



PLANNING AND ZONING COMMISSION
Public Hearing/Regular Meeting

The Lyme Planning & Zoning Commission held a meeting on May 9, 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 (entered the meeting at 7:35 p.m.), Attorney Mike Carey, Bernie Gigliotti ZEO, and Patsy Turner Secretary,

Regular Meeting
New Business

Phyllis Keel, 372 Grassy Hill Road Tax Map 51 Lot 2; an application for re-subdivision of property.

Present at the meeting were Rick and Phyllis Keel.

Gigliotti: The application will be submitted at this meeting for re-subdivision of the Keel property.

R. Keel: A letter to the commission requesting a waiver of the re-subdivision fee was given to Mr. Gigliotti.

Tiffany: The letter will be reviewed and discussed with Mr. Gigliotti and the application will be seen next month.

Tiffany opened the public hearing at 7:35 p.m.

Public Hearing

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: This public hearing will start with a presentation from the applicant and their representatives. Following the presentation comments from Mr. Gigliotti (ZEO) and from the commission will be heard and then questions and comments from the public. The public hearing forum is for collecting information.

Tiffany to Gigliotti: Has the public hearing been properly noticed?

Gigliotti: Yes, the notices were placed in the paper and posted at the Town Hall. The certified return mail receipts to abutters were received.

Present at the meeting were Matt Caruso, Brandon Handfield (Consultant/Engineer), and Wayne Stitzer (Winemaking Consultant).

Caruso: Information submitted to the commission were 1) liquor permit, 2) State Police accident report for the last 10 years showing no accidents on the corner of Ely Ferry Road and Route 156, 3) findings from Barry Wallet, a research document for liquor license, 4) revised regulations which will be followed by Sunset Hill Vineyard, and 5) Market survey. The proposal is for appointment only tastings, Saturdays & Sundays 12-6p.m.; the plans is to do every other Sunday. The tastings will be held May through

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and recorded by me 9:00 AM

Attest: [Signature], Town Clerk

November with select holidays; July 4th, Memorial Day, and Labor Day; the day before Thanksgiving, Christmas Eve, and New Year's Eve for no tastings but just sales.

Handfield: The proposed activity will be located at the corner of Ely Ferry Road and Route 156; the plans being presented are from the town maps, google maps, and the entire site is 8.6 acres and is within rural 80 district zone and has road frontage on both roads. There is an existing dwelling and garage on the property as well as agriculture; single family use is permitted under Section 4.2.1 and farm winery is permitted under Section 4.2.5. Currently the agricultural use is the growth, harvesting, and processing of grapes for the production of wine; there is 2 acres dedicated to the growing of grapes and other fruits. The wine is produced with 25% or more of the grapes grown on site. The wine tastings will be by appointment only. There will be the sales of wine related merchandise to support the permitted agricultural use. An application has been submitted. The farm winery activities will be; 1) wine tastings by appointment only (May-November, 12 to 6 p.m., Saturdays & Sundays and select holidays), 2) there is an existing winery building, a vegetated parking area with 12 parking spaces(10' by 20', 200 square feet each) to the south of the building, the traffic will be in a clockwise direction, 3) access to the area will be provided through the existing driveway cut which is located off of Ely Ferry Road, the cars will enter the parking area through a gated fence, the parking area will be encompassed by stonewalls, vegetation, a timber fence, and the winery building, and 4) maximum occupancy during tastings is 8 people. Photographs of the area were presented. Field measurements were done of the sightline; the measurements were done at 3 ½ feet in height, the intersection is visible from the driveway and viewing right out of the driveway the visibility is 296 feet. The posted speed is 25 MPH. The activities will occur at off-peak traffic times. There have not been any documented accidents in the last 10 years in this area.

Stitzer: Pesticide use are classified as general use, general use means there is no permit required to purchase or apply the pesticides. Have there ever been concerns with other properties in town using pesticides?

Gigliotti: Not that we are aware of.

Stitzer: Another concern is the water usage; the waste water from the winery is stored in a DEEP approved 200 gallon holding tank and will be pumped 1 to 2 times a year. The average family uses 300 to 400 gallons of water per day. Has there ever been a concern for water usage from large families or other businesses in town?

