

Lyme Planning Board Minutes
April/28/2016

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

Board Members Absent: Freda Swan, Alternate

Members of the Public Present: Dan O'hara, Dona St. Peter, Priscilla Power, Sam Power, Nancy Elizabeth Grandine, Judy Barker, Laurie Wadsworth, David Roby, O. Ross McIntyre

John appointed Amber to sit for Eric on this case as he was running late.

Item 1) O. Ross McIntyre has applied to the Lyme Planning Board on the behalf of the owners to adjust the boundaries of the following lots: 27 Orford Rd, Tax map 408 Lot 7, 108 Post Pond Lane, Tax map 408 Lot 15, 110 Post Pond Lane, Tax map 408 Lot 16 112 Post Pond Lane, Tax map 408 Lot 17, 114 Post Pond Lane, Tax map 408 Lot 18.

Ross stated that he represented the four land owners seeking to adjust the boundaries of four small lots on the south shore of Post Pond. He noted that all the area was within the Shoreland Conservation District. The intent of the adjustments were to solve two main issues. First, several accessory buildings had been built over the years without regard to the lot boundaries. The Lot Line Adjustment would place the buildings on their correct lot. The second issue is an area of contention between lots 17 and 16. Portions of lot 17 will be annexed to lots 16 and 18, effectively eliminating lot 17.

Vicki noted that map and lot numbers were missing for two of the lots on sheet 2 and that the Shoreland Conservation District was not shown.

The Board reviewed the content of the application and deemed it complete. Vicki moved and Tim seconded a motion to accept the complete application. John called for a vote and the motion passed unanimously.

John asked if there were any further questions from the Board. There were none. John then asked if there were any questions or comment from the public. There being none, Vicki moved to approve the application with the following conditions:

- 1) The two missing map and lot numbers on sheet 2 shall be added.
- 2) The Shoreland Conservation District will be added to both sheets.
- 3) A deed restriction shall be placed in the body of the deed or other instrument of transfer stating as follows: "The grantee(s) by virtue of acceptance of this deed agree(s) that the premises hereby conveyed shall not be deemed or considered a separate lot of record, but shall be regarded as merged into and made an integral

part of the contiguous lot of land previously owned by the grantee(s) so that the same shall hereafter be one combined single lot of record.”

Tim seconded the motion.

John called for a vote and the motion passed unanimously.

Item 2) Michael Hughes has applied to the Lyme Planning Board to request an amendment to the conditions of a subdivision approved in 1985. In the 1985 approval conditions were imposed. The applicant has requested that the conditions be amended to meet the current standard as set forth in the Lyme Curb Cut Regulations.

Michael stated to the Board that his farther in law had subdivided the property in 1986 into two lots. One lot contained the house and the other was vacant. A condition of the subdivision was that there needed to be 300 feet of sight distance in both directions for the driveway. No driveway was shown on the subdivision plan. He now wishes to build a house on the vacant lot and is trying to site the driveway. The property is located on a steep section of Pinnacle Hill Road. Due to slope conditions the most logical place to build the driveway is at on the eastern side of the lot. The proposed location of the driveway has sight distances of 200 feet, the current required distance under the curb cut regulations. In order to make the 300 feet of site distance to the west a large bank approximately 40’ high would need to be cut back and the material removed. The applicant stated that this would be a large expense that would change the character of the neighborhood. In addition a utility pole carrying both power and phone lines would need to be moved. It is unknown if this could be done and at what cost.

The applicant showed plans for the driveway, indicating that he could meet all the conditions of the subdivision with the exception of the site distances. It was noted that removal of a broken pine tree that was on the property line as well as some bank grading onto an abutting property would need to be addressed in order to meet the sight distances. John stressed that if the Board approved the reduced sight distances that the applicant would need to get approval from the abutting landowner to perform any work on her property.

Vicki voiced several concerns. In her opinion there was not enough snow storage for the end of the driveway and she wanted data showing that a car coming down Pinnacle Road could stop within 200 feet.

John asked if there were any questions or comments from the public. Donna St. Peter stated that she is the abutting property owner to the east. She shares the tree that ins marked for removal and it was her property that would need to be graded. She had spoken with the applicant’s wife. She is against having the tree removed because she is concerned that this will lead to erosion of her property.

David Roby stated that he felt that the subdivision should not have been approved in the first place. John stated that he understood David's point but the reality of the situation was that the subdivision was approved and because conditions for a driveway were approved the current Board must conclude that the approval was for a building lot. As such the current Board should look for the best outcome possible for all those involved, while protecting the interests of the Town.

There being no further discussion, John moved to change condition # 5 of the subdivision from:

#5 There must be a sight distance of 300' westerly and 300' easterly when viewed from a point ten feet back from the edge of the travelled portion of Pinnacle Road at a level of 39" above the ground surface. Banks at the entrance of the driveway must be cut back to provide visibility to meet these standards.

To:

The sight distances shall meet the current site distances as specified in the Curb Cut Regulations.

(The current Curb Cut Regulations require 200' site distances.)

Tim seconded the motion.

John called for a vote and John, Jay, Eric and Tim voted to approve. Vicki voted against as she was still concerned that the stopping distance may not be enough.

The motion passed by majority vote.

Item 3) David Roby, Informal subdivision review.

David Roby came to discuss the possibilities of subdividing a non-conforming lot from the existing lot (Tax map 410 Lot 31.1) at 172 Baker Hill Rd, owned by Jane Palmer. Jane would like to give the old school house (Chesly School) to the Lyme Historians. The intent is to divide the property into two lots the first to be just enough land to encompass the building, with the second lot being the remainder.

Several possibilities were discussed. The intended school house lot was too small to be allowed as part of a conventional subdivision. The existing lot, which includes property on both sides of Bailey Hill Lane, does not have enough property after Conservation District Reductions to allow a Lot Size Averaging subdivision. Mr. Roby suggested that Jane Palmer's house lot on the west side of Baker Hill Road could be included in the subdivision, but it does not have enough road frontage. Mr. Roby stated that there is one other option, He owned the lot to the south of Jane Palmer's house lot and he could annex enough land to meet the frontage requirements. He felt this would work, but he would need more time to analyze this plan.

He then asked the Board if they could waive the requirement of a survey. The Planning and Zoning Administrator stated that section 1.04 of the Lyme Subdivision Regulations prohibits the Planning Board from waiving the survey requirement for lots under 30

acres. The Planning and Zoning Administrator also stated that the proposed subdivision would require New Hampshire Department of Environmental Services, Subsurface Systems Bureau approval as well.

Vicki suggested that the Historians explore the possibilities of a larger lot that could support a septic system and well. She believed that even though the Historians had no plans that required a septic system, in the future they might have a need. She suggested that they could ask Jane for an easement for a septic on the remaining lot.

Mr. Roby thanked the Board for their time and stated he would be back when he had formulated a final plan.

Item 4) Approve the Minutes from April 14, 2016

John moved to accept the minutes as amended by Tim.

Vicki seconded the motion.

John called for a vote and the motion passed unanimously.

Item 5) New Business.

Vicki shared an email she received from a concerned citizen in reference to the rental of rooms. John noted that the Board was working on housing issues this year and this issue should be specifically addressed. He also noted that the Zoning Ordinance did not specifically address the rental of rooms, but that it was a customary accessory use.

The meeting adjourned at 9:15 pm.

Respectfully Submitted

David A. Robbins

Lyme Planning and Zoning Administrator.