

PLANNING AND ZONING COMMISSION

Regular Meeting

The Lyme Planning & Zoning Commission held a meeting on August 21, 2017 at 7:30 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT, 06371.

MEMBERS PRESENT: David Tiffany Chairman, Ross Byrne, Phyllis Ross, Ann Rich, Bernie Gigliotti ZEO, and Patsy Turner Secretary.

**Regular Meeting**

**Preliminary discussion with Tom Metcalf of a split of the Heffernan property on Ely Ferry Road.**

Present at the meeting were Tom Metcalf, representing the applicants, and Cheryl & Mitch Heffernan.

Metcalf: This is a re-subdivision of the Heffernan property on Ely Ferry Road; 20 years ago the property was divided between the Heffernans (10+ acres) and the Ballards (7 ½ acres). There was a stipulation attached to the subdivision; no further division beyond three parcels (placed on the land records). The Heffernan Family would like to divide their parcel into two lots; the first lot would be 5.1 acres and the second lot 5.8 acres. To achieve the shape factor on the lot there would be a block of land near Tinker Lane with a strip of land to the balance of the lot which is being proposed as the building site. The original subdivision had a designation of open space land (3.27 acres) to the Lyme Land Trust; the hope is that open space has been filled by the previous open space designation. The Inland/Wetlands Commission will see this information also. (The agreement attached to the land records was read into the record.) The access to the new lot would be off of the existing common drive.

C. Heffernan: The field will be protected by this proposed division; the building site will be on the back section of the lot.

Metcalf: There is no intent to allow a residence in the field portion of the lot.

Gigliotti: The section of the regulations referencing open space is with regard to a subdivision, not re-subdivision.

Tiffany: The full commission should have input on this information about open space.

Metcalf: A conservation restriction could act as open space (no development could take place on a portion of the land)?

Tiffany: That has been done with properties in the past.

R. Byrne: The area outlined in green is being divided from the southerly lot?

Metcalf: The original division was the larger Heffernan parcel and the Ballard parcel, and now the Heffernan parcel is being divided in two. There are no homes on the parcel but there is a barn. The intent is to keep the parcel as farmland/pastures. The block area is being created to meet the shape factor which will also limit the building on the front portion of the lot.

P. Ross: The original language of the subdivision was that the area would never be divided more than three times.

Metcalf: This could never be divided again; this is the maximum development of the property.

C. Heffernan: There has been a conversation with the Ballard Family and the proposed lot will be purchased by them and the intent is not to develop the lot.

Gigliotti: Could a restricted be placed on the front block area of the lot for no development?

C. Heffernan: The block will be restricted to farm use.

Metcalf: There would be no residence in the field.

### **Old Business**

#### **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 subcommittee members Fritz Gahagan and Janice Ehle-Meyer.

Gahagan: Standalone provisions can be problematic. (A document was handed to the commission members, CT Gen. Statute 1.1q) Definition of agriculture; the wording in green is safe, the wording in orange is okay, and the wording in red is concerning. The definition is a grab-bag for multiple uses. (The general statute was discussed) The last sentence in the 1.1q says, Nothing herein shall restrict the power of the local zoning authority under Chapter 124; which means the commission can do as it chooses with the statute. The regulations should be broken down into general activities and trigger points can be set for different types of activities and the intensity of the use. There could be an add-on to home occupation. A broad waiver can help if placed in the special permit review; to tailor the review to the activity on the property. When the time comes a Café, brewery, and/or a farm to table restaurant can fit into this type of framework.

Tiffany: This is making sense....

Gahagan: The sub-committee is looking for feedback from the spreadsheet which will be discussed and reviewed for next month's meeting. Smaller more intense farms are becoming the norm. The spreadsheet has definitions or uses, permitted, site plan required, special permit required, treat within existing regs, reg., and comments. (the words in blue are the sections where guidance is needed from the commission) Triggers are numbers of employees, sizing of buildings, number of trips in and out of the property, parking, and the size of the lot. (the rows of the spreadsheet were reviewed line by line with the commission) Commercial will be treated differently than wholesale and retail. A non-conforming lot may need a site plan review if in the RU40 zone.

