



PLANNING AND ZONING COMMISSION
Public Hearing/Regular Meeting

The Lyme Planning & Zoning Commission held a meeting on June 13, 2016 at 7:30 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT, 06371.

MEMBERS PRESENT: David Tiffany Chairman, Steve Mattson, Phyllis Ross, Ross Byrne, Hunter Ward, Kelvin Tyler, Bill Koch, Attorney Mike Carey, Bernie Gigliotti ZEO, and Patsy Turner Secretary.

Public Hearing

An application for a re-subdivision of a 38.78 acre into two lots of 6.47 acres and 32.31 acres at the property of Phyllis Keel 372 Grassy Hill Road, Tax Map 51 Lot 2.

Present at the meeting was Richard Keel.

Keel: This re-subdivision is a transfer of property ownership which makes this application unique. The smaller lot will be retained by Phyllis Keel and will be transferred in the future to family members. The soil types are great for septic systems and there is ample distance between current wells and systems.

Tiffany: The commission favors combined driveways.

Keel: The newly created lot will have a driveway off of Grassy Hill Road near the utility easement.

Tiffany to Gigliotti: What is the sanitarian's status on this project?

Gigliotti: Communication occurred with Mr. George Calkins and he is okay with the re-subdivision plan and the proposed location of the septic system.

Turner: A referral letter from the Lyme Inland/ Wetlands Commission which states there are no issues with the placement of the septic system and no issues with the re-subdivision due to the activities being located outside the regulated area on the property.

Gigliotti: A letter has not been received as of yet but a verbal approval was received. This re-subdivision is a family transfer which means there is no open space set-aside required.

Tiffany to Keel: Has a no further division clause been considered?

Keel: The town's regulation 7.11 allows a second family dwelling to be built on a lot as long as it conforms. A land planner has been consulted when designating the division lines. It is our zoning right to construct a second dwelling. The commission's concern about further subdivision has been understood. Both lots could accommodate two dwellings. Developers could create 5 to 6 lots with this property; that is not our wish for this site. Extra test pits have been dug on the property.

Gigliotti: If the applicant agrees to no further subdivision than the right under regulation 7.11 will be forfeited.

Tiffany: The applicant could agree to a maximum of two houses on the two lots being created?

Keel: Yes, that would be agreeable.

Tiffany to Gigliotti: Are there other document to be entered into the record?
Gigliotti: There are none.

Tiffany called for comments from the commission members and the public, with there being none this section of the public hearing was closed and the regular meeting was opened at 7:41 p.m.

Regular Meeting

An application for a re-subdivision of a 38.78 acre into two lots of 6.47 acres and 32.31 acres at the property of Phyllis Keel 372 Grassy Hill Road, Tax Map 51 Lot 2.

Tiffany called for questions or comments from the commission members and Mr. Gigliotti.

Mattson made a motion to approve for application with a stipulation that there will be no further subdivision of the two parcels with the caveat that each parcel will have the ability to build a second building under Section 7.11 of the Lyme Planning and Zoning Commission Regulations.

Tyler amended the motion for approval to include a contingency for a written approval letter from George Calkins.

Mattson agreed to the amendment to his motion.

Ward seconded the motion, Tiffany called for a vote, and the motion was passed unanimously.

Sunset Hill Vineyards 5 Ely Ferry Road, Tax Map 25 Lot 21; an application for a special permit to conduct wine tastings at the vineyard in accordance with current regulations.

Tiffany: Gigliotti will explain how this application process has continued and how the details in the motion were created.

Gigliotti: At the close of the public hearing on this matter Attorney Mike Carey and myself were set to the task of creating a motion. The commission members sent their notes which were collected during the public hearing to my e-mail and that information was used in the development of the motion; the motion was create from the application and the information from the members. It is believed that the motion satisfies the intent of what was asked at the end of the public hearing.

Carey: Mr. Gigliotti forwarded the notes and comments from the commission members and the written documents are in the file for this application, there have not been any communications between commission members since the end of the last meeting. The Planning and Zoning Chairman, Mr. Gigliotti, and myself did have a meeting to review the draft of the motion, a second draft was created, and then Gigliotti made a few changes and the result is what is before the commission this evening (draft motion 6/13/16).

