



PLANNING AND
ZONING COMMISSION

LYME TOWN HALL
480 HAMBURG ROAD
LYME, CT 06371

LYME PLANNING AND ZONING COMMISSION
Virtual Public Hearing/Regular Meeting

The Lyme Planning and Zoning Commission held a virtual public hearing/regular meeting on Monday April 12, 2021 at 7:30 p.m.

MEMBERS PRESENT: Bernie Gigliotti Chair, Carol House, Dave Tiffany, William Koch, Ann Rich, Phyllis Ross, William Fiske, and unseated alternates Humphrey Tyler and Mary Stone, ex-officio member First Selectman Steven Mattson, Ross Byrne ZEO, and Jennifer Thomas Secretary. There were several members of the public present.

Gigliotti called the meeting to order 7:33 p.m.

PUBLIC HEARING

The property of Rana Kardestuncer and Dan Heasman, 111 Cove Road, Tax Map 17 Lot 3, concerning a special permit to rebuild and expand existing primary dwelling including the addition of a garage/guest room and renovate existing out-buildings. The vertical expansion of the primary dwelling is partially within the 100 ft. buffer of the Conservation District and the total combined floor area exceeds the limit of 4000 sq. ft. requiring a special permit per Chapter 315, Article 14.4. In accordance with Chapter 315, Article 13.3.D., a Coastal Site Plan review is required for residential structures within 100 ft. of the coastal resource.

Present: Tom Morbitzer Architect

Morbitzer presented the project to the commission, noting that the commission gave feedback at an informal meeting some months prior, and those comments were appreciated and the plan has been updated accordingly. The design has been modified to reduce the impact on the view from the cove.

The Gateway Commission has issued a letter to the Zoning Enforcement Officer with several comments on the project. There will be no cutting within the 50 foot no cutting zone along the cove.

The height of the structure will be 31 feet 7 inches from existing grade, well within the 35-foot regulation.

There is an existing path down to the water. The plan calls for utilizing the path that exists but some bends may be added to the path to mitigate soil erosion with civil engineer consultation. There will be built in shades on the windows and lighting will be chosen to minimize the impact on the cove and neighbors. Materials have been chosen to blend in with the environment, including stone, dark lined windows, white cedar, and dark matte metal siding and roofing. Gigliotti called for any questions.

Fiske asked about the glare factor and Morbitzer stated that interior solar shades, antiglare glass treatment is being considered.

Gigliotti questioned what the exact square footage of the structures will be and Morbitzer stated that the primary dwelling square footage is 5,650. The building coverage area of the first floors is 6,352 square feet.

Gigliotti stated concerns about exterior lighting reflecting off the siding material if the material is not chosen carefully.

Gigliotti also said that he would like a set of photographs taken from the water looking up to the house. He would also like to see any soil and erosion details on the path and if there are additional plantings that need to be added to prevent erosion.

Fiske would like to know if the path will be used to bring a boat down to the water.

Morbitzer stated that the state dock permit is still valid and the applicants are planning to execute building the dock.

Gigliotti stated that the public hearing will be tabled and will continue at the next meeting, and would like additional detail on the glare mitigation, photos from the river up to the house, and planting details along with soil and erosion control measures with the reconfiguration of the path and soil and erosion control of the construction site.

REGULAR MEETING

Gigliotti opened the regular meeting at 8:05 p.m.

An informal presentation by Attorney Bleasdale of the firm Waller, Smith and Palmer, representing the Lyme Land Conservation Trust concerning a use of land zoned rural and located on MacIntosh Road.

Present: Timothy Bleasdale Attorney

Bleasdale stated that he is presenting a preliminary review of a prospective text amendment that the Lyme Land Conservation Trust (LLCT) is considering proposing to the commission. The LLCT has been looking for a location to use as a home base of operations, housing offices for the two employees, equipment to maintain the properties, and a meeting room to hold occasional board meetings.

Bleasdale stated the LLCT would be limited if they needed to fit into the commercial district, and they do not fit into the agriculture category either.

Bleasdale stated that the LLCT believes proposing a new use for the rural district in section 4 of the regulations for nonprofits. He is looking for feedback to find out whether the commission favors narrow or broad amendments.

