



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 public hearing/regular meeting on Monday August 9, 2021 at 7:30 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme CT 06371.

MEMBERS PRESENT: Bernie Gigliotti Chair, Will Fiske, Phyllis Ross, William Koch, Kristina White, Carol House, Dave Tiffany, unseated alternate Mary Stone, Ross Byrne ZEO and Jennifer Thomas Secretary

Absent Members: Humphry Tyler and Fritz Gahagan (alternates)

First Selectman Steven Mattson present

One member of the public present

Gigliotti opened the public hearing at 7:32 p.m.

**Public Hearing**

**The property of The Lilac Company, LLC, 105 Ely Ferry Road Tax Map 16 Lot 16; an application concerning a special permit for a boathouse within the Conservation District setback. Per Chapter 315 Lot 14.2, the commission may issue a special permit to reduce the setback for structures that require direct access to the water**

Present: Carver Glezen, Triton Coastal Consultants, LLC

Glezen summarized the application for a preconstructed boathouse, under 15 feet in height. The location will meet the required building setbacks but be within the conservation district setback. The structure will be red with a cedar roof. There will be minimal site disturbance, and any material removed will be removed from the property. There is an existing paved drive that extends most of the way to the proposed location and an existing dock on the property. House questioned if the applicant plans to launch boats from the property and Glezen stated that was not planned. The boathouse will be for storage, but the boat will not be launched on site.

House questioned whether the location of the boathouse could be pushed out of the conservation zone, but Glezen stated that the topography and wetlands made the proposed location the most favorable.

Gigliotti asked if there are current plans to add electricity to the building and Glezen stated that the applicant may want to add electricity in the future but that this is not part of the current application.

Koch questioned if the application should go before the Zoning Board of Appeals because it lacks the required water frontage and Gigliotti stated that the lot has been proven to preexist zoning regulations so it does not have to go before ZBA.

Stone suggested that if the location is within the CT River Gateway Commission jurisdiction, the applicant may want to choose a different color as red is quite noticeable and the Gateway Commission standards seek to minimize the appearance of structures from the water.

Glezen said that the applicant had expressed dark gray as an alternative to red in the past and believes that would be an acceptable change to the project.

Tiffany asked Glezen to try and get an answer on whether electrical will be added and Glezen stated that he will try to reach the owner.

Gigliotti pointed out that any electrical work in the future will have to be permitted by the town and that a condition can be made for the Zoning Enforcement Officer to review the permit prior to approval.

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

Gigliotti questioned if the certified mail receipts from the abutters notices have been received and Byrne stated that they have been received.

Glezen asked for clarification on how the commission regards the addition of electricity and

Fiske stated that the commission would be interested to review any exterior lighting proposals.

With no further comments, the public hearing was closed at 7:54 p.m. and the regular meeting was opened.

#### Regular Meeting

**The property of The Lilac Company, LLC, 105 Ely Ferry Road Tax Map 16 Lot 16; an application concerning a special permit for a boat house within the Conservation District setback. Per Chapter 315 Lot 14.2, the commission may issue a special permit to reduce the setback for structures that require direct access to the water**

Present: Carver Glezen, Triton Coastal Consultants, LLC

Gigliotti called for any further comments from the commission.

Tiffany stated that he would like to address the possibility of future lighting and Gigliotti said that can be made part of the motion.

Gigliotti called for a motion.

Tiffany made a motion to approve the application as presented with the conditions that any future electrical permits be reviewed and approved by the Zoning Enforcement Officer and that the color of the siding on the boathouse be dark gray. Fiske seconded the motion, and the motion was unanimously approved.

#### Old Business

##### **Birch Mill Bridge Presentation**

Present: Don Gerber, Lyme Town Engineer

Gerber presented the project to the commission, stating that the town is asking for a report from the commission per state statutes. Gerber reviewed the history of the bridge, stating that it has been closed following a failed inspection. The town has been working since 2019 to apply for funding, hiring engineers, designing the bridge, mapping wetlands, and applying for permits. Several different construction options were considered, and the current proposal was chosen to minimize the need to widen and raise the height of the bridge while adhering to the state

requirements. The bridge is designed to meet the 100 year flood with 10 year tailwater line. Erosion control measures were reviewed as well as the environmental impact remediation plan. Koch and Ross questioned what materials will be used on the bridge and Gerber stated that it will be constructed using concrete with steel rails. Because of the requirements to meet crash test ratings options are limited as to the materials used on the project.

