

PLANNING AND ZONING COMMISSION  
PUBLIC HEARING/REGULAR MEETING

The Lyme Planning & Zoning Commission held a public hearing/regular meeting on Monday, July 13, 2009 at 7:30 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT, 06371

MEMBERS PRESENT: David Tiffany Chairman, Hunter Ward, Steve Mattson, Bob Winslow, Bernie Gigliotti ZEO and Patsy Turner Secretary.

PUBLIC HEARING

An application for a special permit to construct a boat dock on Hamburg Cove at the home of Judith Schaaf, 69 Cove Road, Tax Map 17, Lot 11.

**Regular Meeting**

**An application for a special permit to construct a boat dock on Hamburg Cove at the home of Judith Schaaf, 69 Cove Road, Tax Map 17, Lot 11.**

Present at the meeting was Stew Fairbanks representing Judith Schaaf.

Fairbanks: Previously there was a dock located on the property and the DEP has taken enforcement acts to have property owners remove docks which were not permitted. The reason for the application is to replace a dock on the Schaaf property; the proposed fixed dock will be elevated (3 feet above high water) there will be a 4 foot wide ramp to access the dock; the structure will be 96 square foot. The want is that small motorboats can access the floating dock; the water level at low tide is approximately 3 feet. The decking material on the fixed dock will be flow through as to allow rain and sunlight to reach Celery Grass.

Mattson: The size of this dock meets the Planning and Zoning Regulations.

Gigliotti: The dock size does meet the Outer Cove Regulations.

Fairbanks: The type of dock being presented will become the norm over time to limit the size of the docks.

Tiffany: The floating section of the ramp will be removed during the off seasons.

Fairbanks: The ramp can be left or pulled during the off seasons; ice can damage the ramp, the application does not specify.

Winslow: The plans do not show utilities or lighting in the dock area.

Fairbanks: For safety issues most people would have a need for lighting for nighttime access.

Tiffany: Lighting is a major issue for this commission; the lighting should be downward facing shielded lights and on timers.

Fairbanks: A condition could be made in reference to the lighting.

Gigliotti: This application is going through before the DEP changes have gone into affect. The Wetlands Commission will see this information for the area upland from the dock area.

The Planning and Zoning Commission has jurisdiction over the dock.

Tiffany: The plans do not show information about lighting; lighting would not be permitted with this application. There are many docks in the area without lighting; the commission prefers not utilities and/or shrouded lighting.

Mattson: The application could be approved without lighting, and then a new application would have to be applied for lighting and utilities.

Tiffany: The lighting on slopes and docks are looked at very closely.

Fairbanks: The slope is steep; the answer is unknown having to do with the lighting and utilities.

Mattson: The application can be approved without lighting and utilities.

Fairbanks: A new application can be applied for the lighting.

Gigliotti: The information in the application has been reviewed.

Mattson: The issue with the lighting can be held until a later date.

Ward: There are no problems with the application as presented.

Tiffany entertained a motion to approve the application. The motion was moved by Mattson to approve the application for a boat dock as presented with the condition no services or lighting to be involved in the dock area; the motion was seconded by Ward and passed unanimously by all members present.

**Trevor and Melissa Fetter, 33-3 Joshua Lane Tax Map 18 Lot 7; preliminary discussion of construction of a swimming pool.**

Present at the meeting was Chris Caulfield representing Melissa and Trevor Fetter.

Caulfield: The Fetters own the property at 33-3 Joshua Lane and the adjacent property; the lots are not combined. The want is to have a swimming pool on the property; a location was chosen near the house. Photos of the area were presented.

Gigliotti: The chosen location for the pool is the same location where in the past the commission had concerns for a proposed stairway with lighting. The stairway was never built.

Caulfield: The plans are being presented on a preliminary basis; the area will be terraced into the hill and the proposed pool would be 15 ft. by 40 ft. which may incorporate a spa area. The topography varies from 44 foot at the top to 36 foot elevation at the bottom of the slope. The goal is to construct the pool with little to no impact on the trees on the property; a few maple trees will be removed.

Tiffany: The commission's concern in the past was the viewing of lighting from the river.

