



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 Tuesday October 12, 2021 at 7:30 p.m.

MEMBERS PRESENT: Bernie Gigliotti Chair, Phyllis Ross, Carol House, William Fiske, seated alternates Mary Stone and Fritz Gahagan, Ross Byrne ZEO, Jennifer Thomas Secretary, and First Selectman Steven Mattson

Absent Members: Kristina White, David Tiffany, and alternate Humphrey Tyler

There were no members of the public present

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

**Seat Alternate Members**

Alternate member Mary Stone was seated for absent regular member David Tiffany and Fritz Gahagan was seated in seat vacated by William Koch.

**Regular Meeting**

**Old Business**

**Short Term Rental regulations discussion**

Byrne stated that he met with the Fire Marshall to get a better understanding of how the regulations will need to be drafted in order to make room for the fire code requirements. After the discussion, Byrne believes that removing any details regarding inspections from the regulations is the best course of action. The regulations will simply state that all required health and fire inspections will be completed before a permit is issued. The commission agreed to this change.

House reviewed the updated draft regulations, which incorporates the changes discussed at the previous meeting. Changes include adding back some of the language from the original Bed and Breakfast regulation, adding language about non-conforming lots, language on required inspections and enforcement, and the requirement for direct access to a public road. House noted that she did not modify the parking requirements as she feels more work is needed to define the term parking space.

House also reviewed the changes to the draft ordinance and asked the commission to put the question of whether to adopt both an ordinance and regulations or only regulations to a vote. House stated that the ordinance may be advantageous against a grandfathering claim but the town does not have a method to enforce citations. The ordinance would require a town meeting vote whereas regulations will require a public hearing before approved.

Gigliotti stated that like other towns in the State, Lyme operates under the premise that unless something is permitted in the regulations, it is prohibited. He also believes that an ordinance may be a better route if the commission feels the topic is too complicated to deal with on its own, and that a town meeting would be better.

Gigliotti also pointed out that sending cease and desist letters to all known current Short Term Rental operators is a way to eliminate any discrimination claim.

Stone said that she would prefer to use both an ordinance and regulations in order to make sure everyone in town is held to the same standards.

Gahagan prefers to only pass regulations, believing this to be appropriate because short term rentals are a zoning issue and permitting and enforcing them should fall within the regulations. He also pointed to current regulation 10.3, which requires a zoning permit for any alteration of use. If current operators have not received this permit, they are already in violation of our regulations.

Fiske believes that the regulations are enough without passing the ordinance.

Gigliotti asked First Selectman Mattson for his view and Mattson stated that the Board of Selectmen are not in favor of creating more bureaucracy that will not be enforced and agrees that passing regulations is the appropriate course of action.

House stated that because there is no structure in place to enforce an ordinance, getting the regulations passed seems like the best option.

Ross agreed that moving forward with regulations is appropriate.

Gigliotti stated that the consensus seems to be to shelve the ordinance and move forward with the regulations, while Byrne issues cease and desists to all known short-term rentals. He called for a motion.

Fiske made a motion to move forward with the regulation process, to put the draft ordinance aside and not move forward with it at this time, and asks that the Zoning Enforcement Officer immediately issue cease and desist orders to all known short-term rental operators who are currently violating the regulations by operating short-term rentals. House seconded the motion. During discussion the commission agreed to add language that short-term rentals on nonconforming lots will require a Special Permit. The motion was unanimously approved.

### **Discussion on proposed administrative regulation changes**

Byrne said that he received some comments from Gahagan on the proposed administrative changes. He plans to have a discussion with Gahagan before the next meeting and will update the commission next month.

### **Regulation changes required per CT Public Art No 21-29**

Byrne stated that he is looking into the possibility of contracting out the work to modify the regulations to incorporate the necessary changes per CT Public Act No 21-29. He will come back to the commission when he has an understanding of the cost involved and potential candidates.

Byrne also updated the commission on the violation of Sarner, 100-1 Joshuatown Road. Byrne stated that he was waiting for DEEP to complete their process. They did issue a notice outlining the remediation actions that needed to occur, some of which has been done. Byrne is working with Torrance Downes of the Connecticut River Gateway Commission to issue an official cease

and desist, noting that two letter of violation have previously been sent. If the owners fail to submit a remediation plan to the town, the town will take legal action.

**New Business**-None

**Approval of the minutes from the September 13, 2021 meeting**

Gigliotti called for a motion to approve the minutes from the September 13, 2021 meeting. Stone made the motion, seconded by Ross, and the motion carried.

**Adjournment**

The meeting was adjourned at 8:48 p.m.

Respectfully submitted,

Jennifer Thomas, Secretary