

PLANNING AND ZONING COMMISSION

Public Hearing/Regular Meeting

The Lyme Planning & Zoning Commission held a meeting on, March 12, 2018 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, Hunter Ward, Kelvin Tyler, Bernie Gigliotti ZEO, and Patsy Turner Secretary.

Public Hearing

Mitchell and Cheryl Heffernan, 86-1 Ely Ferry Road Tax Map 16 Lot 36; an application for a re-subdivision of property into two separate lots.

Present at the meeting were the applicants (Mitchell and Cheryl Heffernan), Tom Metcalf, PE, LS, and Attorney John Bennet.

Metcalf: Some of this information was reviewed on a preliminary basis a few months back; the application is for a re-subdivision of the Heffernan Property, 86-1 Ely Ferry Road. The original split of the property took place over 20 years; the parcel was 18+ acres and was a 2 lot division, the Ballards held one lot and the Heffernans retained the remainder. There was a stipulation attached to that approval, being that the lot could be divided one more time. The current plan is to divide the Heffernan property; lot#1 (front lot) will be 5.7 acres and Lot#2 (interior lot) approximately 5.25 acres. The Wetlands Commission reviewed this information and there are no regulated areas on the lots; I&W Commission had no issues with the re-subdivision and created a letter stating that there are no regulated areas or wetlands on the lots. (The letter was submitted for the record) The property was soil tested; the plans were reviewed by George Calkins and a letter was issued on February 20, 2018. Mr. Calkins stated an issue in his letter, the well on lot#2 is for the existing barn which is located on lot#1, and there will be an easement attached to the records. Both proposed lots will support septic system in accordance with public health code. (Calkins' letter was submitted to the record, also) Property owners within 150 feet were notified by certified letter; the return receipts were handed to Mr. Gigliotti (ZEO). The subdivision is in compliance with the Zoning Regulations for frontage area, shape factor, and standards for lots in this zone. There will be an agricultural restricted area on the property; the area is shown on the map as the hash marked section (encompassed on both lots) which totals 4.06 acres/37 % of total subdivision amount. Previously it was discussed that the agricultural area would cover the front area of the lot, now the thought is that a proposed house site will be located at the front of the lot would be better plan. The setback from Ely Ferry Road will be approximately 200 feet.

Tiffany reminded the commission members that this portion of the meeting is in a public hearing forum and is the time to gather facts & asking questions.

Rich: What is the plan for lot#2?

Metcalf: Lot#2 will be retained by the Ballard Family, it has been demonstrated that the lot supports a house, well, and septic system towards to back side of the lot. The orientation of the division is driven by the Commission's Regulations; net buildable area and shape factor.

R. Byrne: The existing barn has septic and well, what was the original purpose of the plumbing in the barn?

Metcalf: The original subdivision was approved in 1997 and the barn was built thereafter.

C. Heffernan: There is a horse shower and ½bath in the barn.

Metcalf: The septic system is sized for an accessory type use, would not support a dwelling.

Tiffany: Is there sufficient area around the barn or another area for the placement of a house?

Metcalf: There are areas where a house would fit; the subdivision regulations do not dictate a site specific location, this plan is demonstrating the ability to construct a house and septic system.

P. Ross: Where does the term agricultural restriction come from; our regulations do not have such a term in rural or residential areas?

Metcalf: The restriction is being placed on the lots by the owners.

Bennet: As part of the original division the Heffernans and the Ballards placed a series of restrictions on the property which is part of the record, the agricultural restriction is being added. A draft of the restriction for the new block being restricted; will have run-in shelters and fences for the horses. (The section of the draft was read into the record; purposes of maintaining fields, meadows, paddocks, uncommercial agricultural uses, and/or equestrian riding) The proposed agricultural restriction is more restricting than the commission's regulations.

P. Ross: The commission is working to create agricultural regulations; Lyme is in favor of preserving & promoting agriculture as part of the Lyme Plan of Conservation & Development. A farm requires the ability to be sustainable; agricultural uses are in part commercial.

Tiffany: The reasoning behind the property owner's restriction was to protect the area from residential housing being developed on the field/farm land.

The section of the proposed restriction was reread into the record.

Bennet: The intent is to keep the area as open fields and pasture/riding area not developed for residential use.

The original restriction was read into the record.

Tiffany: The agricultural restriction will be attached to the resubdivision and will continue to future property owners.

Tyler: Where does the frontage for the lots come from, is Tinker Lane active?

Bennet: At the time of the original subdivision an agreement was entered into between the Heffernans, the Ballards, and the Town of Lyme; Tinker Lane will be considered a public highway to allow for lot frontage for subdivision purposes.....divided into no more than three lots.....Tinker Lane is a town road for frontage purposes.

Gigliotti to Metcalf: Was there documentation received from the Fire Marshal?
Metcalf: There has not been any word as of yet.

