

**Lyme Planning Board Minutes  
November/09/2017**

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: None

Members of the Public Present: None

**Item 1: Acceptance of minutes from October/26/2017**

Vicki moved to accept the minutes as submitted.

Tim seconded the motion.

John called for a vote and the motion passed unanimously.

**Item 2: Meeting with the Lyme Community Development Committee.**

John had emailed Nils Johnson, Chair of the Lyme Community Development Committee (LCDC) to try to schedule a meeting between the Planning Board the LCDC. Sue Mackenzie a member of the LCDC recently responded and suggested Thursday November 16, 2017. The Board scheduled an extra meeting for 4pm on that date. John said that he would email Sue to confirm.

**Item 3: Senior Housing Zoning Article.**

John had created a first draft of a Senior Housing article. The full text of the draft article is located at the end of these minutes. Its intent was to create greater opportunities for senior housing within the current Lyme Common Zoning District.

John noted that this was a first draft and felt it needed additional work to see whether it, in fact, would responsibly create opportunities for senior housing. The Board concluded that a build out analysis based on the current zoning regulations in the Lyme Common District and the proposed regulations would be important. Vicki suggested that this would be a good project to have the Upper Valley Lake Sunapee Regional Planning Commission undertake. John asked Amber who works for the UVLSPC to ask the Planning Commission for a quote. The Planning and Zoning Administrator noted that he would have to add the cost to the planning and zoning budget for 2018. This would need to be done soon as the budget had already been submitted. Alternatively, he suggested that the Board might want to submit a grant request to the Lyme Foundation.

John asked the Board for comments and suggestions.

Vicky stated that there should be a provision for mixed use to allow for the potential of having a building that could provide not only senior housing but also some services such as banking or hairdressing. She also noted that the only way to ensure that the units were occupied in the correct proportion was to have the Zoning Administrator continuously perform "bed checks". She suggested that this could be better managed by a senior

housing organization so that the cost of monitoring would not be the responsibility of the Town.

The Planning and Zoning Administrator suggested that the requirement for water and septic be removed from the bonus provision and made a basic requirement. He also noted that one potential difficulty for creating up to 12 units of housing would be finding lots that had a suitable area for waste disposal. John said 12 was a maximum and fewer could be developed if waste disposal was not adequate for 12. He also thought that this was another good reason to have a build out analysis.

The Board discussed and changed item “C” under section “13.40 BONUS PROVISION” to read

c) A minimum of fifteen percent of the dwelling units or two dwelling units must be affordable as defined in article 11.

John asked the Planning and Zoning Administrator to give copies of the draft language to Patty Jenks so she could pass it along to those in Aging in Place group for their input.

Item 4: Zoning Amendments.

The Board discussed the three proposed zoning amendments (located at the end of these minutes), for the 2018 Town Meeting. The members decided to remove the special exception for height over 35 feet if recommended by the Fire Chief. The Board concluded that the ambiguous language could create buildings that were too high as long as the Fire Chief could provide adequate fire protection. The Board felt that it would be better to remove the special exception and that if an exceptional need arose then the Zoning Board could consider a variance.

### **5.21 Height Regulations.**

- A. The greatest height of any point on the structure shall not exceed 35 feet from the **average** finished grade except as permitted below or within the Telecommunications Facilities Ordinance. ~~A special exception may be granted by the ZBA if recommended by the Fire Chief due to specific site conditions which allow adequate fire protection.~~

The other two proposed changes were approved without revision. The Board voted to hold a public hearing on December 14<sup>th</sup>, 2017 for the three amendments.

The meeting adjourned at 8:50 pm.

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

## **ARTICLE XIII (Draft)**

### **INTRODUCTION:**

*The following is a draft Senior Housing Article. It is not yet adequately vetted insofar as there has been no buildout analysis, in depth breakdown of its impacts or anything more than an anecdotal inventory of applicable properties. **Therefore, it is less a proposal than a provisional starting point that can serve as a basis for discussion and more in depth analysis.***

*This draft is written in response to multiple issues of concern facing the Town, the Planning Board and input from various community members and groups.*

*First, it deals with Senior Housing as a growing issue for Lyme (as well as for towns and cities across the State).*

*Secondly, it takes into account the need to deal with the Lyme's increasing tax burden. Senior Housing has the benefit of addressing a need while doing so with potentially far less impact on Town services than other types of development. And by keeping it centrally located, it addresses one of the major requirements of Senior Housing while also avoiding sprawl and its associated side effects and costs.*

*Third, by requiring a small percentage of the units to be affordable, for either seniors or non-seniors, Lyme can concurrently continue to address this demographic in a responsible manner.*

*There are reportedly several available properties in the Lyme Common Zoning District that are currently for sale that could take advantage of this approach. That could result in a possible improved tax distribution while also potentially shortening the length of time that the above-mentioned downtown properties remain in flux while for sale.*

