

PLANNING AND ZONING COMMISSION  
Public Hearing/Regular Meeting

The Lyme Planning & Zoning Commission held a meeting on November 14, 2016 at 7:30 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT, 06371.

MEMBERS PRESENT: David Tiffany Chairman, Steve Mattson, Ross Byrne, Hunter Ward, Kelvin Tyler, Phyllis Ross, Bill Koch, Bernie Gigliotti ZEO, and Patsy Turner Secretary.

**Regular Meeting**  
**Old Business**

**Discussion of enforcement act Gregory Melville, 484 Joshuatown Road, Tax Map 8 Lot 3; unauthorized cutting and clearing was done along Whalebone Cove shoreline on the property.**

Gigliotti: The commission has a copy of the enforcement letter with attached photographs of the area (before and after).

Present at the meeting were Gregory Melville and Susan Fox to explain the situation.

Melville: The commission has material before them showing what has been done and the mitigation plan for the area where the commission has jurisdiction.

Tiffany: A lot of time and effort was spent on your boat dock application; this is a disappointment that we are here discussing this issue.

Melville: Apologizes go out to the commission and to the community of Lyme! Our property was purchased over three years ago and we have always received the appropriate permits required for any projects on the property. It was discovered that there was an invasive plant issue on the property and consultants were contacted. We were not aware that this needed to come before the commission.

Tiffany: The boat dock was before the commission for some time with lots of public concern for this project. Our regulations state that these types of cuttings cannot take place without review.

Tyler: The concern from the public during the public hearing was to preserve the natural habitat of the area. The area has been clear cut.

Melville: Kathy Connolly from Landscape Design was hired as a consultant to identify a huge area of invasives on the edge of the cove. Lyme Land Trust and Lyme Nature Conservancy were contacted as well. At that point we should have known to pull a permit.

Fox: Connolly was hired as a consultant to identify the invasives and develop a plan to deal with the erosion that was occurring on the property; Kathy Connolly was not responsible for the clearing, it was our error.

Tiffany: It was never mention that a permit was required? The commission is very disturbed by what has occurred on this property located on the cove.

Fox: There is a proposal to correct the area where the invasives were located; the area will be replanted with native species, the area will be more biodiverse and healthier than what was located in the area before the clearing occurred. The process has been done backwards; the intension is to restore the area to a vibrant ecosystem. There is a

large area in the cove across from our property that is filled with invasive species. We were wrong to clear the area without coming before the commission. Our intent was not to embarrass the commission. We know that the community cares about the cove a great deal; we hope we can work together to fix the problem of invasives in the cove. Plants have been purchased to stabilize the area of erosion. The Lyme Inland Wetlands Commission will see this information this week also.

Tiffany to Gigliotti: Was the property visited? Were the natives left and natives removed?  
Gigliotti: The area depicted in the photograph which was clear cut there were no natives left, but to the south there was an attempt to preserve some of the native plants.

Fox: There is a drawing which shows the trees which were in the area; large bushes, hemlocks, and junipers, a few white pines were transplanted and the holly & the mountain laurel were tagged. Kathy Connolly provided a list of which items were there and have been cut. Mark Leboy who does wetlands restorations was contacted and he provided native seeds and the area was heavily seeded. The root systems of the plants which were removed still remain in place. Some plants have been planted and the plan is to continue with the restoration planting and create maintenance pathways; the invasives will continue to be cut until they are eliminated. The Inland Wetlands' Chairman has also visited the property.

Gigliotti: The property owners will be looking for a modification to the approved plan, to change the walkway material to cedar steps. There will be a revised application to change the walkway and that document should include the planting restoration plan. The Wetlands Commission will see the information this Wednesday night; the choices of plantings were very satisfactory in the Chairman's eyes but the commission will see a full plan before them. Kathy Connolly has a strong positive relationship with the I&W Commission and has done great work around town.

Fox: The plants shown to be planted along the cut area will be similar in size to what was cut; there were plants that overhung the water and something will be planted to simulate to avoid water temperature affect in the area. All the plants and grasses chosen for the restoration plan are found along the Connecticut River within 1 mile of our property. Coir logs will be installed where there is erosion occurring. When the cease and desist letter was received the planting and the placement of the coir logs stopped.

Tiffany to Commission Members: What do you guys think about this situation?

Ward: There was a lot discussed during the public hearing, not sure how to feel, the commission is upset.

P. Ross: Ignorance is not an excuse; however the intent is to create an area free of invasives. The planting plan being presented will give us an improved situation.

R. Byrne: The steep slope is the main concern for erosion, how will the density of the new plantings compare to what was existing?

Melville: That area has been being planted with grasses, small bushes, and trees; sedges and grasses will also help with stabilization.

Fox: There are still a couple of thousand to plant. The sedges are planted every 9 inches and there will be regrowth of native plants also now that the invasive have been removed.

