

**Lyme Planning Board Minutes
September/27/2018**

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: Phil Harrison, Rod Finley, Brad Choyt, Manning Roundtree, Will Davis, Liz Ryan Cole, Rich Brown

Item 1: Crossroads Academy – Informal lot line adjustment hearing of the property at 85 and 86 Dartmouth College Highway.

Phil Harrison, Brad Choyt, and Rod Finley discussed with the Board the possibility of subdividing the property that Crossroads shares with the condos at 85 Dartmouth College Highway. The school would like to split the school portion of the property from the condos but does not wish to lose any of the development rights that they have been granted in past Planning Board decisions.

They discussed the conformity of the proposed lots. The Board noted that the proposed boundary line would pass too close to several buildings as the property line setback for the commercial district is 50' feet. The Board would be unable to approve a plan that created a non-conformity. The Board suggested that they try to look into alternatives that would create conforming lots. If they were unable to find a suitable alternative then they may need to seek relief from the Zoning Board of Adjustment. In the Board's opinion this was not an ideal solution. In addition, the Board recommended that Crossroads have approval for their plan from the condo association prior to seeking any board approvals.

The Board discussed the approved development rights and noted that the Board must abide by the Zoning Ordinance and cannot approve any building footprint or lot coverage that is not spelled out in the ordinance. The Planning and Zoning Administrator suggested that Rod Finley, their engineer could calculate these values based on any proposed subdivision and determine if the subdivision would further limit their ability to develop the site.

Item 2: Pinnacle Project, LLC – Final major (5 lot) subdivision Hearing of their property at 70 Orford Road (Tax map 408 Lot 22.2).

Rich Brown presented the Board with an overview of the proposed subdivision and noted that its purpose was to determine how many lots could be created so that they could eventually do a lot size averaging subdivision. Currently, they had no intention of completing the proposed subdivision.

John noted that even though the Pinnacle Project has no present intent to execute the subdivision, the Board must treat the proposal as a major subdivision and that all the requirements needed to be met.

The Board worked through the application check list to ensure the application was complete. The following items were noted as missing:

Some of the data used on the plans came from work performed by other engineering firms. Specifically CLD and Ray Lobdel. Both need to be added to the notice list and sent notices. (I. B., II. D. 11.)

The maps were colorized and showed more than just the proposed lots. The maps were fine for discussion purposes. (II. Maps)

Did not show any proposed changes in topology for the road or any driveways. (II. A.)

The Ordinance requires that if the lot as in this case, has been subdivided within the last 10 years, then the entire parent lot must be used for evaluations purposes. Therefore they need to show data for the entire parent lot. (II B. & II D.4)

No test pits or perc test data were provided. (II. B. 6.)

Did not include an engineer or surveyor stamp. II.D.3

Existing and proposed street right-of-way lines, dimensions of tangents, chords, and radii; have points of curvature and tangency of curved streets; and angles of lot lines; and names of existing and proposed streets. (II. D. 5)

Location of existing and proposed easements (including old wells, water rights, and rights-of way) and areas affected by existing and proposed covenants, reservations and restrictions, benefiting or burdening the property. (II. D. 7.)

Location of zoning district boundaries and area of each lot in each district if property in more than one district. If only one zoning district, a note will be sufficient. (II. D. 10)

All surface water on and within two hundred (200) feet of the site including rivers, streams, intermittent streams, lakes, ponds, marshes, wetlands; flood prone areas (see Section 2 of the Subdivision Regulations); and drainage ditches and swales. (II.D.13).

Property setbacks according to Article V of the Zoning Ordinance. (II. D. 14)

Watershed Map (II. E). specifically the drainage of the proposed road.

Final Plat (F) Not applicable at this time. If the applicant wished to record the plan then it will be required.

Traffic and Access analysis (F. IV).

Provide any required local or state permits including driveway permits. Discuss safety issues such as signals and signs, and suitability of soils and topography for proposed access. (F. IV).

Sewage Disposal (V.)

Provide results of all soil tests including dates, locations by reference to Conservation District Map, percolation rates, soil profile with depth to ledge, clay, hard pan, and existing and seasonal high water table, and analysis of suitability of soils in areas proposed for septic systems. (V.)

X. Police Protection. Only if recorded

XI. Fire Safety

Provide a letter from the Fire Chief addressing the following issues: an analysis of and plans to assure fire safety including fire safety of buildings, access by people and equipment to the site and to buildings on the site, and availability and adequacy of water supply for firefighting. Depending on the nature of the subdivision, an analysis of forest fire danger may be required. See section 4.21 of the Subdivision Regulations.

