

East Lyme Planning Commission

Regular Meeting Minutes

Tuesday, February 3, 2015

PRESENT: Frank Balantic, Brian Schuch, Francine Schwartz

ALSO PRESENT: Rita Palazzo (arrived at 7:43 PM and did not Sit), Michael Hess, Alternate (arrived at 7:10 PM. *Sat as Regular Member), John Birmingham, Alternate (*Sat as Regular Member), Anne Thurlow, Alternate (*Sat as Regular Member), Rose Ann Hardy, Ex-Officio

ABSENT: Joan Bengtson, Ernie Covino, Gary Goeschel, Planning Director

Mr. Schuch called this Special Meeting of the Planning Commission to order at 7:05 PM.

Mr. Schuch sat Ms. Thurlow and Mr. Birmingham as Regular Members for the meeting.

Pledge of Allegiance

The Pledge was observed.

FILED IN EAST LYME
CONNECTICUT
Feb 10, 2015 AT 10:20 AM PM
Caitlyn Galt, Jr.
EAST LYME TOWN CLERK

I. Public Delegations

There were none.

II. Approval of Minutes

A. January 20, 2015 Special Meeting Minutes

• ****Motion (1)**

Ms. Schwartz moved to approve the January 20, 2015 Special Meeting Minutes.

Mr. Birmingham seconded the motion.

Mr. Birmingham and Ms. Thurlow stated for the record that they both had ample time to review the Minutes and felt comfortable voting despite their absence from the January 20, 2015 Meeting.

Vote: 5-0-0. Motion passed.

Mr. Schuch sat Mr. Hess as a Regular Member for the meeting, upon his arrival at 7:10 PM.

III. Subdivisions and Resubdivisions

- A. Nottingham Hills Subdivision, Jeffrey A. Torrance on behalf of Niantic Real Estate, LLC;**
Request for the Release of the Erosion and Sedimentation Bond in the amount of \$10,000 provided as part of Phase IIA.

The Member's Packet includes a letter from Bill Scheer, Deputy Director of Public Works to Mr. Goeschel (Exhibit 1). The Commission requested at the last meeting that they be provided with something in writing that illustrates the Bond can be released.

- ****Motion (2)**

Mr. Balantic moved to approve the request for the release of the Erosion and Sedimentation Bond in the amount of \$10,000 provided as part of Phase IIA of the Nottingham Hills Subdivision.

Mr. Hess seconded the motion.

Vote: 6-0-0. Motion passed.

IV. 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 boundaries 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 the Zoning Commission.

A. Application of Pauline L. Lord; proposal to amend the East Lyme Zoning Regulations Section 1, 4

And 25.5 to allow a retreat/event center, ancillary to an agricultural use in the RU-40 district.
(Public

Hearing Scheduled for February 5, 2015.)

The Member Packet includes a Memorandum from Mr. Goeschel (Exhibit 2) regarding this application and includes a map which depicts all RU-40 Zoned Parcels greater than 25 acres; the Commission had tasked Mr. Goeschel with this at the last meeting so that the Commission could have a tangible understanding of all the parcels that will be affected by approving this application. The Memorandum also outlines the POCD and how it relates to the application. The Commission reviewed the memo point by point.

Ms. Schwartz questioned if there is currently wording in the Regulations which allows for a special events permit. Mr. Schuch responded that Celebrate East Lyme and the Light Parade are done through a special permit but he is unsure whether it would apply to this sort of use. Ms. Thurlow clarified that there are two ways to go about this application; a special permit can be applied for, for every event or a permit could cover a series of events if the Zoning Regulations were changed. Ms. Thurlow stated that

would be a hassle for the applicant to apply for the permit for every event but that it would protect the Town. Mr. Hess noted that Mr. Goeschel recommends the series of events in his memo.

Mr. Schuch stated that Zoning will address their scope during the Public Hearing and the Planning Commission needs to focus on the POCD. Ms. Schwartz stated that she finds the application both consistent and inconsistent; Section 2.3 Promoting Agricultural Industry is so broad. Mr. Balantic said that he appreciates the spirit and intent of the proposal but the door that opens as a result brings commercial activity into an agricultural zone and the wording needs a harder look. Mr. Schuch stated that it creates potential for a stacking effect and feels they should be cautious. Ms. Thurlow asked about the impact of traffic and Mr. Schuch explained that Zoning would address that. Mr. Birmingham asked how many events could occur in one year and Mr. Balantic said that he does not perceive a limitation. Mr. Hess added that a facility which houses and feeds 200 people is essentially a restaurant.