Tiffany: Screening of the pathway and the dock structure is a concern.

Melville: Sea Oats will be planted and are a tall grass which should screen well.

Fox: The cut area will be restored to the same height and density that existed.

Gigliotti: The clear cut area was impenetrable.

Tiffany: The goal should be that the area blends with its surroundings.

Fox: This property was disturbed previously and the plan is to restore the area to a natural state. The intension was to improve the area. The community is upset.

Tiffany: Damage control needs to be implemented.

Koch: When there is a violation of an approval, what power do we have as a commission?

Gigliotti: The commission's attorney was contacted; he felt that the permit could not be revoked but it was part of the record from the public hearing that there was to be no cutting on the hillside, other than the walkway to the dock area. Under the commission's purview any future permits can be held up in this project pending remediation plan which is acceptable to the commission.

Tyler: What is the time frame for the project?

Fox: The coir logs will be placed in the area and in the springtime more plants will be planted. On the property we have 1500 plants of Sea Oats and a couple thousand sedges. The planting plan before the commission was created today and does require more details added to determine the density.

Gigliotti: The intent was to plant the items that have been purchased and are on the property?

Fox: That was the plan.

Tiffany: The plan should be reviewed more before a decision is made.

Gigliotti: There is value in getting the plants in that are on hand and establishing the erosion control; it will help the situation over the long term.

Fox: The coir logs are on order to stabilize the area.

Gigliotti: The Inland/Wetlands Commission will see this information in two days. From discussions with the I&W Chairman the plan should move forward to stabilize the area before winter.

Fox: There was an irrigation pipe removed which has disturbed the area.

Tiffany: The Inland/Wetlands meeting will take place and we will look forward to seeing a more detailed completed plan.

Gigliotti: The I&W's meeting could be attended by some P&Z members to get the information first hand.

P. Ross: Japanese Knot Weed is very difficult to remove; will it be completely removed before you start replanting the area?

Fox: The area has just been cut at this point.

Gigliotti: There is a neighbor to the north of this property that has received a permit from the I&W commission last spring to eradicate the invasives; it will be an on-going process for years.

Fox: The area on our property was 30 feet by 10 feet along the shore. Very sorry for the situation that has been created; the intent is to restore the area and the dock area will be screened.

Tiffany: This commission is looking forward to seeing a high quality plan to make it obvious to everyone that the remediation will be better than what existed before.

Gigliotti: If the Wetlands Commission feels that the plants which are on hand should be planted, how does this commission feel about that?

Ward: There shouldn't be an issue with that.

Tyler: That would be sensible to be done, but the commission will still be reviewing a completed plan.

Turner: The regular meeting was paused and the public hearing was opened at 8:12 p.m.

Tyler was recused from this portion of the meeting due to being an adjacent property owner within 150 feet of the site.

### **PUBLIC HEARING**

#### **A special permit application by Michael Lech 111 Cove Road, Tax Map 17 Lot 3, to construct a boat dock in outer Hamburg Cove.**

Present at the meeting was Keith Neilson, Dockco Inc. representing the applicant.

Neilson: (Updated site plans were handed to the commission) The presentation from last month covered the special permit requirements. The commission had the desire to not have a boat lift in Hamburg Cove. The DEEP agreed to removing the boat lift from the plan and replacing it with boat davits. If this commission approves the plan as presented at this meeting the DEEP and Army Corp of Engineers permits will be modified. The davits have been drawn on the plans; the davit consists of an arm that suspends off the dock and has a cable with a hook which lifts the boat up. The top of the davit will be 6 to 8 feet above the deck of the dock.

Gigliotti: The davits will be located lower than the tie-off piles.

Tiffany: This is a better plan than the boat lift. Can the lights for this project be explained again?

Neilson: The type of lighting was presented last month. The lights will be mounted 6 to 24 inches above the deck and have LED bulbs. The lights will be turned on by radio control or manual switch and turn off automatically in 15 minutes.

Turner: The public hearing was closed and the regular meeting was re-opened at 8:19 pm.

### **REGULAR MEETING-reopened**

#### **A special permit application by Michael Lech 111 Cove Road, Tax Map 17 Lot 3, to construct a boat dock in outer Hamburg Cove.**

Tiffany: Changes have been made to the plan at the request of the commission.

Mattson made a motion to approve the application as amended.

The motion was moved by Ward, seconded by R. Byrne, and passed unanimously.

### **New Business** N/A

### **APPROVAL OF OUTSTANDING MINUTES**

Tiffany entertained a motion to approve the minutes of the October 2016 Meeting. Ward moved the motion and Mattson seconded the approval; the minutes were passed.

### **Adjournment**

The Planning and Zoning Commission meeting was adjourned at 8:22 p.m.

Respectfully submitted,

Patsy Turner, Secretary