Tiffany: The commission is not answering questions of this nature at this time, your point is taken.

Stitzer: Comparing the water usage to an average family; 95% of the year the winery will not be in operation.

Handfield: The proposal before the commission is in compliance with the regulations; the proposal is in harmony with the rural district which permits agriculture and will supplement the existing agricultural use, is also in harmony with the Lyme Plan of Conservation and Development, the proposed use will not diminish the public safety in the area, will not adversely impact the environment, the use will not impact property values and character (information is contained in the market report), off street parking and streets accessing to the property are adequate, the existing landscaping and

vegetation are suitable, and the proposed use will not impact the existing utilities on the site.

Caruso: The vineyard can produce up to 350 cases of wine from the vines on the property. In the future there are plans to purchase grapes off site; to produce more wine, the wine cellar can hold between 800 to 1000 cases. An e-mail was received from Janet Spaltore and her husband, some of the concerns in the e-mail were; 1) no café will be part of the winery, 2) no buses or limos coming to the vineyard, 3) parking will be on-site, no curbside parking, 4) there are no plans for signage on the property (if there is a concern a sign can direct people to parking area), 5) no weddings, bachelorette/bachelor parties, or no corporate parties, 6) visits to the vineyard are by appointment only, no drop-ins, 7) dealing with inebriated customers-that will not occur on site (tasting will be four 1/2 ounce pours plus one 4 ounce glass), 8) no music(it would be nice to have acoustic music), 9) no billboards, no vineyard sign, and 10) the parking area will not be paved. This is just a small family run vineyard.

Tiffany to Caruso: The commission will ask some questions at this time.

Mattson: Appointments and drop-ins; how far in advance does someone need to call for an appointment? Can someone call from the corner and request an appointment?

Caruso: One day advance to get setup and ready for a tasting. Maybe five hours' notice, we need to be prepared of the visitors; the visit should be an enjoyable time walking the vineyard and learning about the grapes.

Mattson: What is the percentage of sales at the vineyard verses the sales to stores?

Caruso: The tasting sales would probably be 70%; our wine is currently being sold in Old Saybrook and is part of an Artist Series (each year a local artist will design the label and choose a charity to donate some of the profit to), last year it was the Lyme Art Association had 50 cases set aside for the charity.

Mattson: The vineyard will produce 700 to 1000 cases and be open for tastings 56 days, how will you sell 70% on site?

Caruso: It will be a learning experience and a balancing act; if we have a stock pile of cases we will branch out to businesses to sell our wine.

Tyler: Are there plans to sell on-line?

Caruso: No on-line sales, maybe in the future.

Ward: Extra days of operation were mentioned? The water being used for cleaning of the equipment will be stored in the holding tank?

Caruso: We thought being open to sell wine before holidays would be a nice for the community. There is very little water use; it will take some time to fill the tank.

Tyler: If a person wanted to stop on a Monday and purchase a case of wine, could they do so?

Caruso: If the person called ahead, yes. The tasting will occur on Saturdays and some Sundays.

Tiffany: The measuring of the wine for tastings is regulated by the State?

Caruso: The State regulates how much and the staff will be pouring the wine. The tastings will take place on the concrete slab near the building. Photographs of the area and the equipment were presented to the commission and placed in the record.

Tiffany: The hours of operation are during the day, any proposed lighting?

Caruso: No lights are being proposed.

Tiffany: Is acoustic music being requested?

Caruso: Acoustic music would be nice, a couple days a week would be great.

Tiffany: Will more vines be planted?

Caruso: Currently there are no plans to plant more vines. The amount of vines does not affect the amount of people or the flow to and from the property. There are no plans to build another structure on the property. The vineyard will not be part of the CT Wine Trails.

Tiffany: Will other food items or beverages be sold at the vineyard? What is wine merchandise?

Caruso: We may sell bottled water but no local food items will be sold (maybe in the future). The plan is to sell Sunset Vineyard hats & t-shirts, corkscrews, and Mrs. Caruso's books.

Mattson: Any thoughts on creating a vegetated buffer between the parking area and the street?

Caruso: Screening could be planted if that was a concern.

Tiffany: The meeting is open for public comment.

