

Lyme Planning Board Minutes  
September 10, 2020

Board Members present: John Stadler, Chair; Tim Cook, Vice Chair; Vicki Smith, Member, Eric Furstenberg, Member; Rich Brown, Alternate.

Board Members & Staff absent: David Robbins, Planning & Zoning Administrator, Kevin Sahr, Select Board Representative, David Van Wie, Alternate; Rich Menge, Alternate.

Members of the Public present: Jackie Glass, Martha Tecca

1. John opened the meeting at 7 pm by reading the State of Emergency Compliance Checklist.
2. MINUTES: John asked if there were any changes to the minutes for the previous meeting. Tim had some minor changes that he will send to David Robbins. John made a motion to accept the minutes as amended by Tim. Vicki seconded the motion and the roll call produced a unanimous affirmative vote.
3. SENIOR HOUSING: John suggested the Board go through the wording of the proposed Senior Housing Article line by line. The Board agreed.

Because of absences of the Select Board representative and others, there was consensus that any items agreed to would be provisional until the next meeting. No votes were taken.

Issues that have already been discussed many times were revisited:

\*A central goal of the Senior Housing Article is to make units more affordable than would otherwise be possible through increased density. The Board, excepting Rich Brown, has repeatedly agreed on the 62 and over age requirement, in part, because this demographic tends to have reduced income, greatest need and because public feedback has consistently favored it.

\*The Board is also looking at the area in the south of Town in and around the Commercial District as a place where Senior as well as other kinds of denser housing approaches might also take place. The Board is awaiting the results of a build-out analysis of that area before taking any action.

\*Rich Brown argued that parts of the Lyme Common District would be unwalkable and therefore no better than other areas. The others responded that this

District is clearly the most walkable, convenient and centrally located area in all of Lyme. It was also pointed out that the Senior Housing Article area could be expanded incrementally beyond the District over time, if needed.

\*HOPA (the older persons act) was also discussed. This is a more complex law that states 80% of units need only one person over 55 in them but with no restriction on either the number of other occupants within the unit or their ages. The remaining 20% of the units have no age restrictions. It was pointed out that enforcement by the Town would be extremely challenging at best and that 62 and older is a far more vulnerable demographic that is most needful of incentives.

\*What to do if something similar to last year's proposed HB1629 were to be revived in Concord was discussed. That bill required that any and all incentives provided to Senior Housing would also apply to any kind of housing. This would, obviously, defeat the whole point of the Article. A possible "poison pill" clause that would rescind the ordinance if something similar passed would be legal according to Town Counsel. John wished it was unnecessary, but both he and the other members didn't see an alternative. No final decision was made.

It was agreed that the full Board should review these potential changes and then finalize the Draft Article at the next meeting. Then they plan to gather as much public feedback as possible under the current challenging Covid conditions.

Proposed changes:

\*Move the second sentence under "Article XIII Senior Housing", ("The exterior appearance...") into the criteria section after h). Consider adding "...as determined by the Planning Board with input from the Heritage Commission."

\*Vicki will reword clause d) and provide the text to David Robbins for distribution.

\*Clause e) i - To provide more design flexibility, the wording was changed to "The average Senior Housing dwelling unit size shall be a maximum of 1,200 square feet."

iii. - The maximum building footprint was changed to 8,000 square feet from 12,000 sf in order to be more in harmony with the Lyme Common Zoning District.

\*The Board discussed eliminating clause h) as potentially unnecessary given that the word “repurposing” might be too vague and ineffective. No final decision was made.

\*Vicki asked to add wording to the beginning of clause k): “Buildings and structures used for...”

\*John said that Town Counsel had said that the Board’s possible “poison pill” clause was legal. John wished it was unnecessary, but both he and the other members didn’t see an alternative. No final decision was made.

It was agreed that the full Board should review these changes before incorporating them and to finalize the Article as soon as practical in order to have time to get as much public feedback as possible given the current challenging Covid conditions.

Meeting ended at around 9 pm.

Respectfully Submitted by,  
John Stadler  
Chair