



PLANNING AND
ZONING COMMISSION

LYME TOWN HALL
480 HAMBURG ROAD
LYME, CT 06371

PLANNING AND ZONING COMMISSION
Regular Meeting

The Lyme Planning & Zoning Commission held a regular meeting on November 13, 2018 at 7:30 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT 06371.

MEMBERS PRESENT: Ross Byrne, Chairman, Dave Tiffany, Ann Rich, Kelvin Tyler, Hunter Ward, Phyllis Ross, Bernie Gigliotti ZEO, and Jennifer Thomas, Secretary.

Regular Meeting

Camp Claire, Inc., 15 Oakland Ave., Tax Map 27 Lot 1; preliminary discussion of the boat dock the DEEP is willing to approve. The dock proposed by the DEEP is slightly outside of the guidelines contained in Appendix F of the current zoning regulations.

Present at the meeting: Keith Neilson, Docko, Inc.

Neilson passed out packets to the Commission for review.

Neilson: Dock will reach two feet of water depth. Dock needs to be slightly farther out than permitted and square footage will be slightly over 400 square feet, and will not meet the 50 foot mean low water mark. The DEEP requested a linear dock to focus boating access traffic and stay clear of submerged aquatic vegetation.

Neilson is coming to the Commission to discern whether an exception might be made with regards to the guidelines given the unique usage of the dock based on the property being used as a camp. Neilson is trying to meet the needs of both the Commission and the DEEP.

Gigliotti: Commission needs to determine whether the guidelines in the Appendix are to be interpreted as guidelines or regulations.

Tyler: What are the overages from the guidelines?

Neilson: Under 10 percent overage on area, encroachment of mean low water is 65 feet instead of 50 feet. DEEP is most concerned with separation from submerged aquatic vegetation.

P. Ross: The Commission needs to clearly hear why this is a special and unique case.

Neilson: The nature of the property as a camp creates different needs than a residential dock. The camp is located within a residential area, not a commercial zone, which is why these guidelines apply. Construction is also being driven by cost, long term maintenance, durability, and using current facilities where feasible. DEEP will not allow a floating dock, which is what had been there previously.

Tyler questioned whether other locations for the dock would work better.

Neilson: The mean low water line and the submerged aquatic vegetation as well as tidal wetlands vegetation makes other areas not feasible.

Byrne: This design will keep boat traffic in the channel and away from the swimming areas which is positive.

Tiffany reiterated that presenting the project as a special, unique case which warrants an exception to the guidelines will be important for the Commission to hear.

Neilson thanked the Commission for their time.

Off Road Enterprises, LLC, 86-1 Ely Ferry Road, Tax Map 16 Lot 36; address the failure to file the required paperwork within the 90-day filing period required by statute.

Present at the meeting: John Bennet, representing Off Road Enterprises, LLC

Bennet reviewed that the original approval of a resubdivision was made on April 9, 2018. The restrictions have been agreed upon by both parties. There was a modest change to the map which does not significantly change what was previously approved by the Commission.

Gigliotti asked for clarification on several parts of the restrictions, including the section on further subdivision of the Ballard parcel, and a section of Declaration of Restrictive Covenants, subparagraph Article 1.C on page 4.

Bennet agreed to change the verbiage regarding no further subdivision to make it more clear, and clarified that Article 1.C is a further restriction enforceable by the owners, but does not permit any action that is in violation of the zoning regulations.

Byrne: There are restrictions between the owners as well as the ag. restrictions.

Bennet: The ag. restrictions are enforceable by the owners as well as the town.

Tiffany questioned where it is stated in the restrictions that they are enforceable by the town.

Gigliotti: Page 6, paragraph 6 enumerates that the agreement expires in 20 years. Should this not be in perpetuity?

Bennet: This pertains to everything under article C. If the ag. Restrictions are the issue, there should be additional language there.

Gigliotti believes the ag. Restrictions reflect what the Commission wants, but the concern is the language that says that the agreement can be modified.

Bennet: I can make the ag. Restrictions enforceable by the town in Article 5.

Bennet clarified the Commission is asking for revisions to page 11, Article E.1 and to the ag.

Regs at the end of Article 5. No revision is needed for page 4 Article 1.C.

Bennet asked the Commission to approve the recording subject to the discussed revisions being submitted to and approved by the Zoning Enforcement Officer.

Byrne called for the Commission to make a motion.

Tyler moved to approve the late recording beyond the 90-day filing period subject to the submission and approval of the discussed revisions by the Zoning Enforcement Officer. Tiffany seconded the motion and the motion was carried unanimously.

Open discussion on changes to the zoning regulations required to address land adjacent to tidal waters, Airbnb, and cleanup items.

Tiffany asked whether the Commission has the authority to regulate docks in the tidal areas at all.

Gigliotti stated that the Commission has the guidelines as authority, which the DEEP adopted years ago as their own. While DEEP has jurisdiction over tidal wetlands, it does not preclude the town from having some say on docks.

Gigliotti stated that the intent would be to act on all of the proposed changes, including the Agriculture Regulations and Airbnb, at one time if possible. Of most importance beyond the Airbnb is the insertion of authority landward of the mean high water line for control of septic systems, etc. The Commission needs to determine whether the authority is given to the Commission or the ZEO.

P. Ross: Looking at the different aspects of the Airbnb and B&B, could our restrictions be more open?

Gigliotti: One idea is to restrict the number of days, owner on premises.

Rich: Do we know how many Airbnb's are in town currently and have we had complaints?

Gigliotti: There have been a number of complaints.

Byrne: One positive attributed to Airbnb has been the economic impact on the town, but that does not apply to a town like Lyme with a very limited commercial district.

Tyler: If this was a tourist town, Airbnb would benefit the town, but that is not the case.

P. Ross: One of the ways people can generate income to be able to stay in town is to rent out a room. If it is done carefully and is not bothering anyone, people should have a right to generate income that way.

Tiffany: If the property owner is there, it gives neighbors a contact person, easier to control the situation.

Gigliotti: Where is the line between a short term rental and a property owner just renting their house out?

Tiffany: If we can tie Airbnb to the existing B&B regulations, that might be the easiest.

Byrne: Airbnb collects state tax, but the town does not get a tax. Does the state conduct health inspections?

The Commission will continue to research Airbnb and how to best incorporate restrictions into the regulations.

A number of additional proposed changes were discussed by the Commission, which will be acted on at a future meeting.

Old Business

Update on Gautam, the replanting at 115 Cove Road, Tax Map 17 Lot 2.

Gigliotti: The landscaping plan has been implemented, and we are waiting on release to be signed.

New Business-None

Approval of Outstanding Minutes

A motion was entertained by Byrne to approve the minutes of the October 2018 meeting.

Tiffany moved the motion, seconded by P. Ross. The minutes were approved unanimously.

Adjournment

The Planning and Zoning Commission meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Jennifer Thomas, Secretary