

**Lyme Planning Board Minutes**  
10/25/2018

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: Rich Brown, Liz Cole Ryan, Will Davis.

**Item 1:** Continuation of Pinnacle Project, LLC -- Major (5 lot) subdivision of their property at 70 Orford Road (Tax map 408 Lot 22.2).

New plans were passed out to the Board members. The plans had not been submitted early enough to be sent to the members for review prior to the meeting.

Will Davis explained that when they calculated the lots based on the feedback from the last meeting they were only able to create four lots. He then reviewed with the Board the changes to the plans noting the changes the Board had requested at the previous meeting.

John noted that it is not practical to properly and thoroughly review plans only just submitted at the meeting with no time for prior review. The Board members agreed that they needed time to familiarize themselves with the new plans.

Vicki asked about the fire protection cistern and if it was approved by the Fire Chief. Will stated that he had tried to contact the Fire Chief but had been unsuccessful. He had based the size on the regulation requirements.

Vicki believed that it was important to have the input of the Fire Chief. The Board agreed. The Planning and Zoning Administrator to contact the Chief and ask for his input.

John moved to continue the hearing to the next meeting on November 8<sup>th</sup>, 2018.

Vicki seconded the motion.

John called for a vote and the motion passed unanimously.

Rich asked the Board if they would be willing to answer several questions he has based on the assumption that the Board would be able to approve the four lot subdivision.

Rich asked if they applied for four residential buildings under item 7 of the Lot size averaging section (5.11 D 7)

7. The Planning Board may approve more than one residential building on a lot, but only if the total number of residential buildings does not exceed the maximum number of lots established as described in 5.11, D. 2. above. Residential buildings approved under lot size averaging should be located within building envelopes to preserve agricultural soils, outstanding natural, topographic, and geologic features; and to preserve the natural and scenic qualities of the open land in the Town for conservation and recreation. Future subdivision of the lot may be prohibited through the grant of a zoning easement or a permanent conservation easement to

the Town of Lyme or to a conservation organization approved by the Planning Board.

How would the Planning Board determine the size of an additional lot approved under 5.11 D 5 (The increased density option). The intent of the Pinnacle Project, would be to apply the building footprint and lot coverage to the total allowed. The Planning and Zoning Administrator stated that belief was that the increased density option was not applicable to section D 7 because no lots are getting created. The increased density option would allow a developer to create an additional lot. The dimensional controls for the lot would be set by the size of the lot approved. If no lots were to be created then the increased density option could not be invoked. If four residential units were approved by the Planning Board, the dimensional controls for those buildings would be limited by the maximum allowed for the lot.

The Planning and Zoning Administrator reiterated that lot coverage and building footprint are determined based on the lot size. The zoning ordinance does not provide for aggregating the totals from lot that could be created. The only way to increase the maximum lot coverage and building footprint for lots created in a lot size averaging subdivision would be with a special exception from the Zoning Board of Adjustment as allowed by the ordinance.

Rich then asked to confirm that the proper path for Pinnacle to follow, assuming the four lot subdivision was approved, would be to then create a lot sized averaged subdivision based on the four lots. Apply to the Planning Board for subdivision approval of the lot sized averaged subdivision. Finally apply to the Zoning Board to increase the lot coverage and building footprint. If additional footprint and lot coverage is approved by the Zoning Board then apply for a Zoning Permit. The Planning and Zoning Administrator stated that, based on the information provided, he believed that this was correct.

**Item 2: Acceptance of minutes from 10/11/2018**

John moved to approve the minutes as amended.

Eric seconded the motion.

John called for a vote and the motion passed unanimously.

**Item 3: UVLSRPC build out analysis.**

John requested that the Board review the data. If there were questions then the Board would discuss them at the next meeting. Any unresolved questions, would be communicated to the UVLSRPC for resolution. If the Board still has questions they will ask Olivia Uyizeye, the person who had created the build out analysis, to attend a meeting.

**Item 4: SPR lighting regulations.**

Rusty passed out an from Town Counsel, stating that enforcement by the Select Board is discretionary. In addition, the email stated that the Planning Board, regarding Dowd's could only apply the regulations to the new additions to the site plan and could not re-visit the existing lighting. If the new site plan had changes to the lighting then the Board

could apply the regulations to the new lighting. Rusty stated that the Select Board had made their decision and that the existing lighting issue at Dowd's was, in his opinion closed. In order to better understand the contents of the email the Board asked Rusty to provide a copy of the question that Town Counsel was asked. Rusty agreed to do so.

John noted that the intent of this discussion was to review the lighting regulations not to revisit an existing issue. He believed that it was important to review the current regulation to make sure it was clear and appropriate. He asked the Board to review the current regulations and be prepared to discuss at the next meeting.

**Item 5: Lot size averaging lot dimensional controls discussion.**

John had sent out proposed language for setting the dimensional controls for lots created under lot size averaging. The Board discussed the proposed language. All members present agreed to work out their ideas for the dimensional control settings to consider at the next meeting.

The Planning and Zoning Administrator suggested that the Board also consider safeguards that ensure lots created under lot size averaging had enough space for water supply and septic as well as for the buildings proposed for each lot. He noted that the State requires subdivision approval for small lots and suggested that he and the Board review the state criteria to make certain that the Town was not allowing lots that could not be approved by the state.

The meeting adjourned at 9:00 pm.

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