

Lyme Planning Board Minutes
April/26/2018

Board Members and Staff Present: John Stadler, Chair; Tim Cook, Vice Chair; Rusty Keith, Select Board Representative; Vicki Smith, Member; Eric Furstenberg, Member; David Roby Jr. Alternate; David Robbins, Planning and Zoning Administrator.

Board Members Absent: Amber Boland Alternate

Members of the Public Present: Morton F. Bailey. Debra Reeves, Bill Reeves, Peter L. Beaupre, Kathy Bailey, Rich Brown.

John opened the meeting at 7:00pm.

Eric suggested that because he was not present for the previous meeting that David Roby, Jr., who had been present, should sit in for him.

John asked if anyone had any issues with Mr. Roby taking Mr. Furstenberg's place. There being none he appointed David Roby Jr. to sit as a regular member.

Item 1: Continuation of Morton F. Bailey's application for site plan review on behalf of Morton R. Bailey for the proposed conversion of the single family residence at 302 Orford Road to a four unit multi-dwelling.

Mr. Bailey passed out updated copies of the site plan. He noted that he had added the items required from the site visit and he added an additional outlet (curb cut) for the parking area. This outlet had been used in the past for a mobile home. Mr. Bailey had talked to NHDOT about reusing this curb cut and was waiting for official approval. He intended to use this for an outlet so the trucks headlights would not shine into the neighbors windows when they left the yard.

Vicki asked about the details for the outlet. Mr. Bailey stated that the cut would be 30 feet wide with an asphalt apron as required by DOT. All screening would be set far enough back from RT 10 so that all the sight distances would be preserved and all the plants would be out of striking distance from the state snow plows.

Vicki asked if the screening on the plan showed the actual locations of the plantings or if it was a representation of area to be screened. Mr. Bailey responded that it was just a representation. Vicki asked what type of plants would be used. Mr. Bailey stated that he had discussed the plantings with a local nursery owner and he had some larger evergreens that had grown larger than he could normally sell and that these would work well for screening. Vicki noted that there will be a percentage of the plants that die. She suggested that Mr. Bailey make provisions for watering the plants. Mr. Bailey said that he would work with the nursery owner to ensure that they would survive. Vicki asked that the Board set a condition that if any of the screening plants died that they would be replaced.

Vicki asked about mailboxes for the new tenants. Mr. Bailey said that he intended to have the tenants use P.O. Boxes. If a tenant needed to have a box on the property he would be able to find a place where both the Post Office driver and the tenant could pull out of traffic. She then asked about trash removal. Mr. Bailey stated that he would have a communal dumpster at the side of the shop for the tenants to use.

Vicki asked about the Hours of Operation. Mr. Bailey stated that Monday through Friday the drivers arrive in the morning, pick up their vehicles and leave for the day. They then return in the afternoon and park their work vehicles and leave. The actual hours that they leave and come back are dictated by the distance to the job site. If their travel distance is great then they may leave earlier than normal or return later than normal.

Vicki noted that a sign was added to the plan. She asked what size it would be and if it would be lit. Mr. Bailey responded that it would be 4' X 4' and it would not be lit.

John asked if there were any other questions. There being none at this time John started working through the checklist to ensure that the application was complete.

The following items were noted as needing to be completed and items to be waived.

State Permits:

- State Driveway Permit for the southern entrance/exit.
- State Approved Septic Permit.

Additions to the Plan:

- Utility lines need to be added to the plan (Above and below ground) to both the house and the shop buildings.
- Location of the propane tank. The Board understood that the final location would be determined by the propane distributor, but they would recommend that the tank be placed off the north east corner of the residential building where it would be the least noticeable.
- Location of lights on the shop.
- Changes to the Parking area for the Business needed to be added to the plan.

For the file:

- Days of operation.
- Number of Employees at time zoning was adopted and current number of employees.
- Written -- Response plan from the Lyme Fire Department.
- The current property record card to document the building sizes.
- The Administrator would do a site visit and measure the business parking areas and document their size.

