

## **Lyme Planning Board Minutes**

12/27/2018

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

Board Members Absent: Vicki Smith, Member; Eric Furstenberg, Member; Amber Boland Alternate; David Roby Jr., Alternate;

Members of the Public Present: A. Wayne Pike, Tami Dowd, Darryl Torrey

**Item 1:** Continuation of Dowds' Country Inn, LLC -- application 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) and to add a patio dining area.

John opened the re-hearing at 7:00pm.

The Board reviewed the outstanding items from the Site Plan Review Checklist and noted that they were complete.

John moved to accept the application as complete.

Tim seconded the motion.

John called for a vote and all three members voted to approve the motion.

John then asked the Board members if they had any comment.

Tim asked about the lighting fixtures for the patio that were shown in their application. Tami noted that these were the type of fixture that they wanted to use but may not be the actual fixture. Tim noted that any installed bulb should not sit below the rim of the fixture.

John then asked about any outside music because a neighbor of the inn had expressed concerns about potential impact. Tami stated that they may from time to time have quiet live music for the enjoyment of their guests. John noted that the Board should set a condition similar to the Lyme Inn's condition that if a neighbor finds the volume level of the music objectionable then the Planning Board would reevaluate the allowance of music on the patio.

John noted that the proposed walkway from Rt 10 to the patio shown on the plan is an option that may or may not be built by the applicant.

There was discussion about the hours of operation. Tami stated that the restaurant would operate until 10 pm and events could go to 1 am.

John asked if there were any more questions from the Board. There were none. John noted that there were no members of the public present to provide input.

John moved to approve the site plan with the additions of the larger parking area and the patio serving area. With the following conditions:

- 1) The applicant will respond to and comply with the conditions set by the Lyme Fire Chief with respect to fire equipment access.
- 2) The applicant will respond to and comply with the conditions set by NH Department of Environmental Services with respect to wellhead protection.
- 3) If neighbors have complaints due to outside music, the Planning Board reserves the right to amend the approval in regards to the outside music.

Rusty seconded the motion.

John called for a vote and the motion passed unanimously.

### **Item 2: Acceptance of minutes from 12/13/2018**

The Board deferred the minutes to the January 10<sup>th</sup> meeting when more members would be present.

### **Item 3: Lot Sized Averaging Subdivision Zoning Amendment.**

Tim stated the he felt that the maximum of 1500 square feet for a building footprint was too small. The Board discussed other option and decided that 2500 was a more realistic maximum.

The Planning and Zoning administrator discussed timing of the public hearings and the Board decided to hold a public hearing at their next meeting on January 10<sup>th</sup>, 2019 so that if a second hearing was needed they would still have time.

Rusty raised his concern about deleting the special exception language in sections 5.14 and 5.15 as not necessary and potentially detrimental to the options available to potential applicants. .

John moved to hold a public hearing on January 10<sup>th</sup>, 2019 for the Lot Sized Averaging Subdivision amendment. (Text at the end if these minutes.)

Tim seconded the motion.

John called for a vote and the motion passed unanimously.

The meeting adjourned at 8:33 pm.

Respectfully Submitted  
David A. Robbins

Lyme Planning and Zoning Administrator.

Draft Lot Size Averaging Zoning Amendment:

**Changes are in bold**

~~Deletions are struck through~~

5.11.D

3. Lot sizes, frontage, ~~and~~ setbacks, **lot width, building footprint, lot coverage and floor area** shall be determined by the Planning Board based on the character of the land and neighborhood; the adequacy of the soils to support on-site wastewater disposal and wells; safety of access and traffic circulation; and other issues relating to the future use and enjoyment of the property. The setbacks from abutting properties, not part of the application, shall not be reduced. **Using the same criteria, the Planning Board may allow the following in the Rural, East Lyme and Mountain and Forest Districts:**

**Maximum building footprint of up to 2,500 s.f.**

**Maximum lot coverage of up to 4,500 s.f.**

**Maximum gross floor area of up to 3,000 s.f.**

Road setbacks may be reduced only when on an internal subdivision road approved by the Planning Board as part of the subdivision application. When frontage requirements are reduced, the Planning Board may require shared driveways.

**5.14 Building Footprint.** The maximum building footprint shall be a percentage of lot size as provided in Table 5.1, or as follows, whichever is smaller:

- A. shall not exceed 4,500 square feet in Lyme Center and Lyme Common, except for the Lyme Public school;
- B. shall not exceed 7,000 square feet in the other districts, other than buildings in the Commercial District and those used in conjunction with Skiing Facilities in the Skiway District;
- C. agricultural structures in the Rural, East Lyme and Mountain & Forest Districts shall not exceed 10,000 square feet except as otherwise permitted as a special exception (section 10.40) and in connection with Section 4.64 B; and
- D. except as otherwise permitted by special exception in connection with ~~lot size averaging subdivisions (Section 5.11);~~ planned development (Section 4.49); and expansion of any lawful non-conforming structure in existence when this ordinance was passed (section 8.25).

**5.15 Maximum Lot Coverage.** The maximum lot coverage shall be a percentage of lot size as provided in Table 5.1, or as follows, whichever is smaller:

- A. shall not exceed 6,000 square feet in Lyme Center and Lyme Common, except for the Lyme Public School;
- B. shall not exceed 26,000 square feet per lot size averaged lot in the Commercial District;
- C. shall not exceed 26,000 square feet in the other districts. Driveways do not apply in calculating lot coverage in the Rural, East Lyme and Mountain & Forest Districts;
- D. lot coverage limitations shall not apply to Skiing Facilities Use in the Skiway District;
- E. except as otherwise permitted by special exception for ~~lot size averaging subdivisions (section 5.11-D)~~; planned developments (section 4.49); and expansion of any lawful non-conforming structure in existence when this ordinance was passed (section 8.25); and
- F. except as otherwise permitted by waiver under NH RSA 674:32 a-c for agricultural structures.