

**Planning Commission Special Meeting Minutes**

**Tuesday February 16th, 2016**

FILED IN EAST LYME  
CONNECTICUT  
Feb 16, 2016 AT 9:45 AM PM  
Caitlin Palazzo  
EAST LYME TOWN CLERK

Present: Brian Schuch, Chairman  
Joan Bengtson  
Peter Lynch  
Rita Palazzo  
Anthony Arias, Alternate \*(Sat as Regular Member)  
Michael Hess, Alternate\*(Sat as Regular Member)

Also Present: Gary Goeschel, Planning Director  
Rose Ann Hardy, Ex-Officio Fill-in

Absent: Brenda Henderson  
Ernie Covino  
Kirk Scott, Alternate  
Holly Cheeseman, Ex-Officio

Mr. Schuch called this Special Meeting of the Planning Commission to order at 7:04 p.m. and sat Mr. Arias and Mr. Hess as Regular Members.

**I. Pledge of Allegiance**

The Pledge was observed.

**II. Zoning Referrals (CGS 8-3a)**

*Proposed changes in zoning regulations or boundaries shall be referred to the Planning Commission for a report that shall contain the findings of the planning commission on consistency of a proposed regulation or boundary changes with the Plan of Development and any other recommendations the Planning Commission deems relevant. Failure of the Planning Commission to report prior to or at the hearing shall be taken as approval of such proposals. The report of the Planning Commission regarding such proposal shall include the reasons for the commission's vote and shall be incorporated into the records of any public hearing held thereon by the Zoning Commission. A proposal disapproved by the Planning Commission may be adopted by the Zoning Commission by a vote of not less than two-thirds of all the members of Zoning Commission.*

**A. Application of Edward M. Cassella, Esq., for White Gate Farm, for an amendment to the East Lyme Zoning Regulations, Section 1, Section 5.2.9 and Section 25 for Farm Events.**

**B. Application of Edward M. Cassella, Esq., for White Gate Farm, for an amendment to the East Lyme Zoning Regulations, Section 1 and Section 25 for Bed and Breakfasts.**

Mr. Goeschel provided the Commission with three maps of impact; map 3 shows RU-40 zoned parcels greater than 50 acres in Town (attached), map 4 shows where B&B's and Inns are permitted, and Map 5 shows roads and RU-40 parcels greater than 50 acres in Town (attached.) The Commission received maps 1 -3 at the last meeting. Mr. Goeschel explained that map 3 has been revised while maps 4 and 5 are new tonight.

Mr. Schuch said the objective tonight, is to furnish a report for Zoning. Mr. Goeschel said that Zoning is seeking two separate motions rather than combining the two requests.

The Commission discussed the proposed text changes (attached.)

Mr. Schuch suggested the Commission deliberate the requests together and then make two separate motions.

Mr. Goeschel briefly summarized the issues/concerns such as traffic, brought up by the Commission at the last meeting. Mr. Goeschel said the map 3 depicts the 39 parcels in Town that a similar Farm Event could take place.

The Commission reviewed the maps.

Mr. Goeschel observed that the major proposed text amendment change is the number of units from five to twelve. He said the Applicant is flexible on the number of units.

Mr. Arias asked where the parking will be. Mr. Goeschel said the south sides of the street or parking will transverse the Farm.

Mr. Lynch expressed his concern for fire ratings asking if fire escapes or fire doors will be needed. Mr. Goeschel said the Applicant will have to abide by the Town's Building Codes.

Mr. Goeschel reminded the Commission that one special permit would be issued followed by separate permits for each event held.

The Commission reviewed Item A, Item B and the amendments to the text.

Mr. Goeschel said that he asked Zoning about the Farm Stand; its presence is allowed because the goods are produced by the Farm. The Commission discussed the items that the Farm currently produces.

The Commission discussed map 5 and the other parcels in Town that would be affected by these amendments.

Mr. Arias asked if the Applicant chose to divide the 100 acre property in half, could they have two twelve unit B&B's. Mr. Goeschel said in theory, they could.

Ms. Hardy said it's important to keep in mind that this change affects everyone.

Mr. Lynch asked if the change could be limited to them.

Mr. Goeschel said a solution might be limiting the amount of units allowed.

Mr. Schuch said that the characteristics of a B&B would change, that from five to twelve is a big difference.

