

**Lyme Planning Board Minutes**  
11/8/2018

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: A. Wayne Pike, Tami Dowd, Darryl Torrey, Patrick Dowd, Rich Brown, Will Davis, Liz Ryan-Cole .

John opened the meeting at 7:00 pm.

**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.

The Board was given new information packets and took a few minutes to review it.

John asked if there were any questions prior to the review of the check list.

Vicki stated that she had some questions about the new patio seating area. She wanted to know if it would be enclosed by a fence. Tami stated that her liquor license requires that the area be fenced. The current plan was to place posts in the ground and run chain between them. Vicki then asked if the patio would have a roof. Patrick stated that they intend for an arbor to support lights. Vicki asked what type of lights were intended. Tami noted that the decision had not been made. Vicki stated that the Site Plan Regulations are clear that exterior lighting shall be of dark sky design (sharp cut-off) and installed and operated in such a way that adjacent residential uses are suitably protected. She then asked how the public would access the patio. Tami stated that the access would be from the existing door in the restaurant. Vicki asked about access for handicapped persons. Darryl stated that they would like to add a walkway from the existing entrance and if allowable, add a walkway from the road. They were unsure at this time if the walkway from the road would be built. Vicki suggested that the walkway be shown on the plan with a note stating that it is a potential addition.

Vicki suggested and the rest of the Board concurred that the following items should be added to the plan:

Handicap access to the patio.  
Doorway from the restaurant to the patio.  
Arbor over the patio and a lighting plan.  
Walkway from the road, marked as potential.

The Planning and Zoning Administrator noted that as requested at the last meeting he had checked with the state and found that DES requires a 50' foot setback from the edge of a parking area to a well. He also noted that he believed that a Variance from the Zoning Board of Adjustment was required because the Zoning Ordinance includes parking areas as lot coverage within the Lyme Common Zoning District and the Tavern expansion had required a Variance for the lot coverage due to the fact that the Inn already exceeded the maximum lot coverage allowed under the Zoning Ordinance for the lot.

John moved to deem the application incomplete and to continue the hearing to December 27<sup>th</sup>, at 7:00pm in order to allow the applicant's time to apply for a variance from the Zoning Board of Adjustment concerning the extra lot coverage for the parking area. The hearing then closed.

The Planning and Zoning Administrator noted to the applicant that he was available the following week to provide any assistance with the Zoning Board application but would be out for the week of Thanksgiving. He stated that when they were ready to start the application to let him know and he would be willing to help in any way he could.

**Item 2)** Continuation of Pinnacle Project, LLC – Application for major (5 lot) subdivision of their property at 70 Orford Road (Tax map 408 Lot 22.2).

New plans had been submitted at the last meeting. The number of lots had been reduced from five to four in order to meet the zoning and subdivision requirements.

John worked through the checklist noting items that had been waived for the five lot version and confirming with the Board that there was still sufficient reason to waive them for the four lot subdivision.

John noted that many items were waived on the understanding and condition that this subdivision would not be recorded. It is the Boards understanding that the intent of the subdivision plan is to determine the number of lots that could be created in a conventional subdivision. This approval would be used to create a lot sized averaging subdivision. If the conventional subdivision were approved, and the applicant wished to record the four lot subdivision, they would need to complete many of the waived items in order for the Board to sign the plat.

The following items were waived by the Board:

**Item B.2** Conservation District map Scale no smaller than one hundred feet per inch. This was waived due to the size of the lot.

To have the scale at 100 feet per inch would require multiple sheets to show the districts. The Board believed that it was better to present this information on one sheet.

**Item D.6** Existing and proposed lot lines, angles, and dimensions, lot areas in square feet or acres, consecutive numbering of lots, and survey monuments.

Survey monuments had not been set. They would need to be if the plan was to be recorded.

**Item VI. Water Supply** All proposed water supply plans, in detail, with a description and analysis of proposed water supply including computation of requirements and analysis of source in terms of flow rates and quality.

The Board felt that this could be waived as long as the plan was not recorded. If recorded then water supply plans would need to be submitted.

