

## Lyme Planning Board Minutes

1/10/2019

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

**Item 1)** Public hearing to discuss a proposed zoning amendment for the 2019 Town meeting.

John opened the public hearing.

John noted that Town Counsel had provided feedback and had recommended changing the word “same” to “above mentioned” in the following sentence: Using the ~~same~~ **above mentioned** criteria, the Planning Board may allow the following in the Rural, East Lyme and Mountain and Forest Districts. The Board members agreed with the change. Town Counsel had also recommended that the Board discuss setting a limit to the lot width, John asked the Board’s opinion. The consensus of the Board was that setting a limit on the lot width was not necessary.

Rich Brown had some questions and comments.

Rich noted that the first sentence of the amendment used the term “floor area” and not “gross floor area”. He asked if that was intentional. The Board felt that it should be gross floor area. The text of the amendment was corrected. John thanked Rich for finding the error.

Rich asked what the motivation for the change was.

John stated the motivation was to clarify the possibilities and to significantly expand the dimensions available under lot size averaging subdivision. The expanded maximum dimensional limitations take into account what seems reasonable and consistent with the criteria in this section.

John added that he had discussed the change with the Chair of the Zoning Board of Adjustment. He had endorsed the amendment including the removal of the special exceptions. He felt that the Planning Board was the most appropriate board to make the applicable determinations.

Rich then asked why the Board was removing the special exceptions.

John stated that the intent of the amendment was to streamline the cumbersome and confusing process. With the limits on lot coverage, footprint and gross floor area set by

the Planning Board there was no reason to send this applicant back and forth to the Zoning Board of Adjustment.

Rusty stated that he also objects to the removal of the special exceptions.

Rich stated that he did not see the changes as a way to increase the building density of an existing lot and so did not see the need for a change.

Vicki noted that it never was intended as a tool to increase the density of a lot. She asked what would work for Rich's project (Pinnacle Project).

Rich felt that there was too much discretion given to the Planning Board.

John noted that Lot Sized Averaging was an "Innovative Land Use Control". Such zoning tools are by their very nature are very discretionary and rely on the Planning Board's judgment concerning the applicable criteria.

John asked if there was any further discussion. There being none he closed the hearing.

John asked the Board if they felt that the changes were substantial enough to require a second public hearing.

Vicki stated, and the other Board members agreed, that the changes did not alter the intent or the meaning of the amendment and therefore did not require a second hearing.

John then moved to send the amendment to town meeting.

Vicki seconded the motion.

John called for a vote.

John, Tim, Vicki and Eric voted yes

Rusty voted no, citing his reservations concerning the removal of the special exceptions.

**Item 2)** Approve the minutes from December 13<sup>th</sup>, 2018

Eric moved to approve the minutes with minor corrections from Tim.

Vicki seconded the motion.

John called for a vote and the motion passed unanimously.

**Item 3)** Approve the minutes from December 27<sup>th</sup>, 2018

Eric moved to approve the minutes with minor corrections from Tim and an addition from Rusty.

Tim seconded the motion.

John called for a vote. John, Tim and Rusty voted affirmative. Vicki and Eric abstained because they had not been at the meeting.

**Item 4)** Other Business.

Referring to Select Board minutes John asked Rusty if the Select Board intended to submit their own zoning ordinance amendment. Rusty responded that the Board had voted at the last Select Board meeting to hold a public hearing on a Select Board proposal to allow planned development along the Rte. 10 corridor.

John stated that the Select Board had not had any discussion whatsoever with the Planning Board concerning the proposal. He felt that it was very disrespectful to the purpose of having a Planning Board. He thought that withholding this information showed poor judgment.

Vicki felt the same and wondered why this was not brought to the Planning Board. She believed that as the Select Board representative to the Planning Board, Rusty should have kept the Planning Board informed. She also noted that the Planning Board would need to hold a Public Hearing.

Eric stated that the Select Board was short circuiting all the work the Planning Board had done with the Lyme Community Development Committee and the consultants.

Lyme Common Planning Committee:

John asked Rusty why the Planning Board was notified only at the last minute that a representative from the Planning Board was needed. Rusty said that it was an oversight on his part as he had been trying to fill the other member openings.

John then asked for an overview of the committee and their duties. Rusty stated that the Select Board is responsible for the maintenance and the uses of the common. They get requests not only for use of the common but for the additions of plantings and art work. Rusty stated that the following is the committee's charge:

- The first phase is to identify and describe usage and activities that the Common should support.
- The second phase will then include a build-out proposal to include consideration of items required to achieve phase 1 results, such as placement of; permanent fixtures, types of trees and other vegetation, fencing, parking, lighting, walkways, utility requirements, etc.
- The third phase will be to obtain both construction and reoccurring maintenance costs to perform the build-out and submit a formal proposal to the Select Board within 12 months

Tim had volunteered to go to the first meeting held on January 7, 2019. He reported that they had elected officers and a secretary. He would be willing to continue represent the Planning Board.

Vicki she would be willing to attend the meetings as her schedule allowed. If Tim was unavailable she would be willing to sit in as the Planning Board member.

**Lyme Common Build-out Analysis:**

The Board discussed the results of the build-out and were not fully satisfied that the data is as accurate as they would like. All the members felt that the results showed larger potential for development than actually existed. Some errors and erroneous assumptions were noted. The Board concluded that they would like to have a working session to try to re-work some of the data for greater accuracy. They felt that it was a valuable start but needed some more work to be of better value.

**Site Plan Review Lighting Standards:**

The Board reviewed the lighting standards proposed by Vicki and decided it still needed some work before they were ready to adopt it as the standard. All members were asked to choose what elements they wanted to keep from the proposal in order to discuss at the next meeting.

**Item 5) Appointment to the Lyme Zoning Board of Adjustment.**

The Planning and Zoning Administrator noted that Walter Swift had resigned from the Zoning Board and a new member needed to be appointed to fill his vacancy until March. The Chair of the Zoning Board had recommend alternate member Sue Ryan. John moved to appoint Sue Ryan as a full member of the Lyme Zoning Board of Adjustment to complete Walter Swift's term ending in March.

Tim seconded the motion.

John called for a vote and the motion passed unanimously.

Rich Brown asked if he could bring up one more item of business. He referred to table 4.1 of the Zoning ordinance and asked if he was reading correctly that new restaurants were not allowed in the Lyme Common District. The Planning and Zoning Administrator stated that the ordinance allowed for an existing building to be converted to a restaurant as was done in the case of Stella's. The limitation was that you could not build a new building for a restaurant. Rich then asked what would happen if the existing building was not suitable and if it could be expanded. The Planning and Zoning Administrator noted that this is what happened with Latham Tavern. The inn was allowed to expand their building to accommodate the new tavern.

Vicki told the Board that she would be unavailable to attend the Community Forum presented by the LCDC and the Planning Board on January 24<sup>th</sup>, 2019 as she had work commitments.

The meeting adjourned at 8:38 pm

Respectfully Submitted,

David A. Robbins.

Lyme Planning and Zoning Administrator.