



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 July 12, 2021 at 7:30 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT 06371.

MEMBERS PRESENT: Bernie Gigliotti Chair, Kristina White, Will Fiske, William Koch, Phyllis Ross, Carol House, seated alternate Humphrey Tyler, unseated alternates Mary Stone and Fritz Gahagan, Ross Byrne ZEO and Jennifer Thomas Secretary

Absent Members: Dave Tiffany

There were several members of the public present.

Gigliotti opened the public hearing at 7:33 p.m.

Seat Alternate Member

Gigliotti sat alternate member Tyler for absent regular member Tiffany.

Public Hearing

The property of Andrew Barker, 86-2 Joshuatown Road, Tax Map 18 Lot 29 concerning a special permit for the construction of a new barn. The total combined floor area on the property exceeds the limit of 4000 sq. ft. requiring a special permit per Chapter 315, Article 14.4.

Present: Andrew Barker

Barker stated that he would like to withdraw the proposed bathroom in the submitted barn plans and continue with the remaining portions of the application. He is hoping to receive approval from the health district in the future and intends to add the bathroom to the barn at a later time.

Barker presented the plan, stating that the barn is to be 34 ½ feet in height and is tucked away on a part of the property that should not be seen by the neighbors or from Hamburg Cove.

Gigliotti questioned why the barn has been placed in that location and Barker stated that he feels this location is the least visible to neighbors and the from Hamburg Cove.

Byrne said that he went on a site walk of the property and the proposed location for the barn is in a bit of a hollow and there are many tall trees, both on the Barker property and the neighboring property, which will shield the barn from the view from the Cove.

Gigliotti called for any public comment.

Skip Hine stated that his was in support of the project.

Gahagan asked if a condition of the approval can be that the trees and understory must not be removed.

Gigliotti stated that not all of the trees that block the view are on the subject property, but a condition could be made that some evergreen trees are planted on the northern property line.

Barker stated that he would be amenable to such a restriction.

Sue Cope, representing the Lyme Land Conservation Trust, stated that the property is encumbered by an easement which, among other restrictions, limits the number of trees that can be removed on Mr. Barker's property. The Lyme Land Conservation Trust submitted a letter to the Planning and Zoning Commission outlining the conservation restrictions and the determination that the proposed activities are not in violation of these restrictions.

Tyler asked for clarification that the commission is approving both the proposed barn as well as the primary residence additions and Gigliotti stated that this is correct.

Tyler pointed out that the commission also received a letter from the Connecticut River Gateway Commission which generally approved of the project but asked that no lighting be installed in the cupola proposed on the addition to reduce potential light pollution viewed from the Cove.

With no further comments, Gigliotti closed the public hearing at 7:48 p.m. and the regular meeting was opened. Gigliotti introduced Fritz Gahagan as a newly appointed alternate member of the commission.

Regular Meeting

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Present: Andrew Barker

Gigliotti called for any further discussion of the application.

Gigliotti entertained a motion to approve the application as presented with the conditions that no lighting be installed in the cupola on the addition and that some evergreen trees be planted along the property line on the northern side of the barn.

Fiske made the motion, seconded by Tyler.

Gigliotti called for any discussion. Koch stated for the record that he was in favor of approving the motion but without any conditions.

The motion was approved unanimously.

Old Business

Summary of how recent State legislation affects Lyme.

This discussion has been postponed to future meeting.

Short Term Rental discussion by commission and land use counsel.

Present: Attorney Mike Carey

Gigliotti stated that he met with Stone and House to discuss what steps needed to be made in order to move forward with regulating short term rentals. It was agreed that House and Stone would attempt to reconcile Attorney Carey's comments and the Board of Selectmen comments with the proposed ordinance and concurrently draft regulations based on the ordinance, which will be needed whether the ordinance is eventually used or if the commission decides to regulate with regulations only.

House presented the commission with the Outline of Changes to STR Ordinance, which outlined the changes made to the proposed ordinance, as well as the reasons for the change and the

comments received from the attorney and/or Board of Selectmen. The commission discussed the changes.

Attorney Carey cautioned that the Board of Selectmen may not be able to appoint an agent without first passing a citation enforcement process ordinance and he agreed to provide the commission some information on how to draft this ordinance.

Items discussed included owner occupancy and host requirements, removing the restrictions on cottage food operations, noise and lighting restrictions, standards for denial of initial permit or renewal of permit, discouraging parties, regulation of accessory apartments, and the potential for an outside management company that can help identify and oversee short term rentals in town.

House thanked the members for their comments and stated that the Short Term Rental Working Group will continue to work on both the ordinance and the regulations and plan to bring a draft set of regulations before the commission at the next meeting.

Tyler questioned if a cease and desist can be sent to a known existing short term rental under the current regulations.

Attorney Carey suggested entering executive session to discuss this further.

Executive Session

Fiske made a motion to add an executive session to the agenda with the discussion to be on the Old Hamburg Road property and potential enforcement actions. Tyler seconded the motion and the motion passed unanimously.

The commission entered executive session at 9:10 p.m. and returned to regular meeting at 9:44 p.m. No votes were taken. Ross Byrne ZEO and Attorney Mike Carey were in attendance.

Old Business Continued

Discussion on Agricultural Regulations

Ross questioned Gahagan on the status of the agricultural regulations.

Gahagan gave the commission a summary of where he is in the process and stated that he will be meeting with the ZEO the following Tuesday. He advised the commission that they may want to schedule a separate meeting for the review of the proposed regulations.

Ross stated that she believes that it is important for the commission to move quickly on this as farmers in town have been waiting on these regulations before implementing changes to their businesses in order to make sure they will be in compliance.

Gigliotti asked if Gahagan can forward the commission what he has at this point and Gahagan said that he can get this to the commission by the end of the week.

Discussion on Birch Mill Bridge

Gigliotti made the commission aware that there will be an agenda item next month to discuss Birch Mill Bridge and the Town Engineer Don Gerber will be there to present, including the cost differences involved in utilizing different materials.

New Business-None

Approval of Outstanding Minutes of the June 14, 2021 meeting.

Gigliotti called for a motion to approve the minutes of the June 14, 2021 meeting. Tyler made the motion, seconded by Fiske, and the minutes were unanimously approved.

Adjournment

The meeting was adjourned at 9:57 p.m.

Respectfully submitted,

Jennifer Thomas, Secretary