Ms. Bengtson wanted it noted for the record that the proposed change has been moved from item 1 to item 8.

Mr. Arias said it seems like everyone is concerned with the number of units and suggested they start formulating a motion from there.

Mr. Arias said he is concerned about bathrooms even if it is not part of their realm. Mr. Goeschel noted that the memorandum from Kim White of Ledge Light Health District speaks to that. He said the focus should be whether the use meets the requirements.

Ms. Palazzo and Mr. Schuch discussed how the economic development portion of the proposal is consistent with the POCD. Mr. Goeschel said that something highly commercial is not desired, that would not be consistent with the POCD, and that the number of units would be a reflection of this.

Ms. Bengtson mentioned the Farm dinners that White Gate Farm currently holds and asked if they're permitted to do so.

Ms. Bengtson expressed concern over health inspections be performed especially concerning food and asked who would be responsible. Mr. Goeschel explained that Caterers deal with inspections and get approval from Ledge Light Health District.

Ms. Bengtson asked who would oversee all of this and Mr. Goeschel replied Zoning through the Special Permit needed for each and every event.

Ms. Bengtson asked if we have regulations on a Farm Stand. She said that it is technically retail and questioned whether it is permitted.

Mr. Schuch asked what qualifies the Farm Event as an accessory use. Mr. Goeschel said this is Zoning's purview but speaks to what occurs the majority of the year. The Commission had an in-depth discussion of the definition of "farm", "accessory use" and how the monetary gain from an accessory use could actually make it the principal use.

Mr. Hess said a traffic light would be prudent and that this proposal merits a traffic study. Ms. Bengtson said the lack of a traffic light will make that road more dangerous with the traffic increase. The Commission discussed the various concerns they have regarding traffic. Mr. Hess asked if Zoning could mandate a traffic guard for the Farm Events if a traffic light is not an option.

Ms. Bengtson asked where the Wetlands are on this property, if they would be affected by this proposal. Mr. Lynch said the protection of our Aquifer should also be considered.

The Commission further discussed their observations as well as their general concerns for health and safety.

The Commission decided to provide Zoning with a copy of map 5 along with their report.

- **\*\*Motion (1)**

Mr. Arias moved that the Commission finds the aforesaid Application of Edward M. Cassella, Esq., for White Gate Farm, for an amendment to the East Lyme Zoning Regulations, Section 1, Section 5.2.9 and Section 25 for Farm Events consistent with Objective 2.3 of the 2009 POC as amended, – To Promote agricultural industries the proposed use supports s agriculture as an important economic activity as a means to help assure a more sustainable food and resource supply and as a critical component of the traditional landscape and Chapter 3, Section 3.5.2 of the POCD as the proposed use helps commercial farms remain profitable. In addition, the Commission expresses the following relevant concerns:

1. The Zoning Commission considers traffic control requirements and/or requires a traffic study as part of the Special Permit Application. The proposed use will most likely occur during the peak traffic weekends.
2. Due to the rural nature of Agricultural /Farm uses/parcels, raise general concerns for health safety issue such as but not limited to emergency response time as well as quality of life issues such as sanitation and bulk waste disposal, aquifer and watershed protection, and inland wetlands and watercourses.
3. The proposed regulation is in conflict with the definition of accessory use as it would permit off-site parking.
4. What metrics would the Zoning Commission have to differentiate between a Farm Event as an accessory versus a principal use? (E.g. Income vs. Resource allocation.)

Ms. Palazzo seconded the motion.

Vote: 6-0-0. Motion passed.

- **\*\*Motion (2)**

Mr. Arias moved that the Commission finds the aforesaid Application of Edward M. Cassella, Esq., for White Gate Farm, for an amendment to the East Lyme Zoning Regulations, Section 1 and Section 25 for Bed and Breakfasts consistent with Objective 2..1 - a Compatible and Sustainable Economic Development as the proposed use promotes compatible business in appropriate locations to foster local employment and opportunities, a favorable tax base, the provision of goods and services for local residents, and a year-round and seasonal economy that improves the overall quality-of-life for East Lyme residents and Objective 2.2 of the 2009 POCD , - as the proposed use would support and cultivate a wide variety of economic activities that may be easily integrated into the community with little or no adverse impact on community resources. In addition, the Commission expresses the following relevant concerns:

1. Due to the rural nature of Agricultural /Farm uses/parcels, raise general concerns for health safety issue such as but not limited to emergency response time as well as quality of life issues such as sanitation and bulk waste disposal, aquifer and watershed protection, and inland wetlands and watercourses and the codes would apply to Bed and Breakfasts' versus Inns.
2. The Commission recommends clarifying a "private house."

