



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 May 10, 2021 at 7:30 p.m.

MEMBERS PRESENT: Bernie Gigliotti Chair, Bill Koch, Phyllis Ross, Carol House, William Fiske, Kristina White, seated alternate Humphrey Tyler and unseated alternate Mary Stone. Ross Byrne ZEO and Jennifer Thomas Secretary.

Absent Members: David Tiffany

There were several members of the public also present.

Gigliotti called the meeting to order at 7:32 p.m.

**Seat Alternate Member**

Humphrey Tyler was seated for absent regular member David Tiffany.

**Continuation of Public Hearing-Below Application will be postponed until next month.**

**Continuation of public hearing for 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 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.**

Gigliotti stated that the continuation of this application will be postponed until the following month at the request of the applicant.

**Regular Meeting**

**The property of Brion Bonkowski, 27 Ely Ferry Road, Map 25, Lot 19, an informal presentation and preliminary discussion of a First Lot Division per Chapter 315, Article 10.6 and difficulties meeting net buildable area without an exception allowed under Article 20.2.**

Present: Brion Bonkowski, Joe Wren, Engineer

Bonkowski stated that he has been working with Joe Wren and Ross Byrne to determine how to achieve a free split on the property, but they have had difficulty meeting net buildable area. Wren stated that this is an informal application and presented materials virtually. Although the property exceeds the land area requirements to create two lots, because of the wetlands and configuration of the lot, they have been unable to create a plan to split the property without getting waivers of net buildable area for both lots, or creating one conforming lot and one that is undersized for the zone. The property does contain good soils on both proposed lots. Even though there is good soil present, when you take away the area in the wetlands regulated area

and the 50-foot access strip to the road which cannot be used to calculate net buildable area, the lots fall short of the requirement. The goal of the owners is to divide the lot, retain the existing house on the front lot and build a single-family home on the back lot. Several different iterations of the plan were presented to the board. The applicant is looking to the commission to see if they would entertain granting two net buildable area waivers before submitting a formal application. Gigliotti stated that the commission cannot grant the split if one of the lots is less than 80,000 square feet and therefore a nonconforming lot. Granting two waivers for net buildable area is the only option at this point. Gigliotti stated that receiving approval from Ledge Light Health District to install nonengineered septic systems on each lot is critical. The commission will not approve a waiver of net buildable area without the health district's approval. Gigliotti also reminded the applicant that if the septic systems are within 150 feet of wetlands, they will need to get wetlands approval for the septic systems as well. The applicants thanked the commission and hope to return with a formal application in June.

Gigliotti welcomed Kristina White as a new regular member of the Planning and Zoning Commission appointed by the Board of Selectmen.

### Old Business

#### **Review of Short-Term Rental regulation and update.**

Gigliotti reviewed an article from They Day which detailed the progress Noank CT has made with their Short Term Rental regulations and asked the board members to read the article for insights prior to the next meeting.

White asked if the town has had issues in the past with short term rentals or if the proposed regulations would be preemptive.

Byrne reviewed some of the past issues that have occurred and House offered to review the progress that has been made so far on this topic with White to get her up to speed.

Stone updated the commission on the working group. Tyler is taking a step back from the working group and Fiske has agreed to review anything the working group brings forward. The group will switch focus from writing an ordinance to writing regulations. The group will resume meeting mid-June and keep the commission updated on progress as it is made.

White questioned who will be enforcing the regulations and Gigliotti said that there are companies that provide a monitoring service and enforcement will be done by the Zoning Enforcement Officer.

Koch questioned if the board had made an official determination to go with regulations instead of an ordinance. Gigliotti stated that he, along with Byrne, agreed that the tone of Attorney Carey's latest letter was such that they feel comfortable pursuing the writing of regulations. Tyler questioned that if it is the position of the Zoning Enforcement Officer and the board that current STR's are illegal, should a cease and desist be issued to known STRs at this point? Byrne stated that he will send out cease and desists at the commission's request. Gigliotti stated that he would like to get an opinion from Attorney Carey before a cease and desist is issued.

Koch asked if the commission's attorney can be invited to attend a future meeting to discuss the legalities of the STR issue in person and Byrne agreed to invite him to the June meeting.

**Update on violation on 100-1 Joshuatown Road, Peter and Mylan Sarner**

Byrne stated that the owners have been issued a formal Notice of Noncompliance from DEEP for an unauthorized deck and river stone placement and have been given 30 days to submit a restoration plan. They will have 21 days after acceptance of the plan to complete the work and 90 days to submit an application for Certificate of Permission to exchange the deck for the originally approved 4-foot walkway and a civil penalty has been levied. After the plan has been approved by DEEP, the applicant will submit a restoration plan to the Zoning Enforcement Officer.

**New Business**

**Informal discussion of cutting restrictions within the Conservation District.**

Byrne asked for the commission’s feedback regarding a potential loosening of some of the cutting restrictions in the conservation zone. This would be very limited in nature and will be aimed at getting more compliance from homeowners and landscapers. The commission discussed and agreed to consider a proposed change in the future and would like Byrne to discuss any proposed changes with the Gateway Commission as well.

**Discussion of return to in person meetings**

The commission discussed and agreed that they are comfortable returning to in person meetings next month. The June meeting will potentially be an in person meeting.

**Approval of Outstanding Minutes of the April 12, 2021 meeting.**

Gigliotti called for a motion to approve the minutes from the April 12, 2021 meeting.

Thomas stated that there should be a correction under Old Business. The paragraph beginning with “Mary” should begin with “Stone.”

Gigliotti called for a motion to approve the minutes with the stated correction. Ross made the motion, seconded by House, and the minutes were approved with one abstention by White.

**Adjournment**

Gigliotti adjourned the meeting at 8:54 p.m.

Respectfully submitted,

Jennifer Thomas, Secretary