

## **Lyme Planning Board Minutes**

10/11/2018

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

Board Members Absent: Amber Boland Alternate; David Roby Jr., Alternate;

Members of the Public Present: Rich Brown, Wende Beck, Tim Beck, Wayne Pike, Darryl Torrey, Tami Dowd.

**Item 1:** Review and Comment for Wende and Tim Beck for a special exception under section 4.62 B1 to construct a driveway across the steep slopes conservation district on the property at 106 East Thetford Rd (Tax Map 403 Lot 44).

The Becks have proposed a driveway on the property at 106 East Thetford Rd. The intent will be to build a house at the back of the lot.

Vicki asked if the proposed house site was located in any conservation districts. The Planning and Zoning Administrator stated that the proposed location is within the Ridgeline District but the applicant had not finalized any house plans so he would be unable to ask the Zoning Board for the needed special exception at this time. Mr. Beck acknowledged the fact that he would need to go back to the Zoning Board to have the house approved.

Vicki inquired if the state had issued a driveway permit. Mr. Beck responded that they applied and the state had requested more information about the details for the road end of the driveway. The state was concerned with the water flow out of and under the driveway and wanted to see the culvert locations and a drainage plan. He noted that the sight distances exceeded the state requirements in both directions.

John moved to send a letter to the Zoning Board stating that the Planning Board had reviewed the proposed driveway and had no objections but recommended the following

### **Conditions**

- 1) If the retaining wall at the road end of the driveway exceeds 4 feet then the design must be done by a licensed engineer as per state requirements.
- 2) A state driveway permit be required prior to the town permit being issued.

Tim seconded the motion.

John called for a vote and the motion passed unanimously.

**Item 2:** Dowds' Country Inn, LLC has applied to amend their site plan in order to add additional parking at the rear of their lot at 5 Main Street (Tax map 201 Lot 70).

Over the summer of 2018 Dowds' Country Inn increased the size of their rear parking area without first obtaining Site Plan approval or a Zoning Permit. This was brought to their attention and they are now seeking Site Plan approval so that they can obtain a Zoning Permit.

In the plan submitted at the hearing they asked to include a patio dining area. The Planning and Zoning Administrator noted that he had sent a letter stating that they needed to submit the plan 21 days prior to the Planning Board hearing (RSA 676:4). Because the patio information was not included in the application submitted to the Planning and Zoning Administrator, he was unable to include the patio expansion in the notice.

Vicki noted that the new parking area was closer to the Wetlands Conservation District than the original parking area approved by the Board. She was concerned that the current plan was not reviewed by an engineer to ensure that storm water runoff would not adversely affect the wetlands. She recommended that the Board require an engineer to review the parking area and if needed design storm water treatment structures and add them to the plan. If they feel that the parking lot does not need any, then supply the Board with a letter stating that no treatment structures are needed.

The consensus of the Board was that this information was needed.

Vicki noted the following differences between the approved plan and the proposed plan:

The snow storage areas had been converted to parking spaces. She recommended that the areas be re-located and shown on the plan.

The new parking area was closer to the well. Vicki wanted to make sure that it did not violate a State setback requirement. The Planning and Zoning Administrator stated that he would check with NHDES to see if there is a setback requirement between Public water supply wells and parking areas.

The dry hydrant is in a different location. The Planning and Zoning Administrator noted that the Fire Chief authorized the new location as it had better access for the fire apparatus. Vicky recommended that the Board have the new location added to the site plan and have Board approval.

There were changes to the locations of propane tanks. Vicki recommended that the Board require the propane tank locations be updated on the plans.

Vicki noted that a new generator had been installed and recommended screening. John noted and the rest of the Board concurred that there has been a generator in that location in the past and that this is a replacement and therefore did not need Board approval.

The Board and the applicant discussed the cost of having plans updated.

Rusty asked if it was necessary to update the plan. He felt that the cost and the time were not justified. John stated that it was for everyone's benefit as this would be the document shows what was approved. It would especially benefit the Select Board as it was their responsibility to enforce the Site Plan regulations.

Tim and Vicki felt that it was important to have a correct and updated plan and believed that the applicant could update the plans at a reasonable cost.

Eric wanted an updated plan.

John felt that the consensus of the Board was split and suggested that the Board wait until the applicant returned with the all the requested additional information and the patio application.

Vicki brought up the issue of lighting. She noted that many of the current lights were not on the original site plan and that they were not sharp cutoff as required by the Site Plan Regulations.

Rusty stated that the Select Board had reviewed the lighting and determined that it was in compliance. He stated that the Select Board had recently discussed the issue and decided that they would back the original Select Board decision and would not revisit the issue.

John stated that he understood the Select Board stance but it was a decision for the Planning Board. If the Select Board did not want to enforce the decision, that would be the Select Boards choice.

The Board discussed the Select Board interpretation of Dark Sky lighting and the applicant's belief that their lighting meets this requirement. Vicki recommended that they submit the "cut sheet" for the Board to review.

Vicki felt that the locations of the lights should be included on the current plan and that they should conform to the regulations. She felt that it was unfair to other business owners that have had to conform to the regulations.

John noting that the Board did not have enough information to continue with the review, asked if a Board member wanted to move to continue the hearing. Vicki moved to continue the hearing to November 8<sup>th</sup> at 7:00 pm.

John seconded the motion and called for a vote.

The motion passed unanimously.

John confirmed that the board wanted the following information to be supplied for the November 8<sup>th</sup> meeting:

An engineering review of the storm water runoff from the parking lot. If no treatment structures were required then a letter stating so would be acceptable. If structures were needed, the Board will decide if they need to be added to the plan at the November 8<sup>th</sup> meeting.

Snow storage areas need to be added to the Plan

New locations of the propane tanks added to the Plan

Measured setback to the well from the edge(s) parking area.  
(The Planning and Zoning Administrator will contact NHDES and find the state required setback distance.)

Supply a “cut” or specification sheet for the light fixtures.

**Item 3: Acceptance of minutes from 9/27/2018.**

John moved to approve the minutes as amended by Tim.

Rusty seconded the motion.

John called for a vote and the motion passed unanimously.

**Item 4: New Business.**

John noted that at the last meeting there was a discussion concerning the dimensional controls for lots created under a lot size averaging subdivision. The current regulations do not set specific controls for the reduced lots including a bonus lot if approved. Under the current Zoning, the controls would be set based on the size of the reduced lot. If the size is not adequate for the applicant, they may apply to the Zoning Board for a special exception to increase the maximum building footprint and the lot coverage. In the previous meeting it was noted that it is difficult for an applicant to apply for a lot size averaging subdivision without knowing if they will be able to construct buildings of the size they want until after the subdivision has occurred.

John read a proposed change that would allow up to 2/3 of the maximum foot print and lot coverage based on the corresponding lot that could be created in a conventional subdivision.

The Planning and Zoning Administrator suggested adding that if an additional lot was allowed under the Increased Density Option that the dimensional controls be the average of the controls of lot size averaged lots.

John noted that this was a starting point and asked the Board members to consider their own versions to be discussed at the next meeting.

The meeting adjourned at 9:05 pm

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