DRAFT MOTION TO APPROVE 6/13/16

SUNSET HILL VINEYARDS, 5 ELY FERRY ROAD, APPLICATION FOR SPECIAL PERMIT TO CONDUCT WINE TASTINGS AT VINEYARD

MOTION: To approve the application, dated April 5, 2016 by Sunset Hill Vineyards for a special permit pursuant to Zoning Regulation § 8.5, Farm Wineries, with the following findings, modifications and conditions:

A. FINDINGS.

The Commission finds that the application, subject to the modifications and conditions set forth below, satisfies the requirements of the Zoning Regulations, including without limitation § 2.21.2 and §§ 8.5.1 through 8.5.10, inclusive.

B. MODIFICATIONS AND CONDITIONS.

1. This permit shall regulate the production, bottling, and sales (including conducting wine-tastings) of wine produced and to be sold at the permittee's property at 5 Ely Ferry Road. Tastings, wine sales and sales of wine related merchandise can be held on the area referred to as the crush pad and on the deck attached to the winery building ("Wine Tasting Area") and shown on the "Plan Sunset Hill Vineyard Proposed Site Improvements, Sheet 1 of 1, Dated 10/20/15, Revised 5/9/16" (the "Plan").

2. The permittee may conduct wine-tastings on Saturday and Sunday, and may sell bottles/cases of wine at the permit property on Thursday, Friday Saturday and Sunday, all by prior appointment only.

3. All appointments shall be made by telephone and/or by email. The permittee shall create and maintain a permanent log listing the date and time of the making and keeping of each appointment for a wine-tasting and/or a visit to buy bottles/cases of wine produced at the site. Said log need not identify any individual who visits the site for these purposes, but must accurately report the date and time at which each appointment is made, the date and time on which it is kept, and the number of people on the site for wine-tasting and/or purchases of wine at any one time. The records created must be sufficient to demonstrate compliance with the requirements of this permit and the Zoning Regulations.

a. Copies of said records shall be provided to the Zoning Enforcement Officer on or before December 31 of each year that the activities allowed by this permit are being conducted.

4. Only wine produced at the site may be used for wine-tastings and/or sales of bottles and cases of wine at the site. Each tasting shall consist of no more than four samples, each no more than one-half of an ounce of wine produced at the site, and one single four ounce glass of wine produced at the site. No one may bring alcoholic beverages, beverages of any other sort, and/or food to the permit property for a wine-tasting or a visit to purchase wine by the bottle/case.

5. Wine-tastings shall only be conducted between the hours of 12:00 noon and 6:00 p.m. on Saturdays and Sunday from May 1 to November 30 of each year, and the day before the following holidays: Fourth of July, Thanksgiving, Christmas and New Years.

6. Sales of bottles/cases of wine to persons on the site may only occur between 12:00 noon and 6:00 p.m. on Thursday, Friday, Saturday and Sunday on a year round basis. Visits to the permit property to purchase bottles/cases of wine may also be conducted between the hours of 12:00 noon and 6:00 pm on the day before the following holidays: Fourth of July, Thanksgiving, Christmas and New Years.

7. There shall never be more than a total of eight visitors on the permit property at any time for tastings and/or the purchase of bottles/cases of wine.

8. All parking in association with the wine tastings and/or visits to the site to purchase bottles/cases of wine shall be in the parking area designated on the Plan.

a. No vehicles visiting the site and no vehicles associated with the permitted activities on the site shall be parked offsite or on Town of Lyme public roads, including without limitation Ely Ferry Road.

b. Only passenger motor vehicles shall be allowed to use the designated visitor parking lot. No buses, tour buses, limousines, or other like modes of transportation are permitted at the permit property.

9. This permit does not allow the permittee and the permittee shall not conduct and/or allow any other person or entity to use the permit property for bachelor parties, weddings, as a cafe or restaurant, or for any other purpose than the growing of grapes and the production of wine from those grapes, wine-tastings, sale of wine related merchandise and the sale of bottles/cases of wine produced at the site.

10. The permittee may sell wine-related items, such as corkscrews, T-shirts branded with the Vineyard's name or logo, and wine-related books from the Wine Tasting Area.

11. The permittee may serve but not charge for cheese and crackers during wine tastings. No food other than cheese and or crackers shall be cooked, prepared or served on the site.

