



PLANNING AND
ZONING COMMISSION

LYME TOWN HALL
480 HAMBURG ROAD
LYME, CT 06371

LYME PLANNING AND ZONING COMMISSION
Regular Meeting

The Lyme Planning and Zoning Commission held a virtual regular meeting on Monday August 10, 2020 at 7:30 p.m.

MEMBERS PRESENT: Bernie Gigliotti Chair, Hunter Ward, Phyllis Ross, Ann Rich, Carol House, William Koch, Dave Tiffany, and unseated alternates Humphrey Tyler, Mary Stone, and William Fiske. Ross Byrne ZEO and Jennifer Thomas Secretary
Several Members of the public were also present

Regular Meeting

The meeting was called to order at 7:30 p.m.

Old Business

Discussion of Short-Term Rental (STR) Regulations

Gigliotti stated that all commission members should have received the responses provided to Byrne from the attorney concerning the questions the commission had regarding short-term rental regulations, moratoriums, cease and desists, ordinances, etc. and asked for questions or comments.

Fiske stated that the response seems to favor an ordinance over zoning regulations but he is not sure the commission should pursue either. It is important to protect neighbors although in many places this may not be a concern.

Gigliotti stated that Byrne and Thomas offered to create a summary of the information gathered thus far and the commission agreed that would be helpful.

House asked whether restrictions could be placed on non-conforming lots and if fees can be adjusted based off the amount of time a property is rented.

Gigliotti stated that the commission would be able to make those types of restrictions if they choose.

Rich asked how occupancy could be monitored or tracked.

Ross stated that she does not think the fees should be punitive as some residents are looking to supplement their income.

Tyler stated that the problem is not those renting out a room in an owner-occupied house, but an absentee owner renting out the entire property.

Koch questioned whether it is fair to restrict rentals that are on large lots where bothering the neighbors seems unlikely.

Stone stated that there is a middle ground where perhaps an owner is required to occupy the property for a certain percentage of the year. This would be in line with the intent of zoning, residential versus commercial.

Tyler stated that he is opposed to allowing any short-term rentals, but if allowed he would like the owner to be present. Enforcement costs money for the town and without a police force it

would fall to ZEO. Tyler asked if a decision has been made on a course of action for the complaints on 26 Old Hamburg Road.

Byrne stated that after consulting with the attorney it is considered prohibited to rent the property as a short-term rental as no regulations currently exist, however the town does not define who can live in a specific property and does not define short-term rental in our current regulations. The attorney recommended not issuing a cease and desist at this time.

Ross asked about the possibility of a moratorium and Byrne stated that the attorney did not think a moratorium was applicable because that is used to stop pending permit applications from moving forward while regulations are drafted and in this case there are no permit applications because it is not a permitted use.

Fiske stated that the commission can go against the opinion of the attorney and believes that a cease and desist letter should be sent to the owners of 26 Old Hamburg Road immediately and Tyler agrees.

Koch questioned whether going against the advice of the attorney would be wise.

Fiske stated that protecting the residents of the town is important.

Ross suggested that the Plan of Conservation and Development should also be considered as short-term rentals appears to go against the wants of the townspeople.

Gigliotti asked if anything should be done with regards to the other possible STRs in town.

Byrne stated that his preference is to cite all known STRs rather than single one out. If an owner goes through ZBA and is approved, the approval will run with the land. If it is upheld in court, all current STRs will be grandfathered in. Byrne asked the commission to take time to consider all outcomes before proceeding.

House asked if there is a difference between STRs and bed and breakfasts and whether the bed and breakfast regulations can be used to regulate short-term rentals.

Gigliotti stated that the main difference is the safety and health department inspections required.

Tyler suggested Byrne can send a letter to all known STRs and bed and breakfasts instructing them to get a bed and breakfast permit.

Fiske agreed with Tyler and stated that it should be a letter rather than a cease and desist.

Ross stated that the parking issue should also be addressed on Old Hamburg Road.

