

PLANNING AND ZONING COMMISSION

Public Hearing/Regular Meeting

The Lyme Planning & Zoning Commission held a meeting on November 13, 2017 at 7:30 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT, 06371.

MEMBERS PRESENT: William T. Koch, Jr. Acting-Chairman, Ross Byrne, Phyllis Ross, Ann Rich, Hunter Ward, Kelvin Tyler, Bernie Gigliotti ZEO, and Patsy Turner Secretary.

Public Hearing

Jere and Faye Richardson, 33 Joshuatown Rd. Tax Map 28 Lot 58; an application for a special permit to construct a boat dock in the upper reaches of inner Hamburg Cove.

Present at the meeting was Keith Neilson, Docko Inc. representing the applicants; the Richardsons were present.

Neilson: The proposed dock will be a fixed pier spanning boulders and the wooden (timber) pier structure will have a total length of 17 feet, width 4 feet, and the walkway being 20 feet (max . 80 sq. ft.) The Town of Lyme's guidelines were reviewed and the application meets the criteria of the guidelines. The encroachment line is delineated on the plans. The boat will be held slightly off the end of the pier attached to moorings. The face of the boulder will be lined with rubber bumpers. The offset from the north property line will be 73 feet. The timbers will be connected to the top of the boulder with bolts and epoxied in place; the connections will not be visible. The green areas shown on the map are Water Celery which the DEEP protects. The structure will not change water flow in the area. The railings will be removable for the winter months. The DEEP and Army Core of Engineer permits have been received. The certified mail return receipts are accounted for and were entered into the record. There will not be utilities on the dock. The structure will not obstruct public access to the waterway.

R. Byrne: If the structure is inundated with water will the structure withstand the pressure?

Neilson: The dock will be attached to the boulder with epoxied bolts and the weight of the boulders is approximately 15,000 pounds. With the shape of the boulder ice should be diverted easily around the dock. The smallest boulder in the area will be removed.

Tyler: The boat will not be tied to the edge of the boulder but off the face.

Neilson: The DEEP requested a gap between the birthing slip and the tie-off point as to avoid the boat drifting over the Water Celery.

P. Ross: Due to the minimal water levels the boat will probably be access only at high tide?

Neilson: This dock structure can be used at all tide levels. There is a ladder between the rubber bumpers on the face of the boulder. Plans for lights have not been provided.

Koch called for comments or questions from the commission members and the public in attendance.

(neighbors in attendance were Skip and Debbie Hine)

S. Hine: Can the structure be completely removed in the winter? In the past during discussions with the DEEP it was suggested that this dock would have public access.

Neilson: The structure is not designed to be removed. The buffer of the property has been repaired. The dock is not for public access, it is for the Richardson's use from their property.

D. Hine: The water depth near the proposed dock area is very low.

Neilson: The water is 4 feet deep and is shown on the map; the navigation will not be impeded.

Tyler: When was the vegetation buffer area restored?

Neilson: The Lyme Conservation Commission approved the riparian buffer remediation.

R. Byrne: Will there be trimming of vegetation to allow for the pathway?

Neilson: The area is grass and is mowed; approximately 6 years ago there was a wall of saplings, bittersweet, and vines. The pathway is clear and open for point of access to the river.

S. Mattson: (member of the public) Who has ownership of the boulder?

Neilson: The boulder near the shore is owned by the Richardson Family and the larger boulder is located in State waters.

Ward: There are no plans for lights on the dock; if the applicants wish to have lights in the future will it require a new application?

Neilson: The navigation is difficult in the area and that is why there is not a request for lighting.

Gigliotti: The commission could add a stipulation to the approval for no lighting; the permit could be modified in the future. Tarik Kardestuncer (a neighbor) did visit the Town Hall to view the plan; he stated he is not opposed to the dock due to the change of no floating dock attached to the boulder as it was presented 6 years ago.

S. Hine: Will there be a public hearing where this application could be denied?

Gigliotti: This meeting is the public hearing.

Koch: The decision of this commission can be appealed in Superior Court.

Gigliotti: The application as it is presented meets all the guidelines in the regulations; the DEEP has adopted the guidelines for the Town of Lyme which helps this commission when viewing the information after the DEEP has approved the information in the documents.

D. Hine: It has been stated that the area is difficult to navigate then why is the dock being put in without a boat?

Neilson: The owner has the option to have a boat attached to the dock.

The public hearing was closed and the regular meeting was opened at 8:01 p.m.

Regular Meeting

Jere and Faye Richardson, 33 Joshuatown Rd. Tax Map 28 Lot 58; an application for a special permit to construct a boat dock in the upper reaches of inner Hamburg Cove.

Koch called for questions and/or comments from the commission members.

Ward: It is difficult to visualize what the boat dock atop the boulders will actually look like.

R. Byrne: The condition of no lighting should be attached to the motion.

Tyler moved a motion to approve the application as present with the condition there is no lighting on the dock structure.

P. Ross seconded the motion and was passed unanimously.

Discussion and vote on acceptance of the Jewett Cemetery, Mt. Archer Rd Tax Map 20 Lot 29 as a gift to the Town.

Present at the meeting was Steve Mattson, First Selectman.

Mattson: The Jewett Family would like to gift the Cemetery to the Town of Lyme; the town has been maintaining the grounds for years. The request is that the commission finds that the receiving of the Cemetery is consistent with the Town's Plan of Conservation and Development. The Board of Selectman has already taken their action to receive the gift. The third step in the process would be a town meeting after your approval. Only family members will be allowed burial in the cemetery in the future.

P. Ross: The area has been walked and is beautiful it would be a great addition to property owned by the town.

Koch entertained a motion to agree that the acceptance of the Jewett Cemetery property gift as town property is consistent with the Lyme Plan of Conservation and Development. The motion was moved by P. Ross, seconded by A. Rich and was passed unanimously.

Old Business

Discussion and vote on whether or not to opt out of Public Act No. 17-155 (effective 10-1-17) regarding temporary health care structures.

Gigliotti: Last month information was given to the commission for review and in this month's CT P&Z Newsletter a synopsis of the act is written. The town has the option to accept the act or opt out. Our current regulations provide adequate information to allow health care living on properties; the act is intended for the health care structure to be temporary.

P. Ross: When this was discussed last month there were reservations, but after reading the information provided, there are provisions that can be enforced.

Gigliotti: The commission would need to enforce the removal and that would be difficult.

P. Ross: The property owner would be required by the Act to post a bond of up to \$50,000.

Gigliotti: If there is a choice to build an accessory apartment or a temporary structure; I would opt to build to permanent structure. There is still the need for a septic system and power to the structure.

A. Rich: How would a sick or disabled family member easily access a temporary structure?

Koch entertained to option to opt out of Public Act No. 17-155, the motion was seconded by Tyler, and passed unanimously.

Gigliotti: This information will be on the agenda next week for the Board of Selectman's meeting.

Gautam

Gigliotti: Attorney Mike Carey has created the agreement and sent it off to Mrs. Gautam's attorney; the document is being edited and the hope is that we can move forward.

New Business N/A

APPROVAL OF OUTSTANDING MINUTES

A motion was entertained by Koch to approve the minutes of the October 2017 Meeting.

Ward moved the motion and A. Rich seconded the approval; the minutes were passed.

Adjournment

The Planning and Zoning Commission meeting was adjourned at 8:16 p.m.
Respectfully submitted,

Patsy Turner, Secretary