



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 public hearing/regular meeting on Monday June 14, 2021 at 7:30 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT 06371.

MEMBERS PRESENT: Bernie Gigliotti Chair, Bill Koch, Phyllis Ross, Carol House, William Fiske, Kristina White, Dave Tiffany, and unseated alternate Humphrey Tyler, Ross Byrne ZEO and Jennifer Thomas Secretary.

Absent Members: Mary Stone alternate.

There were several members of the public also present.

Gigliotti opened the public hearing at 7:30 p.m.

Public Hearing

Continuation of public hearing for the property of Rana Kardestuncer and Dan Heasman, 111 Cove Road, Tax Map 17 Lot 3, concerning a special permit to rebuild and expand existing primary dwelling. This application has been withdrawn.

Gigliotti stated that the applicant has withdrawn this application and may resubmit at a later time.

The property of Cynthia and Gerry Beers, 182 Beaver Brook Road, Tax Map 44 Lot 22, concerning a special permit required per Chapter 315, Article 19.3.C(8) and 19.5.A(7), septic system expansion within the Eight Mile Overlay District.

Present: Gerry Beers

Gigliotti asked Beers to explain the project.

Beers stated that they are renovating the existing barn to add an accessory apartment above which requires the expansion of the septic system. The expansion will remain in the same footprint as the existing septic system.

Gigliotti questioned if the proposed work will require any tree removal and Beers stated that there may be a need to remove one tree.

Gigliotti called for any additional questions from the public or the commission, and there were none.

The property of Kim and Keven Hecht, 100-5B Joshuatown Road, Tax Map 17 Lot 23, concerning a special permit for the replacement and relocation of existing garage with a barn/carriage house including an accessory apartment. The total combined floor area on the property exceeds the limit of 4,000 square feet, requiring a special permit per Chapter 315 Article 14.4.

Present: Kim and Kevin Hecht

Mr. Hecht explained that since purchasing the property, they have had environmental surveys completed on all of the existing structures, remediated lead and asbestos, removed multiple

outbuildings, removed an underground oil tank and an underground gas tank. This application is submitted to build a two-story carriage house with living quarters on the second story, which will be used as a residence while renovating the main residence, and then will be used as a guest house/storage building. The building will be moved slightly from the location of the building it is replacing.

Mr. Hecht stated that approval letters have been received from DEEP and the Gateway Commission relating to the Scenic Easement to the State of Connecticut that the property is subject to, and the health district has completed soil testing on the property to determine suitability for a second septic system to service the carriage house.

Gigliotti questioned what the total square footage of the buildings will be upon completion.

Hecht stated that he did not know exactly what that figure will be. The footprint of the new structure will be 1280 square feet, with a total of 1160 square feet of living space on the second floor.

Gigliotti expressed concern over the spotlights on the exterior of the building. After discussion, the applicants agreed to use gooseneck fixtures with shaded bulbs on the exterior of the building to minimize the potential of light pollution into the cove.

Hecht explained that the eventual goal is to construct the proposed carriage house, renovate the primary residence, and restore the ice house and boat house which have already been demolished. Because plans for the residence and boat and ice houses have not been completed, it is unclear what the final square footage will be at this time. It is understood that the applicants will return each time they begin a renovation project.

Gigliotti stated that the commission does not typically approve applications before an approval letter from the health district has been received.

The commission discussed and agreed that a conditional approval might be acceptable in this case.

Gigliotti read into the record one letter of support from the public. No additional public comment was made.

Gigliotti closed the public hearing at 8:03 p.m. and opened the regular meeting.

Regular Meeting

The property of Cynthia and Gerry Beers, 182 Beaver Brook Road, Tax Map 44 Lot 22, concerning a special permit required per Chapter 315, Article 19.3.C(8) and 19.5.A(7), septic system expansion within the Eight Mile Overlay District.

Present: Gerry Beers

With no further discussion, Gigliotti called for a motion to approve the application as presented. Fiske made the motion, seconded by Koch, and the motion carried.

The property of Kim and Keven Hecht, 100-5B Joshuatown Road, Tax Map 17 Lot 23, concerning a special permit for the replacement and relocation of existing garage with a barn/carriage house including an accessory apartment. The total combined floor area on the property exceeds the limit of 4,000 square feet, requiring a special permit per Chapter 315 Article 14.4.

Present: Kim and Kevin Hecht

Gigliotti called for a motion to approve the application.