**Item VII. Surface Water Runoff, Sedimentation, and Erosion (A-E)**

All plans to control surface water runoff so as to protect surface water quality and prevent sedimentation and erosion. Such plans should include the following information:

A. Identification of all easements, express or implied, for the drainage of surface water onto or across the property from other properties, and from the property onto or across other properties. Cross reference the easements to the documents provided in response to XVI. Title Matters of this application.

Required if recorded.

B. Computation of rate of runoff before and after completion of the subdivision for a fifty (50) year, twenty-four (24) hour rainfall.

Required if recorded.

C. Computation of storm water drainage capacity based on estimated rate of runoff for a fifty (50) year, twenty-four (24) hour rainfall following completion of all phases of the subdivision including impact on downstream drainage structures.

Required if recorded.

D. Drawings, specifications and calculations for each proposed runoff, erosion and sediment control measure, including identification of and location of natural drainage ways on the property and surrounding area and the location of the proposed measures for runoff, erosion and sediment control including provision for adequate buffer zones (not less than one hundred (100) feet measured horizontally) between developed areas (e.g. roofs, drives, parking areas, etc.) and surface water, with the distance measured to the top of the bank above the surface water. Plans should be provided for each phase of construction using Best Management Practices. Low-Impact Development (LID) design shall be encouraged for any project to mimic the natural landscape with small and distributed infiltration, storage, and retention measures.

Required if recorded.

E. Analysis and description of the impact of the proposed subdivision on surface water quality.

Required if recorded.

**VIII. Preservation of Significant Natural and Historic Features, Open Space, and Farmland.** Identify and describe plans for the preservation and protection of significant scenic points, brooks, streams, water bodies, marshes, wetlands, wildlife habitat, other natural resources and historic buildings and features. Identify and describe plans for the preservation and protection of agricultural land designated by the Natural Resources Conservation Service as *prime* agricultural land, agricultural land of *statewide* importance, and agricultural land of *local* importance. Describe areas to be set aside for park or playground use, open space, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

Required if recorded.

**IX. Recycling and Solid Waste Disposal**

Description and analysis of solid waste to be generated by the proposed subdivision and plan for management of wastes, including hazardous wastes, other than ordinary residential waste.

This will be a residential subdivision and, therefore this is not needed.

**X. Police Protection**

Provide a letter from the Chief of Police addressing protection and safety issues such as access and traffic.

Will be required 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.

The applicant and the Planning and Zoning Administrator had both made efforts to contact and obtain comment from the Fire Chief. Planning and Zoning administrator had shown the Fire Chief the plans and obtained a verbal approval. The Chief wanted to have the Deputy Chief review the plans as well. At the time of the meeting, written comment had not been submitted. The Board concluded that if the plan was to be recorded then this item would need to be completed. For this approval, the Board felt that they could waive

the requirement so as to not burden a volunteer with work on a project that may never be built. If, recorded, this will be required.

## **XII. Existing and Planned Land Use**

A description of existing land use in the area of the proposed subdivision and any proposed changes known to the applicant. Comment on the relationship, compatibility and impact of the proposed subdivision on existing and proposed land use in the area.

Will be required if recorded.

## **XIII. Impact of Subdivision**

Analysis of the proposed subdivision's direct and secondary fiscal impacts and direct and secondary impacts on population growth and school enrollment. The analysis should cover the development period on a year by year basis plus the fifth year following completion of the development. Fiscal impacts should be calculated on the basis of constant dollars and tax rates and assessment ratios in effect at the time the analysis is prepared. For subdivisions which are being carried out in phases, the analysis should reflect the timing and cumulative impact of all phases.

Will be required if recorded.

## **XIV. Construction Plans**

Plans of all areas to be disturbed for construction of streets, drives, drainage ways, and structures; sewer, water and electric lines, erosion and sediment control structures, and other areas to be disturbed for the construction of improvements shall be made with existing topography shown in dashed lines and proposed contours shown in solid lines at a contour interval no greater than two (2) feet plus spot elevations, soil types and boundaries shown in dotted lines, existing tree lines and proposed trees and all other plantings, edge of all paved or graveled areas, location and size of all structures, piping and other materials, horizontal curve data at street center lines, center line stationing of all proposed roads at fifty (50) foot intervals and the location of all adjacent lot lines with the lot numbers of each lot taken from the site survey. Plans shall be drawn at a scale of not more than one (1) inch equals fifty (50) feet.

