



PLANNING AND
ZONING COMMISSION

LYME TOWN HALL
480 HAMBURG ROAD
LYME, CT 06371

LYME PLANNING AND ZONING COMMISSION
Public Hearing/Regular Meeting

The Lyme Planning and Zoning Commission held a virtual public hearing/regular meeting on Monday November 9, 2020 at 7:30 p.m.

MEMBERS PRESENT: Bernie Gigliotti Chair, Hunter Ward, Phyllis Ross, Ann Rich, Carol House, William Koch, David Tiffany, and unseated alternates Humphrey Tyler, Mary Stone, and William Fiske. First Selectman Steven Mattson, Ross Byrne ZEO, and Jennifer Thomas Secretary also present.

Several members of the public were present.

Public Hearing

Gigliotti called the meeting to order at 7:34 p.m.

Lammer, 38 Burr Rd., Tax Map 32 Lot 11; application for subdivision with exception to net buildable area per Chapter 315, Article 20.2 of the Zoning Regulations and exemption from open space per Chapter 300, Article 57.1 (12)a of the Subdivision Regulations.

Present: Bob Doane, Engineer

Doane presented the plan to the commission, explaining the project as a two-lot subdivision of 5.82 acres. The newly created lot would be given to the property owners' son. The lot containing the existing house would be 3.93 acres and the newly created lot would be 1.89 acres and include a house and pool. Soil testing has been done and a letter from Ledge Light Health District was submitted stating several requested changes to the proposed sanitary design. The lot has been determined to be buildable with the exception to the net buildable area. The driveway to the new lot would come off of an existing driveway to the neighboring property, which begins on the Lammer's property. An application has been submitted to Inland Wetlands. Notices have been sent to the abutters and the town has received receipt as such. Gigliotti asked Doane about the contents of the letter from the sanitarian. The letter stated that final approval had not been received and the suggestion was made to move the sanitary system towards the rear of the proposed house.

Doane stated that they are working to get final approval from the sanitarian and should have that for the next meeting. Doane stated he has no problem making the requested changes.

Fiske inquired what the minimum lot size for this area of town and Doane stated 80,000 square feet and reviewed the setbacks and building height requirements. The lot would be in excess of 80,000 square feet and be within the setback requirements and comply with the regulations.

Ross asked for clarification on what exception is needed. Doane stated that an exception to the net buildable area is what is needed. This is because the percentage of soil types does not meet what is required. However, the exception is written into the regulations for this purpose when it can be shown that a code complying sanitary system can be installed on the property without meeting the soil type requirements related to net buildable area. The open space requirement

exemption applies to subdivisions such as this where less than five lots are transferred to a parent, child, etc.

Tyler asked for clarification of the intent of the exception of net buildable area and Gigliotti stated that the intent was to make sure that the soil types can support a code conforming septic system in addition to providing ample space on property to accommodate less than desirable soils.

Tiffany commented that normally the commission tries to limit driveway cuts to the road and Doane assured him that both driveways are existing and no new cuts are being made.

Koch stated that the open space requirement does not apply in this instance per the regulations and so the commission is not actually granting an exemption to this requirement and Gigliotti agreed.

Gigliotti called for any comments or questions from the public and there were none.

Gigliotti closed the public hearing and opened the regular meeting at 8:02 p.m.

Regular Meeting

Lammer, 38 Burr Rd., Tax Map 32 Lot 11; application for subdivision with exception to net buildable area per Chapter 315, Article 20.2 of the Zoning Regulations and exemption from open space per Chapter 300, Article 57.1 (12)a of the Subdivision Regulations.

Present: Bob Doane, Engineer

Gigliotti called for any further discussion and there was none.

Gigliotti called for a motion. Tiffany made a motion to approve the application as presented.

Ross seconded the motion, and the motion was unanimously approved.

Birch Mill Bridge, discussion of report from Planning Commission to Town required by CGS 8-24.

Koch stated that this item may be before the commission because of recent conversations he has had with the Board of Selectmen regarding beautification efforts of town owned properties and maintaining the town's rural character. He hopes the board will consider the materials and design of the proposed bridge when writing the report to the town. Suggestions included stone facing on the bridge and rails selection should not be the same as the I-95 guardrails seen in other parts of town. Koch stated that the commission does consider aesthetics (lighting, architectural design, stain color) on occasion and believes there is some precedent to consider this. Koch would like to know from the Board of Selectmen why stone facing and wood rails could not be incorporated into the design and what the cost difference would be.

Stone commented that the newly built Mile Creek Bridge was well done and is unobtrusive and would be worth a visit by the commission members.

Tyler mentioned a bridge in East Haddam that was reworked after a local group found more aesthetically pleasing option.

Tiffany agreed with Koch that keeping with the rural character should be considered but is not sure how the funding with the state would be affected.

Gigliotti does not necessarily agree that the commission has jurisdiction over these questions and reminded the commission that they are viewing this in a planning capacity only, not as a zoning commission. The requirement from the state is that the commission send a report to the

Board of Selectmen on whether the commission feels the replacement of the bridge is appropriate for the town.

Koch stated that the town should be more receptive to the concerns of the residents.

Koch questioned whether the commission should be approving the design with regards to the flood plain regulations and Gigliotti stated that the general permit that the town receives through DEEP gives the town the right to maintain roads as required to ensure public safety.

The commission does not have jurisdiction.

Gigliotti asked Byrne to clarify the time table for the commission to issue their report and questioned whether this can be tabled until the following month to allow members of the commission to visit some of the bridges mentioned in the discussion.