The commission discussed and agreed that a narrow amendment would be more favorably viewed, as nonprofits can be very large entities. The commission also agrees that the amendment should require a Special Permit.

Gigliotti stated that there are several undeveloped commercial properties in town that could be looked at as well as the Black Whale property. Has the LLCT approached the owners of these properties for a possible purchase? There are also several existing properties that may work with revisions to the LLCT conservation easements on those properties.

Bleasdale stated that he is unsure that the nonprofit will fit within the existing commercial regulations, especially with much of the building being used for storage of equipment, and Gigliotti stated that this may be easier to fit into than trying to amend the current regulations.

Bleasdale thanked the commission for their feedback and will bring their suggestions to the LLCT.

EXECUTIVE SESSION

Commission to discuss possible litigation.

Gigliotti called for a motion to enter into executive session. Koch made the motion, seconded by Fiske, and the commission entered executive session at 8:36 p.m.

The commission reentered the regular meeting at 9:06 p.m.

OLD BUSINESS

Discussion on Short Term Rental regulation, Attorney Carey's comments, First Selectman's comments, and direction forward.

There was no update from the working group.

The commission discussed the proposed legislation from the State of Connecticut, and the impact that the legislation may have on the proposed town ordinance and regulations. If the state does not consider bed and breakfasts a part of Short Term Rentals, the town may have to adjust any regulations or ordinances that have been drafted to this point.

Tyler asked if issuing cease and desist orders would be advisable and Gigliotti stated that he would like a more definitive answer from counsel regarding whether the argument that unregulated activities are automatically considered prohibited would stand.

Mary stated that the working group is at a standstill until it is determined how the ordinance will be enforced.

Gigliotti agreed to discuss the issue of enforcement with the First Selectman and Byrne agreed to reach out to counsel to seek a more definitive stance on the strength of the argument that unregulated activities are considered prohibited.

NEW BUSINESS

Question from Gateway Commission; Is Lyme open to adoption of new Gateway standards relating to site lighting from exterior and interior sources?

Byrne stated that the Gateway Commission would like to know if Lyme would open to adopting lighting standards, both town-wide and in the conservation zone.

Gigliotti stated, and the commission agreed, that the commission would be willing to consider adopting a lighting standard for the town as well as the conservation zone in particular, and will look for more details from the Gateway Commission in the future.

The new owners of 100-5A&B Joshuatown Road will be applying for multiple special permits to renovate and expand or demo existing buildings. Total floor area exceeds the 4000 sq. ft. requirement in the Conservation District. There is a scenic easement with the State noted in the deed. That easement was brokered by the Gateway Commission years ago and the owners are waiting for an interpretation of the deed in relation to a carriage barn/accessory apartment they want to build replacing an existing garage.

Byrne stated that he has been in discussion with the owners of 100-5A&B Joshuatown Road regarding multiple renovation projects on their property. He wanted to make the commission

aware that several special permit applications will likely be submitted in the coming years on this property, which also has a scenic easement with the State of Connecticut.

Planning & Zoning Commission Statement

In response to the Board of Selectmen’s encouragement to adopt a pledge similar to the pledge the Board of Selectmen issued in their April 5, 2021 minutes, Gigliotti read the following statement from the Planning & Zoning Commission:

The Planning and Zoning Commission has in the past and will continue to conduct its business in adherence with these values and beliefs and commits to equal treatment of all and will not discriminate against all persons based upon race, religion, ancestry, gender, sexual orientation or identity, disability or economic status.

Gigliotti noted that Rich has given her resignation to the commission, and thanked Rich for her years of service to the town, saying that she will be missed and the commission members agreed. Rich thanked the commission and stated that she has enjoyed her time working with the commission.

Approval of Outstanding Minutes

Gigliotti called for a motion to approve the minutes from the March 8, 2021 meeting. Tiffany made the motion, seconded by Ross, and the motion carried.

Adjournment

Gigliotti adjourned the meeting at 9:48 p.m.

Respectfully submitted,

Jennifer Thomas, Secretary