

**Lyme Planning Board Minutes**  
**December /14/2017**  
Draft

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 Roby Jr. Alternate; David Robbins, Planning and Zoning Administrator.

Board Members Absent: None

Members of the Public Present: David Roby, Rusty Keith, Sue Mackenzie, Robert Wetzel, Thomas Green, Katheryn Lee Green, Liz Ryan-Cole, Bret Ryan, Chris Ramsden

**Item 1)** Robert Wetzel has applied on behalf of Thomas D. Green and Katheryn Lee Green to the Lyme Planning Board for approval of a minor subdivision of the lot at 341 Orford Rd (Tax Map 406 Lot 4)

At the start of the meeting there were only four members present. John asked the applicants if they would accept a four member Board. The Planning and Zoning Administrator noted that for the Board to approve the subdivision, it would require a vote of three out of the four members present. The applicants agreed to a four member Board. Shortly after the hearing started David Roby Jr. arrived. John appointed him to sit as a regular member. A few minutes later both Eric and Amber arrived.

John asked Vicki to work through the checklist to ensure the application was complete. Vicki also noted the driveway to the barn on lot 0 was not shown. She stated that it obviously does exist and therefore the Board could waive the requirement to show the driveway on the plat. She also noted that the Board should approve waivers for the well and septic on lot 1 as this lot would be approved as a conservation lot only. The application was found to be complete with the three waivers and the Board voted unanimously to accept the application.

John asked the Board if they had any questions. Vicki noted that the proposed septic area on lot 0 was partway in the front setback and would require Zoning Board approval for construction. The applicants stated that they have no plans to develop the lot at this time and have no issues applying for Zoning Board approval in the future if plans change.

Vicki asked about the abandoned road shown on the inset. Mr. Green stated that it was a remnant of the old State RT 10, which was left over from when the state moved the road. Jay Smith confirmed that there was a letter in the Town files, from the State, turning the road over to the Town. Jay noted that the Town has never maintained the road as it is a Class VI road.

John asked if there were any questions from the public. David Roby Sr. asked who would be holding the conservation easement on lot 1. Mr. Wetzel stated that he intended to have the Upper Valley Land Trust hold the easement.

Mr. Roby was also concerned that lot 0 did not meet the requirements under section 4.02 of the subdivision regulations. He contended that there was not enough buildable land due to the conservation districts. John noted that the Planning Board is allowed to define building envelopes to limit the intrusion into conservation districts. The applicants noted that they had no intention of developing this property and would be willing to have the subdivision approved with lot 0 being a non-residential lot as long as they could come back to the Planning Board in the future and have a building envelope defined.

John asked if there were any more questions. There being none he reviewed the waivers, the corrections to the plat, the findings and the conditions of approval:

**Waivers:**

Well and septic location for lot 1.

Driveway location for Lot 0.

**Corrections:**

Abutter Address for Bailey, map 406 Block 6 lot 0 should be Dartmouth not Darmouth.

Abutting owner for map 406 Block 15 lot 0 "Other lands of Thomas D. Green" should read "Other lands of Thomas D. Green and Kathryn Lee Green.

Abutting owner for map 406 Block 18 lot 0 "Other lands of Thomas D. Green" should read "Other lands of Thomas D. Green and Kathryn Lee Green.

Notation in the inset, should say Class VI not Class V.

**Findings.**

While not shown on the plat, there is an existing driveway to the barn on lot 1.

The abandoned section of RT 10 was conveyed to the town and is a Class VI road.

**Conditions:**

Lot 1 is approved as a conservation lot as defined in the Lyme Subdivision regulations.

Lot 0 is approved as a non-residential lot with the owners understanding that at such time the property owner wishes to develop the property, they will have to apply to the Lyme Planning Board to approve a building envelope subject to section 4.02 of the Lyme Subdivision Regulations. Any envelope created by the Planning Board may require additional approval from the Lyme Zoning Board of Adjustment.

Agricultural uses and structures on lot 0 are allowed.

John moved to approve the application for subdivision with the above waivers, findings and conditions.

Tim seconded the motion.

John called for a vote and the motion passed unanimously.

**Item 2)** Public hearing to discuss proposed zoning amendments for the 2018 Town meeting.

John opened the public hearing and reviewed the changes to section 5.21 Height Regulations. He asked if there was any comment. Having no comments, John moved to send the amendment to the Town for a vote at the 2018 Town Meeting.

Eric seconded the motion

John called for a vote and the motion passed unanimously.

Amended section 5.21 to be submitted to the 2018 Town meeting for a vote.

### **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.~~
- B. Flagpoles are exempt from height and setback regulations.
- C. Silos, agricultural structures and church steeples are exempt from height regulations.
- D. Radio or TV antennae for private, non-business reception may extend above the height limit specified in this section and may be located on the roof of a structure of main use, but not in the required road, side, or rear setback area, unless adequate reception may only be obtained in the setback area.

John reviewed the changes to section 8.26 Replacement, Restoration, and Reconstruction. John asked if there was any comment from the Board or public. There was none, John moved to send the amendment to the Town for a vote at the 2018 Town Meeting.

Eric seconded the motion

John called for a vote and the motion passed unanimously.

Amended section 8.26 to be submitted to the 2018 Town meeting for a vote.

