

Lyme Planning Board Minutes 10/8/2020

Board Members and Staff Present: John Stadler, Chair; Tim Cook, Vice Chair; Ben Kilham, Select Board Representative; Vicki Smith, Member; Eric Furstenberg, Member; Rich Brown, Alternate; Richard Menge, alternate; David Robbins, Planning and Zoning Administrator.

Board Members Absent: David Van Wie, Alternate;

Members of the Public Present: Peter Holden, Barry Schuster. Bruce Dixon, Rosie Dixon, Liz Ryan Cole Michael Battles, Emily Battles.

Due to the Covid-19 restrictions the Board met online via Zoom with both video and phone access.

John opened the meeting and read the Right to Know law and the Governor's emergency order permitting meetings to be held in electronic remote format.

Item 1: Clair Kuhn, Trustee of the Shirley Dayton Irrevocable Trust and Michael and Emily Battles applied for a lot line adjustment to annex 10.88 acres of land from Lot 80 on Tax map 410 owned by the Battles to the property, owned by the Shirley Dayton Irrevocable Trust, tax map 410 lot 69.

Peter Holden, representing Clair Kuhn, outlined the reason behind the Lot Line adjustment and the minor subdivision. He stated that when the Dayton Trust sold the property at 347 Baker Hill Road, they held an option agreement to purchase back a portion of the lot. In order to meet the requirements of the agreement and the Lyme Subdivision requirements they would first have to annex 10.88 acres from the Baker Hill Property to an adjoining lot owned by the Trust (Tax map 410 Lot 69). The remainder of the lot could then be subdivided into two lots that would meet the requirements.

John worked through the check list with the Board to ensure the application was complete. The following was noted to be missing from the plat:

- 1) Full perimeter boundary of both lots Lot 69 was only partially shown.
- 2) Names and addresses of the abutters. All the abutters on lot 69 were not shown.

The Board concluded that the perimeter boundary would not provide any additional information to aid the Board in their decision and could be waived.

Vicki asked that the abutters be added to the plat. She suggested that they could be added as a list and keyed to the location inset that showed the entire boundary of the lot. She recommended that this change be set as a condition if the application were approved.

John asked if the Board had any additional issues with the application. There being none John moved to approve the application as complete with the above waiver and condition. Vicki seconded the motion.

John called for a vote via rollcall and the motion passed unanimously.

John asked if the board had any questions.

Vicki asked why there was a jag in the proposed property line instead of a straight line.

Peter Holden stated that the jag was there in order to create two new lots that met the option agreement requirements and Lyme's subdivision requirements.

Vicki then asked why there was no monument set at the western point of the jag.

Peter noted that the intent is to place a monument there but it had not been done yet so it was not noted on the Plat.

Vicki asked the Board to set a condition of approval that the Monument will be set and it will be shown on the plat.

John asked if there were any questions or comments from the public.

Michael Battles noted that their Option Agreement allowed for only one house to be built on the subdivided land and asked if the Board could set a condition prohibiting a house to be built on the annexed portion of the lot.

The Planning and Zoning Administrator noted that the Option Agreement was between the land owners and did not believe that the Board could set conditions based on a private agreement.

Barry Schuster, Atty. for the Dayton Trust, noted that he was aware of the agreement and would properly restrict the deeds in order to ensure the conditions of the agreement.

There being no other questions or comments, John moved to approve the application for Lot Line Adjustment with the following waivers and conditions:

Waivers:

- 1) Full permitter survey.

Conditions:

- 1) Missing abutting land owners from Lot 69 will be added as a list and keyed to the inset location map.

- 2) Text will be added to the plat stating that “The annexed land shall not be deemed or considered a separate lot but shall be regarded as merged into and made an integral part of the of land previously owned by the grantee(s) so that the same shall hereafter be one combined single lot of record”.
- 3) The missing monument along the new boundary will be set.

Vicki seconded the motion.

John called for a vote via rollcall and the motion passed unanimously.

Item 2: Michael and Emily Battles a minor subdivision of their property at 347 Baker Hill Road, tax map 410 lot 80.

John worked through the check list with the Board to ensure the application was complete.

It was noted that a replacement septic system area was not provided for Lot 1. The Board decided to make a condition of the approval that a replacement disposal area would be located and added to the plat.

John moved to accept the application as complete.

Vicki seconded the motion.

John called for a vote via rollcall and the motion passed unanimously.

John asked the Board if they had any questions.

Vicki citing her local knowledge of the road asked if there was a better location for the proposed driveway for the new lot. She was concerned that storm water draining from the driveway could cause damage to the road. Richard Menge had similar concerns. The Board had a discussion on ways to ensure that no damage would be done to the road. They settled on the following condition:

At the time a permit for the driveway is sought, the applicant shall provide an engineered plan showing the proposed driveway is consistent with Section 405.F of the Subdivision Regulations.

Richard Menge noted that Note 8 on the plan has a reference to Parcel A. Parcel A is not shown on the plan. He suggested that the note be modified to reference the Lot Line Adjustment. Atty Schuster suggested that the Lot Line Adjustment be recorded at the registry of deeds before the minor subdivision. The note would be modified to include a reference to the book and page of the recorded Lot Line Adjustment.

Eric noted and the Board agreed that the missing monument shall be placed as they had discussed in the earlier lot line adjustment.

John moved to approve the minor subdivision with the following conditions:

- 1) Note 8 will be modified to include a reference to the book and page of the recorded Lot Line Adjustment.
- 2) The missing monument along the new boundary will be set.
- 3) At the time a permit for the driveway is sought, the applicant shall provide an engineered plan showing the proposed driveway is consistent with Section 405.F of the Subdivision Regulations.
- 4) A replacement septic disposal area will be located for lot 1 and shown on the plat.

Vicki seconded the motion.

John called for a vote via rollcall and the motion passed unanimously.

Item 3: Senior Housing.

The Board reviewed the proposed changes to the senior housing amendment. The wording of Item F was discussed and Eric proposed the following;

Senior Housing may share a lot or building with other principal uses that are allowed in the Lyme Common Zoning District. The gross floor area of the Senior Housing dwelling units, common areas and accessory buildings shall be no less than 70% of the sum of senior housing gross floor area, non-senior housing residential gross floor area and non-residential gross floor area on the lot in order for the Planning Board to vary the dimensional controls as described in (d).

The Planning and Zoning Administrator would update the draft amendment and send it out to the members before the next meeting.

Item 4: Acceptance of minutes from 9/24/2020

John moved to approve the minutes from 09/24/2020 with minor edits from Rich Brown.

Vicki seconded the motion

John called for a vote via rollcall and the motion passed unanimously.

Item 5: Acceptance of minutes from 9/10/2020

John read proposed edits to the minutes from September 10th, 2020. Rich Brown stated that he substantially agreed but would like to see it written out. John stated he would send them to the administrator and he would forward them to the members.

The meeting adjourned at 8:44 pm.

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