Ms. Bengtson seconded the motion.

Vote: 6-0-0. Motion passed.

**ADJOURNMENT**

- **\*\*Motion (3)**

**Mr. Arias moved to adjourn the Planning Commission Meeting at 10:18 p.m.**

**Ms. Bengtson seconded the motion.**

**Vote: 6-0-0. Motion passed.**

**Respectfully Submitted,**



**Brooke D. Stevens,  
Recording Secretary**

PROPOSED AMENDMENT TO THE EAST LYME ZONING REGULATIONS  
TO ALLOW FARM EVENTS ACCESSORY TO AN AGRICULTURAL USE IN THE RU-40  
DISTRICT AND FOR REVISION TO BED AND BREAKFAST REGULATIONS

JANUARY 15, 2016

1. Amendments to allow for Farm Event as accessory to Agriculture or Farm Use

**Amend Section 1 – Definitions**

(New)

FARM EVENT– An accessory use on a parcel of land with an Agriculture or Farm principal use, which Farm Events may include the provision of meals and recreation for guests during the event duration. Such Farm Events may include but not be limited to: Dinners at the Farm, weddings, farm education and health and wellness related events and other similar activities subject to the provisions set forth in Section 25.5.

**Amend Section 5.2.9 – RU-40 Rural Districts – Special Permit Uses**

(New)

5.2.9 Farm Event accessory to an existing Agriculture or Farm use.

**Amend Section 25.5 – Table of Minimum Controls for Specific Special Permit**

(New)

<u>USE</u>	<u>DISTRICT</u>	<u>CONTROLS</u>
Farm Events accessory to Agricultural or Farm Use	RU-40	<ol style="list-style-type: none"><li>1. A Farm owner or operators of a Farm having more than fifty (50) acres of land may obtain a Special Permit to conduct the allowable Farm Events set forth below.</li><li>2. Permitted Farm Events:<ol style="list-style-type: none"><li>a. <u>Dinners At The Farm</u>: A Farm dinner event with a maximum of 200 persons that occurs one (1) time per calendar year for five (5) consecutive nights subject to the requirements set forth below.</li><li>b. <u>Weddings</u>: Wedding events with a maximum of 100 persons, including ceremony and/or reception, occurring a maximum of eight (8) times per calendar year subject to the requirements set forth below.</li></ol></li></ol>

- c. Farm Education Events: Small events, classes and dinners with a maximum of twenty-five (25) persons that occur a maximum of twenty (20) times per calendar year subject to the requirements set forth below.

3. General Provisions Applicable to Farm Events.

- a. Events shall be limited to the areas as shown on an approved Special Permit, including outdoor and indoor areas of the Farm property.
- b. In no case shall the activities be conducted closer than 500' to a residential property line.
- c. All outdoor activities shall cease no later than 10:00 p.m.
- d. Outdoor lighting shall not shed light beyond the boundaries of the subject property.
- e. For each Farm Event, the owner of the property shall obtain a zoning permit from the Zoning Official and shall provide to the Zoning Official the location of the event on the property, the hours of the event and the number persons attending the event.
- f. No two Farm Events will take place simultaneously with each other.
- g. The Farm Events must cease operation and the Special Permit shall terminate should the Agriculture and Farm use cease on the property.

4. Dinners at the Farm.

- a. Following issuance of a Special Permit, a Farm owner or operator may host a Dinner at the Farm event which may be held for a maximum of five (5) consecutive nights, Wednesday thru Sunday, one (1) time per calendar year.
- b. The maximum number of guests at a Dinner at the Farm event shall not exceed two-hundred (200) persons.
- c. A designated off-street Parking Area, which may be temporary in nature, of sufficient size and suitability to accommodate the maximum number of persons attending the Dinner at the Farm event shall be provided and shall be shown on the Special Permit. Such Parking

Areas may be sited on an adjacent property with written consent of the property owner.