Waivers:

- The Board waived the requirement for a boundary survey because there was no new or expanded buildings and the abutters (Reeves) who's property line was nearest to the house and shop had a survey done and the property line marked. A copy of the survey had been submitted to the Town and is located in the Reeves Map and Lot File (Map 406 Lot 20)
- The Board waived the input from the Police Department with the stipulation that the Administrator notify the Police Department to inform them that the residence had been converted to multi-family with four units.

John moved to deem the application complete with the provisos that the required items on the checklist are completed and included the above waivers. He called for a vote and the motion passed unanimously.

The Board then discussed intensity of use of the commercial use on the property and if there was a need for a special exception under section 8.11 or a conversion from one non-conforming use to another non-conforming use under section 8.12. Testimony provided by the Reeves, Kathy Bailey, and Peter Beaupre stated that there was a trucking / excavation business on the lot prior to Zoning and at that time there were five employees. The Board acknowledged that there was business use on the property prior to zoning. The Board reviewed Table 4.1 and noted that an excavation business was not listed nor did it fall under any of the categories listed in the table. They also noted that the current business also was not listed and did not fall in any of the categories. The Board discussed how businesses changed over time and that the business was still essentially a trucking business. Both the business that ran prior to zoning and the current business include an installation portion of the business. The trucking / excavation business installed septic systems, the heating fuel business also installs furnaces and fuel storage bins. Mr. Bailey was asked how many employees he had and he stated five. This was the same as the pre-zoning business. The Board concluded that the pre-zoning business was similar enough to the current business that it was not necessary to require a conversion under section 8.12 and that the intensity of use seemed no greater than what the lot was being used for prior to zoning.

Vicki asked the Planning and Zoning Administrator if he had a different interpretation. It was his opinion that both businesses were similar and that a special exception was not required and that a conversion was not required.

John asked the Board if anyone had any issues with this finding. All of the Board members stated that they did not.

The Board discussed section 4.46 (Conversions) and determined that the project met all the requirements for a multi dwelling conversion.

John moved to approve the conversion under section 4.46. He called for a vote and the motion passed unanimously.

John asked if the Board had any other questions or issues. There were none. He asked a second time if there were any issues with the findings. There were none. He asked the members of the public if they had any more issues or questions. There were none.

John asked if anyone would like to make a motion to approve.

Vicki moved to approve the application for a conversion of a single family residence to a four unit multi-dwelling and confirm that the business use on the property is a legal pre-existing, non-conforming use with the following findings and conditions. In addition the Board approves the improvements to the existing business as shown on the plan.

Findings:

- A business existed on the lot prior to the passage of zoning.
- The pre-existing business and the new business are similar enough in intensity and type to not require a conversion or special exception for expansion and therefore is deemed a pre-existing non-conforming use.

Conditions:

- If any of the screening plants die they shall be replaced.
- All of the outstanding items shall be completed prior to the issuance of the permit by the Administrator.

Rusty seconded the motion.

John called for a vote and the motion passed unanimously.

Item 2: Acceptance of minutes from April / 12 / 2018.

John moved to approve the minutes as amended.

Tim seconded the motion.

John called for a vote and the motion passed unanimously.

Item 3: LCDC RFP.

John passed out a re-written version of the RFP that he had composed, incorporating the changes requested by the various Planning Board members, as a basis for discussion.

The Board discussed the re-written version and decided that it was too late to send a completely new version of the RFP. Instead they decided on three changes that they felt were most important.

Rusty abstained from voting on changes because he had already approved a version at the Select Board meeting that morning. Due to family commitments he had to leave the meeting at 10:00pm.

The Board decided on the following three changes:

- Equal billing for the Planning Board and the LCDC on the RFP.
- Deadline for submitting a proposal changed from Aug 15, 2018 to Oct 15, 2018.
- Require three different development scenarios in the RFP.

The Administrator was asked to forward these changes to Sue Mackenzie for inclusion in the RFP.

The meeting adjourned at 10:30 pm.

Respectfully Submitted

David A. Robbins

Lyme Planning and Zoning Administrator.