



Office of the
Zoning Enforcement Officer

LYME TOWN HALL
480 HAMBURG ROAD
LYME, CT 06371

June 3, 2024

To: Lyme Planning and Zoning Commission
Lower CT River Valley Council of Governments
CT River Gateway Commission
SE CT Council of Governments, Regional Planning Commission
CT DEEP Office Land and Water Division
Town Clerk, Town of Old Lyme
Town Clerk, Town of Chester
Town Clerk, Town of Deep River
Town Clerk, Town of Essex
Town Clerk, Town of East Haddam
Town Clerk, Town of East Lyme
Town Clerk, Town of Salem

From: Ross Byrne
Zoning Enforcement Officer

Subject: Referral of Proposed Revisions to the Lyme Zoning Regulations.

In accordance with the referral requirements of the Connecticut General Statutes, please find enclosed a copy of the proposed revisions to the Lyme Zoning Regulations. The regulation changes are:

1. An amendment to Chapter 315, Article 4.3, Special permit uses.

A public hearing has been scheduled for Monday, July 8, 2024, at 7:00 p.m. in the Lyme Town Hall, 480 Hamburg Rd., to discuss the proposed changes. Any other questions may be referred to the Lyme Town Hall, Zoning Department.

Respectfully,

Ross Byrne ZEO

cc: Attorney Michael Carey
Lyme Board of Selectmen
Lyme Inland Wetlands Commission

Attorney Marrion
Linda Winzer, Lyme Town Clerk
Lyme Zoning Board of Appeal

June 4, 2024

§ 315-4.3 Special permit uses.

The following uses shall be permitted when specifically approved as a special permit by the Planning and Zoning Commission, in accordance with Article 12, subject to such conditions as said Commission may establish:

M. In order to meet the Town's need to facilitate the construction and occupancy of family dwelling units by young people and other family members identified in Section 6 below who might have grown up in the Town but are unable to afford to purchase a home here, and to provide for reasonable uses of large parcels of land otherwise unbuildable because of a lack of the road frontage otherwise required by the zoning regulations, it is provided that a family dwelling unit ("**FDU**") consisting of only one free-standing single family house, and uses and structures accessory to a FDU use may be approved as a lot as meant by § 315-2.2 on all or part of a parcel of land that does not meet the frontage requirement in § 315-7.5, provided that the following requirements are met ("**Lot**"):

(1) The entire parcel of land comprising the Lot or from which a Lot is going to be created under this section M must be in the RU-80 and/or in the RU-120 District and entirely outside of the Conservation District.

(2) The Lot on which the FDU is to be built must be, at the time of the filing of an application under this section 4.3 (M), part of a parcel of land that has existed as a parcel separately described from any adjoining parcel and shall not, since July 9, 1954, have been diminished in size or used as a pre-existing nonconforming building lot.

(3) The Lot must be no less than six (6) acres.

(4) The applicant for a special permit under this section must prove that a safe means of access to and from the Lot and all structures thereon exists to and from a town or state-accepted street (public street).

(a) As to any part of the claimed means of ingress and egress that does not consist of a public street, the applicant must prove that there is a permanent, irrevocable, deeded and recorded, or a court-established or declared, right running with the Lot to use and maintain said private access way for ingress and egress to and from the Lot to and from a public street.

(b) Said private access way must: (i) provide adequate, free and unimpeded ingress and egress at all times by vehicles of all sizes and types potentially used in association with the Lot, including without limitation fire, police, ambulances, and other emergency vehicles, to and from the Lot and to the FDU and all permitted accessory structures on it to and from a public street, and (ii) be sufficient in width, grade, surface, alignment, visibility, and sight lines at intersections to safely serve the levels and types of traffic reasonably expected to result from its existing and intended use.

(c) The applicant must also prove that the capacity of adjacent and feeder public streets and private access way(s) is adequate to accommodate peak and average traffic volume for all users of the access way and shall account for any special traffic characteristics reasonably expected to result from the proposed use.

(d) Unless the Commission expressly declares it to be unnecessary, the applicant shall provide the Commission with reports from Connecticut-licensed experts, including from traffic experts, regarding the information required by this Section 4.3 (M).