12. The permittee may provide unamplified, acoustic music in the wine-tasting area, but only during wine-tastings.
13. The permittee and/or employees of the permittee may provide guided tours of the grape growing area to persons lawfully at the premises for purposes of wine-tasting and/or the purchase of bottles/cases of wine.
14. There shall be no more than 1000 cases of wine at the site at any one time, and there shall be no wine stored at the site except wine produced at the site pursuant to the requirements of this permit.
15. There shall be no exterior lighting installed and/or maintained at the permit property other than the lighting currently on site.
16. All advertising by the permittee in any media, including on a website, of the uses permitted hereby shall state that visits to the site for the permitted purposes shall be by appointment only.
17. Prior to recording the special permit, the permittee shall submit to the Zoning Enforcement Officer for his review and approval one mylar and four copies of the approved plan, as required by § 11.7 of the Zoning Regulations. Said plan shall at a minimum provide all information required by §§ 11.5.2(b)(1), (2) and (3) of the Zoning Regulations.
18. The permittee shall not offer for tastings and/or for sale wine which is not produced at the permit property.
19. There shall be no modification of the buildings, structures, driveways, parking area(s), equipment and/or of the methods of production of wine now on the permit property without a modification of this permit approved by the Commission.
20. There shall be a temporary sign posted on the days of tastings directing parking to the designated area.

Tiffany: The information used to create the motion is boiled down from the public hearing.

Carey: Boiled down from the comments received from the public during the public hearing, from my notes during the public hearing, and from Gigliotti's notes. A motion to approve and a motion to deny were both created for the commission.

Mattson suggested that the commission take a moment to comment and review the document and make any changes necessary before the motion is read into the record.
Tiffany: This is the time to make any changes.

Mattson: In #5 of the motion, Christmas and New Years, should that be removed? Wine tasting occur outside and those two dates are outside the May-November time frame.

Carey: The wine tasting area has been identified on the plans and the sales by bottle/case of wine will be in that area also, which is year round (#6).

Mattson: The bottle/cases of wine can still be sold at Christmas and New Years but wine tasting will probably not happen at those times of year.

Mattson: In #8b, why are limousines excluded? Is that something the commission should be limiting?

Gigliotti: Yes.

R. Byrne and Koch: Not sure why limousines need to be part of that.

Carey: There are different sizes for limousines.

Mattson: The number of people is already limited to eight; less cars=less parking.

Gigliotti: With the concerns from the public with buses, limousines should be left in that line item.

Matson: In #9, clarification, the vineyard is used for non-profit charity events with no fee charged, is that being precluded in this line item?

Gigliotti: That was not the intent.

P. Ross: In #11 and #12, the site is a business and a residence; these line items are limiting food and music, but the owners live on the property and have a right to cook food and play music for a private party and/or at their home. The personal use and the business use need to be clearly identified.

Tiffany: There is a designated wine tasting area which is separate from the residence.

P. Ross: If the details of those line items are taken literally then the Caruso family would not have the ability to cook dinners in their home; the intent is good but the wording needs clarity.

Carey: To #11 add in connection to the winery.

Mattson: An addition of a line item may solve the changing of each section. For example: no provisions within this permit should affect non-business use of the property as a residence.

Mattson: Number 18 is redundant.

Carey: That can be removed.

Tyler: In #20, temporary sign for parking, should the appearance and specifications of the sign be specified?

Tiffany: Our regulations cover those details; the applicant did not desire a sign that was driven by the public comments.

R. Byrne: A permanent sign would be preferred; it could state by appointment only and that would prevent the public from driven in.

Tyler: A permanent sign may make the area look more commercial.

Tiffany: No sign would discourage drop-ins without appointments.

R. Byrne: There are many non-commercial farms that have signs with the farm's name.

Mattson: The sign being discussed is for parking.

Gigliotti: the applicant showed no desire for a sign.

P. Ross: The draft is a good representation of the public's and the commission members' concerns and comments.

Mattson read into the record the amended draft of the motion.

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A. FINDINGS.

The Commission finds that the application, subject to the modifications and conditions set forth below, satisfies the requirements of the Zoning Regulations, including without limitation § 2.21.2 and §§ 8.5.1 through 8.5.10, inclusive.

