



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 virtual Public Hearing/Regular Meeting on Monday September 14, 2020 at 7:30 p.m.

MEMBERS PRESENT: Bernie Gigliotti, Chair, Hunter Ward, Phyllis Ross, Dave Tiffany, Ann Rich, Carol House, William Koch, and unseated alternates Humphrey Tyler, Mary Stone, and William Fiske. Ross Byrne ZEO and Jennifer Thomas Secretary.

Also present: Steven Mattson, First Selectman

Several members of the public were also present.

**Public Hearing**

Gigliotti called the meeting to order at 7:30 p.m.

**Robert and Kelly Ingraham, an application for a Special Permit to construct a second story addition within the conservation zone at 66-2 Ely Ferry Road, Tax Map 16 Lot 27.**

Present: Robert (Taylor) Ingraham

Ingraham explained the project, using photos, site and building plans. The addition would allow all family members to sleep on the same floor of the house. The project falls outside of the 100-foot review area. The addition should not have a large impact on the scenic view from the water.

Gigliotti clarified that the property is within the conservation zone. The 100-foot review area refers to the coastal site plan review area. Both of these aim to protect the watershed area. The reason the application is before the commission is because the addition will raise the square footage over 4,000 square feet, which requires a special permit within the conservation zone. Gigliotti called for any questions.

Ross noted the five trees marked for removal on the application and questioned whether an arborist had recommended removal and asked if some might be preserved or replaced.

Ingraham stated that a professional did suggest that a couple of the trees be removed. There is very little topsoil above the ledge on the property and the root system is very shallow. Byrne has reviewed the trees for removal. Remediation will consist of monitoring for erosion and impact and planting if necessary.

Ross asked if Ingraham will return to the commission with a remediation plan that addresses compensating for the trees that are removed.

Byrne agreed that the trees should be removed as they present a safety hazard and are not being removed for the view.

Ingraham stated he is happy to discuss a planting plan at a future date.

Ward asked if the plan included decking or lighting.

Ingraham stated there will be a balcony about 4 feet in depth on the waterside. There would be one or two sconces to light the deck but no spotlights.

Gigliotti stated that he is familiar with the property and stated that it sits on ledge. He cautioned that any tree with a taproot would be compromised and so future plantings should have a shallow root system.

Ingraham stated that the square footage will be about 4,095 square feet upon completion. Gigliotti called for any comment from the public. No comments were made.

Gigliotti closed the public hearing and the regular meeting opened at 7:49 p.m.

#### Regular Meeting

#### **Robert and Kelly Ingraham, an application for a Special Permit to construct a second story addition within the conservation zone at 66-2 Ely Ferry Road, Tax Map 16 Lot 27.**

Present: Robert (Taylor) Ingraham

Gigliotti called for any further discussion on the application.

Koch made a motion to approve the application as presented. Ross seconded the motion.

Gigliotti stated that Byrne is aware of the tree removal and can make sure the commission receives a proposal for review in the future. The motion carried with one abstention from Tiffany.

#### **Discussion of the Lyme Town Selectmen request for a letter of support of the acceptance of the North Lyme Cemetery located on Hamburg Road in Lyme, Tax Map 27 Lot 105 along with the assets of the North Lyme Cemetery Association and a finding that the acceptance is consistent with the Lyme Plan of Conservation and Development.**

Present: Steven Mattson, First Selectman

Mattson explained that the North Lyme Cemetery Association is no longer able to continue to care for the property and is willing to donate the parcel to the town along with the assets of the association which is currently about \$70,000.00. Those funds would then be used to support the North Lyme Cemetery as well as the other town cemeteries.

The Board of Selectman is requesting a finding from the commission that acceptance would be consistent with the Lyme Plan of Conservation and Development and a letter of support from the commission. The final acceptance would come at a town meeting with a vote by the residents.

Fiske asked if the \$70,000 would be used for maintenance and how long the money would last and Mattson stated the money should sustain the cemetery for 25-30 years before the town took on the financial burden of maintenance.

Gigliotti stated that the Plan of Conservation and Development (POCD) does not specifically address cemeteries but does state the importance of preserving archeologically significant areas. In this way, acceptance is consistent with the POCD.

Tiffany and Stone stated that they agree with this finding.

Gigliotti called for a motion to approve the acceptance of the North Lyme Cemetery. House made the motion, seconded by Koch, and the motion passed unanimously.

## Old Business

### **Update on Short Term Rental (STR) regulations from working group**

Gigliotti stated that a report was sent by the working group to the commission members earlier in the day and asked that the group explain their progress.

Stone stated that the report included a summary, parameters that the group worked within and the questions the group raised, as well as the email exchanges by the working group.

Stone read the eight questions for consideration by the commission for the group.

Tyler stated that the working group did not come up with any recommendations because the group felt that they were advised that the Freedom of Information Act (FOIA) did not allow for working groups to come up with specific recommendations on their own.

Byrne stated that he believes the group misinterpreted his interpretation of the FOIA. Byrne clarified that he meant that the group should not come to a decision outside a formal meeting, but should present recommendations along with the group's findings and the full commission will act on the recommendations.

Gigliotti stated that the working group is formed to research the issue and bring forward recommendations to the full commission and should not be seen as violating FOIA.

House stated that she believes the working group came to a general consensus and would be able to make a recommendation if that is what the commission agreed to and the working group agreed.

Gigliotti stated that this is what he and the commission is looking for and asked the group to bring forth their findings, pros and cons, considerations, and a final recommendation at a future meeting.

Tyler pointed to the three options listed in the report of 1) No STR permitted, 2) No STR permitted unless they are legally permitted B&B, and 3) STR with various restrictions. The working group's consensus was to use option #2.

Gigliotti asked if this would be an ordinance or a regulation change. After discussion, the commission agrees that there are pros and cons to either option but a regulation change appears the better option for several reasons. The town does not have a police presence, regulations can be changed over time if necessary, there is flexibility within the regulations, etc. Koch made the point that the ordinance would apply to all current STRs and nothing would be grandfathered in.

Mattson questioned whether an ordinance might be passed along with a regulation change to cover current and future STRs and Gigliotti stated this may be possible.

Koch stated that the appeal of Option #2 and the less than 30-day restrictions is that less regulations would be needed.

Tiffany questioned if the working group has reviewed the POCD while addressing the STR issue.

Tyler pointed out that option #3 would create a problem with enforcement. The restrictions may be meaningless if they are unable to be enforced and the commission agreed.

Gigliotti stated that the working group is charged with drafting a document in the form of a draft ordinance or regulation that the commission can then comment and agree on.

Gigliotti also reminded the commission that they should have received a copies of two letters with regards to 26 Old Hamburg Road, one from the current owners and another signed by several neighbors disputing that there have been problems with that location. Gigliotti

reminded the commission that it is important to consider the perspectives of all residents when making decisions.

Possible event sites, intent of zoning, and extra income vs. commercial ventures were also mentioned as considerations.

Gigliotti asked the commission to continue their work and return to the commission with a draft to review.

Tyler asked and Byrne agreed to clarify with legal counsel for the commission the rules of FOIA with regards to working group emails and recommending actions.

Mattson stated that the working groups in town are put together to do research and bring findings of fact back to the full commissions and boards who then ultimately make a decision.

#### **New Business**-None

#### **Approval of Outstanding Minutes of the August 10, 2020 meeting**

Gigliotti called for a motion to approve the minutes from the August 10, 2020 meeting. Tiffany made the motion, seconded by Koch, and the minutes were unanimously approved.

#### **Adjournment**

The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Jennifer Thomas, Secretary