House made a motion to approve the application with the conditions that, 1) The applicant provide a letter written by the health district within 10 business days of the meeting that determines the property to be suitable for a septic system, 2) The outdoor lighting should consist of gooseneck fixtures with shaded bulbs, and 3) The total square footage of the floor area of all buildings will not exceed 6,700 square feet.

The motion was seconded by Koch, and after discussion the motion passed unanimously.

Old Business

Discussion on how the State Bill HB6107 will affect Lyme's efforts to control Short Term Rentals.

Byrne stated that the State Bill HB6107 has been signed by Governor Lamont. Byrne requested an opinion from Attorney Carey as to how this may affect the commission's efforts to control Short Term Rentals. Byrne stated that the attorney agreed that the bill enforced the town's ability to limit and prohibit accessory buildings as Short Term Rentals or vacation stay facilities. He further believes that the bill affirms that that the local zoning commission can and already has the authority to limit, prohibit, and regulate short term rentals.

Tyler stated that if the commission has received this opinion from counsel, the commission can and should begin enforcing the current Lyme Zoning Regulations, which prohibit Short Term Rentals.

Byrne reminded the commission that cease and desist letters have not been sent on advice from counsel.

Fiske believes it would be appropriate to send cease and desist letters to known Short Term Rentals now.

Gigliotti stated that the members of the commission have been split on how to regulate Short Term Rentals all along, which is part of the reason that enforcement has not moved forward.

Tiffany said that he has been receiving calls from concerned citizens voicing complaints about rental properties in town. Byrne questioned whether he has directed them to contact him as Zoning Enforcement Officer, and Tiffany said he has.

House asked if the commission disagreed with the progress the working group has made on the initial writing of the ordinance. She believes that the working group can continue to build on this. She believes simplifying the regulations may be better.

Byrne recommended asking counsel to meet with the commission at the next meeting, as this was postponed due to the recent bill passed at the State level.

Gigliotti stated that the commission still needs to address the concerns that the Board of Selectmen brought up with regards to the proposed ordinance.

Tiffany agrees that waiting to speak with the attorney before issuing cease and desist letters is the best course of action.

Tyler believes that the neighbors who oppose short term rentals have been patient waiting for the commission to act, and believes it is incumbent on the commission to act quickly.

Gigliotti reminded the commission that it is not the commission's job to act to appease a group of neighbors, but rather the commission should act carefully to consider the needs of the entire town.

Koch asked to get some clarification on the issues the Board of Selectmen had with the proposed ordinance and Gigliotti stated that this was distributed to the members some time ago and will look back to try and find the document.

Update on 66-2 Ely Ferry Road, replanting of trees to replace those allowed to be cut within the Conservation District buffer zone.

Byrne updated the Commission on the replanting plan for 66-2 Ely Ferry. Byrne read an email from the owners, which stated that they have planted one 15-20 foot maple and plan to plant a fringe tree. The owners wrote that they plan to continue with additional plantings and Byrne stated that he will continue to monitor the progress.

Discussion on Agriculture Regulations

Ross said that she and the agriculture regulations working group have been working towards crafting the new regulations since 2016. After two years of progress by the working group, the group asked an attorney to help craft the regulations. The last working group meeting occurred on May 19, 2019 and the group has been at a standstill for the last two years. Ross stated that she is frustrated with the lack of progress and has asked the commission to support her to get these agricultural regulations finished. She would like to request all of the work completed by the attorney be handed over to the commission to complete.

Gigliotti agreed that the commission needs to move forward and complete the regulations and asked Byrne to reach out to the attorney to gather the work that has been completed up to this point.

New Business

Discussion on zoning permit issued to 1859 Associates, Gary Reynolds Jr. for the construction of a personal use storage building measuring 60 ft x 120 ft at 287 Hamburg Road. The permit specifically states, approved for personal use only, no commercial use allowed.

Byrne stated that he wanted to give the commission a head's up that a permit has been given to construct a building on the property at 287 Hamburg Road. This building has been approved for personal use only, and is not to be used for commercial purposes. Byrne wanted to make the commission aware in case they receive questions on the project from the public.

Approval of Outstanding Minutes of the May 10, 2021 meeting

Gigliotti called for a motion to approve the minutes from the May 10, 2021 meeting as presented. Ross made the motion, seconded by Fiske, and the motion carried.

Adjournment

The meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Jennifer Thomas, Secretary