



PLANNING AND
ZONING COMMISSION

LYME TOWN HALL
480 HAMBURG ROAD
LYME, CT 06371

PLANNING AND ZONING COMMISSION
Public Hearing/Regular Meeting

The Lyme Planning & Zoning Commission held a meeting on August 20, 2018 at 7:30 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT 06371.

MEMBERS PRESENT: Ross Byrne, Chairman, Phyllis Ross, Ann Rich, Kelvin Tyler, William Koch, Bernie Gigliotti ZEO, and Jennifer Thomas, Secretary.

Regular Meeting

Preliminary discussion of a potential split of the property of William Firgelewski; 45 Clark Road, Tax Map 13 Lot 11.

Present at the meeting was Scott Jezek, Attorney for the potential buyer, Mark McWilliams, 705 Washington Street, LLC.

Jezek distributed materials to the Commission pertaining to the chronological history of the property. An explanation was given regarding parcel A and parcel B on the survey map provided. The two properties were split and then subsequently merged again. The current mortgage on the property is only attached to Parcel B, which is being foreclosed. Mr. Jezek would like the Commission to allow a free split of the property, which will allow his client to purchase Parcel B.

Tyler questioned whether the two parcels had actually been merged and Gigliotti verified that the merger had taken place.

Jezek indicated he was willing to concede the properties were merged in order to move the project along.

Byrne stated that regulation 10.6 specifies that any split would have to comply with any existing regulations for zoning.

Jezek: We will have a survey to make sure that the improvements comply with regulations. Locate the septic, retest if necessary.

Koch: Are there any improvements on Parcel A?

Jezek: Not to my knowledge. A portion of the leach field may run under Parcel A, and an addition may encroach on setback or property line.

Bernie: Mike Carey and Ken McKeever have both been consulted and are generally in agreement with the course of action. If an application with a survey is submitted in time for the September meeting, then the Commission can act on this in September.

Byrne: If the building encroaches on boundary, either the boundary or the house has to change. What if it encroaches on setback?

Jezek: Depending on the survey, maybe we can acquire a piece of property to satisfy the setbacks.

Gigliotti advised that the Town Sanitarian be consulted as soon as possible to meet any requirements.

Byrne made a motion to close the regular meeting and open the public hearing at 7:52.

Public Hearing

A Special Permit application by 22 Cove, LLC (Todd Snyder and Phoebe Boyer), 22 Cove Road, Tax Map 27 Lot 126; an application for construction of a new dwelling within the Gateway Conservation Zone. The total combined floor area exceeds the limit of 4000 sq. ft. requiring a Special Permit per section 14.4.

Present at the meeting was John Bennet, Trustee of the Trust holding title.

Bennet: This is a conforming proposal with respect to all regulations. The special permit is due only to the square footage exceeding 4000 sq. ft.

Bennet took a moment to review the plans and photographs with the Commission, including site location, minimal site grading, no tree removal.

Byrne questioned whether the septic encroachment on the setback was approved and Gigliotti confirmed an approval letter from the Town Sanitarian was on file.

Byrne expressed concern about the future of the trees, and Bennet assured that it is not the intent to clear the trees from the hillside.

Byrne called for any additional questions from the Commission.

Rich questioned why the owners want to double the size of the previous house and Tyler requested the size of coverage.

Bennet: The coverage is 3895 sq. ft., including garage and storage areas. This is the footprint coverage, the total square footage being approximately double.

Byrne called for public comment.

James Connor, abutting neighbor of 226 Hamburg Road, expressed concern regarding the mechanicals near the garage/workshop area including the condensers and generator, as well as the workshop noted on the plans. It was asked that the Commission address the possible excessive noise from these areas by requiring sound mitigation measures around the mechanicals and workshop.

Bennet committed to placing a screen around the condensers as well as the generator. The workshop is really a storage area for kayaks and the like.

P. Ross questioned what kind of structure would be placed around the mechanicals.

Bennet: A solid fence enclosure, with an open top is a standard solution.

Connor mentioned products on the market specific to sound mitigation be used.

Koch reminded Connor that the town does not have a noise ordinance, and legally it might be beyond the Commission's jurisdiction to consider noise.