Attorney John Bennet: (representing the Mooneys) The main concern is that this plan and project has been one step ahead of the commission and the neighbors. The regulation changes address one property owner and one applicant. There is a need for specific restrictions, sales and serving of the products. There should be restrictions on the music. The neighbors have concerns with the market value of their homes. The Caruso family will not always own the property; the property could be leased or sold. The caution and concern with this application is legitimate. The application before the commission is not complete. A copy of the Wetlands map was entered into the record; if any part of the site, 8 acre site, is within jurisdiction of the Lyme Conservation Inland/Wetlands Commission a report should be submitted with the site plan, there is a 100 foot regulated area around the wetlands. This information has not gone before the Inland/Wetlands Commission. Under Section 11.5.2 b3, read into the record, location of all proposed uses should be documented for the future. The map is a combination of different maps, there is not a map of the entire operation. The application lacks a number of requirements. The days of operation and the holidays need to be documented. The neighbors would like to enjoy their holidays uninterrupted. The commission's effort and planning process should serve the entire community; it has not in this instance. The public's concerns should be heard. A list should be created to document what will or will not occur as part of this application.

Kieran George Mooney: (10 Ely Ferry Road) We as neighbors will be the most affected by this enterprise. This proposal started out as a home occupation for processing wine. Over the last 18 to 24 months the plan has changed. Most farm buildings are located off the road with reasonable amount of land to buffer the activities of the farm from the surrounding neighbors. This property is lacking. Traffic is a concern, safety is an issue. There have been at least three major accidents along that area of Route 156 in the last

10 years according to the Fire Chief. The proposed parking lot is for 12 cars, a business is out to maximize their investment. There is the potential for 12 cars every hour. Traffic is heavier during the weekend hours than at peak traffic time during the week. The parking area will be accessed on a regular basis and has no drainage and may create runoff to our property; the parking area needs attention with respect to protecting the soil and controlling the water runoff. The water usage amount for the operation does not seem accurate; the allowance for water usage is up to 1000 gallons per day. A list is required for the requests for this application.

Tiffany: The tendency is for a business to grow?

Mooney: That is why people are in business.

Tiffany: There are many businesses in town.

Mooney: The concern is that the Caruso family will not always own the property and the next owners could expand to the fullest.

Janet Spaltore: (Parkside Drive) The concerns are with the business; the health and safety issues, no police force to monitor and protect the public, and water usage & sewage disposal. The project has changed over time. It seems that the selling of the wine can occur anytime but the tastings will be on the weekends and select holidays. There are a lot of items that are unclear; will children be allowed to be at the tastings, will there be food served, "tours" will be walking around the vineyard, the acoustic music was part of the original plan, inebriation, and numbers of people attending. It seems that the applicants are trying to work out the details. There should be an outline created to best protect the residents of Lyme. What size and types of trucks will be entering the property and how will that be managed? It would be very important to add more of a buffer along the road to buffer the sound and sights. Accidents have occurred in the area along Route 156. The café was written on the billboard along with the music.

Tiffany to Caruso: Can the timing be better clarified for tastings and sales?

Caruso: If a person wants to buy a bottle or a case they would have to call ahead and that would occur every day.

Tiffany: What hours would this occur?

Caruso: The sales would be from 12 to 6 p.m. with no tastings during the week which is allowed by the State. The vineyard will not operate January through March. There have been changes from the original plan; the days before holidays will not include tastings and select holidays (Memorial Day, Labor Day, and July 4th) there will be tastings. The packages of crackers will be served with the wine. We would like to have acoustic music. During tastings the visitors can purchase a bottle of wine but the bottle will not be opened on site. The tastings will be four ½ ounces and the possibility of purchasing a 4 ounce glass of the most liked wine. The number of people will vary but no more than 8 at a time. No curbside parking, no buses or limos. This is a small operation.

P. Ross: Can the billboard be explain and its purpose?

Caruso: The State (the Department of Liquor Control) requires that the poster be posted for 30 days, the text and size are dictated by the State.

Jeb Embree: (77 Joshuatown Road) The current owners are not the issue; the next owners are the concern. The permit should be issued to Matt Caruso not follow with the property. When the permit is approved this winery will be an approved commercial operation.

