

PLANNING AND ZONING COMMISSION

Regular Meeting

The Lyme Planning & Zoning Commission held a meeting on July 10, 2017 at 7:30 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT, 06371.

MEMBERS PRESENT: David Tiffany Chairman, Hunter Ward, Phyllis Ross, Ann Rich, Attorney Mike Carey, Bernie Gigliotti ZEO, and Patsy Turner Secretary.

Regular Meeting

Tiffany opened the regular meeting at 7:30 p.m. and called for a vote in enter into executive session to discuss pending litigation of 115 Cove Road.

P. Ross moved to enter into executive session, Ward seconded, and the motion was passed. The commission entered into executive session at 7:31 p.m.

Executive Session

Discussion of pending litigation at 115 Cove Road.

Return to REGULAR MEETING

Tiffany reopened the regular meeting at 8:02 p.m.

Luther Hadlyme, LLC. 492 Joshuatown Road, Tax Map 8 Lot 6; an application for a split of property into two lots per section 10.6.

Present at the meeting were Tom Metcalf representing Luther Hadlyme, LLC and Calvin Luther.

Metcalf: The division of the land will be a simple split into 2 lots; 3½ acre parcel with a house on the south side of the land. The wetlands were flagged by Rich Snarski; soil samples were done to the parcel and both areas have co-compliant areas for septic systems. The shape factor was reviewed with Mr. Gigliotti. George Calkins, Lyme Town Sanitarian, has reviewed the plans and a letter was received.

Tiffany: A letter was entered into the record and the letter states there is sufficient & suitable areas for septic systems on both sites.

Metcalf: The lots are compliant with zoning regulations. The applicants are looking for consideration and approval of the application.

Rich: The property owners want to split the parcel between family members?

Metcalf: Yes it is a split between family.

Tiffany to Gigliotti: This application has been thoroughly reviewed and is there open space status?

Gigliotti: The application has been reviewed and there is no open space on this parcel.

Tiffany: Can the driveway be combined for the 2 lots?

Metcalf: A shared driveway is not possible and the power will be located at the edge of the road, the utility poles are shown on the map.

Rich: Is it possible that neighbors will have an issue with the split?

C. Luther: The neighbors have been contacted.

Ward moved to approve the application for a split of the property located at Tax Map 8 Lot 6 into two lots per Section 10.6.

P. Ross seconded the motion.

Tiffany called for questions or comments, with there being none, the motion was passed unanimously.

Continue discussion of regulation changes in support of farming and the setting of a timeline for moving this effort forward.

Present at the meeting were a few of the members of the subcommittee; Baylee Drown, Fritz Gahagan, and Bill Farrell.

P. Ross: The subcommittee has met; Farrell, Drown, Ehle-Meyer, Byrne, and myself. The meeting went well and everyone gave important information to the meeting. The understanding of what farms want is better understood. Retail use will help sustain a farm. If farm stands and farms stores and finalized tonight the sub-committee could move forward.

Tiffany: Mr. Gahagan is wondering if it necessary to have a separate section for just farming in the regulations?

Gahagan: Allow a broad range of agricultural activities and give the commission the ability to change information during a special permit and/or site plan review.

P. Ross: The process of changing the regulations has been ongoing since 2015; there have been many attempts made by the commission with the help from the subcommittee. The Lyme Plan of Conservation and Development supports farming; in a rural district one can have residential and farming, separate or together. People who are moving into town with the goal to farm their land, they have the right to know what is allow on the property. The wording is what we are struggling with.

Gahagan: Most of that is solved in definitions. Front yard setbacks for farm stands should be far enough from the road to insure public safety. A site plan review can help in the decision of adequate setbacks and parking.

Farrell: It is being stated that there should be a level of randomness? The commission can decide on a whim what is acceptable.

Gahagan: There are many levels of agricultural activities; what are viable activities has changed over the years; if we draft something that is specific than the commission can be under attack when the regulations don't fit. New activities will expand! (corn mazes, hay rides) The regs should focus more on what should not be done as a farming activity; the size of the property makes a huge difference and where cars will be parked. There is a lot of consideration that become factors.

Drown: A site plan could be required for more than 75 visitors; which would deal with parking and sound issues that may be a problem for neighbors.

Farrell: The time should be dedicated to spelling out the regulations.

Gahagan: The commission does not need to be involved in the crops grown on a farm.

Drown: A farmer needs the ability to have viable activities, as have the ability to afford the mortgage on the farm. The allowed activities should be in writing.

Rich: There do need to be guidelines.

Gahagan: The farm owner when undergoing an expansion should come before the commission for review and file the appropriate applications. The zoning enforcement officer has the ability to waive requirements and/or fees.

P. Ross: The special permit application can be costly and time consuming for the farmers.

Gahagan: The monitoring of garbage and parking is a concern.