- d. Tents and portable restrooms may be utilized on the grounds.
- e. Outdoor amplification of music shall be prohibited.
- f. Non-musical outdoor amplification shall cease by 10:00 pm and shall be subject to the provisions of the Town of East Lyme Noise Control Ordinance, as may be amended from time to time.

5. Weddings.

- a. A Farm owner or operator may obtain a special permit to host Wedding events at the Farm a maximum of eight (8) times per year.
- b. Weddings shall be held on either Saturday or Sundays before a legal holiday (e.g. the Sunday Memorial Day or Labor Day).
- c. The maximum number of guests at an event shall not exceed one-hundred (100) persons.
- d. A designated off-street Parking Area, which may be temporary in nature, of sufficient size and suitability to accommodate the maximum number of persons attending the Wedding event shall be provided and shall be shown on the Special Permit. Such Parking Areas may be sited on an adjacent property with written consent of the property owner.
- e. Tents and portable restrooms may be utilized on the grounds.
- f. Outdoor amplification must cease by 10:00 pm and shall be subject to the provisions of the Town of East Lyme Noise Control Ordinance, as may be amended from time to time.

6. Farm Education Events.

- a. A Farm owner or operator may obtain a Special Permit to host Farm Education and Health and Wellness Events, such as cooking classes, seminars, programs, Farm to Table dinners, movies, etc. at the Farm up to a total maximum of twenty (20) Farm Education Events per year.



- b. The maximum number of guests at an event shall not exceed twenty-five (25) persons.
- c. A designated on-site, Off-Street Parking Area shall be shown on the approved Special Permit.

2. Proposed Amendment to Bed and Breakfast Regulations

**Amend Section 1 – Definitions**

(Revised)

1.7 **BED AND BREAKFAST.** A private house in which a portion of the building or buildings are maintained and held out to the public as transient overnight accommodations containing no more than ~~five (5) units the number of units allowed under section 25.5, with a maximum of twelve (12) units,~~ which provide overnight accommodations to guests and which provides meals only for registered overnight paying guests.

**Amend Section 25.5 – Table of Minimum Controls for Specific Special Permit**

(Revised)

Bed & Breakfast	<u>    </u> R-12, R-10	1. The lot must be a minimum of 10000 square feet. There will be not less than 5000 square feet of lot area for each bedroom in the facility including those of the resident <del>or the designated manager.</del>
	RU-40, RU-80	2. The lot must be a minimum of 40,000 square feet for RU 40 and a minimum of 80,000 square feet for RU 80. There will be not less than 5,000 square feet of lot area for each bedroom in the facility including those of the resident <del>or the designated manager.</del>
	<u>                    </u>	3. <u>In all districts,</u> <del>No</del> retail facilities are permitted.
	CA, CB, CM	4. <u>In the CA, CB and CM district,</u> <del>The Owner of the facility must reside on the premises.</del> <u>In all other districts,</u> the Owner of the facility or a

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designated manager must reside on the premises. In the event a manager is designated, the Owner must provide an affidavit to the Zoning Enforcement Officer/Official which includes the name and contact information for the designated manager.

All districts

5. Rooms must have bath facilities separate from those of residents.
6. Parking Area must be screened from adjoining properties with appropriate fencing or landscaping. A landscaped buffer of not less than ten feet must be provided. In lieu of a fence, plantings within the buffer must provide for six-foot vertical growth with sufficient density to protect adjoining properties.
7. There will be a maximum stay of seven nights for guests of the facility.

CA, CB, CM  
All districts

1) Parking Space per bedroom is required.

9. Units may be located on adjacent properties provided that the ownership of the two adjacent properties is in the same name.