Laura Mooney: The State permit allows only acoustic music.

Steve Wood: (146 Hamburg Road) A concern should be with the lack of taxes being received for farm zoned properties.

Bob Winstler: (Joshuatown Road) The permit will be binding and any changes necessary will need to come back before the commission. Conditions can be attached to the approval to protect everyone.

Ron Fickett: (120 Hamburg Road) I live feet away from where visitors will taste the wine and have never had a problem with noise or acoustic music, Tiffany Farm's cows can be heard better on some days. I have been part of the Lyme ambulance for 17 years and the only fatality was in 1995 at the stone wall in front of my residence which was during Hamburg Fair weekend. The traffic does go by the intersection at a high rate of speed. A couple of extra cars on the weekend from 12 to 6 p.m. should not be a concern.

Caruso: The permit would be for Sunset Hill Vineyard; new owners would need to come before the commission for changes and/or expansion.

Michael Des Rosiers: (155 Joshuatown Road) The negativity is overwhelming when it comes to the vineyard. This is a beautiful organic vineyard, a homemade business; my belief is behind the jurisdiction of this commission and the performance the Caruso family. The design on the label this year will be mine in support of the vineyard. The Caruso family gives back to the community and it sets a standard & a precedent of growth with responsibility in Lyme.

Bill Farrell: (Joshuatown Road) Every farm deserves a sign; the signage should be reconsidered. This has been a long process for the Caruso family. The regulations that were adopted should be followed but give him some ability to change, it is a growing business, don't over commit the farmer, and he has the right to be a farmer.

Handfield: The plan before the commission is complete; the map is a portion of the property. A reduced map of the property was submitted into the record. The area adjacent to the wetlands is a grass field and will be mowed, there will be no changes in the use of that field and there are no proposed activities in that area. Twelve copies of the plans which was revised 5/9/16 were submitted for the commission.

Tiffany: What is the actual acreage under cultivation?

Caruso: A bit over 2 acres; 2.1 acres.

Koch: Can the area under cultivation be designated on the plan?

Handfield: Note #2 -paragraph 2 on the plan states that there are greater than 2 acres of the existing farm dedicated to the cultivation of grapes or other fruit for the

production of wine. The proposal is for a use that falls under the farm winery description, in addition to the existing uses the applicant is looking to hold wine tastings on Saturdays and Sundays and holidays that were mentioned from 12 to 6 p.m. Caruso: Appointment only tastings 12 to 6 p.m. Saturdays and Sundays (some Sundays) with four ½ ounce tastings with the option of the purchase of one 4 ounce glass. Acoustic music is being requested for Saturday and Sundays (not all weekends). There will be appointment only for the sales of bottle and/or cases of wine 7 days a week with no tastings. Wine related merchandise will be sold; hats, t-shirts, and corkscrews. The maximum of people for tastings at one time is eight. The parking has 12 spaces. The select holidays for tastings would be Memorial Day, July 4th, and Labor Day. Extra sales days would be the day before Thanksgiving, Christmas Eve, and New Year's Eve, appointment only with no tastings.

Tiffany called for questions or requests for clarity from the commission members, anything else from the public?

Koch: Based on the comments heard tonight, will a sign in accordance with our regulation be requested?

Caruso: That was not the plan but under the regulations a sign would be nice.

P. Ross: To address comments made by Attorney Bennett, a statement was made that this planning process and effort has been done for a single applicant; the commission has evidence to show that is not true, we have an ongoing planning process for all agriculture. The regulations changes came from the 2014 Plan of Conservation and Development survey, before this application came before this commission we were actively engaged in a planning process. The subcommittee has been working on data to help farmers with possible regulations changes to make it easier for farming to exist and blossom. It is asked that farming be brought back to Lyme in our PoCD. The commission will be discussing possible changes under New Business of this meeting.

Tiffany closed the public hearing and opened the regular meeting at 9:14 p.m.

Re-Regular Meeting

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: Each member should create a list of possible conditions.

Carey: Are there wetlands on the property?