**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.

John reviewed the changes to section 8.27 Replacement, Restoration, and Reconstruction. John asked if there was any comment from the Board or public. Eric noted that in the amendment for section 8.26 included “non-residential or multi-dwelling replacement” but the amendment for section 8.27 only included “non-residential replacement”. The Board had a short discussion and decided to amend section 8.27 to include multi-dwelling replacements. The amended article will now read:

**8.27 Replacement of a Non-conforming Structure.** Any non-residential and multi-dwelling 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.

John moved to send the amended section to a second public hearing on January 11<sup>th</sup>, 2018 during the regular Planning Board meeting starting at 7:00 pm.

Eric seconded the motion

John called for a vote. John, Tim, Vicki, and Eric vote in favor of sending the amended section to a second public hearing. Jay Smith voted not in favor.

**Item 3)** Accept the Minutes from the November 09, 2017 meeting  
John moved to accept the minutes as amended by Tim.  
Eric seconded the motion.  
John called for a vote and the motion passed unanimously.

**Item 4)** Schedule public hearing for petitioned zoning amendment.  
John moved to hold a public on the petitioned Zoning amendment to enlarge the Lyme Commercial Zoning District on the west side of State RT 10 on January 11<sup>th</sup>, 2018 during the regular Planning Board meeting starting at 7:00 pm.

**Item 5)** New Business.

John confirmed with Sue Mackenzie that the Lyme Community Development Committee would be able to meet on Jan 25<sup>th</sup>, 2017 during regular Planning Board meeting.

### **UVLSRPC Build out proposal**

The Upper Valley Lake Sunapee Regional Planning Commission had submitted a proposal for a build out analysis of the Lyme Common Zoning District. The Board

reviewed the proposal and decided to move forward. The Board discussed the \$1080.00 cost of the build out analysis. Jay Smith noted that there is still time to add this to the Planning and Zoning budget. John asked the Planning and Zoning Administrator to add this to the budget for 2018.

### **Planning Board report for the Town Report.**

The Board reviewed the Planning Boards report of accomplishments for 2017. Several minor changes were made and the Board voted to have the revised report included in the 2017 town report.

### **Select Board proposed amendment to section 3.254 of the Lyme Zoning Ordinance.**

The Select Board came to the meeting to ask the Planning Board to amend section 3.254 to eliminate the protection of locally important agricultural soils. Their proposed amendment was then distributed to the Planning Board for the first time and is shown below:

Original Language:

Section 3.254 Agricultural Soils Conservation District

The Agricultural Soils Conservation District is hereby defined as comprising those areas in Rural, East Lyme and Mountain and Forest Zoning Districts characterized agricultural soils of national, statewide or local importance designed as such in its soil Survey of Lyme, NH. Such soils are listed in Appendix F.

Current Language (adopted under Article 6 2001:

Section 3.254 Agricultural Soils Conservation District

The Agricultural Soils Conservation District is hereby defined as comprising those areas in Rural, East Lyme and Mountain and Forest Zoning Districts ~~characterized~~ **determined to be** agricultural soils of national, statewide or local importance. ~~designed as such in its soil Survey of Lyme, NH. Such soils~~ **Agricultural soils commonly found in Grafton County** are listed in Appendix F. **If any soils found during site field work are not described in the natural Resources Conservation Service (NRCS) publication *Soil Survey of Grafton County Area, New Hampshire*, the applicant must provide a determination of agricultural importance for those soils from NRCS or other appropriate agency.**

Proposed Language:

Section 3.254 Agricultural Soils Conservation District

The Agricultural Soils Conservation District is hereby defined as comprising those areas in Rural, East Lyme and Mountain and Forest Zoning Districts ~~determined to be~~ agricultural soils of national ~~or~~ statewide ~~or local~~ importance **only**. Agricultural soils commonly found in Grafton County are listed in Appendix F. If any soils found during site field work are not described in the natural Resources Conservation Service (NRCS) publication *Soil Survey of Grafton County Area, New Hampshire*, the applicant must provide a determination of agricultural importance for those soils from NRCS or other appropriate agency.

The Select Board believe that by relaxing the zoning regulations it would be easier for property owners to construct new homes and that these new homes would increase Lyme's tax base and lessen the overall taxes paid by each property owner.

The Planning Board having just had time to quickly review the proposal was uneasy that there was no data to support the Select Board's conclusion. Vicki was unsure if the Agricultural Soils were an impediment to development given that 25% can be developed. John felt that the assumption that this type of haphazard increased development would result in a net gain for the tax base was highly questionable. There was no consideration given to the impacts on the school and other town services. He went on to say that he was in favor of broadening the tax base in a way that was more focused and researched. The draft of a senior housing article that allows for more centrally located density and affordable units is an attempt to do just that. It would avoid sprawl and most likely be a net gain for the tax base. However, having the build out analysis is crucial to see if these goals are truly and responsibly met. John asked sue if she liked the Senior Housing Draft and she said she did.

John added that in addition to the possibility of the Senior Housing Article, there is a petition amendment to expand the Commercial Zoning District and that the Planning Board had approved a Site Plan at the old Maxfield's place. He felt that was already enough for the Town to absorb.

The Planning Board concluded that they would be willing to look into issues related to the local soil designation in the upcoming year but were unwilling to recommend a change without data to support the change.

The meeting adjourned at 9:10 pm.

Respectfully Submitted

David A. Robbins

Lyme Planning and Zoning Administrator.