

**Lyme Planning Board Minutes**  
**November/12/2015**

Board Members and Staff Present: John Stadler, Chair; Tim Cook, Vice Chair; C Jay Smith, Select Board Representative; Vicki Smith, Member; Ursula Slate, Member; Eric Furstenberg, Alternate; Freda Swan, Alternate; David Robbins, Planning and Zoning Administrator.

Board Members Absent:

Members of the Public Present: Rich Brown, Liz Ryan Cole, Judy Brotman, Don Metz,, Jonathan Edwards Philip Pochoda, Bob Rufsvold

**Item 1: Zoning Amendments.**

Dwelling unit definition.

The Board noted that having two different definitions for “dwelling unit” one in the ordinance and one in the subdivision regulations was not ideal. The Board requested comment from legal counsel on their proposed single definition. He had asked the Board to reconsider the wording “established for regular occupancy.”. It was pointed out to counsel that this wording was pre-existing and had not been altered.

After some discussion, John suggested the Board table this revision until next year. He felt that there was not enough time left to adequately address this issue. The Board agreed. This issue will be reconsidered in 2016.

The Planning and Zoning Administrator noted that the Board needed to set a date for the Public Hearing for the amendments they planned to present at the March 2016 Town Meeting The next Planning Board meeting, and the last one of the year, is scheduled for on December 10<sup>th</sup>, 2015.

John moved to schedule a Public Hearing on the proposed zoning amendments on December 10<sup>th</sup>, 2015, at 7:00 pm.

Vicki seconded the motion.

John called for a vote and the motion passed unanimously.

**Item 2: Pinnacle Project.**

Rich Brown and Liz Ryan Cole attended the meeting to discuss their desire to construct an up to 36 unit complex on the property at 70 Orford Road.

John noted that these discussions were informal and not binding on either party.

Liz talked about reducing the project from their current 36 units to 32 units. This would be done by eliminating the Workforce Housing component. She passed out illustrations of what the project might look like. Their letter to the Board indicated they might be satisfied with a range of from 26 units on up.

Rich felt that because of the nature of their property, they would need to own hundreds of acres to build to their desired density. He asked about creating bonuses for various goals the Town might value.

It was pointed out that if there is a parcel with a one acre plateau surrounded by four acres in steep slopes, it might be true that the owner has five acres. However, to assert that all five acres can or should be utilized in the same way is wrong. The same principle applies to Pinnacle's property.

Frida said Pinnacle was overlooking one very important aspect of the Zoning which is to protect areas such as wetlands, steep slopes and agricultural soils, all of which Pinnacle has on their property.

John said that speaking for himself, he would be willing to consider density bonuses for affordable housing, senior housing and Lyme Common District infill and/or expansion. He emphasized that any of these potential considerations would be analyzed by their benefits to Lyme as a whole rather than by how they might impact Pinnacle's development.

He added that any consideration of these issues would be a deliberate process and would not be done hurriedly in order to rush something for the 2016 Town Meeting, as Pinnacle had urged. Vicki also felt that any potential changes should be for the benefit of the Town as a whole, and not for the benefit of one particular developer.

Liz felt the Board should add extra meetings over the holidays so that they could have something ready for Town meeting. Board members said that would not be possible and would be a poor way to proceed given the important issues that would need to be carefully considered.

John pointed out that earlier in the year, he had urged Pinnacle to take the time to work with the Planning Board to explore all their possibilities before going to the Zoning Board to ask for variances. This approach was pointedly rejected by Pinnacle. Given that, asking the Planning Board to suddenly rush as a result of Pinnacle's decisions on how to utilize their time before the Boards seems unreasonable.

Addressing the density issue, John said that the Board had offered an extremely generous Zoning Amendment to Pinnacle providing for 26 units that was supported by 4 of the 5 members, at that time. Pinnacle rejected this and petitioned their own 26 unit amendment which was soundly defeated by a Town vote. John said he could not and would not ignore that result in any ongoing considerations.

Vicki said that Pinnacle's proposed site was not truly walking distance to Town in that there wasn't a safe way to reach the Common on foot.

In general, she thought the Town might benefit from more rental units since not everybody wants to be an owner and that affordability of such units would be an added benefit.

There was discussion of Workforce Housing (WFH) and moderately priced housing and housing diversity. Tim pointed out that Lyme has a significant percentage of WFH. John said he had done a preliminary update on the WFH inventory and that, on a first run through, the percentage looked to have increased by a couple of percentage points. He emphasized that these were preliminary numbers based on the current information available on the Town website and that the Board would need to finalize them. He also planned on doing a Town-wide inventory, so that not only WFH, but all levels of pricing could be considered.

John asked the attending public if they had any comments.

Judy Brotman suggested that the Pinnacle Project change their approach by doing what is allowed under the current ordinance, perhaps with some minor changes, rather than trying to remake it to fit their plans.

Don Metz said he was neutral in these discussions, but felt that Pinnacle's presentation was all over the place. He thought they should look at the ordinance and propose a plan in a clear manner that recognizes the intent of the ordinance.

Jonathan Edwards, Pinnacle's consultant, said he believed affordable housing should be required to remain affordable in perpetuity and that a density bonus for creating affordable housing should be three or four times the affordable units.

Liz asked that further Pinnacle Project discussions be included on the agenda for the December 10th meeting. It was noted that the public hearing for zoning amendments is scheduled for that date and would be given priority.

### **Item 3: Acceptance of minutes from October/22/2015**

Vicki moved to accept the minutes as submitted.

Tim seconded the motion.

John called for a vote and the motion passed unanimously.

### **Item 4: New Business**

Two Planning Board appointed Zoning Board alternate members needed to be re-appointed: Mike Woodard and Dan Brand.

Vicki moved to re-appoint Mike Woodard and Dan Brand to the Lyme Zoning of Adjustment for a 3 year term.

Tim seconded the motion.

John called for a vote and the motion passed unanimously.

Beth Taylor had dropped off some cookies for the Board as a thank you for their work and help with the site plan review for Lock and Lube, LLC. The Board asked the Planning and Zoning Administrator to thank Ms. Taylor.

The meeting adjourned at 8:30pm.

Respectfully Submitted,  
David A. Robbins  
Lyme Planning and Zoning Administrator.