



PLANNING AND
ZONING COMMISSION

LYME TOWN HALL
480 HAMBURG ROAD
LYME, CT 06371

LYME PLANNING & ZONING COMMISSION
Public Hearing/ Regular Meeting
January 8, 2024
7:00 p.m.

A Public Hearing/ Regular Meeting was held on Monday, January 8, 2024, at 7:00 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT 06371.

Members Present: Bernie Gigliotti, Will Fiske, Phyllis Ross, Carol House, Tom St. Louis (alternate), Mary Stone (alternate), Jen Tiffany (alternate).

Absent Members: Anne Littlefield, Kristina White, Fritz Gahagan

CALL TO ORDER: 7:02 p.m.

SEAT ALTERNATES: Alternate member St. Louis was seated for absent member Gahagan. Alternate member Tiffany was seated for absent member Littlefield. Alternate member Stone was seated for absent member White.

PUBLIC HEARING

1. Bombaci; 131-2 Salem Rd. Map 46, Lot 3; An amendment to Chapter 315, Article 4.3, Special permit uses.

Present: Attorney John Casey representing the Bombaci family.

Attorney Casey said the new hearing application is seeking a process for allowing a family dwelling on a large preexisting lot without any direct frontage to a public street. Casey reviewed and explained the application. He is not going to get into specific details on one certain property because it was covered in the last application. This proposal will not allow excessive development and subdivision, only single houses per lot. Also, it must be in an RU80 with at least 12 acres.

Gigliotti questioned where they got the 12-acre number. Casey replied it was just a number they thought would limit the exception to larger properties. He also described the reason for the change to the adjoining lot amendment.

St. Louis asked about the legal use of the terms parcel, lot, and the meaning of access. He also questioned how it could demonstrate a vehicle of a certain size and weight could use the access road.

Gigliotti questioned the bridge leading to the Bombaci family property and whether the state is going to be amenable to increasing traffic. Casey explained that if approved, Ed conversed with the state, and there were no concerns with another house existing on the property. Casey believes there are plans for bridge upgrades approved by DEEP. There was a discussion of open space on a special permit lot. Casey reiterated the proposal is for amending, not the problems with individual properties that should be addressed during those applications. Casey continued to expand on the capability of the bridge and that the dedication to open space requirements came from the Lyme Subdivision regulations. This way, the amendment will be in line with the POCD and give the commission control over the use of the exemptions. Gigliotti questioned if there was any provision in an earlier draft to

pass the land to a lineal descendant and would that be a consideration along with the dedication of open space? Gigliotti also asked about the percentage of open space. Casey answered that it would be the same as subdivision regulations, 15%.

Casey reviewed the statutes that allow the town commission to legislate and change regulations when necessary. He stated what he believed to be a minimal amount of large lots that were landlocked and able to be developed. He also explained the number of houses that could be built and how the rural character would not change. Gigliotti questioned the accuracy of the research and the lot title history. Casey explained how the research was conducted and how they concluded. House asked for clarity on non-conforming lots and dwellings. Ross questioned who owns or maintains access ways, and Stone questioned how access would be written in an easement. Casey recommended that those decisions should be made during the application review.

Attorney Carey commented; the commission would be in a better position if the language of 4&5 (of the applicant's proposed regulation) included language such as the applicant will demonstrate a permanent and irrevocable right to use whatever access way is proposed to use and has to demonstrate that access is sufficient for carrying all types of traffic that could possibly go to a residence. Ross questioned the reason for excluding the amendment from RU120. Gigliotti and Casey, both replied that it limits the use of the amendment.

Gigliotti asked if there was anyone from the audience that wanted to speak.

Byrne read the pertinent sections from a letter sent by the Gateway Commission, who objected to the amendment. Byrne read the pertinent sections from another letter sent by the Southern CT Council of Govt., and they are not opposed to the change. Casey said there was only one property in the Gateway district that could use the amendment. All other regulations associated with the Gateway district must be adhered to.