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Source: Esri, DigitalGlobe, GeoEye, iStock, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, GeoEye, IGN, AerGRID, IGN, iGP, swisstopo, and the City User Community

39 Parcels >50Ac w/in RU40  
Parcels

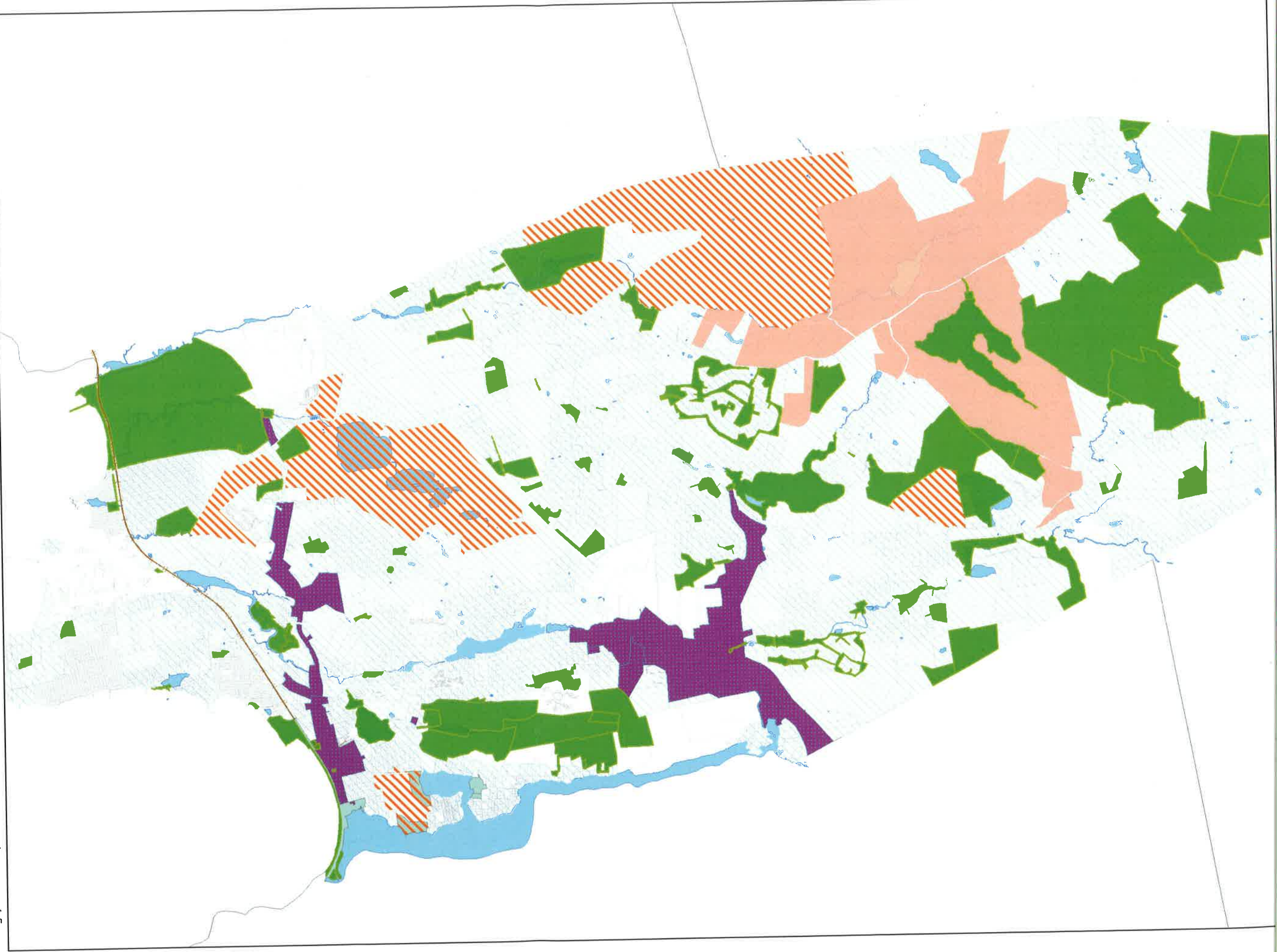
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Miles

Town of East Lyme  
Department of Planning  
February 2016

MAP 3

RU-40 Zoned Parcels  
> 50-Acres, Less Govt.Inst. & Existing Open Space  
Acres


*Disclaimer:*  
Although every effort has been made to ensure that the spatial data on any map that is produced is of the highest accuracy and quality, it is nevertheless only appropriate for planning purposes. The information, as presented, is not intended for the legal interpretation of boundary or property lines, either municipal or private.