P. Ross: Many towns' regulations have been reviewed and read to try to create our regulations.

Tiffany to Gahagan: Creating regulations which are solid is the way to move forward.

Gahagan: Should farm stands be limited to what is sold that is grown on the farm?

P. Ross: If the sale is not directly linked to the farm then it is a retail use/operation.

The State definition of Agricultural use was read into the record by Gahagan. Commodity and processing are key words.

The commission and the subcommittee discussed parking spaces for a farm stand; adequate parking for safety. Site plan approval should work for farm stands.

Gahagan: There have been road side stands for kids to sell fruits and vegetable and lemonade for years, it is part of what a small town is.

Farrell: A child with a card table selling strawberries will need a permit?

P. Ross: Under 50 square feet doesn't need a permit.

Gahagan: What is considered adequate parking for farm stands? There needs to be a definition of adequate.

Examples of kids selling from card tables over the years in Lyme were talked about.

Gahagan: A suggestion of wording for farm stands could be: A farm stand which is not within the front yard setback is a permitted as of right up to.....? 50 square feet?

Drown: The size of the sales area (footprint) should determine the square footage.

The commission and subcommittee discussed the effect of traffic on a residential area where there is a farm stand. Parking on roadside may be an issue, there needs to be adequate parking on the property. Sales area and parking area limits are necessary. Maybe more than 12 cars will require a site plan view?

P. Ross: There is a section in the regulations which allows the waiving of fees and/or site plan review.

Gigliotti: The operating farms in town to date do not cause issues with cars parking on the road.

Drown: A farm stand which is greater than 200 square feet of footprint is a farm store, on street parking is not permitted. Farm stands/farm stores need to be located on active farming sites.

Gahagan: The number of cars is the threshold for requiring a site plan review/permit.

Tiffany: If more than 10 cars are visiting a farm stand than there is an issue.

Rich read into the record Section 21.1.

Drown: Offsite parking will require review per Section 21.1.

Gahagan: Footprint of a farm stand needs a definition in the regulations.

P. Ross: The organization of the information from the subcommittee and the commission is becoming cumbersome and may require the help of a professional.

Gigliotti: In 2005 a subcommittee rewrote the regulations then the document was sent to the Town's Attorney for review. Adding a new regulation into the current document is not a problem, it is just coming up with the wording which everyone agrees with.

Gahagan: Does the commission want on new subdivisions to have a buffer from farms to neighboring property?

P. Ross: The subcommittee can meet again and try to get further along with the document. Professionals from other towns were interviewed to see how their process went rewriting their regulations.

Tiffany: We are trying to create a document without holes. The subcommittee will hold another meeting to work on the documents.

A discussion continued between the commission about weddings and farm activities/tourism.

Gahagan: For a farm to be sustainable there has to be some level of activities/tourism. Bed and Breakfasts are another way to make some money.

Tiffany: Low impact is the way this town wants.

Farrell: Ice cream stores/shops are not low impact.

Gahagan: Should farm stores be located on certain acreage with minimum setbacks from neighbors to not infringe on residential zones?

Tiffany: That would be a good idea because it would solve the parking issue.

Drown: If there is a limit of 5 acres then a farm my size would not have the ability to have a 500 square foot store.

Gahagan: A smaller lot could be approved by special permit.

Drown: There are little farms like mine starting which are sustainable/economically viable farm businesses on a small number of acreages using direct marketing; there is a limit for an area for this type of farm.

Farrell: There is a balancing act between having a working farm and infringing on the neighborhood.

P. Ross: The difficulty with working on the regulations is that everyone has valid point but fitting them together on paper is a challenge.

Gahagan: Does the town want restaurants?

P. Ross: A Café would be acceptable.

Gahagan: A Café is a place which serves food and alcohol with a simple menu. That activity would fall under special permit.

Gigliotti read into the record the definitions in the regulations for Cafés and Restaurants.

Drown: A Café could be viable in this town.

Gahagan: Farm employee housing?

Drown: Employee housing is necessary for full time staff.

Gahagan: The farm activities need to be divided into different levels of review. How does the commission feel about breweries?

Tiffany: A brewery is different than a winery and would not be a good fit for Lyme, as of now.

Farrell: So should we write a regulation for breweries, now? The brewing of beer is one of the fastest growing activities in agriculture. A limit can be placed on the amount of crops grown on site for the producing of beer.

Tiffany: The Plan of Conservation & Development has to be followed. A subcommittee meeting will be held.

Old Business N/A

New Business N/A

APPROVAL OF OUTSTANDING MINUTES

A motion was entertained to approve the minutes of the June 2017 Meeting.

Ward moved the motion and P. Ross seconded the approval; the minutes were passed.

Adjournment

The Planning and Zoning Commission meeting was adjourned at 10:06 p.m.

Respectfully submitted,

Patsy Turner, Secretary