- ****Motion (3)**

Mr. Balantic moved that Pursuant to Section 8-3A of the Connecticut General Statutes, the Planning Commission of the Town of East Lyme, exercising its authority and having reviewed the proposal for a Text Amendment, Application of Pauline L. Lord; proposal to amend the East Lyme Zoning Regulations Section 1, 4 and 25.5 to allow a retreat/event center, ancillary to an agricultural use in the RU-40 district. (Public Hearing Scheduled for February 5, 2015.) And finds the aforesaid proposal inconsistent with the 2009 Plan of Conservation and Development as amended, based on the following findings and with the following comments and/or recommendations:

1. Although the proposal appears to meet the spirit of Objective 2.3 of the POCD "to promote agricultural industry" this proposal is on the whole inconsistent with the POCD as amended when considering the opportunity of what would commonly be viewed as a commercial activity in the RU-40 district.
2. The Commission finds the proposal inconsistent with the POCD as amended specifically Chapter 3, Land Use, Section 3.1.1 Single-Family Housing (page 48), "A final recommended change in the Zoning Regulations controlling single-family residential zones concerns the potential for inappropriate commercial uses within residential areas. The Zoning Regulations for rural residential zones (RU-40 and RU-80) contain some commercial uses that are permitted either outright or by special permit. Most of these permitted uses are appropriate for rural and semi-rural areas (e.g., veterinarian's offices, green houses, agriculture and nurseries.) While the Zoning Commission has eliminated the permitting of hotels and motels, it is critical to delete and discourage other incompatible land uses in these zones."

Mr. Birmingham seconded the motion.

Ms. Schwartz asked if we should include the idea of the special permit within our comments and Mr. Schuch said that Mr. Goeschel's memo will be part of the record. Mr. Balantic stated it's a nice agricultural endeavor but the scope as crafted, is a commercial intrusion.

Vote: 6-0-0. Motion passed.

V Old Business

A. Liaison to Zoning Commission Schedule

Mr. Balantic noted the proposed zoning liaison schedule in the Member Packet (Exhibit 3.)

- ****Motion (4)**

Mr. Balantic moved to approve the Zoning Liaison Schedule.

Mr. Hess seconded the motion.

Vote: 6-0-0. Motion passed.

VI Reports

A. Chairman

Mr. Schuch thanked Mr. Goeschel for preparing the Maps.

B. Ex-Officio- Rose Ann Hardy

Ms. Hardy said that the Board of Selectmen will be dealing with budget proposals for the next two months and stated that she will continue to do what she has done in the past; she will support the added work hours that Mr. Goeschel has requested. She noted that the Commission might find the last Conservation of Natural Resources Meeting of interest; the CNR is continuing their Water Study and the results might have some ramifications on Clamming and summarized some of the other issues that CNR is concerned with. Ms. Hardy also mentioned the Agenda for the Board of Finance Hearings and stated that the Commission might want to sit in on the Hearings.

C. Zoning Representative

Mr. Balantic said that he attended the January 22, 2015 Zoning Meeting which consisted of two CAM reviews and the ultimate approval for a complete rebuild of single-family construction at 17 Summit Avenue. 2 Shore Drive was also discussed but will be dealt with at the next meeting.

D. Sub-Committees

- a. Sustainable Development and Climate Adaptation Subcommittee (F. Schwartz, G. Goeschel)

Nothing to report.

- b. Subdivision Regulations Bonding Review Subcommittee (B. Schuch, J. Bengtson, G. Goeschel)

Nothing to report.

E. Staff/Communications

- a. Staff Report

Mr. Goeschel was not in attendance.

Adjournment

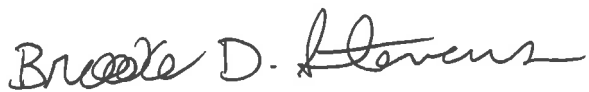
- ****Motion (4)**

Ms. Thurlow moved to adjourn the Planning Commission Meeting at 7:53 PM.

Mr. Birmingham seconded the motion.

Vote: 6-0-0. Motion passed.