(e) The owners of the Lot and the parcel from which the Lot was created shall be responsible for all maintenance required to keep the private access way in safe and adequate condition. The foregoing is not intended to limit such owners' right to seek contribution from other users of the private access way for reasonable repairs and maintenance in accordance with Connecticut law. The Town of Lyme shall have no responsibility for the construction, maintenance or condition of said private way or to provide public services such as, by way of illustration and not limitation, garbage or trash pickup, school bus service or plowing beyond the intersection of a private access way and a public street.

(5) The Commission may require that the front, rear and/or side yard setback(s) otherwise required by any section of these Regulations for any side, front and/or rear lot line of any portion of the Lot that borders on another parcel of land not owned by the applicant or the property owner from whose land the Lot is being created be extended to a maximum of no more than 200 feet. In deciding upon the size of an increased front, rear or side yard the Commission may consider such factors as: the current and future use of the adjoining parcel, the topography of the land, the natural features of the land such as whether the land is wooded or open, and the proposed and potential location of primary and accessory structures on the Lot.

(6) This section 4.3 (M) shall only apply to a Lot the title to which is to be conveyed by the applicant (for no consideration) to, and the FDU is to be occupied by, a grandparent, parent, child or stepchild, brother, sister, niece, nephew or grandchild of the applicant. Said Lot, at the time of the application for a special permit, must be subject to or, as a condition of a special permit under this section, shall be made to be subject to, deeded and recorded covenants and restrictions prohibiting it from being conveyed to anyone other than a grandparent, parent, child, brother, sister or grandchild of the applicant or of the person to whom the applicant conveys the Lot immediately after its approval under this section. Such covenants and restrictions shall expressly be made enforceable by the Town of Lyme, acting through its Zoning Enforcement Officer, or other duly authorized official or agent. Unless otherwise approved by the Commission for good cause shown, said restrictions and covenants shall be made to last for a minimum of 20 years from the date of the initial occupancy of the FDU on the Lot. The Commission may also approve an amendment to a special permit issued under this section 4.3 (M) to waive the enforcement of the remaining term of said restrictions and covenants upon presentation of affidavits setting forth a change in circumstances that justify a shortening of the term set forth in this Section. By way of illustration but not limitation, examples of grounds for approval of a reduction of

the 20 year term at the time of the issuance of a special permit under this section 4.3 (M) or of an application to amend a special permit to waive the remaining term of said restrictions and covenants include, by way of illustration and not limitation: death or illness of the Lot owner, death of family member, illness in the family requiring the family member to move their residence to care for a family member or relocation of residence for an employment opportunity outside of reasonable commuting distance from Lyme. Any violations of the requirements of this subsection or failure to maintain a safe private access way shall result in the imposition of sanctions up to and including revocation of all zoning permits, including without limitation the special permit, issued for the Lot. Pursuant to Section 8-20 of the Connecticut General Statutes, this Regulation shall not be construed to require that a family member occupy any accessory apartment located on the Lot.

(7) The owner of the Lot must formally, by way of a document recorded on the Lyme Land Records, dedicate a portion of the Lot or of the parcel from which it is created to open space in accordance with the provisions of § 310-5.7 of the Town's Subdivision Regulations.

(8) No building, other than a building primarily used for agriculture, may be constructed within inland wetlands, the upland review area for inland wetlands or a FEMA Zone A or AE flood hazard area.

(9) This section provides relief only from the frontage requirements of § 315-7.5 and only if the Commission finds that the requirements of this section have been met. The Lot and the proposed development must comply with all other relevant requirements in these Regulations.

(10) If a Lot approved under this Regulation § 315-4.3M contains only a portion of the parcel from which it was divided, nothing contained in this Regulation shall be deemed to approve or consider the remainder of said parcel, or any other parcel, to be a lot as meant by § 315-2.2 of these Regulations or for purposes of this section 4.3 (M).

(11) The use allowed pursuant to this Section 315-4.3 M shall not be permitted on a lot that has been approved under the Lyme Subdivision Regulations or on any other area within an approved Subdivision.