Connor was given a copy of the town regulations to review. Connor read parts of 12.5, 12.5.3, 12.5.6, 12.5.8 and 12.6 to the Commission, and put forth that these regulations would give the Commission ample authority to impose stipulations with regards to sound mitigation.

Byrne thanked Connor and advised that the Commission will consider this during the regular meeting.

Bennet reiterated that the proposal is completely conforming to the regulations and an air conditioner is in line with the neighborhood, and was agreeable to constructing a fence barrier around the mechanicals.

A Special Permit application by Carl and Amanda Asman, 105 Cove Road, Tax Map 17 Lot 4; an application for expansion of a dwelling within the Gateway Conservation Zone. The total combined floor area exceeds the limit of 4000 sq. ft. requiring a Special Permit per section 14.4.

Present at the meeting was Tom Metcalf, representing the Asmans and Nick Sapia, builder.

Metcalf passed out information packets to the Commission.

Abutters were notified and receipts were submitted for the record.

Plans were submitted to George Calkins, Town Sanitarian, and approval was given.

The Gateway Commission reviewed the proposal and do not have any objections. Metcalf took a moment to review the plans with the Commission. There are tidal wetlands on the property. One tree to be removed, some trimming of shrubs around the patio area. Tyler: The majority of the house is already existing. Metcalf: The existing house is 6700 sq. ft. The addition would bring the total to 8900 sq. ft. Sapia: The addition is meant to make the house more conducive to a large family, with the master being closer to the other bedrooms. Tyler pointed out that the current view of the house from the cove is minimal and the addition would not add much. P. Ross asked for clarification with regards to the pool/patio area and retaining wall within the 100 foot Conservation Zone. Metcalf: The retaining wall will be a terraced wall with planting beds and is necessary to flatten out the pool area. There will be ample greenery. It will not appear as a wall from the water.

Byrne called for any additional questions from the Commission. Byrne made a motion to close the public hearing and Koch seconded. The motion was passed unanimously. The public hearing was closed and the regular meeting was reopened at 8:42 p.m.

Regular Meeting

A Special Permit application by 22 Cove, LLC (Todd Snyder and Phoebe Boyer), 22 Cove Road, Tax Map 27 Lot 126; an application for construction of a new dwelling within the Gateway Conservation Zone. The total combined floor area exceeds the limit of 4000 sq. ft. requiring a Special Permit per section 14.4.

Tyler inquired if the Gateway Commission reviewed the application. Gigliotti: Gateway did not review this application. It is not required and after a site walk with Byrne, it was noted that the existing coverage was such that the proposal did not warrant a review by the Gateway Commission. Byrne asked for any comments with regards to the noise concerns made by Connor. Tyler: The Commission recognizes the concern and feel that the owners will be cognizant of the concern and act accordingly. Rich questioned whether guidelines there are guidelines to follow that would satisfy both parties. Gigliotti will address the noise concern with the builder, and if the noise becomes a problem, it will be subject to enforcement action under section 17 of the regulations. Byrne suggested a condition be attached to approval of application that a wall be placed around the mechanicals, as was offered by Bennet. Byrne asked for the Commission to make a motion. Koch moved to approve the application with the condition made by the Chairman, Rich seconded, and the motion was carried unanimously.

A Special Permit application by Carl and Amanda Asman, 105 Cove Road, Tax Map 17 Lot 4; an application for expansion of a dwelling within the Gateway Conservation Zone. The total combined floor area exceeds the limit of 4000 sq. ft. requiring a Special Permit per section 14.4.

Byrne called for any comments from the Commission. Tyler moved to approve the application as presented, Koch seconded, and the motion was carried unanimously.

Old Business-None

New Business

Byrne reviewed the comments that were sent to the Gateway Commission by the Planning and Zoning Commission regarding the proposed changes in their regulations. A letter sent by Gigliotti to the Gateway Commission was read to the Commission by Byrne. Byrne summarized the Gateway Commission's view that the language is purposely left vague in order to give each town room for interpretation.

Approval of Outstanding Minutes

A motion was entertained by Byrne to approve the minutes of the May 2018 meeting. Phyllis Ross moved the motion and Ann Rich seconded. The minutes were approved with one abstention by Kelvin Tyler.

Adjournment

The Planning and Zoning Commission meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Jennifer Thomas, Secretary