Respectfully submitted,

A handwritten signature in cursive script that reads "Brooke D. Stevens". The signature is written in dark ink and is positioned above the printed name and title.

Brooke Stevens,
Recording Secretary

Town of East Lyme

P.O. DRAWER 519

NIANTIC, CONNECTICUT 06357

Deputy Director of Public Works
William A. Scheer Jr.

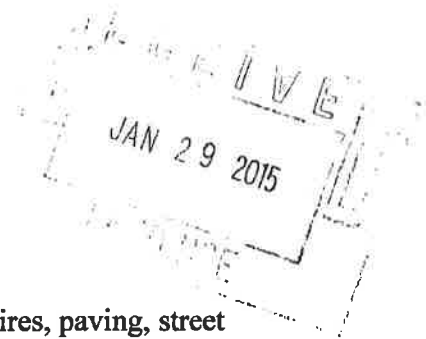
860-691-4101
FAX 860-739-6930

To: Gary Goeschel, Director of Planning

From: Bill Scheer, P.E. , L.S. Deputy Director of Public Works *WAS*

Date: January 29, 2015

Re: E&S Bond release request for Nottingham Hills Phase IIA.



The work required to complete the Nottingham Hills Phase IIA requires, paving, street lighting, and other items that do not require an erosion and sedimentation bond. The engineering department recommends that the E&S bond for this phase of the subdivision be release at this time.

Town of

P.O. Drawer 519

Department of Planning &
Inland Wetlands

*Gary A. Goeschel II, Director of Planning /
Inland Wetlands Agent*



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

Phone: (860) 691-4114

Fax: (860) 860-691-0351

MEMORANDUM

To: East Lyme Planning Commission

From: Gary A. Goeschel II, Director of Planning

Date: January 30, 2015

Re: 8-23 Zoning Referral for a Proposed Regulation Change to Section 1, 4 and 25.5 to allow a retreat/event center, ancillary to an agricultural use, in the RU-40 Zone District.

Upon review of the above referenced Zoning Referral I offer the following:

The proposed regulation proposes to allow a Retreat/Event Center as an ancillary use to an agricultural or farm use on properties 25-acres or more that are primarily used for agricultural purposes. The proposed regulation defines a Retreat/Event Center as "A facility located on a farm property, used for meetings, conferences, seminars, or special events and which may provide meals, housing, and recreation for guests during the period of the retreat program or special event. Such facility may be rented by individuals or groups to accommodate private functions including, but not limited to: Dinners at the Farm, weddings, family reunions and other similar celebrations."

Map 1 (attached) depicts the parcels of 25-acres or more where the proposed use could occur. There are approximately 51 properties within the RU-40 Zone that meet this criterion.

As an **ancillary** use to an agricultural operation the proposed regulation would, in my opinion, be consistent to the following sections of the POCD:

OBJECTIVE 2.3: To promote agricultural industries.

POLICY: Support 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.

**POCD
Compatibility**

The proposed regulation would clearly support and promote an agricultural industry.

Chapter 3, Section 3.5 Agriculture

3.5.2 Recommendations 1 and 5

1. East Lyme should seek out all reasonable opportunities to help commercial farms remain profitable and in business. Much more can be done to support these businesses, and therefore the town at the same time.
5. Occasional Farm Festivals should be encouraged by the town as an opportunity for farmers to display animals, crops, sell products, and offer educational demonstrations, and offer locally produced foods. There is a growing awareness of the many benefits of "eating local" –for reasons of flavor, nutrition and environmental sustainability.....

POCD Compatibility

The proposed regulation would clearly provide an opportunity to help commercial farms remain profitable and in business. It would further encourage events that could offer locally produced foods.

However, although the proposed regulation would permit a Retreat/Event Center as a Special Permit Use ancillary to an agricultural or farm use, the proposed regulation does not provide adequate controls to ensure events such as meetings, conferences, seminars as well dinners, weddings, and family reunions, would not be held continuously on a daily or weekly basis. As such, the proposed use would not necessarily be considered ancillary. Instead, it could be viewed as a primary use in conjunction with a farming operation. Therefore, it doesn't appear as though the proposed use is any more different than a hotel.