XIV B. Profiles

Profiles of all proposed roadways (including drives) showing existing and proposed elevations along the center lines; and all structures, piping and other materials. Profiles shall be drawn at a scale of one (1) inch equals fifty (50) feet horizontal scale and one (1) inch equals five (5) feet vertical scale.

XIV C. Cross-sections

Cross-sections of all proposed roadways at one hundred (100) foot stations and at all catch basins, bridges, or culverts showing the roadway and all areas to be disturbed for the construction of all proposed roadways, existing grades, proposed subgrades, proposed final grades, and all utilities and other structures. Cross-sections shall be drawn to a convenient scale of not more than one (1) inch equals ten (10) feet, both the horizontal and vertical scales shall be the same. The Board requested a typical cross section of the headwall and culvert size for the wetlands crossing on the proposed road.

The Board concluded the following items could be waived:

The scale of the plan was 1:150 instead of 1:100. The Board felt that this could be waived as it allowed the entire plan to be on one sheet.

Item II. D. 6. “Existing and proposed lot lines, angles, and dimensions, lot areas in square feet or acres, consecutive numbering of lots, and survey monuments” The Board would be willing to waive this item as long as the plan was not recorded. If it is to be recorded, then the Board would require it.

Site location map showing location of proposed subdivision in relation to the general area of the subdivision. (II. D. 12). The addition would not aid the Board in their decision as they all were aware of the location of the property.

VI. Water Supply. All sections

VII. Surface Water Runoff, Sedimentation, and Erosion

VIII. Preservation of Significant Natural and Historic Features, Open Space, and Farmland

IX. Recycling and Solid Waste Disposal

XII. Existing and Planned Land Use

XIII. Impact of Subdivision

XIV. Construction Plans

XIV D. Details

Construction details of all roadways, curbing, sidewalks, drainage structures, sediment and erosion control structures and any other required improvements shall be shown at a convenient scale. If the plan is to be recorded then it will be required.

XV C. The Planning Board may endorse acceptance of the bond or surety and security in the form endorsed by the legal counsel to the Town. Documents establishing the bond or surety or security to be prepared and reviewed at sub divider’s expense and approved by Town Counsel. If the plan is to be recorded then it will be required.

XVII. Agency Approvals. Unless the plan is to be recorded then it will be required.

John moved to deem the application incomplete

Tim seconded the motion.

John called for vote and the motion passed unanimously.

The applicant asked the Board if they would be willing to discuss the plan so that if the Board had other issues they could be addressed. The applicant had weighted the lot size calculations based as if the lot was partially within 1000 feet of ST RT 10, where the

minimum lot size is 3 acres. The Planning and Zoning Administrator stated that his interpretation of the Zoning Ordinance was that only lots that are entirely within 1000 feet of a state road could be 3 acres. If the lot crossed that line then it had to be five. He did not agree with the weighting process done by the applicant as the zoning did not provide for those type of calculations.

The applicant also weighted the lot width to depth ratio for one of the lots. The Planning and Zoning Administrator stated that the calculation for the ratio was in the ordinance and that it did not provide for the weighting calculations used.

Tim questioned the length of the proposed subdivision road. He believed that it exceeded the 1200 foot maximum length. The Planning and Zoning Administrator stated that as he interpreted the regulation, the length would include the cul-de-sac if any driveways were to attach to the cul-de-sac since the cul-de-sac would be used as a regular roadway. The Administrator also noted that it appeared that the slope of the end of the road and the cul-de-sac exceeded the maximum allowed (10%) in the regulations.

The Applicant asked about the ability to apply the dimensional controls of the lots in the conventional subdivision to lots in a lot size averaging subdivision. The Planning and Zoning Administrator stated that the ordinance did not provide for that and the final lot sizes would set the dimensional controls. The applicant had been under the assumption that they could transfer the dimensional controls. They believed that this was not going to provide enough footprint to make their project economically viable.

Vicki noted that the applicant could apply to the Zoning Board for a special exception to obtain a greater maximum footprint and lot coverage.

The Board unanimously decided to continue the hearing to October 25th, 2018.

The applicant asked the Board if they might be willing to consider addressing the dimensional control issue on lot size averaging lots. The Board generally agreed to look into that and John asked the Planning and Zoning Administrator to add it to the list of Zoning Ordinance changes the Board would consider.

Item 3: Acceptance of minutes from September/13/2018

Tim moved to approve the minutes as amended.

Rusty seconded the motion.

John called for a vote and the motion passed unanimously.

Respectfully Submitted

David A. Robbins

Lyme Planning and Zoning Administrator.