



PLANNING AND  
ZONING COMMISSION

LYME TOWN HALL  
480 HAMBURG ROAD  
LYME, CT 06371

LYME PLANNING AND ZONING COMMISSION  
Virtual Regular Meeting

The Lyme Planning and Zoning Commission held a virtual Regular Meeting on Monday January 11, 2021 at 7:30 p.m.

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

Several members of the public were present.

Gigliotti called the meeting to order at 7:30 p.m.

**The property of Rana Kardestuncer and Dan Heasman, 111 Cove Road, Tax Map 17 Lot 3, concerning an informal presentation for the construction of a new house within the Conservation Zone abutting Hamburg Cove.**

Present: Thomas Morbitzer, Architect

Morbitzer presented the commission with the preliminary plan, explaining that the existing footprint would be used, with the addition of a 3-4 car garage. The existing outbuildings would remain but be renovated. The conservation zone currently cuts through the existing house. Fiske inquired what the height of the new house would be, and Morbitzer explained that it would increase by 2-3 feet but plans have not been finalized.

Fiske asked why another garage was needed, and Morbitzer explained the existing 2-car garage is to be turned into living space, and the outbuildings will be used for other purposes.

Ross asked why the commission is reviewing this if everything appears to be as of right.

Gigliotti explained that because the dwelling is over 4000 square feet the plan will need a special permit per regulations.

Gigliotti questioned whether the new structure will be more visible from the water and pointed out that this is something the commission will be concerned with.

Tyler questioned if the plans included any clearing of the bank, the addition of a dock or access to the water.

Morbitzer explained that he believed a dock plan has been previously approved and there is an existing pathway up to the house. Gigliotti cautioned Morbitzer to contact DEEP to determine whether the permit had expired.

Morbitzer explained that the retaining walls are to be repaired, not replaced and the flooring would be resurfaced. The site would have minimal disturbance because the existing foundation is being used.

Morbitzer stated that the reason for the informal presentation tonight is to get a sense of whether the commission would be favorable to the plan presented. If so, a formal application will be submitted.

Gigliotti pointed out that this application is somewhat unique because building within the conservation zone is supposed to be for water dependent uses. However, there is an existing house there now. He cautioned that Morbitzer should be most concerned with how the house will look from the water. He also stated that the plan should include the height from the lowest point of grade, what the façade facing the cove will look like, the square footage, and the impact of the view from the cove.

Morbitzer thanked the commission and will return with a formal application.

### Old Business

#### **Update on Short Term Rental (STR) regulation from working group.**

House reviewed the progress by the working group and presented the commission with two options on how to proceed with regulating STRs, explaining that the working group is divided in which option to choose.

Option A is tied to the current B&B regulations and will be a less complex way to address the issue, with the goal of minimizing STRs in town and requiring owner occupancy. This option may be seen as too restrictive for property owners and may not solve the issue of properly identifying and shutting down violators.

Option B allows more freedom for property owners to use their property as an STR, but it will be more complex to write and regulate the regulations. This option would potentially include limiting rental periods, excluding events, limiting number of people, requiring parking, and having an owner/agent available within a reasonable time.

House favors option B, feeling that it minimizes the impact on the neighbors without over regulating property owners. She believes this course will prove to have fewer lawsuits and regulations can be targeted to reduce the potential problems with STRs. She believes an outside management system like Host Compliance can help manage violations while a license fee will cover the cost of the service.

Tyler is in favor of option A, believing it to be the most simple and easiest to enforce. He believes enforcing the restrictions in option B will be too costly and time consuming for the town.

Stone favors option B for many of the same reasons as House, and believes that the intent of zoning should allow for homeowners to use their property to help mitigate the costs of taxes or home repairs, but stops short of a commercial use. The regulations should preserve the flexibility of property owners rights and spending time now to craft thoughtful regulations will serve the town well in the future.

Koch is in favor of option A, believing that property owners will still have some ability to rent out their property, either long term (over 30 days at a time) or within the B&B regulations. The town does not lend itself to an STR model, having no attractions, no beach, no shops, no events, etc.

Gigliotti questioned whether the working group is anticipating writing an ordinance or regulations and House stated that the group discussed and thought both might be needed in

order to keep the existing illegal STRs from being grandfathered and for ongoing regulation and enforcement.

Gigliotti stated that he does believe that both can be done, an ordinance first and then an amendment to the regulations that will reflect the ordinance.

Ross stated that she is favoring option B, with some ironing out of the specific details. She believes that any existing STRs would be considered illegal under our current regulations and would like to hear from an attorney familiar with STR regulation.

Fiske stated he is in favor of option A. There are many potential issues with allowing STRs and the commission should protect the neighbors right to enjoy their property as it was intended. He believes the town has always used "permissive zoning," meaning anything not specifically mentioned in the regulations is prohibited and believes the town should remain consistent.

Tiffany also favors option A, believing that it follows the Plan of Conservation and Development (POCD) more closely. The townspeople favor less commercial activity and a strong sense of community. Option B would expand commercial activity and he believes would invite more potential lawsuits from neighbors who are angry that the town is permitting this type of activity. He asked the commission to read the POCD carefully, pointing to the section that states the majority of respondents likes Lyme the way it is now and would limit or discourage tourism.

Ward also favors option A for many of the reasons others have stated.

Rich stated that she is not satisfied with either option, and wonders if a combination of the two might be better. Allowing STRs that are strictly owner-occupied would cut down on any enforcement issues substantially.

Gigliotti stated that having listened to the arguments made, he is more inclined to support option A. He stated that option A has the majority, and asked Stone and the working group to craft ordinance language for the commission to review.

The commission discussed the current B&B regulations as well, and determined that they may need to be amended to ensure owner-occupancy during rental periods.

#### **New Business**-None

#### **Approval of Outstanding Minutes of the December 14, 2020 meeting.**

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

Tiffany made the motion, seconded by Ross, and the motion carried.

#### **Adjournment**

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Jennifer Thomas, Secretary