Mattson: The lighting around the pool may be an issue.

Caulfield: The Fetters would be willing to work with the commission on the lighting issues.

Gigliotti: The reasoning behind this application being before this commission is that the pool is considered a structure under the Gateway Regulations.

Caulfield: There are no plans for the construction of a pool house. The design of the area will blend with the existing landscaping and stonework. The wire fence around the pool area will be 4 foot in height and the plan is to plant shrubbery to screen the fence. Any lighting used around the pool would be angled downward and hidden by the shrubbery. The proposed pool location is fairly concealed from the river. The commission's input will be considered in the final plans.

**Michael and Faye Richardson, 33 Joshuatown Road, Tax Map 28, Lot 2;  
preliminary discussion of a proposal for a boat dock.**

Present at the meeting were Michael and Faye Richardson.

Richardson: The proposed plan is to remove the existing dock on the property and replace with a new dock in a different location. The new dock would utilize the two boulders located near the shore. The relocation of the dock would allow higher water use. Keith Neilson has suggested that the two rocks would be easily leveled as to build the top of the boulder with cut stone to achieve the needed elevation; a timber walkway would span to the boulder dock area. There will not be lighting used in the area. The flat area of the boulder located to the North will have fenders and a ladder for access. The design of the dock will keep with the character of the area.

Tiffany: This information was previously before the commission without plans; the commission was not comfortable with using the boulder as a dock.

Ward: There is a drain and easement located in the area being discussed.

Richardson: There are plans to remove invasive plant species from the waterfront area; multi-flower rose and bittersweet. Anthony Irving has created a plan and what application will be used in the removal of invasive plants. The boardwalk will span over the brush. The shoreline has existing bulkheads and rocky areas.

Tiffany: Has there been a plan design without the use of the boulder. The Celery Grass and the low water level located in area is the driving force for the use of the boulder. The plan does not show the final elevation of the structure.

Gigliotti: The plan is preliminary and this is the first time this version of the plan for the dock is being described. The application will be in the form of a special permit.

Mattson: The depth of the water located in the area of the old dock is the main issue for abandoning.

Richardson: The water level is an issue; the boulder area will allow for a higher water level and the area is useable due to the absence of the Celery Grass.

Tiffany: The public may have an issue with the dock on the boulder.

Ward: Neilson has stated there is no legal issue with using the boulder as the foundation for the dock.

Richardson: The positive of using the boulder will avoid the disruption of the shore area; the boulder is a natural base.

Tiffany: Minimal changes done to the surface of the boulder would be favored.

Mattson: The Inland/Wetlands Commission has seen this information.

Gigliotti: The Inland/Wetlands Commission has seen the information on a preliminary basis; the dock area is outside their jurisdiction. The planting plan was gone over well with their commission.

Tiffany: The materials being used for the dock and boardwalk will be a big factor.

Richardson: The amount of the top of the boulder has not been determined.

Ward: The information was verbally presented previously.

Winslow: The use of the boulder is hard to visualize.

Mattson: The question is how high the structure will be at low tide.

Tiffany: Neilson can present photos of the area with the proposed dock superimposed into the scene. The scale for the structure to the surroundings is important.

Winslow: The plan does not show the beginning dimension and elevation of the boulder.  
Tiffany: Minimizing the changes to the boulder would be a great approach.  
Gigliotti: The DEP may be the driving force for the addition to the height of the boulder.  
Ward: Neilson can answer all the questions being raised by the commission.

**Old Business**

**Platner**

Gigliotti: There is an extension until August 1<sup>st</sup> for the filing of the record; the agreement document has been signed by Tiffany and the motion to withdraw is the next step.

**New Business N/A**

**APPROVAL OF OUTSTANDING MINUTES**

Tiffany entertained a motion to approve the minutes of the June 8, 2009 public hearing/regular meeting, the June 17, 2009 special meeting, and the June 30, 2009 special meeting.

The motion to approve the outstanding minutes was moved by Ward, seconded by Winslow, and passed unanimously.

A motion to adjourn at 8:16 p.m. was moved by Mattson, seconded by Winslow, and passed unanimously.

Respectfully submitted,

Patsy Turner, Secretary