

Lyme Planning Board Minutes
8/12/2021

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; David Robbins, Planning and Zoning Administrator.

Alternate Board Members Absent: David Van Wie, Rich Menge

Members of the Public Present: None.

Item 1: Continuance of Roby-Bailey Subdivision 385 Orford Rd. Tax map 406 Lot 6.

John appointed Rich Brown to sit for Tim as a regular member for this hearing. Tim had recused himself as an abutter.

Mr. Roby was unable to attend. The Planning and Zoning administrator reviewed with the Board an updated application for Lot Size Averaging subdivision.

The parent lot is entirely within the rural zoning district and has 1198 feet of road frontage and a total of 64 acres (per the tax card). After Conservation District reductions, it has an area of 29 acres.

The applicant requested that the road frontage of lot 1 be reduced to zero (0).

The Board reviewed the Checklist and the list of waivers requested by the applicant.

John then moved to accept the application as complete with waivers stated below. The motion was seconded by Vicki. John called for a vote and the motion passed with a unanimous vote.

Waivers:

II. A. Topographic Map

After viewing the GIS data and considering their local knowledge of the lot, the Board concluded that the lot was flat and the Topographic map was not needed.

II. Conservation District Map.

It was noted that the majority of the property is within the Agricultural Soils conservation District.

III. Lot size and density calculations.

The Board waived this requirement as this subdivision qualified for the “freebee lot” under the Lot Size definition in the Zoning Ordinance.

IV. Sewage Disposal.

The Board waived this requirement. The Board reviewed the soils map and did a gross assessment and believed that there would be areas suitable for septic systems.

Waivers for the following requirements were requested as the applicant believed they were not applicable.

II. D. 5. Existing and proposed street right-of-way lines, dimensions of tangents, chords, and radii; have points of curvature and tangency of curved streets; and angles of lot lines; and names of existing and proposed streets.

None were proposed and Rt 10 was shown on the plan.

II. D. 8. Location of existing and proposed parks and other open space, and significant natural and human-made features.

The Board concluded that there were none and therefore not applicable to this application.

II. D. 9. Location of existing and proposed utilities, wells, septic systems, buildings, drives, parking areas, storm water drainage lines, drainage structures, and drainage ways.

None proposed and therefore the Board determined they were not applicable.

II. D. 14. Property setbacks according to Table 5.1 of the Zoning Ordinance. The Board concluded that due to the size of the lot there was sufficient area for development that is outside the setbacks and that no development is proposed, thus, this item could be waived.

VIII. National Flood Insurance Requirements: Provide all relevant information as required under section 4 of the Subdivision Regulations. None of the developable land on the lot was within a flood plain.

The Board made the following findings:

Findings:

The Society for the Protection of NH Forests has an easement on a property that touches the subject property at a single point. They were not on the notice list submitted by the applicant and therefore did not receive a notice. The Zoning Administrator shall send them notice and the Planning Board shall re-open the hearing if the Society has a valid issue with the Subdivision.

The lot qualifies for the “Freebee lot” under the lot sized definition. (The foregoing area adjustments (a. – d. above) shall not apply in determining lot size or the dimensional requirements of Article V in the case of one minor subdivision of a lot of record on March 14, 1989, the effective date of the Lyme Zoning Ordinance)

The lot meets the requirements of section 5.11 D. 2. For a lot size averaging subdivision. Road frontage and lot acreage were both sufficient for the proposed two lot subdivision. Under the lot size averaging provisions, the Board reduced the road frontage requirement to 0.

John moved to approve the subdivision with the above waivers and the conditions and corrections to the plan below.

Eric seconded the motion

John called for a vote. Four members voted for approval; Rich Brown abstained.

Conditions:

- 1) The deed for lot 2 shall reserve for the owners of Lot 1 a 10 foot right of way aligned as agreed by the owners of lots 1 and 2. If the owners of Lot 1 and 2 cannot come to an agreement for a right of way to Lot 1, the Planning Board shall determine the location of the Right of Way.
- 2) Neither lot may be developed for any use that requires onsite water supply or onsite septic system without Planning Board determination that any such development satisfies all the requirements of Lyme's land use regulations in effect at the time.

In addition, the Board will require the following corrections to the site map.

- 1) Add note stating both lots are within the Lyme Rural Zoning District.
- 2) Clarification of reference to the right of the North Arrow
- 3) Tax Map Inset map, remove open space area to the west of the subdivided lot.
- 4) Note 2 referencing Lot 1 should reference lot 2.

John asked Rich why he had abstained. Rich stated that he had some issues with the waivers and that the Zoning Administrator had provided information instead of the applicant.

The Zoning Administrator stated that because of some extenuating circumstances the applicant was unable to attend. He felt that he works for the Town's residents and in this case the Town and residents were served best by helping to move the application forward. He had spent minimal time working on the application, time that he would have spent anyway to confirm the information if the applicant had supplied it.

John stated that Rich had voted to approve the waivers and he did not understand why Rich had not his issues when the waivers were being discusses. He asked that in the future Rich bring up any issues he has during the discussions so that they may be talked about.

Item 2: Acceptance of minutes from 7/22/2021

John moved to accept the minutes from 07/22/2021 as amended by Rich Brown.

Rich seconded the motion.

John called for a vote and the motion passed unanimously.

Item 3: Discussion of Zoning Amendments for solar energy systems.

John stated that he would like to have proposed zoning amendments for solar energy systems ready for the Town to consider at the 2022 Town Meeting that will promote the goals set forth in the proposed Energy Chapter of the Master Plan. He believed there was a lot of work ahead. He wondered whether splitting solar usage into two tracks would be useful and effective. The first track could look into solar as an accessory use continuing to be defined as a “structure” as is currently the case. The second track could cover commercial solar uses, such as “Solar Farms”, etc. The Board agreed to this approach.

The Planning and Zoning administrator passed around some definitions for solar energy systems as a starting point for the Board.

Item 4: Continued business

John reminded the Board that they still had some changes for the Site Plan Review Regulations that were still pending a public hearing. He asked the Zoning Administrator to give the Board a list of the changes so that they may discuss a public hearing date at the next meeting.

The meeting adjourned at 8:45pm.

Respectfully Submitted,

David A. Robbins

Lyme Planning and Zoning Administrator.