P. Ross: The word "store" has been replaced by the word "market".

Gahagan: Farm stands will be not permanent and will be seasonal and under a certain size. Signage language can be changed for temporary sign boards. Farm markets must be in the RU80 or RU120 zones, number of parking areas (parking formula is in the regulations, 21.4.3). Is the Grange in the commercial zone?

Gigliotti: Just a section of the property is in the commercial zone.

Gahagan: Permanent markets have permanent structures; other towns view markets differently.

Tiffany: The spreadsheet will be review and input will come back next month.

Gahagan: Lot size is a constant trigger for the commission to think about. Processing (what is grown on the farm) includes butchering, RU80 or RU120. Maple syrup is processing, tied to a farm in town.

R. Byrne: Home occupation (less than 3 employees) allows for small volume processing.

Gahagan: Farm employee will be defined. There is no limit on the number of cattle or dairy cows. Housing for full-time employees will be defined, working on a farm in Lyme, multiple housing on a lot, ability to buffer.

P. Ross: If there is a farm in Lyme but items are grown in a different town and brought to Lyme, how is that handled?

Gahagan: (the discussion on the spreadsheet continued, pg. 3) Retail operations should require a setback for buffering from the roadway. Animals and good grazing practices can be discussed. Farmers need a soil plan to receive farming grants. Farm structures can have restrictions similar to what we have in the Gateway regulations (what size barn would be the baseline?). The building coverage regulation does give the commission enough protection on a larger farm property (square footage issue). Display farms have visitors come onto the farms for viewing of farm animals (public education). Hoop houses should be under building coverage (site plan review for agriculture use). Micro-farms use hoop houses for growing (screening from neighbors).

The spreadsheet is very helpful and is workable for the commission to come up with input.

#### **New Business**

#### **Discussion of the issue of blight in the Town and whether or not we should consider a regulation change addressing the issue.**

Gigliotti: A phone call was received from a family that lives off of Shore Drive/Rogers Lake Trail in the Rogers Lake area about the property previous owned by the O'Connell family, across from the MacCurdy Salisbury property. The new owner had the intent to remove the structure but that has not happened as of yet; the abandon house on the property is an issue and the State Police are involved. The question from the caller was is there a blight ordinance in town. The town does not have one; the town has to decide if there is a need to get involve legally.

Tiffany: The commission does not want to address that type of regulation change at this time.

Gigliotti: A regulation of that type becomes an enforcement issue/problem. The property owner has to want to do the correct thing; in most cases it becomes a tax issue. If a building is condemned then it becomes the town's problem; the town does not want to be in the business of removing derelict buildings.

R. Byrne: The regulation that we have now that deals with this type of issue is 7.1.6; offensive uses (the regulation was read into the record).

Gigliotti: The property owner will be contacted. (the commission has been asked about regulation changes)

The discussion continued between the commission members.

Tiffany: This may be a Board of Selectman issue.

Gigliotti: The Inland/Wetlands Commission does have an ordinance in their regulations but it is so cumbersome that it is never used and needs revision. The property will be discussed with the First Selectman.

#### **Old Business (reopened)**

#### **Reynolds Subaru**

Gigliotti: There was a preliminary walk through of the new Reynolds dealership building in preparation of the Certificate of Occupancy. A couple of items were noted during the walk that may have needed a site plan modification; an as built site plan is being created for the commission to review. At the south end of the property in the back of the building there was a proposed tall stone retaining wall, the height of the wall has been reduced and there has been an additional smaller wall built. Some of the plantings on the north end of the property will be changed due to the power company's location of a transformer. The buffer area from the road to the parking area was proposed to be 6 feet; the area may be less than what is required. To receive the CEO for the property the architect, the engineer, and the land surveyor are required to submit certified letters stating job has been completed in accordance with the site plan. The project is beautiful.

**APPROVAL OF OUTSTANDING MINUTES**

A motion was entertained to approve the minutes of the July 2017 Meeting. Hammond moved the motion and A. Rich seconded the approval; the minutes were passed.

**Adjournment**

The Planning and Zoning Commission meeting was adjourned at 9:41p.m.  
Respectfully submitted,

Patsy Turner, Secretary