Tiffany read sections of the 2015 Plan of Conservation & Development Lyme, Connecticut; pg.15-Natural Resources-Protection, Promotion and Retention of Farms and Farmland, pg.18-Critical Issues-Preserving Lyme's Farmland and Agricultural Heritage, pg.27-Protecting Farms and Farmland, pg.51-Table on this page rates the importance for the protection and promoting the development or retention of farms and farmland, 91%. Sections of our regulations were pointed out also; Section 5-Design Requirements, rural character of the land, Section 5.7-Requirements for open space. Portions of the August 2017 Meeting minutes were reference, also; Heffernan: the field will be protected by this proposed subdivision with the building site on the backside of the lot. Metcalf: no intent to allow a residence in the field portion of the lot, no development will happen on the conversation easement area of the land, the intent is to keep the property as farmland and pastures..... The commission is viewing something different than what was discussed and agreed upon as a group at the previous meeting.

Bennet: The plan does conform to the regulations, as part of the original subdivision open space was dedicated (Nature Conservancy) and one more division was agreed upon. There is no immediate plan to build.

Tiffany: Lyme is in the policy of protecting farmland.

Bennet: The farmland is being protected. The Ballard property is being protected.

C. Heffernan: If the house is placed near the barn it would be visible from the road. The proposed house placement on the front of the lot will be tucked-in and will not be visible, the area is private.

Metcalf: Cheryl's view is that the house on the front portion of the lot would be less intrusive than in front of the barn area. There is a tree line along Tinker Lane then the balance is open field. The topography drops off behind the barn.

P. Ross: Farming is difficult and there has to be a way to sustain agriculture.

Bennet: The restriction on commercial use is part of the original restrictions from the subdivision.

Tiffany to Heffernan: The intent is to tuck the house far into the corner of the lot?

C. Heffernan: That is the thought; there is more value to the house if it is tucked into the corner.

Gigliotti: Is there a square footage planned for the house?

C. Heffernan: That is an unknown.

Tiffany: Could a size limit be placed on the house?

C. Heffernan: It is unknown what the lot will accommodate.

Gigliotti: Will the proposed septic system for the house encroach into the agricultural restricted area?

Metcalf: The soils in the front of the lot are conducive to a septic system.

Rich: How many horses are currently on the property?

C. Heffernan: Currently there are 7 horses.

M. Heffernan: The house will be a future plan; not in the position to discuss house size.

Bennet: A house would impact the value of the property; there is no plan to build a house currently, but the option is there. The property is being subdivided in compliance with the commission's regulations.

Tiffany: Options are being discussed.

C. Heffernan: The pasture space is very important, the impact would be minimized, the house size is unknown.

Tyler: The concern with the size and location of the house is with the future land owner. The past protection of the land by the Heffernans is well known by the commission. The commission is trying to follow the Plan of Conservation and Development.

Bennet: This proposed plan meets all the requirements. There have been compromises with this plan.

C. Heffernan: It has been demonstrated that we have been working hard with the Ballards to keep the property in its current natural state and protect the value of the land.

Bennet: The restated restriction will need to be agreed upon and signed by all involved parties/property owners, for all three parcels.

Tiffany: There is the potential for a huge house to be built with the way the plans are currently drawn.

Rich: Could there be a stipulation included in the approval that the house location would be in the southwestern corner of the lot? It is clear that the square footage is unknown at this point.

Tiffany: If the applicants are willing to agree to that stipulation. It is being suggested that more can be done to follow the PoCD and not negatively impact the owners.

Bennet: That is being disputed; anything which the commission is suggesting will affect the market value of the land. The property owners have and are willing to continue to protect the land.

Tiffany: The commission is concerned with future owners and what can happen to affect the quality of the land.

C. Heffernan: The area on the plan shown as hash marks is the restricted area, the area left is 2 acres; the corner area would be 1 acre and would not allow for a large house. The location will need to be discussed further.

Rich: Can the commission do a site walk on the property?

Tiffany: The commission can visit the property.

Metcalf: There are three sheds located on the edge of the property to make it clear where the property begins.

Gigliotti: The public hearing should be continued due to no correspondence being received from the Fire Marshal.

Tiffany: The public hearing will be extended to next month (April 9th) and a site walk is scheduled for Wednesday March 21, 2018 at 5p.m.

The public hearing is held open and the regular meeting was opened at 8:35 p.m.

Regular Meeting

Mitchell and Cheryl Heffernan, 86-1 Ely Ferry Rd Tax Map 16 Lot 36; an application for a re-subdivision of property into two separate lots.

Tiffany: The public hearing is being continued.

Update on the revision to the zoning regulations for farming.

P. Ross: The subcommittee is meetings every week this month with Fritz Gahagan. We are working together very well from the existing regulations. Every decision is made from three views; 1) are we happy with the language and what it means, 2) will the commission be in agreement, and 3) how will the community feel about the change.

R. Byrne: All the farmers in the community need to have their input on the regulation changes. The public needs to be informed and educated about the changes, how the changes will protect and keep Lyme the way it is.

Gigliotti: Once a draft is completed it can be posted on the town website for public viewing.

P. Ross: The regulations are moving along nicely.

Tiffany: Thank you for the update and keep up the good work.

New Business N/A

Old Business N/A

APPROVAL OF OUTSTANDING MINUTES

A motion was entertained by Tiffany to approve the minutes of the February 2018 Meeting.

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

Adjournment

The Planning and Zoning Commission meeting was adjourned at 8:48 p.m.

Respectfully submitted,

Patsy Turner, Secretary