B. MODIFICATIONS AND CONDITIONS.

1. This permit shall regulate the production, bottling, and sales (including conducting wine-tastings) of wine produced and to be sold at the permittee's property at 5 Ely Ferry Road. Tastings, wine sales and sales of wine related merchandise can be held on the area referred to as the crush pad and on the deck attached to the winery building ("Wine Tasting Area") and shown on the "Plan Sunset Hill Vineyard Proposed Site Improvements, Sheet 1 of 1, Dated 10/20/15, Revised 5/9/16" (the "Plan").

2. The permittee may conduct wine-tastings on Saturday and Sunday, and may sell bottles/cases of wine at the permit property on Thursday, Friday, Saturday, and Sunday, all by prior appointment only.

3. All appointments shall be made by telephone and/or by email. The permittee shall create and maintain a permanent log listing the date and time of the making and keeping of each appointment for a wine-tasting and/or a visit to buy bottles/cases of wine produced at the site. Said log need not identify any individual who visits the site for these purposes, but must accurately report the date and time at which each appointment is made, the date and time on which it is kept, and the number of people on the site for wine-tasting and/or purchases of wine at any one time. The records created must be sufficient to demonstrate compliance with the requirements of this permit and the Zoning Regulations.

a. Copies of said records shall be provided to the Zoning Enforcement Officer on or before December 31 of each year that the activities allowed by this permit are being conducted.

4. Only wine produced at the site may be used for wine-tastings and/or sales of bottles and cases of wine at the site. Each tasting shall consist of no more than four samples, each no more than one-half of an ounce of wine produced at the site, and one single four ounce glass of wine produced at the site. No one may bring alcoholic beverages, beverages of any other sort, and/or food to the permit property for a wine-tasting or a visit to purchase wine by the bottle/case.

5. Wine-tastings shall only be conducted between the hours of 12:00 noon and 6:00 p.m. on Saturdays and Sunday from May 1 to November 30 of each year, and the day before the following holidays: Fourth of July, Thanksgiving.

6. Sales of bottles/cases of wine to persons on the site may only occur between 12:00 noon and 6:00 p.m. on Thursday, Friday, Saturday and Sunday on a year round basis. Visits to the permit property to purchase bottles/cases of wine may also be conducted between the hours of 12:00 noon and 6:00 pm on the day before the following holidays: Fourth of July, Thanksgiving, Christmas and New Years.

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b. Only passenger motor vehicles shall be allowed to use the designated visitor parking lot. No buses, tour buses, limousines, or other like modes of transportation are permitted at the permit property.

9. This permit does not allow the permittee and the permittee shall not conduct and/or allow any other person or entity to use the permit property for bachelor parties, weddings, as a cafe or restaurant, or for any other purpose than the growing of grapes and the production of wine from those grapes, wine-tastings, sale of wine related merchandise and the sale of bottles/cases of wine produced at the site.

10. The permittee may sell wine-related items, such as corkscrews, T-shirts branded with the Vineyard's name or logo, and wine-related books from the Wine Tasting Area.

11. The permittee may serve but not charge for cheese and crackers during wine tastings. No food other than cheese and or crackers shall be cooked, prepared or served on the site in connection with the uses permitted by this permit.

12. The permittee may provide unamplified, acoustic music in the wine-tasting area, but only during wine-tastings.

13. The permittee and/or employees of the permittee may provide guided tours of the grape growing area to persons lawfully at the premises for purposes of wine-tasting and/or the purchase of bottles/cases of wine.

14. There shall be no more than 1000 cases of wine at the site at any one time, and there shall be no wine stored at the site except wine produced at the site pursuant to the requirements of this permit.

15. There shall be no exterior lighting installed and/or maintained at the permit property other than the lighting currently on site.

16. All advertising by the permittee in any media, including on a website, of the uses permitted hereby shall state that visits to the site for the permitted purposes shall be by appointment only.

17. Prior to recording the special permit, the permittee shall submit to the Zoning Enforcement Officer for his review and approval one mylar and four copies of the approved plan, as required by § 11.7 of the Zoning Regulations. Said plan shall at a minimum provide all information required by §§ 11.5.2(b)(1), (2) and (3) of the Zoning Regulations.

18. There shall be no modification of the buildings, structures, driveways, parking area(s), equipment and/or of the methods of production of wine now on the permit property without a modification of this permit approved by the Commission.

