



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, February 8, 2021 at 7:30 p.m.

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

There were several members of the public present.

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

**Old Business**

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

Stone presented the commission with an update on the progress of the working group. She reviewed the intent of zoning and the reasons for having both an ordinance and regulations in place. Stone stated that the ordinance will prevent grandfathering of current STRs, point to the detailed regulations that may be updated from time to time, and the ordinance will be passed at a town meeting, which represents a broader sampling of the population than a public hearing. The regulations will be more specific in the requirements for both bed and breakfasts and STRs and can be enforced by ZEO or other designee. The regulations will also enable updating as necessary through public hearing without the need for additional town meetings. Stone stated that the working group has a goal of providing a draft ordinance to the commission members by February 22<sup>nd</sup>, which should then be reviewed and commented on within a week. The working group will incorporate any comments and changes that need to be made and present the ordinance draft at the March meeting. The goal is to have the ordinance ready to present at the next town meeting, which typically occurs in May. The regulations can then be worked on over the summer.

House stated that she and Tyler have been working on crafting an update to the regulations and believes that they are about 85% complete. There will be one set of regulations that cover STRs, with bed and breakfasts being a subset of STR, with additional requirements.

Koch stated that he was under the impression that the goal was to prohibit STRs and allow B&Bs and believes that having using both STR and B&B language, it may become confusing. He cautions that the commission should be careful with the language used to avoid confusion. Stone reminded the commission that at the previous meeting the commission did opt to regulate STRs, not prohibit them. They are to follow the same regulations as bed and breakfasts.

House stated that it is clear. A B&B is a short-term rental, the only difference is that a bed and breakfast can serve breakfast and will require additional steps in the permitting process.

Stone asked the other members of the commission if they agree with the proposed timeline and can support the working group by providing their comments on the draft in a timely manner.

Gigliotti explained the different ways that ordinances have been written in the past. Some are detailed, with the accompanying regulation simply pointing to the ordinance, and some have less detail, and the accompanying regulation houses the particulars. He also stated that the ordinance may be a quicker process than crafting regulations and could be completed before the summer season.

Rich thanked the working group for their efforts and stated that she should be able to adhere to the requested timeline to return comments back to the working group.

House questioned how detailed the ordinance should be, considering the citizens will be voting on it before the regulations are amended.

Gigliotti stated that he believes the more detail inserted into the ordinance the better. Then the amendment to the regulations can be fairly simple.

Tyler questioned whether the ordinance and regulations can be done at the same time and questioned which would be easier to amend going forward.

Stone stated that the idea was not to have specific numbers, etc. in the ordinance, but rather a list of what will be regulated, restricted, and required.

Ward is interested in hearing what comes from the Town of Portland, as they have taken a similar stance with their ordinance and regulations regarding STRs.

Tiffany believed the commission's approach was to prohibit STRs except as they fall under the B&B regulations and is interested in seeing what the working group puts forward and will provide a timely response.

Fiske agrees with the plan and believes it is important to have something in place by the summer.

**Update on MyLan and Peter Sarner, 100-1 Joshuatown Road, Tax Map 17 Lot 26 concerning a special permit to enlarge an existing dock to include a deck sitting area within the Conservation Zone abutting Hamburg Cove.**

Byrne stated that he has not heard back from DEEP, and so he has no update at this time. He will reach out again for a response.

Gigliotti stated that the previous owners had a permit for the existing dock, but the new owners have increased the dock by adding a seating deck area without getting any permits from the town or the state.

Tiffany stated that there has been a lot of work done with a lot of disturbance to the area and questioned whether a cease and desist had been issued.

Byrne stated that a notice of violation was sent, but not a cease and desist. The notice of violation was for the increased size of the dock to include a seating area.

Tiffany asked whether a cease and desist is in order at this time.

Byrne said he is waiting to hear from DEEP. If DEEP gives them a permit, then the commission can rule on it. The state may require them to remove the structure.

Ross agrees with Tiffany. Right now there is no motivation to rectify the situation, but a cease and desist may motivate them to address the issue and also shows the citizens that the commission is not afraid to act.

Tyler questioned why the commission needs to wait for the state to act first.

Byrne stated that the normal sequence for a dock would be approval from the state before the commission hears the application. In the same way, the commission should wait to hear what the state requires in this case before hearing the application.

Byrne asked the commission whether they would like him to issue a cease and desist at this point.

Gigliotti added that the state has been fairly strict with people in the past, but the commission will have to wait to hear from them. If the commission issues a cease and desist with order to remove, it may not be resolved as quickly as if the state orders the removal.

Byrne stated that if DEEP has no issue with the work that was done, the special permit application can still be denied by the commission.

The commission agreed to hold off on issuing a cease and desist at this time.

### **Discussion on Birch Mill Bridge**

Gigliotti stated that Koch would like to speak about the Birch Mill bridge project.

Koch supplied the commission members with copies of the Board of Finance January minutes as well as a picture of a bridge in Bozrah. He stated that the town has done a good job in the past with other projects in town, the Town Hall, Library, etc. He believes the commission has the right to review many aspects of the project and reject the project if it is felt that the project does not preserve Lyme's rural character.

Koch believes the language in the Board of Finance minutes was too strong. He went on to say that he hopes the Board of Selectmen will be communicative with the commission regarding the plans.

Ross disagrees with Koch, stating that the commission's role is to review the project to determine if the bridge replacement is warranted, but not applying design criteria on this project. The bridge is not used or seen by many people. Ross believes that the town and commission need to set priorities and this bridge is not iconic to Lyme.

Tiffany stated that if there are simple, cost effective ways to make aesthetic enhancements to the bridge they should be considered on any project in town. After speaking with Don Gerber, the town engineer for the project, Tiffany feels confident that the town is trying to minimize the size of the bridge while keeping within the state's requirements, but also believes there is room for some modest improvements without incurring a large cost.

Gigliotti said that he received a call from the chair of the Board of Finance, who made it clear that the board was not interested in spending any additional money than necessary at this point on the birch mill bridge project.

Gigliotti stated that the commission will have to provide a report to the Board of Selectmen at some point, but that will be after the Board of Selectmen hold a public hearing presenting the design to the town.

### **New Business**

#### **Affordable Housing Committee**

Byrne stated that the chair of the Affordable Housing Committee has reached out to him regarding several proposed zoning regulation changes that may help to facilitate more affordable housing units in town. At some point the committee may want to meet with the Planning and Zoning Commission to discuss these ideas, and Byrne asked that the commission

think about ways in which this commission can help advance the goals of the Affordable Housing Committee.

**Approval of Outstanding Minutes from the January 11, 2021 meeting**

Gigliotti called for a motion to approve the minutes from the January 11, 2021 meeting. Tiffany made the motion, seconded by Ross, and the motion carried.

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Jennifer Thomas, Secretary