Will be required if recorded.

## **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.

The Board required a profile for the proposed subdivision road.

## **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.

There is one wetlands crossing. The Board required a typical cross section for that crossing and for the roadside ditches.

#### **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.

Will be required if recorded.

#### **XV. Performance and Maintenance Surety**

The Board waived this requirement with the condition that if the plan is to be recorded, then the Board may require a bond or other surety to ensure that the proposed road is completed to the Towns satisfaction.

#### **XVII. Agency Approvals:**

The Board waived the requirement of other agency approvals on the condition that if the plan is to be recorded, then the approvals would be required prior to the signing of the plan.

John moved to accept the application as complete with the waivers noted.

Tim seconded the motion.

John called for a vote and the motion passed unanimously.

John asked if the Board had any further questions.

There were none.

John asked about the development of the Agricultural Soils. On two of the proposed lots, Vicki noted that the majority of the back portion of the lot were steep slopes. She believed that the development of the Ag soils was preferable. The other Board members were in agreement.

There being no further discussions, Rusty moved to approve the four lot subdivision with the provision that if the plan is to be recorded then the noted items shall be completed prior to the plan being signed by the Board.

Tim seconded the motion.

John called for a vote and the motion passed unanimously.

John then closed the hearing.

Rich Brown asked the Board if they could answer several question he had about lot sized averaging subdivision, specifically how lot coverage and building footprint were calculated.

The Planning and Zoning Administrator stated the dimensional controls for each lot in a lot sized averaging subdivision are based on the size of the lot. If the size was not acceptable to the applicant, they could apply to the Zoning Board of Adjustment for a special exception to increase both the lot coverage and building footprint.

Rich then asked how the dimensional controls for an additional lot granted by the Planning Board under the Increased Density Option would be determined. The Planning and Zoning Administrator stated that the size and shape of that lot be determined through the Lot Size Averaging Subdivision process with the Planning Board making the final decision. The dimensional controls for any lot created in a Lot Size Averaging Subdivision would be based on the size of the created lot.

**Item 3) Acceptance of minutes from 10/25/2018**

John moved to approve the minutes as amended by Tim  
Vicki seconded the motion.

John called for a vote and the motion passed unanimously.

**Item 4) UVLSRPC Build out discussions.**

The Board had reviewed the build out analysis and had questions for Olivia Uyizeye, the author of the build out.

The Board noted that lots that were only partially in the Lyme Common District were treated as if they were completely within the district. The Board would like these lots to be clipped to the District boundary and that only the area within the district be used for the calculations.

The Lyme Common District Boundary should be shown more clearly on the maps.

Under the Residential Unit Availability paragraph the Board would like the following calculation explained:

“a footprint was deemed acceptable for 6 units at 1125 ft<sup>2</sup>, 5 units at 937 ft<sup>2</sup>, 4 units at 750 ft<sup>2</sup>, 3 units at 500 ft<sup>2</sup>, 2 units at 400 ft<sup>2</sup>, and 1 unit at 375 ft<sup>2</sup>.”

Explain and define the usage of “Affordable housing”

In the Summary Results table, clarify “Current residential Occupation”. Does it represent number of people, buildings or units within buildings?

The Board also would like a copy of the data used.

**Item 5)** Site Plan review lighting regulations.

The Planning and Zoning administrator passed out sample language provided by Vicki some time ago. John asked the Board members to review the language and prepare to discuss it at a later date to be determined.

**Item 6)** Lot size averaging language discussions.

Tim proposed some dimensional controls to start discussions.

Maximum Building footprint = 1,500 square feet.

Maximum Lot Coverage = 4,500 square feet.

Maximum Gross Floor area = 3,000 square feet.

The maximum building footprint, maximum lot coverage, and maximum gross floor area shall be no larger than the stated number regardless of lot size.

He suggested that the special exceptions to increase the lot coverage and footprint be removed.

Respectfully Submitted

David A. Robbins

Lyme Planning and Zoning Administrator.