Byrne stated that the commission has 35 days from the official submittal of the proposal.

Ross stated that she does not believe the commission has jurisdiction to deny the bridge because of aesthetics but agrees that it should be considered in the design and Gigliotti agrees. Ross stated we can add a recommendation that aesthetics should be considered in the report to the Board of Selectmen.

First Selectman Mattson stated that the length of guardrails are a DOT requirement. The state is providing over \$500,000 for the project if the town meets the CTDOT requirements which is why the guardrails are proposed as they are. The materials chosen with cost in mind, as wood would be 10-15 times the cost and wood is not used in other parts of town. Mattson also stated that the commission does not have jurisdiction or right to review materials in road construction.

Koch stated that he believes that cost to be less, and Mattson agreed it was 4-6 times as much, adding that you also have to factor in the loss of money from the state because they will not pay for a change in materials for aesthetic purposes.

Tiffany stated that members of the town are concerned with aesthetics and the Board of Selectmen may get some pushback.

Gigliotti asked Mattson if the commission can table the discussion until next month to allow the members to view some neighboring bridges in order to get a better understanding of the project and Mattson agreed this would be acceptable. He stated the bridge by the Black Hall River is quite similar to the proposed design and was designed by the same engineer.

Koch requested Byrne get an opinion from counsel on what the report should include, what is the commission entitled to review, if the commission has jurisdiction under regulation 315-15.7, etc. It was agreed that Koch will email a list of questions to Byrne for response by counsel. Gigliotti stated that the item will be tabled, and the discussion will resume at the next meeting.

New Business

P&Z interest in increasing Gateway standards.

Byrne stated that he received an email from Torrance Downes on behalf of the Gateway Commission requesting feedback regarding any interest in increasing some of the Gateway Standards. Increased tree cutting restrictions, light pollution, and maximum residential structure size were all items under consideration.

Gigliotti offered another suggestion of increasing oversight on the amount of glass facing the water.

The commission agreed that they would be interested in discussing with the Gateway Commission specifics of increasing cutting setbacks, lighting, and glass restrictions.

Proposed legislation to zoning per Connecticut Federation of Planning and Zoning Agencies (CFPZA).

Byrne presented the commission with an article from the CFPZA Fall 2020 newsletter regarding proposed changes to zoning laws which endanger the single-family zone. The commission discussed how this proposed legislation could be problematic for a small rural town like Lyme. The commission was in agreement that the town should make these zoning decisions and not be dictated by the state. Byrne is requesting individuals or the Board of Selectmen on behalf of the town write to our state representatives opposing this legislation and the commission and First Selectman Mattson agreed.

Approval of 2021 Regular Meeting Schedule.

Gigliotti called for a motion to approve the 2021 regular meeting schedule as presented. Tiffany made the motion, seconded by Rich, and the motion carried.

Old Business

Update on Short Term Rental regulations from working group.

House gave an update to the group, including a working definition of Short-Term Rentals, goals of the regulations, outstanding questions the group still has, and possible oversight company to help municipalities regulate short term rentals.

House went on to brief the commission on Host Compliance and the services they offer. The cost of this service could potentially be covered by a permitting process for short term rentals. The group will reach out to other towns currently using this service to hear how it is working for them.

Gigliotti thanked the working group for all of their efforts putting this information together. Stone asked for a consensus from the group as to whether the working group is on the right track. Is everyone in agreement that there should be regulations or should short term rentals not be allowed at all?

Ross commented that size of property and distance from neighbors should be considered in the permitting process.

Gigliotti stated that he does not believe short term rentals should be disallowed, and that regulation is the way to go.

Tyler expressed concern about potential event venues.

Fiske stated that Lyme already allows long term rentals and traditional bed and breakfasts that are owner occupied. Short term rentals can create problems for neighbors which is why companies like Host Compliance exists. He believes the proposal of no short-term rentals under 30 days with the exception of bed and breakfasts should stand.

House stated that only one of the 13 current short-term rentals have received complaints and believes that the regulations can be written to balance the interests of the residents.

Tyler stated that the town will probably not strictly enforce any regulations.

Gigliotti stated that the commission should receive an opinion as to whether it is legal for the town to prohibit all short-term rentals.

Tiffany questioned whether a complete ban would be easier to implement at this time while we can slowly consider how to move forward. He is sensitive to Fiske's point of protecting the townspeople's desire for peace and tranquility.

Rich stated that the commission should get an answer as to whether short term rentals can be prohibited altogether before Stone begins to draft a proposed regulation/ordinance.

Byrne clarified that if bed and breakfasts are currently allowed, prohibiting other forms of short-term rentals would not be a complete ban on short term rentals.

Ward stated that he is against short term rentals and keep long term rentals and bed and breakfasts as options.

Rich stated that owner-occupied short-term rentals would be OK.

Ross stated that she would support properly regulated short term rentals.

The commission agreed that regulations that stress owner occupancy would alleviate many of the potential issues.

Ross suggested that speaking with an attorney to help craft language stating that the short-term rental should be a secondary use of the property and not primarily a commercial venture.

Byrne stated that if the working group can narrow down the recommendations the zoning office can work on crafting regulations.

Stone stated that the working group will have a proposed draft for the next meeting to present to the group and receive comments.

Approval of Outstanding Minutes from September 14, 2020 meeting.

Gigliotti called for a motion to approve the minutes from the September 14, 2020 meeting.

Ward made the motion, seconded by Ross, and the motion was unanimously approved.

Adjournment

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Jennifer Thomas, Secretary