19. No provisions within this permit should affect non-business use of the property as a residence.

Tyler seconded the motion.

Carey: Remove a section from #2.

Mattson: Amend #2 (2.The permittee may conduct wine-tastings on Saturday and Sunday, and may sell bottles/cases of wine at the permit property all by prior appointment only.)

Tyler seconded the motion with the amendment.

Tiffany called for a vote and the motion was passed unanimously.

Tiffany opened the public hearing at 8:17 p.m.

Reopen Public Hearing

A special permit application by Gregory Melville 484 Joshuatown Road, Tax Map 8 Lot 3, for the construction of a boat dock on Whalebone Cove.

Tiffany to Gigliotti: Were the proper notifications posted according to State Statute?
Have the certified mail return receipts been received?

Gigliotti: Yes to both.

Present at the meeting were Keith Neilson, Docko Inc. and Gregory Melville.

Neilson: The application documents prepared are extensive & detailed and cover all the zoning regulations and guidelines specific to this project. This is the fourth permit application; Lyme Conservation Commission Inland/Wetlands and Watercourse Agencies, the Corp of Engineer, and DEEP have all given their approval. (Copies of the DEEP permits were handed to Gigliotti to add to the record.) The project consists of a wood post supported landing on the shore and a hinged aluminum ramp leading to a 5 foot by 8 foot floating dock. The construction details are stated on the plan. There are tidal wetlands and submergible aquatic vegetation within the creek. The vegetation was surveyed in September 2015 and is depicted on the plan. The DEEP Regulations for the Town of Lyme were adopted in 1980; Determination of Consistency was made by the DEEP and all the criteria were met and are listed in the application narrative. The structure has a maximum area of 80 square feet, does not encroach more than 25% of the distance into the cove, no more than 20 feet beyond the MLW line, located at least 10 feet from either property line, one dock per site, and a pile and timber construction is used where ever possible over wetlands and four foot maximum width; the hinged ramp spans over the wetlands and is 23 inches wide. There are floodplain considerations as part of this information; this dock will not adversely affect any flooding

or drainage of this site. No tree cutting is being proposed. The flood areas and soil types have been identified. The floating dock will be held in place with steel pipes and there will be pipe guides on the edge of the dock to stabilize the structure; the pipes will be 3 inches with 4 inches sleeves. Most of the structure will be built off site other than the landing with augured posts. The float and ramp will be brought to the site in a small workboat. Necessary notification and certification in this project application have been completed and the regulations have been complied with.

Tiffany: What is the depth of the water at MLW (Mean Low Water)?

Neilson: MLW is 3 to 4 inches on the shore side of the float; the outside would be approximately 12 inches deep.

Tyler: What will happen to the boat during low tide?

Neilson: Kayaks/canoes will be brought onto shore, if there is a motorboat it would be tied to the outside edge of the float.

Tiffany: Does MLW vary at different times of the year?

Neilson: The number is produced by Federal Government and it's based off of predicted tidal flows and tidal elevations. All tides vary due to changes in the river. There could be exposed mud areas at low tide.

Tyler: If there happens to be a boat sitting on the bottom of the cove, what will happen to vegetation in the area?

Neilson: The float is beyond the vegetated area, the boat would sit on the bottom. The ramp load will be approximately 200 to 300 pounds and float will have a draw of 2 to 3 inches; the float thickness will be around 12 to 14 inches deep. The float, ramp, and pipes will be removed during the winter months. Dan Rattan from Ct. Dock and Dredge has reviewed the information relating to this project. The ramp and float can be pulled onto the shore for the winter.

Tiffany: How long is the MLW at its lowest?

Neilson: The water would be at MLW for approximately 1 hour per cycle.

Tyler to Neilson: How will the structures be hauled onto land without disturbing the wetlands?

Neilson: Rattan's company does this type of installation and removal often.

Tiffany: Safety is always a concern around waterways; what if teenagers go out in kayaks and don't gage the tides correctly and get stuck in the middle of Whalebone Cove, how would someone reach them?

Neilson: That is an unknown. The railings (which will be powder coated with dull brown finish) are necessary on the walkway for safety.

Tiffany: Can the ramp be made from a different material which is less visible?

Neilson: The ramp could be made of wood but would cause the structure to be much heavier.

Tiffany: What types of boats will access this floating dock?