Ross questioned how much maintenance would be required and Gerber stated that there should be minimal maintenance required for some time.

Mattson stated that the total cost of the project is estimated at \$1,100,000 with the state contributing about 50% of the total cost. Construction is slated to begin June 2022 assuming the permitting is in place.

Koch asked if there has been any consideration to adding stone to the concrete at the ends of the bridge and Gerber stated that this area is about 18 inches and the back sides of the bridge would not be readily seen by the public so it may not be worth the additional cost and maintenance.

Tiffany stated that he had concerns that the bridge was overbuilt but after meeting with the town engineer he is comfortable that the construction has been minimized wherever possible while still meeting funding requirements from the state. He also believes that there are ways to make the bridge look more aesthetically pleasing that would not incur a large cost.

Mattson said that he would be open to adding some aesthetic features to the bridge after the project has been completed and approval has been granted by the Board of Finance for any such enhancements. He stated that a rough estimate between the wood and steel guardrails is about \$30,000.

Gigliotti called for any additional comments or questions. Virginia Clark, town resident, requested permission to speak and Gigliotti granted her request.

Clark stated that she was concerned that the current country lane feel of Birch Mill Road will be changed because of the bridge design. She is concerned that it will appear as one big guardrail and that the character of the road will be lost.

Koch said that a lot of people agree with Clark, and it is unfortunate that the state requires a one size fits all specifications to projects regardless of the size of the road.

Gigliotti called for a motion to write a favorable report to the Board of Selectmen in support of the project per CT State Statutes. House made the motion, seconded by Ross and the motion carried.

### **Short Term Rental discussion by commission**

Stone said that the working group has modeled the draft regulations on the draft ordinance that the commission has discussed in the past. The regulations are more specific than the ordinance, providing more details on what is permitted, inspections, and fees.

House stated that the working group still needs to insert citation hearing language based on the examples provided by counsel and add several definitions to the definition section of the regulations.

House also asked the commission to decide whether the commission should adopt only regulations or both regulations and an ordinance.

White pointed out that even if an STR is considered grandfathered it will still require a permit going forward, and that permit can be revoked if the operators are found to be in violation.

The commission discussed whether a one-year or two-year permit would be preferable, and agreed that a one-year permit makes the most sense to mirror the inspection schedule. Ross questioned the term “family dwelling unit” and wondered if language should be added to include other structures such as barns, workshops, etc.

The commission discussed adding language regarding illegal activities and the age requirement for the registered host. The commission also reviewed excessive noise, including amplified music and loudspeakers and whether Bed and Breakfasts should have the same permit or a separate one.

Stone stated that she believes the commission should opt for both an ordinance and regulations. After discussion, it was agreed that Byrne would discuss with counsel if there is an additional benefit to having an ordinance as well as regulations and the commission will determine the appropriate way forward based on his response.

House stated that she and the working group will incorporate the changes discussed and come back to the commission with the changes at the next meeting.

### **Agriculture Regulations discussion**

Gigliotti stated that this discussion will be postponed to a future meeting but asked that Byrne give a summary of the progress to this point in order to help bring the newer members of the commission up to speed.

Byrne summarized the events that prompted the need to create the agricultural regulations and stated that the commission realized there was a need to protect farmers who are operating commercially in a rural district. The commission created a subcommittee which worked with local farmers to begin drafting the regulations.

Gigliotti asked if House would like to take Byrne’s spot on the subcommittee as he is now the ZEO and will be part of the subcommittee in that role and House agreed.

Byrne asked the commission members to email him any comments or questions they have as they review the draft regulations.

### **New Business-None**

### **Approval of Outstanding Minutes of the July 12, 2021 meeting**

Gigliotti called for a motion to approve the minutes of the July 12, 2021 meeting as presented. Tiffany made the motion, seconded by White, and the motion carried.

### **Adjournment**

The meeting was adjourned at 10:28 p.m.

Respectfully submitted,

Jennifer Thomas, Secretary