



PLANNING AND
ZONING COMMISSION

LYME TOWN HALL
480 HAMBURG ROAD
LYME, CT 06371

LYME PLANNING AND ZONING COMMISSION
Regular Meeting

The Lyme Planning and Zoning Commission held a regular meeting on Monday, March 9, 2020 at 7:30 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme CT 06371.

MEMBERS PRESENT: Bernie Gigliotti Chairman, Hunter Ward, Phyllis Ross, Carol House, Ann Rich, Will Fiske (seated alternate), Humphrey Tyler (alternate present but not seated), Mary Stone (alternate present but not seated), Ross Byrne, ZEO and Jennifer Thomas, Secretary
Absent Members: Dave Tiffany

Several members of the public were also present

Regular Meeting

Introduce Planning and Zoning Alternates to the Commission

Gigliotti welcomed Will Fiske, Humphrey Tyler, and Mary Stone as the new alternate members appointed to the planning and zoning commission by the Board of Selectmen.

Sunset Hill Vineyard, (Matt Caruso and Donna Moore) 5 Ely Ferry Road, Tax Map 25 Lot 21, discuss potential to host fundraising event and discussion of annual report requirement by Sunset Hill Vineyard.

Present via telephone: Donna Moore

Moore described the fundraising event as a one-day event planned and put on by the organization Live & In Color out of Salem, CT. Parking would be off-site with the exception of a few senior individuals that would park in the normal winery parking.

Gigliotti stressed that this is not a formal application but strictly a discussion to determine if the commission needs to be involved and if a modification to the Sunset Hill Vineyard special permit would be necessary.

The commission asked questions about number of attendees, music, possible sale of wine, length of event, etc.

Moore stated that the organization plans on 100 attendees. The winery is donating wine but there will be no sale of wine during the event. The proposal includes one hour of amplified music. The winery is not benefiting from this fundraiser.

Tyler asked if a private property proposed an event like this, would a permit be needed?

Gigliotti stated a permit would not be required in the past beyond tent permits and temporary liquor permits for the event.

Ross stated that she believes some guidance is needed for the commission to determine what needs to be done.

Gigliotti reminded the commission of the proceedings from the initial special permit request, in particular the concern over the winery holding events. He believes it prudent to bring this before the commission to decide if it should be permitted and if so, do we want to require a modification of the existing permit to encompass events.

Moore asked if the fundraiser should be considered an event if the vineyard is not profiting and the Caruso's are donating their property for a private fundraiser.

Fiske stated that the request is contrary to the existing permit, noting amplified music, parking issues, and extended operating hours.

House believes supporting the arts is a positive and noted Lyme's history of supporting the arts. The vineyard might not benefit directly from the event, but it would support their agricultural cause indirectly with name recognition and good public relations.

Koch pointed to the existing permit as precluding this type of event.

Stone commented that distinguishing between a private residence holding the event and the agricultural entity with existing restrictions holding the event is difficult to parse in this case. It seems impossible to separate the winery with its restrictions from the personal residence.

Ward noted that there are quite a few details of the event that go beyond the permitted use of the vineyard.

Gigliotti asked Dave Roberge, Lyme Fire Marshall, to speak to the commission about his role in the previously drafted special permit and what he looks at as Fire Marshall.

Roberge reviewed the vineyard's liquor permit received by the state liquor control commission, including serving area.

Moore stated there will not be alcohol consumption near the permitted tasting area, only in the field. The fundraising organization will be the ones serving the alcohol.

Roberge clarified that if the fundraiser takes place on the Caruso's personal residence portion of the property, the event is considered private and the permit application would be reviewed by the ZEO. If the event occurs on the commercial portion of the property, the nonprofit will need to get the appropriate permits, including a temporary liquor permit which includes occupancy load, tent permits, site plan which is signed off by the Fire Marshall, the Town Clerk, and the Zoning Enforcement Officer.

Rich asked if any restrictions would or could be put on the event and Roberge stated that the Zoning Enforcement Officer would review the permit application and make any restrictions or changes he believes necessary.

Gigliotti put the question to the commission: Does the commission want to advise the applicant to follow the guidelines set forth by the Fire Marshall?

Ross stated that she believes the commission should urge them to follow this route and that any future events planned by the vineyard would need to come back to the commission for approval or modification of the permit.

Roberge stated that if this was done on the commercial part of the property and put on by the commercial entity, then Sunset Hill Vineyard would need to go back to the state liquor control commission to modify their permit. If the nonprofit applies for a temporary liquor application then again it would come back to the ZEO to review the site plan and apply restrictions as necessary.

Moore will follow up with the Zoning Enforcement Officer to discuss how they will move forward.

Byrne summarized that if Sunset Hill Vineyard wants to hold this, then they need a modification to their existing permit.

Gigliotti added that yes, this is the case. If the nonprofit is holding it on their private property, then the permit application would come to the Zoning Enforcement officer and not the commission.

Gigliotti stated that he and Byrne had a conversation about potentially modifying the existing special permit to remove the requirement that Sunset Hill Vineyard submit a yearly log to the Zoning Enforcement Officer. He asked the commission to consider whether this is a minor modification and if they would like to take a vote to remove this item from their special permit. Ross made a motion to remove the requirement of an annual log submission to the ZEO (section 3(a) of the special permit), House seconded, and the motion passed with Koch and Fiske opposed.

Old Business

Discuss filling vacancy on Open Space Committee

Gigliotti stated that the Board of Selectmen is still looking to fill the vacancy on the open space commission with a member of the planning and zoning commission and asked for a volunteer. Tyler agreed to fill the position and the commission thanked him for volunteering.

Discuss proposed Airbnb regulations

Byrne presented the commission with an early draft of potential short-term rental regulations based off of the existing bed and breakfast regulations.

Byrne invited Roberge to speak on this subject as Fire Marshall. He discussed the differences and challenges in the fire code with regards to bed and breakfast versus short term rentals, different classifications of structures within the code, and some suggestions to the commission on what he would like to see future regulations include.

Roberge and Byrne agreed to meet and discuss ways to incorporate the fire code regulations into the short-term rental regulations.

Gigliotti stated that the commission is still determining if and how to regulate short-term rentals and the commission has not come to an agreement yet on whether to allow short-term rentals or not. He asked that Roberge and Byrne meet and bring suggestions to the board next month.

The commission thanked Roberge for his time and input on the matter.

New Business

Updated from Koch on Planning Opportunities

Koch has met with the Board of Selectman and has drafted a letter to the CTDOT regarding the retaining wall on Route 156. The members reviewed the letter and agreed that Koch should move forward in communication with the CTDOT and thanked him for his efforts.

Approval of Outstanding Minutes

A motion was entertained by Gigliotti to approve the minutes of the January 2020 meeting. Ross moved the motion, seconded by Rich, and the minutes were approved with one abstention by Fiske.

Adjournment The meeting was adjourned at 9:36 p.m.

Respectfully submitted,
Jennifer Thomas, Secretary