Attorney Royston (representing the Mazer family) spoke. He handed out a memorandum and explained. He found fault with the process and the specific property related to the amendment; limiting the amendment to RU80 is not right to exclude the other zones, and it's not up to the Public or Council to write the regulations changes. The application should be denied with prejudice because they don't have the right to reapply if they don't get the amendment right and referenced case law. Royston went on to say the Bombaci owns the common road to what's known as Wilcox Rd. in East Haddam, and neither are public highways. He also questioned the term, "readily available access" and noted that there were no standards or requirements in the amendment. The council should not write the regulations so it is deficient and should be denied with or without prejudice. It is inconsistent with the POCD. He objected to the change related to "owning lots adjacent" because they believe the applicant appears to be developing 4 lots instead of 1 and already has a commercially developed farm. The tax map shows the property as one lot and that could indicate the parcels were merged by use if the owner treated his property as one lot. Bombaci purchased the property from the Mazer family, and then it was described as 280 acres. He warned, beware, there are no standards governing the accessway. A photo submitted shows the bridge not "readily passable." The map submitted shows parcels of different areas than the original. The amendment doesn't address boundary lines. Addressing the 12-acre minimum, he stated Mazer's property is approx. 6 acres, meaning it is exempt from development. The amendment does not make it clear how many parcels will be developed.

Gigliotti asked Royston how he considered the parcels merged. Royston claimed the property was merged by use and Bombaci considered the used property as one.

Potts, a member of the public, admonished the commission for not wanting to help keep families in town, and the property most likely will end up as affordable housing and out of zoning control.

Mazer, a neighbor of Bombaci, spoke about her confusion about how many lots Bombaci wants to develop. She discussed a map previously submitted in the last amendment application and how the deed(s) differ.

Casey interrupted, asking why they were discussing the details of one property when this is an amendment, not a special permit application. Gigliotti stated firmly that this pertains to the amendment,

and the commission is going to hear what the public has to say. Casey stated that Mazer is using a map produced for Bombaci. The discussion has no weight on the amendment subject.

Carey advised that all public opinion should be heard, and no one cut short. Mazer continued speaking about the map, deed, and other discrepancies. Casey commented that he supplied Royston with the application and all documents pertaining way ahead of the hearing, while Royston submitted his memo to the commission and himself during public comments. Therefore, leaving no time to review.

Casey reminded the commission that state statute does not require the regulations to follow the POCD 100% if it complies with the general plan. He kept the amendment simple and flexible usings existing standards and the lots that could be affected and clearly described. Gigliotti asked Casey if he wanted more time to rebut Royston's memo and keep the hearing open. Casey did not think that was necessary and asked the commission to consider the proposal on its own and not on a development that has not been applied for. Gigliotti asked Casey if the boundary dispute between the Mazer and Bombaci family had been resolved. Casey answered they are in discussion there is a proposal to resolve and they're waiting on the results from Mazer's surveyor. Dill, a member of the public, spoke about a pent highway that runs through his property and could cause potential neighbor disputes if the amendment was approved. Royston apologized about not getting his memo and documents to Casey prior to the hearing. He added they should correct the missing zone of RU120 and should be based on the user of the right of way and this should be denied. Casey responded that he did not believe Bombaci could amend a regulation outside of the zone he lives in.

Attorney Casey explained he has been working on this with the Bombaci's for almost a year. They have done workshops, applications and reiterated his original discussion.

Gigliotti closed the public hearing.

Motion to close the hearing made by Ross. Seconded by Fiske.

REGULAR MEETING

1. Bombaci; 131-2 Salem Rd. Map 46, Lot 3; An amendment to Chapter 315, Article 4.3, Special permit uses.

Continued to next month.

NEW BUSINESS- n/a

OLD BUSINESS

1. **Affordable housing** was added. House spoke and gave an update. Attorney Carey spoke and gave a handout of what surrounding towns are currently using or working on for their affordable housing regulation. House and Carey will meet and discuss the wording of the affordable housing regulations.
2. **Slater survey update**-Byrne said he is waiting to hear back from Mr. Snarski about a report estimate.
3. **POCD Update**- There will be a meeting on Tuesday, January 9.

ZEO REPORT – will have an update next month.

Approval of Minutes of the Regular meeting, November 13, 2023. – Mary made a motion to approve the minutes. Seconded by Fiske. Unanimous.

ADJOURNMENT – 10:05 p.m.

Respectfully submitted,
Lannie Mossberg