A facility operating in the same fashion as a hotel within the RU-40 Zone District would, in my opinion, be inconsistent with the following section of the POCD:

Chapter 3, Section 3.1 Residential

3.1.1 Single-Family Housing, pg 48

"A final recommended change in the Zoning Regulations controlling single-family residential zones concerns the potential for inappropriate commercial uses within residential areas. The Zoning Regulations for rural residential zones (RU-40 and RU-80) contain some commercial uses that are permitted either outright or by special permit. Most of these permitted uses are appropriate for rural and semi-rural areas (e.g., veterinarian's offices, green houses, agriculture, and nurseries). While the Zoning Commission has eliminated the permitting of hotels and motels, it is critical to delete and discourage other incompatible land uses in these zones.

POCD Compatibility

The proposed use would clearly be in opposition to actions taken by the Zoning Commission. In addition, the proposed regulation would potentially permit an inappropriate commercial uses within the RU-40 Rural Residential Zoning District.

As it appears the intent of the proposed regulation is to legitimize an activity that has been occurring on a regular basis at White Gate Farm, the Commission must consider how the proposed

regulation would impact the entire RU-40 Zoning District. It is my opinion that the spirit of the proposed regulation is consistent with the POCD. However, as a proposed Special Permit Use ancillary to an agricultural or farm use, it is my opinion additional controls would be needed to ensure the use would remain ancillary or customarily incidental to the agricultural use.

In an effort to support 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 as well as promote agricultural industries (Objective 2.3 of the POCD), I would recommend the Zoning Commission consider a Special Event Permit verses a Retreat/Event Center.

In my opinion, controls on a Special Event Permit could be applied such that the use would be less of a continuously occurring commercial use and more of an ancillary use as events would be less frequent and more sporadic and permitted on an individual case by case basis. In addition, I would think a Special Event Permit for the activities defined in the proposed regulation could be extended to include farms and agricultural uses in the RU 80 Zoning District (see Map 2 attached).

If events are held more or less annually, monthly or bi-monthly, I would think a less commercially intense regulation where Agricultural uses (Farms) could seek a Special Event permit for each special event or possibly a series of events to be held throughout the year would be sufficient. Limiting the number of events/permits that could be issued in a given year so as not to create a hotel like environment within a rural residential zone could allow farms to host various events while ensuring the use does not adversely impact the zone by becoming a continuous commercial operation. Other controls could include a Traffic report based on the number of trips generated (with 200 guests as proposed, if you assume each one is driving that's 200 parking spaces needed. When a commercial development along a state highway proposes 200 parking spaces, they are required to submit plans to State Traffic Commission for permitting). The volume of traffic associated with 200 vehicles or a hotel type of use would be significant for any of East Lyme's rural roads especially if it was to be experienced on a weekly or daily basis.