Neilson: Mr. Melville has continually shown interest in have kayaks and canoes, the powerboat is an option; the design of the float will handle a motor boat.

R. Byrne: How far away from the dock is the water deep enough so that a motorize boat will not disrupt the bottom?

Neilson: The water in the middle of the creek just off the dock is 2 to 3 feet deep at MLW.

Tyler: At what point does the DEEP say that MLW is not deep enough and a motor boat does not make sense?

Neilson: If you take a look at other places in Connecticut, such as Greenwich you will see some boats in the mud at low tide. A motorized boat on this proposed dock should not be discounted.

P. Ross: It has been clearly stated that the dock has been built to accommodate motor- boats; some of the vegetation documented in your application are invasives and that is a concern with the use of motorboats and the ability to spread invasives on the propellers of the motor.

Gigliotti to Neilson: Can the 80 square feet of the dock facility be explained?

Neilson: The float is 5' X 8'=40 square feet, the ramp width is 23 inches and there is approximately 20.8 feet of ramp length to cover between the inside edge of the float and the MHW line (surveys by Richard Gates). The ramp reaches to the middle of the float due to the narrow width.

Gigliotti: The length of the ramp is not an accurate depiction.

Neilson: The dimension is what it is because of the skewed angle; the section shown on the plan view shows it does not lend well to being measured. The well house will be removed and replaced with a lean-to near the pathway to the dock area.

Mattson to Neilson: On the plan the ramp is shown to have a length of 26 feet, has that measurement been altered?

Neilson: The ramp lands halfway in the middle of the float; if the ramp area is on the float the area is not counted twice.

Mattson: As the water level goes up and down will the end of the ramp move up and down on the float, at the most extended point how far will the ramp be on the float?

Neilson: The way it is shown it will be 20.8 feet; the ramp will be shorter at high tide.

Tiffany called for comments from the commission members with there being none the meeting was opened to public comment.

Tyler, Humphrey (401 Joshuatown Road): (President of Friends of Whalebone Cove - established 2/26/2016 with 38 members currently) The mission of the organization is to preserve and protect the ecological integrity of Whalebone Cove. Whalebone Cove has been recognized as an important part of the Connecticut River Estuary Tidal Wetlands Complex; identified as a wetland of international importance by the Ramsar International Convention on Wetlands. The convention noted that the cove is one extensive freshwater tidal wildlife rice marshes in the state. The Nature Conservatory has called the cove one of the most undisturbed biologically significant freshwater tidal marshes in the Connecticut River. The only actions in the cove have been the removal of dock structures other than the Prowell dock structure which is located in deeper water. The building of the dock structure associated with a motorboat will have an adverse impact on the wildlife in the cove. Friends of Whalebone Cove was created to help develop a management plan to project the cove; many groups in town are being gathered to work together to create a management plan that is workable and enforceable. Sportsmen and hunters enter the cove by boat and have for many years; this type of boating is appropriate. Other boaters are not cognizant of the fragile habitat in the cove. (Photographs were shown of boats, jet skis, and even water-skiers enter Whalebone Cove.) Two letters were read into the record; 1) Eleanor Robinson

(Co-Chair of the Audubon Society & Roger Tory Peterson Estuary Center) opposed to the dock application and 2) Anthony & Elizabeth Enders, Selden Road, opposed to docks in Whalebone Cove.

Woody, Melvin (Beaver Brook Road): (Chairman of Gateway Commission) Whalebone Cove deserves protection against public abuse by limiting the motorboat use. The Gateway Commission urges the Lyme Planning and Zoning Commission to give especially careful consideration to the reasons that the Friends of Whalebone Cove present for denying the Special Permit for a dock that accommodates powerboats.

Dance, Francis (496 Joshuatown Road): It is believed that the structures do exceed the 80 sq. ft. The aluminum ramp does not meet the guidelines. (A photograph of the area taken at low tide was used as a visual aid.) There is a beaver dam which has widened the width of the channel downstream; if the dam is removed the streambed will naturally return to its normal configuration.

Theobald, Sprague (116 Ferry Road): A letter was read into the record from Patrick M. Comins, Director of Bird Conservation Audubon of Connecticut. Before moving to Hadlyme I was an avid boater and have a great background in boating and docks; barges can destroy areas when entering, in the application it states that a barge will enter the area twice a year to install and remove the proposed dock facility.