*Attractive cell phone coverage and internet connectivity continue to be a problem for Lyme. The downtown area might offer better such services than elsewhere.*

*Although new construction is allowed under certain conditions in this provisional draft, whether or not that is wise or necessary needs to be analyzed and discussed. Working with the existing inventory may very well be sufficient.*

*Under Article III:*

SENIOR HOUSING ZONING DISTRICT. The boundaries of the Senior Housing District are shown on the Lyme Zoning map and are identical to those of the Lyme Common Zoning District as of 2017. The objective of the Senior Housing Zoning District is to promote appropriately scaled opportunities for housing dedicated to seniors that is within the central compact area of Town and therefore more accessible than elsewhere to its associated services and active community life. New or converted buildings in this District shall be architecturally consistent with the established character of the area.

#### ARTICLE XIII: SENIOR HOUSING (Draft)

##### 13.10 OBJECTIVE

It is important that Lyme provide opportunities for the housing of its economically diverse senior population that is centrally located and accessible to the downtown businesses, services and the active community life found there. Being centrally located is crucial not only to promote accessibility for senior residents, but also to avoid sprawl, traffic congestion and their associated costs elsewhere. This Article XIII provides certain exceptions to the other provisions of the Zoning Ordinance as well as potential bonus provisions in order to enable the creation and maintenance of a centrally located stock of senior housing.

##### 13.20 DEFINITION OF SENIOR HOUSING

Senior Housing is hereby defined as housing within the Lyme Senior Housing District as described under Article III and is housing where at least 85% (rounded off to the nearest whole number) of the residents are 60 years of age or older. Any Senior Housing proposal must conform to the standards of the Site Plan Review Regulations.

##### 13.30 DIMENSIONAL CONTROLS AND PROVISIONS

-For the purposes of this Article XIII, a Senior Housing proposal must be within the Senior Housing Zoning District as defined under Article III.

-If the Planning Board finds that a proposal is consistent with the Site Plan Review standards, it may modify certain dimensional controls (frontage, set back, lot width, maximum building footprint and maximum lot coverage) as appropriate in view of design, location and character.

-New multi-dwelling Senior buildings may be allowed solely under this Article so long as they meet all the requirements of this Article XIII.

#### 13.40 BONUS PROVISION

Any proposal that is to be developed within a new or existing building of a minimum of 5,000 square feet may qualify for up to a maximum of 12 dwelling units, if the following conditions are met:

- a) The applicant must demonstrate that a water supply and septic system can be built and maintained according to State requirements.
- b) Any Senior Housing developed under this Article XIII shall not be converted to another use for a minimum of twenty years without the approval of the Planning Board.
- c) A minimum of fifteen percent of the dwelling units or two dwelling units must be affordable under the definitions of the New Hampshire Housing Authority Act RSA 204-C:56
- d) No more than one such development shall be permitted within 500 feet of the nearest boundary of another and all such developments must be architecturally consistent with the established character of the area.
- e) All other provisions of this Zoning Ordinance as well as all other Town and State regulations shall apply.

(Add to 4.1 Uses chart)

## **Proposed Zoning Amendments for the 2018 Town Meeting**

### **5.21 Height Regulations.**

- A. The greatest height of any point on the structure shall not exceed 35 feet from the **average** finished grade except as permitted below or within the Telecommunications Facilities Ordinance. A special exception may be granted by the ZBA if recommended by the Fire Chief due to specific site conditions which allow adequate fire protection.

Current Language:

**8.27 Replacement of a Non-conforming Structure.** Nothing herein shall prevent the replacement of a non-conforming structure so long as the replacement does not result in a new or increased violation.

The proposed language:

**8.27 Replacement of a Non-conforming Structure.** Any non-residential replacement requires Site Plan Review prior to the issuance of a Zoning Permit. Otherwise nothing herein shall prevent the replacement of a non-conforming structure so long as the replacement does not result in a new or increased violation.

Current Language:

**8.26 Replacement, Restoration, and Reconstruction.** Nothing herein shall prevent the substantial restoration or reconstruction within two years of a non-conforming building or structure destroyed in whole or in part by fire or other natural casualties, to include snow load, wind, or age, or the replacement of a building or structure so long as this use does not result in a new or increased violation. Such a restored, reconstructed, or replaced building or structure shall be considered an existing building or structure for purposes of this Ordinance.

The proposed language:

**8.26 Replacement, Restoration, and Reconstruction.** Any non-residential or multi-dwelling replacement, restoration or reconstruction requires Site Plan Review prior to the issuance of a Zoning Permit. Otherwise nothing herein shall prevent the substantial restoration or reconstruction within two years of a non-conforming building or structure destroyed in whole or in part by fire or other natural casualties, to include snow load, wind, or age, or the replacement of a building or structure so long as this use does not result in a new or increased violation. Such a restored, reconstructed, or replaced building or structure shall be considered an existing building or structure for purposes of this ordinance.