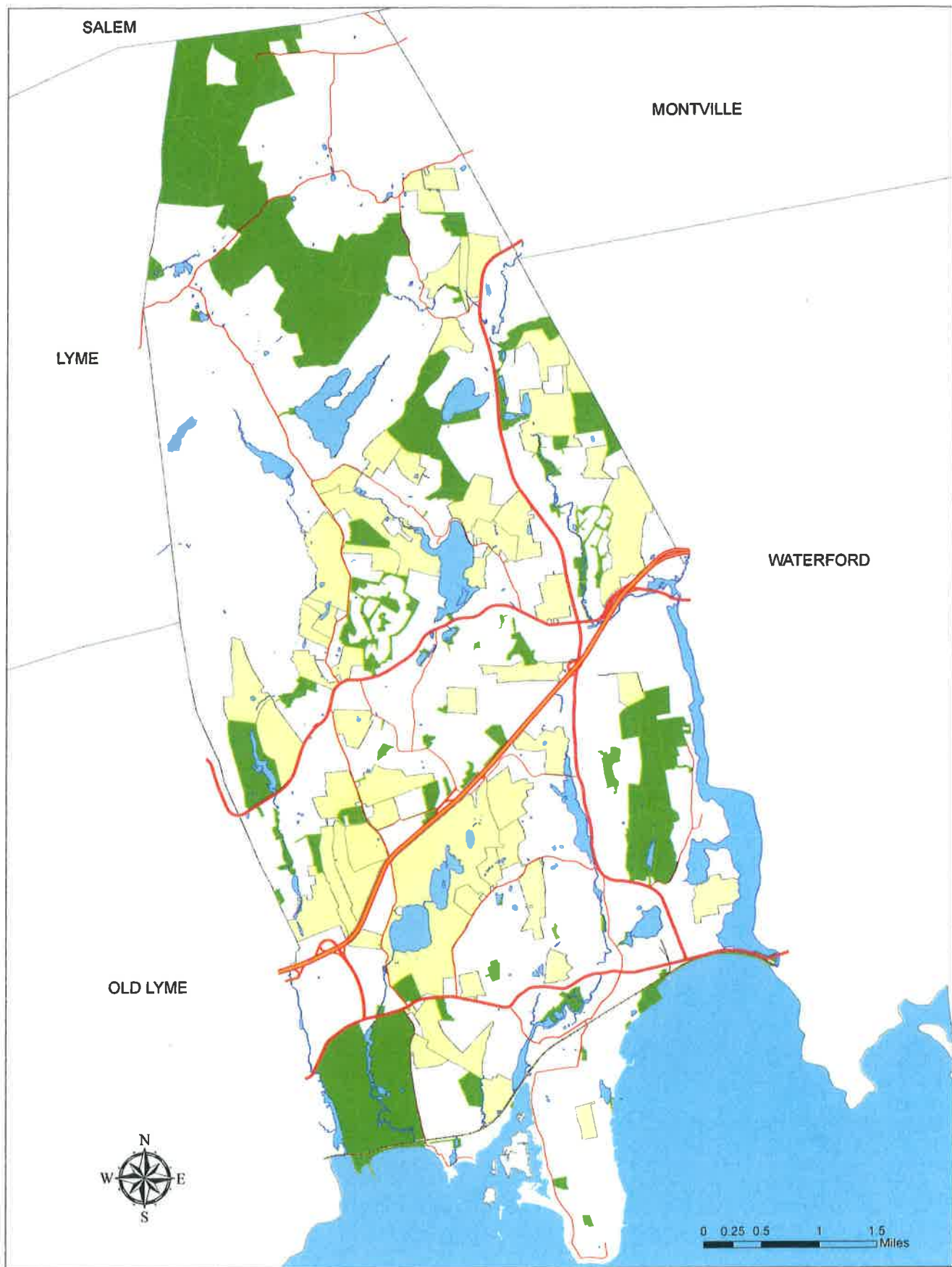
Although it may not be the applicant's intent to hold weekly or daily events, the proposed regulation as written would permit it. If the proposed use is to be permitted within the RU 40 residential zone, it is important the language be crafted such that it will support not only agricultural uses but, will maintain community character and not adversely impact rural residential uses.

Therefore, I offer the following resolution:

BE IT RESOLVED:

Pursuant to Section 8-3A of the Connecticut General Statutes, the Planning Commission of the Town of East Lyme, exercising its authority and having reviewed the proposal for a Text Amendment, referenced above, **FINDS** the aforesaid proposal **CONSISTENT/INCONSISTENT** with the 2009 Plan of Conservation and Development as amended, based on the following findings and (with the following comments and or recommendations):

- 1.
- 2.
3. Etc.....



Legend

 Parcels 25-Acres or Greater	--- Railroads
 Existing Open Space	Roads
 Waterbodies	--- Limited Access
 Surrounding Towns	--- Interchange
	--- State Route
	--- Collector
	--- Connector

