set forth in Section 20.6 of the Zoning Regulations, you have **thirty (30)** days to appeal this order to the Old Lyme Zoning Board of Appeals. **Failure to appeal this decision within the time allotted will result in irreversible legal consequences. Please consult legal counsel for details.**

Very truly yours,

Eric Knapp  
Land Use Coordinator  
Town of Old Lyme  
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cc: Thor Holth, Esq.  
Timothy Bleasdale, Esq.  
Susan Zilke