



PLANNING AND  
ZONING COMMISSION

LYME TOWN HALL  
480 HAMBURG ROAD  
LYME, CT 06371

LYME PLANNING & ZONING COMMISSION  
Public Hearing/Regular Meeting

The Lyme Planning & Zoning Commission held a public hearing/regular meeting on Monday April 11, 2022 at 7:00 p.m.

MEMBERS PRESENT: Bernie Gigliotti Chair, Dave Tiffany, Carol House, William Fiske, Kristina White, Phyllis Ross, Fritz Gahagan, unseated alternates Mary Stone and Tom St. Louis, Ross Byrne ZEO and Jennifer Thomas Secretary.

Absent Members: Anne Littlefield (alternate)

Gigliotti called the meeting to order at 7:00 p.m.

**Regular Meeting**

**Resolve questions on the application of regulations to a lot line change by Trevor and Melissa Fetter, 41 Joshua Lane, Tax Map 18 Lot 7 and Lot 6.**

Present: Attorney Ed Cassella (Cloutier & Cassella), Fern Tremblay (Angus McDonald/Gary Sharpe & Assoc), Chris Caulfield (Caulfield & Ridgeway)

Gigliotti stated that Byrne had distributed details on the application to the members because of the complexity and outstanding questions on the application.

Byrne distributed a copy of additional pertinent Articles within the regulations, including articles 7.1 and 7.4.

Gigliotti asked Byrne to give a summary of the history of the lots to the members and Byrne gave a brief history of the property, including past land divisions and granted variances.

Gigliotti summarized that the lots in their current configurations are deemed to be legal nonconforming lots. The remaining questions before the board are as follows:

1. Because the structures exceed 4,000 sq. ft, the commission will need to grant a special permit. A favorable letter from the Gateway Commission has been received.
2. There is a question whether a waiver would be needed if an engineered septic is required. A letter has been received from Ledge Light Health District stating that the area is generally suitable for a non-engineered septic.
3. Does the lot line change create a situation where a waiver becomes necessary?
4. Does the lot line change require a variance from the Zoning Board of Appeals instead of an approval from the Planning & Zoning Commission.

The commission agreed that overall the proposed changes have more benefits than not, and they are in favor of reducing nonconformities.

Gahagan believes that because of Articles 7.1 and 7.4, this application will need to go before the Zoning Board of Appeals.

Cassella stated that the application satisfies all of the Gateway Standards, that Ledge Light Health District is prepared to approve the plan with a non-engineered system, and that both lots meet the regulations that existed when the lots were formed with regards to Net Buildable Area.

Gahagan pointed out that if there is a lot line change, that would trigger the most recent regulations to apply.

Tiffany stated that the commission must follow the regulations and granting a variance can only be done at the level of the Zoning Board of Appeals.

Gigliotti said that the commission is in agreement that the application must go before the Zoning Board of Appeals. If the variance is granted, the commission can meet again to review the special permit required to satisfy Article 14.4.

Gigliotti opened the public hearing at 7:52 p.m.

### **Public Hearing**

**Continuation of a special permit application by Trevor and Melissa Fetter, 41 Joshua Lane, Tax Map 18 Lot 7 and Lot 6, application for the construction of a home office with an accessory apartment. The desired location necessitates a lot line change placing the proposed on the same lot as the primary dwelling. The total combined floor area of all structures on Lot 7 exceeds the limit of 4000 sq. ft. requiring a special permit per Chapter 315 Article 14.4 of the Zoning Regulations.**

**And, due to the lot line change, an exception to the Net Buildable Lot Area Requirement per Chapter 315 Article 20.2.**

Present: Attorney Ed Cassella (Cloutier & Cassella), Fern Tremblay (Angus McDonald/Gary Sharpe & Assoc), Chris Caulfield (Caulfield & Ridgeway)

Tremblay reviewed the application with the commission.

Gahagan asked what the extent of the landscaping would be and Tremblay stated that it will not go beyond the silt fence. Gahagan also stated that the commission would be interested in hearing what the applicant is willing to consider regarding cutting restrictions that can be added to the deed.

The commission also questioned what the lighting plans are and the height of the building.

Cassella requested that the commission extend the public hearing up to an additional 65 days in order to receive a determination from the Zoning Board of Appeals and the extension was granted.

The regular meeting reopened at 8:12 p.m.

### **Old Business**

#### **Short Term Rental new regulation update**

The commission agreed that Bed and Breakfasts and Short-Term Rentals will be treated as one under the regulations. The terms "host" and "owner" were reviewed again and House will update the language to read "designated approved host."

Byrne reviewed comments by the Fire Marshall on the difference between Bed and Breakfasts and Short Term Rentals in terms of safety requirements. After discussion, it was agreed that the

commission will incorporate language that mirrors what the Fire Marshall requires with regards to fire extinguishers and smoke detectors and also require the host to keep a log or provide a signed statement that the fire safety equipment is in working order. House stated that she will make the changes discussed and draft an application for the commission to review.

**Continued discussion on proposed Agricultural regulations**

Gahagan reviewed the latest set of proposed changes to the regulations. These are changes throughout the current regulations that are necessary to keep the regulations consistent with the new agricultural regulations.

The commission discussed several items, and Gahagan will update the draft.

**Update on possibility of moratorium on cannabis sales and distribution**

Byrne reviewed the ways that a moratorium can be enacted according to town counsel. The commission agreed to proceed with a Public Hearing, at which time a vote can be taken by the commission to enact a moratorium on the sale and commercial cultivation of cannabis.

Byrne agreed to verify if there is a time limit on moratoriums and add the public hearing to the next regularly scheduled meeting.

**New Business**

Byrne asked the commission if there is still interest in getting baseline photos of properties and stated that the Gateway Commission may be interested in partnering with the town.

Ross updated the commission on the work that the Affordable Housing Committee working group has been doing regarding drafting a plan that will be submitted to the State.

Gigliotti introduced Tom St. Louis as the new alternate member of the commission and the members welcomed him.

**Approval of Outstanding Minutes of the March 14, 2022 meeting**

Gigliotti called for a motion to approve the minutes from the March 14, 2022 meeting. White made the motion, seconded by Fiske and the minutes were approved with one abstention by Gahagan.

**Adjournment**

The meeting was adjourned at 9:49 p.m.

Respectfully submitted,

Jennifer Thomas Secretary