Charamut, Alicea (Lower River Steward for the CT Watershed Council, 27 Washington Street, Middletown, CT) Lyme's Plan of Conservation and Development survey results found that over 80% of residence that responded to the survey considered the natural resource and its rivers & coves are of high importance. More than 90% thought the protection of wildlife habitat were also of high importance; preservation of the town's rural character is important. The commission should take the comments of the Friends of Whalebone Cove under consideration.

Buroujnoph, Christine (resident of 91 Ferry Road): Motor boaters do enter the cove and get stuck due to not knowing the tides. The applicant is proposing lights on the dock; navigating the cove at night is dangerous. The cove has enhanced our lives for over 30 years. The future owners could have different uses for the dock facility. The commission should reconsider this application.

Slater, Brian (488 Joshuatown Road): The usage of the dock will impact the area; the walkway will be noisy and disturb the nature habitat, lighting indicates that the dock will be accessed at nighttime and will also disturb the nocturnal animals, and the dock will change the look of the cove. There are other properties which have the right to install docks in the cove, a precedent will be set if a dock is allowed to be built in the cove.

McCalhun, Arney (Wildlife Refuge) A letter from Andrew French, Refuge Manager, was read into the record; preference that non-motorized boats access the cove. Recommendation is suggested that a condition for approval of the dock facility be for non-motorized boats.

Fiske, Will (138 Ferry Road): The photograph of the jet skier was referenced; the public enters our cove with motorized vessels and realize quickly they do not belong in the area. If a dock is built in Whalebone Cove it may be welcoming. A letter from Dr. David Bingham (Founder of the Salem Land Trust and is on many boards in CT) was read into the record; opposed to motorized boats in estuaries.

Miller, Wendy (107 Ferry Road): We have lived in Lyme for 3 years; we purchased our home because of the view of Whalebone Cove and the friendly people in Hadlyme. Everyone's opinions are understood but don't see the issue with the dock. I watch the cove every day from my home and there are not a lot of boats and jet skis entering the cove. The cove is a navigable body of water off the Connecticut River; to not allow one person to possibly have a small motorboat does not make sense. There are really only 5 other houses along the cove that could put in a dock.

Orzech, Sirgen (52 ferry Road): Whalebone Cove is a treasure and is a preserve; once we take away what Mother Nature has given us, you can never go back.

Tiffany called for more comments from the commission members.

R. Byrne: Are there lights shown on the plan?

Tiffany: There is a note on the plan for lighting.

Neilson: The lights will be low intensity on the pathway, none on the dock.

Mattson to Neilson: Explain the damage to the area from the barge?

Neilson: The barge is 10 feet wide and 28 feet wide with a 2 foot draft; the floating dock could be towed out to the site by a workboat.

Tiffany: If the commission elected to alter the application to prohibit motorboats could the facility be minimize to accommodate kayaks and canoes?

Neilson: The applicant would have to be consulted.

Tiffany stated the meeting was recessed at 9:37p.m. to allow Mr. Neilson the time to consult with his client. The meeting was continued at 9:51 p.m.

Neilson: Thank you for the opportunity to review with Mr. Melville; the applicant requests that the Public Hearing be tabled until next month to allow time to create a proper response.

Tiffany stated the Public Hearing until next month.

Turner: Next month's meeting will be held on July 11, 2016.

Tyler, Humphrey: Can the abutting neighbors be informed of the new material prior to reopening the hearing?

Gigliotti: One person can be notified to spread the word and anyone can view the new material before the meeting.

Tiffany: The regular meeting was re-opened at 9:54 p.m.

Reopen Regular Meeting

A special permit application by Gregory Melville 484 Joshuatown Road, Tax Map 8 Lot 3, for the construction of a boat dock on Whalebone Cove.

New Business N/A

Old Business N/A

APPROVAL OF OUTSTANDING MINUTES

Tiffany entertained a motion to approve the minutes of the May 2, 2016 and May 9, 2016 Meetings.

Mattson move the motion to approve both May 2016 minutes, Ward seconded the approval; the minutes were passed.

Adjournment

The Planning and Zoning Commission meeting was adjourned at 9:56 p.m.

Respectfully submitted,

Patsy Turner, Secretary