Stone stated that 26 Old Hamburg Road needs to be dealt with immediately to address the concerns of the neighbors (parking, breach of peace, septic issues, public safety) and that will give the commission time to draft an ordinance or regulations for other short-term rentals in town.

Tiffany stated that he would be hesitant for the commission to go against the advice of counsel and suggested fast tracking regulation or ordinance completion rather than issuing a cease and desist.

Ross and Stone agreed with Tiffany.

House questioned whether a letter can be sent asking known STRs to comply with existing bed and breakfasts.

Gigliotti suggested that most of the data indicates that an ordinance would be best. Ordinances require a vote at a town meeting and reminded the commission that this will take time to complete. He suggested a working group be formed to research and draft an ordinance or regulations for the commission to approve and asked for volunteers.

Koch, Stone, House, and Tyler agreed to join the working group. Byrne agreed to provide insight as ZEO to the group and supply the group with the information gathered from other towns and research.

Tiffany reminded the working group to keep the Plan of Conservation and Development in mind when drafting the document.

Gigliotti added that he will leave it to the group to determine whether an ordinance or zoning regulations would be more appropriate and determine next steps. He stated that he is not opposed to sending a letter from ZEO to 26 Old Hamburg Road requesting them to apply for a bed and breakfast permit. He also reminded that commission that if a permit is denied, the applicant can go to ZBA for approval.

Koch stated that the letter should not be a cease and desist or notice of violation.

Tyler asked whether the commission should send one letter or send out to all potential short-term rentals.

Stone suggested that complaints have not been received for the other rentals, and 26 Old Hamburg Road has multiple complaints from neighbors regarding safety issues, parking, disturbance, etc.

Tiffany stated that the commission has historically reacted to issues brought to their attention, and not actively sought out violators.

Byrne agreed sending one letter may be better than sending one to all known short-term rentals.

Tiffany stated he would not be in favor of sending a letter, but would speak with neighbors to assure them that the commission is taking the issue seriously and working on a solution.

Fiske agrees with Stone that the other properties have not had complaints against them and this property warrants immediate attention.

Tyler also noted that the remaining short-term rentals will be looked at by the working group and so they are not going unnoticed.

Byrne agreed to send out one letter to the owners of 26 Old Hamburg Road at this time and the working group agreed to work towards drafting a document for the commission to review.

New Business

Preliminary Discussion on Possible Subdivision of 38 Burr Road, Tax Map 32 Lot 11

Present: Bob Doane, Engineer representing Earnest Lammer

Doane presented supporting documents to the commission, explaining the proposed subdivision of the 6.5 acre parcel would require an exception to the net buildable area requirements under 20.2 of the current regulations. The proposed lots would each have 200 feet of road frontage, one on Town Woods Road and one on Burr Road and would be more than 2 acres to meet the RU-80 zone. Doane has been working with Ledge Light Health District to determine a suitable site for a second septic system. Doane is looking for a general consensus from the commission on whether the net buildable area exception seems feasible. If so, the plan will go through the Inland Wetlands and Watercourses Agency and a formal application will be made to the Planning and Zoning Commission.

Gigliotti stated that 20.2 of the regulations was put in place for this type of scenario, and similar requests have been granted in the past provided the sanitarian can sign off on a code compliant septic system.

Tyler questioned whether neighbors would be notified as part of the application. Doane stated that the abutting neighbors would be notified during the Inland Wetlands application, but he is agreeable to expanding the notice upon request from the commission.

Tiffany stated similar subdivisions have been done many times in the past and the commission encourages to applicant to keep the split parcel in the family, which is the intent in this case.

Gigliotti said that it seems the general consensus of the commission is positive and asked Doane to return with a formal application following Inland Wetlands and Watercourses Agency approval.

Approval of Outstanding Minutes

Fiske stated the call to order on the July 13, 2020 minutes should be 7:30 p.m. Gigliotti called for a motion to approve the minutes of the July 13, 2020 meeting with the stated correction.

Tiffany made the motion, seconded by Ross, and the corrected minutes were unanimously approved.

Adjournment

The meeting was adjourned at 9:23 p.m.

Respectfully submitted,

Jennifer Thomas, Secretary