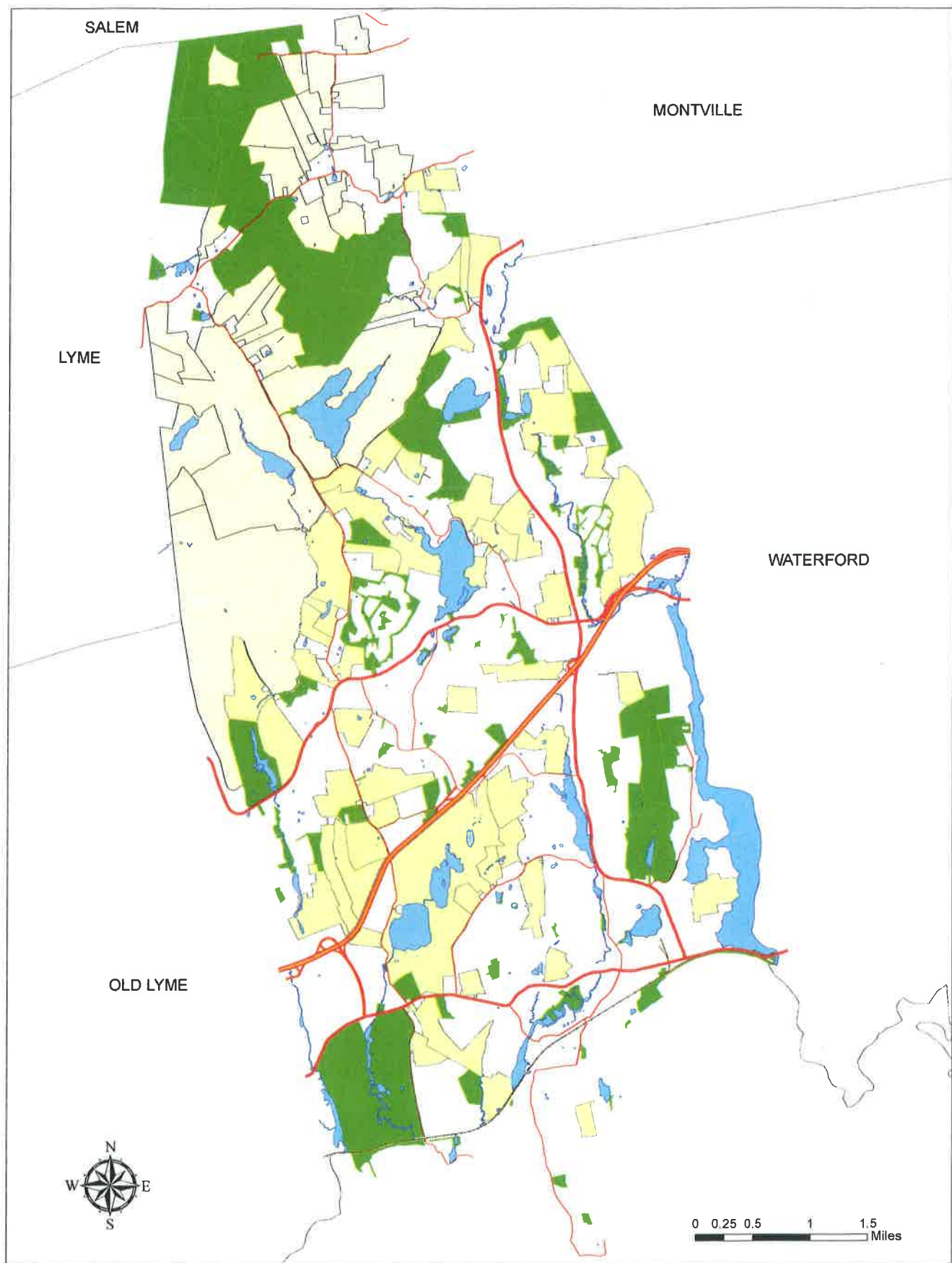
MAP 1 RU-40 Zoned Parcels Greater Than 25 Acres



Towa of East Lyme
Department of Planning
January 2015

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.



Legend

Parcels Over 25 Acres

RU-80
RU-40

Existing Open Space
Waterbodies
Surrounding Towns

Railroads
Limited Access
Interchange
State Route
Collector
Connector

MAP 2 RU-40 and RU-80 Zoned Parcels Greater Than 25 Acres



Town of East Lyme
Department of Planning
January 2015

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Town of East Lyme
Planning Commission Liason to Zoning Commission Schedule
2015

Exhibit 3

First Name	Last Name	Zoning Meeting
Frank	Balantic	1/8/2015
Joan	Bengtson	1/22/2015
John	Birmingham/Balantic	2/5/2015
Ernie	Covino	2/19/2015
Michael	Hess	3/5/2015
Rita L	Franco-Palazzo	3/19/2015
Anne	Langley Thurlow	4/2/2015
Brian	Schuch	4/16/2015
Francine	Schwartz	5/7/2015
Frank	Balantic	5/21/2015
Joan	Bengtson	6/4/2015
John	Birmingham/Balantic	6/18/2015
Ernie	Covino	7/9/2015
Michael	Hess	8/6/2015
Rita L	Franco-Palazzo	9/3/2015
Anne	Langley Thurlow	9/17/2015
Brian	Schuch	10/1/2015
Francine	Schwartz	10/15/2015
Frank	Balantic	11/5/2015
Joan	Bengtson	11/19/2015
John	Birmingham/Balantic	12/3/2015