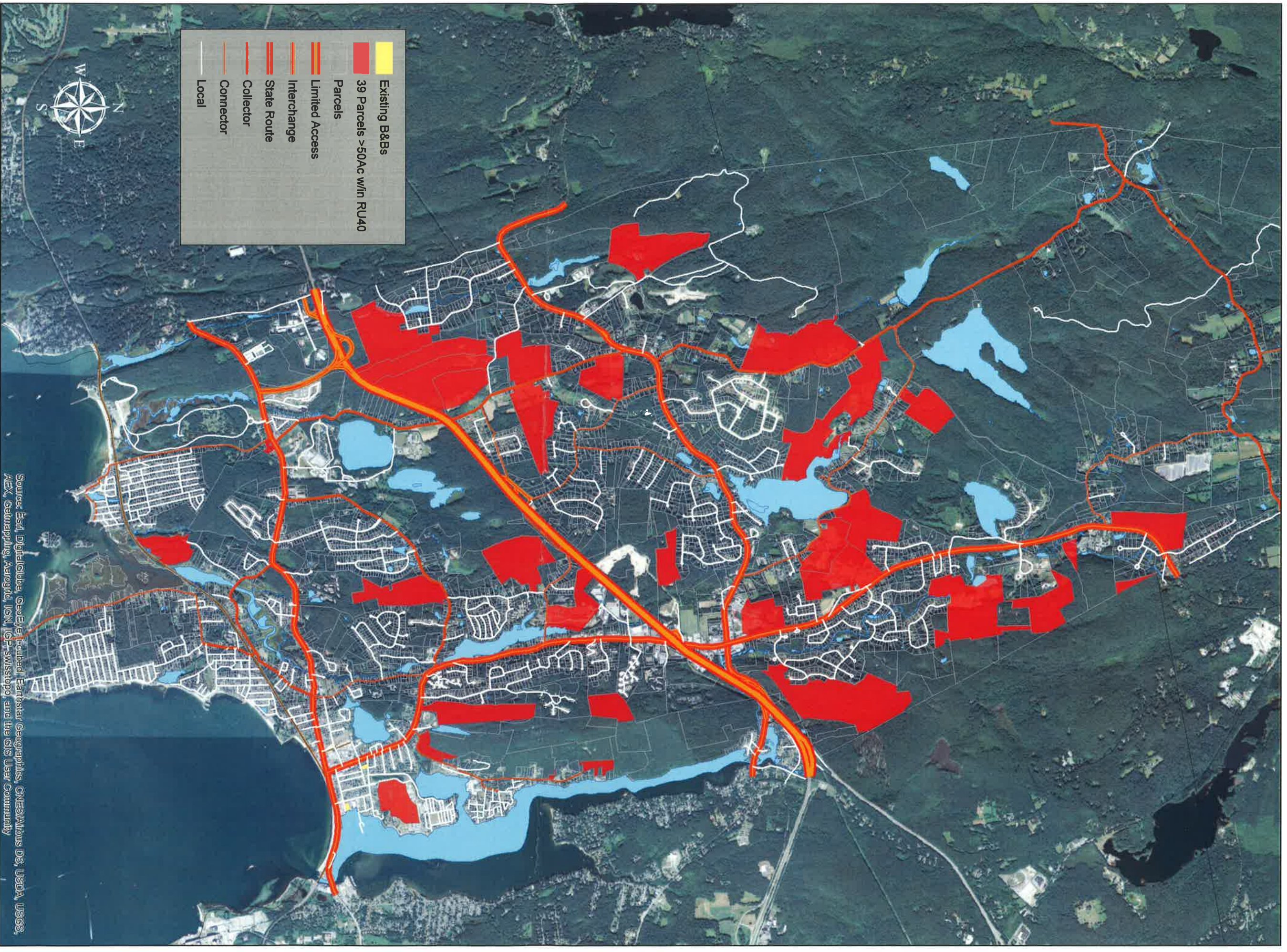
	CM-Inns Permitted by SP
	CACB-B&Bs Permitted Use
	CACB-Inns Permitted Use
	Ru80, 40, 12, 10, & CM-B&B_Permitted by-SP
	Parcels
	Existing Open Space
	Govt. Institution - 2000 acres (9%)

## MAP 4 Zone's Where B&B's and Inns are Permitted



  
 Town of East Lyme  
 Department of Planning  
 February 2016

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# MAP 5 Roads and RU-40 Zoned Parcels >50-Acres

Town of East Lyme  
Department of Planning  
February 2016

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