Gigliotti: Yes, there are wetlands on the property; the map was reviewed two years ago when this started and the activities that are related to the vineyard occur outside the 100 foot setback which does not require a wetlands' permit and/or no visit to the wetlands' commission. Under our regulations the ZEO has the discretion to determine what items should be included in the site plan and what items can be excluded, that determination was made and site plan which has been submitted for this application is a reflection of the decisions made on what needed to be included. The activities are outside the regulated area.

Carey: The regulations can be interrupted in different ways; if the activity will not affect the regulated resources than it is not in their jurisdiction, the way the regulations are written.

R. Byrne: When the property is sold, the special permit goes with the property, and any changes would need to come before the commission?

Tyler: What would be the recourse if the operation was to grow and changes are not made to the special permit?

Gigliotti: The current regulations are very distinct and definitive, the application before the commission meets the regulations.

Mattson: If a new owner comes before the commission and wants to change the hours of operation that would have to go through the special permit process?

Carey: Yes, the commission would need to see the information that supports the modification to the special permit. The permit is for the tastings and the sales of wine.

Gigliotti: The permit is not for the growing of grapes. If they plant four acres of grapes there is still the limitation of how much wine can be stored in his winery.

Tyler: The plan states 2+acres.

Mattson: If this application was not before the commission the vineyard could expand the vines without a permit.

Carey: The application for the winery permit is a package which includes the representation of the amount of acreage will be used to grow grapes.

Mattson: The permit should list that as a specific.

Gigliotti: The comfort zone is being exceeded by that.

R. Byrne: The amount of vines should not impact the permit because if there are more vines so there will be fewer grapes brought to the vineyard from outside.

Carey: Is the cultivation area shown on the plan?

Gigliotti: No.

Carey: It will not be on the approved plan. Mr. Gigliotti's opinion can be followed that the amount of vines does not impact the special permit. The timing of tastings and sales should be buttoned up. There are many conditions which can be attached to the approval if the commission does approve this application.

P. Ross: The applicant stated the sales would be 12 to 6 p.m. 7 days a week for pick up throughout the year but not in January, February, or March.

Carey: There has been a lot of information collected during the public hearing; two motions can be created for next month.

Gigliotti: It would be preferred to have a special meeting.

Tiffany: There has been a great deal of time spent on this information; it is deserving of the attention to detail. There could have been a narrative created prior to this meeting.

Mattson: Summaries of notes should be sent to Gigliotti so that Carey and he can create a motion with conditions. At the next meeting the commission can discuss each item in the motion and finesse the details.

Tiffany: This will give the commission the opportunity to react to the public's concerns and still accommodate the process.

Gigliotti: The information from each member should be e-mailed tomorrow. We need to schedule the special meeting.

The commission discussed their schedules and looked at the calendar to schedule a date for the special meeting.

Mattson moved to schedule a special meeting to continue the studying of the application for Sunset Hill Vineyard on May 18, 2016 at 5:30 p.m. at the Lyme Town Hall. The motion was seconded by Tyler and passed unanimously.

Old Business N/A

New Business

Subcommittee (information about farm stands)

P. Ross: The proposed agriculture regulations have been revised and printed for the commission's review and input.

R. Byrne: The information can be handed to the commission and they can view it at their leisure before our next meeting.

P. Ross: Section 4.3.1 (allows for seasonal workers to have dormitories) and Section 4.3.2 (10 acres or more, the needs of farmers). In RU80 and RU120 districts existing barns/farm buildings can be used for sale of products by Special Permit, different than farmers markets. This would be very different.

Turner: The Health Inspector may have to be part of the process.

P. Ross: It has the potential to be a year round task maybe one day a week; it would allow farmers to sell to a different type of market.

R. Byrne: Farms are businesses; we need to help the existing farms.

Tiffany: Farms have been struggling and we see it more and more.

APPROVAL OF OUTSTANDING MINUTES

Tiffany entertained a motion to approve the minutes of the April 2016 Meeting.

Turner: There is one typo; tricking should be replaced by tricky (farming can be tricky)

Tiffany moved the motion with the correction and P. Ross seconded the approval; the minutes were passed.

Adjournment

The Planning and Zoning Commission meeting was adjourned at 9:53 p.m.

Respectfully submitted,

Patsy Turner, Secretary