

Lyme Planning Board Minutes
June/12/2014

Board Members and Staff Present: John Stadler, Chair; C Jay Smith, Select Board Representative; Vicki Smith, Member; Tim Cook, Member; David Robbins, Planning and Zoning Administrator

Board Members Absent: Jack Elliott, Vice Chair; Freda Swan, Alternate; Sam Greene, Alternate

Members of the Public Present: Tami Dowd, Darrel Torrey

Item 1: Dowd's Inn, application to amend the Site Plan Review of a proposed expansion of the Dowd's Inn, approved on March 14th, 2013. The Inn has applied for an additional 297 square feet of footprint in order to meet State life safety codes.

Tami and Darrel reviewed the plans that included the additional space. They explained that the original intent to convert some of the kitchen space to use as an entrance to the tavern from the inn would not work because the upgrades to the kitchen would no longer fit. In addition the State life safety codes required that they have a second egress from the basement. The new plans also show the fire place being moved back and an increase in the isle space. There was no change from the original Plan as to the number of seats.

John asked if there were any questions from the Board. There being none, Vicki moved to approve modifying the application to add the 297 square feet of footprint to the tavern addition.

John seconded and called for a vote and it passed unanimously.

Vicki then moved to approve the application with the same conditions from the original approval.

Conditions:

1. All proposed structures shall be constructed substantially as shown on the plans and described in the narrative summary submitted as part of the application.
2. The use allowed by this approval shall be carried on as described in the narrative summary submitted as part of the application, subject to the conditions of approval set out herein.
3. Applicant shall adhere to recommendations 1–3 of the Lyme Heritage Commission, as communicated by email message of its chairman dated 2/28/13.
4. Vehicles used during site work shall enter and leave the premises using only the existing paved driveway, if practicable. If access to the site must be gained across the southeast lawn from Main Street, then the applicant shall demonstrate that the

temporary access has been approved for use by the NHDOT, and shall erect such barriers as are necessary to protect the root systems of the black locust and Norway spruce located in that area during construction.

5. The buried water line serving the Lyme Water Association shall be protected.
6. Before a building permit shall be issued, applicant shall submit to the Zoning Administrator, copies of the following permits:
 - a) Driveway permit issued by the NHDOT;
 - b) Wastewater disposal system permit issued by the NHDES; and
 - c) Certificate of Energy Code Compliance issued by the NHPUC.
7. Before applicant may commence operation of the new use, applicant shall submit to the Zoning Administrator, the following:
 - a) a permit by notification for the dry hydrant issued by the NHDES;
 - b) a letter from the Lyme Fire Chief, certifying that the conditions of his approval of the project contained in his letter dated February 27, 2013, have been met;
 - c) a permit to serve alcohol issued by the NH Liquor Commission, and Lyme Board of Selectmen, if necessary; and
 - d) to comply with the requirements of SPRR §11.1.2, the applicant shall come to agreement with all abutting property owners as to the type and location of screening along the respective common boundaries to be planted and/or constructed, failing which this approval shall be suspended until such time as the parties have presented the matter to this Board for decision, which screening shall be maintained in good condition by the owner of the subject parcel, for so long as the approved use continues.
8. As noted on plan S-1, all parking for all uses on the subject parcel shall be accommodated on the premises entirely off street in accordance with Article 7.21 of the Lyme Zoning Ordinance.
9. This Board may revoke or modify this conditional approval if after hours noise or patrons become an issue for residents who live within 400 feet of the subject parcel, the Lyme Common community, or law enforcement.
10. All operations on the subject parcel related to this approval shall be conducted so as not to disturb the reasonable enjoyment of properties located within 400 feet of the subject parcel.

John seconded and called for a vote on Vicki's motion which passed unanimously.

Item 2: Acceptance of minutes from May/22/2014

Vicki moved that the minutes be accepted as submitted.
John seconded the motion and it passed unanimously.

Item 3: Agricultural Soils Conservation District

John had gone back and read the Planning Board minutes from 2004-5 where new wording had been added. He felt that the intent of the Board at that time was to insure that when development occurred on Agricultural Soils, it was done in a manner that would leave the largest amount of Agricultural soils possible in an undivided area.

After discussion about clarity and user friendliness, the wording of section 4.64 was changed to the following:

(changes highlighted in bold print)

4.64 Agricultural Soils Conservation District.

- A. Permitted Uses. Permitted uses are those uses which will preserve and protect the Town's agricultural soils. Such uses include:
1. Agriculture using best management practices to prevent soil erosion and maintain the productive capacity of the soil.
 2. Forestry and tree farming using best management practices to prevent soil erosion and maintain the productive capacity of the soil.
 3. Wildlife refuges.
 4. Parks and outdoor recreation uses consistent with the objectives of the District.
 5. Conservation areas and nature trails.
 6. Structures accessory to the uses permitted in 1 - 5 above.
 7. Underground utility lines, wells and waterlines.
 8. Fire protection structures if approved by the Planning Board with the exception that fire ponds of one acre or greater require a special exception.
- B. Special Exceptions. Development of any of the uses listed below shall not occur within the District unless a lot does not have sufficient developable non-agricultural soil to accommodate a proposed use. **If a lot does not have sufficient non-agricultural soil, then up to a 25% area of the agricultural soil in a contiguous compact shape may be developed, leaving as large an area of undivided agricultural soils for agricultural use as possible.** ~~If the lot is being subdivided or has been~~

~~subdivided within the last 10 years, this 25% area shall be applied to the parent lot. In all cases,~~ The remaining 75% of agricultural soil shall be protected by a zoning easement prohibiting all but agricultural, forestry, recreation and conservation uses. The Zoning Board of Adjustment may waive the requirement of an easement on lots which have less than three acres of agricultural soils. The easement requirement does not apply to special exceptions granted under section 8.24.

The uses listed below are permitted by special exception in existing structures or as described above provided that subdivision and development of land within this District shall be designed and carried out to the greatest extent reasonably feasible so as to preserve and protect the productive capacity of the soils. The following uses are permitted by special exception in the Agricultural Soils Conservation District:

1. Single dwelling.
2. Multi-dwelling and office/studio conversions. See Section 4.46.
3. Clinic.
4. Cottage industry.
5. Home occupation.
6. Lodging accommodations.
7. Access ways which meet the conditions of Section 4.53, roads which meet the standards for new roads set forth in the Lyme Subdivision Regulations, and rights of way for overhead power and telephone lines. If the access way is across Agricultural Soils to gain access for the purpose of developing non Agricultural Soils, **The Zoning Board may waive the requirement of the Zoning Easement when the access way is built in such a way as to minimize the impact to the Agricultural Soils. If future development of the Agricultural Soils is proposed this access way will be included in the 25% of the area allowed under the special exception.**
8. Agricultural structures with a building footprint over 10,000 square feet to be located off agricultural soils as much as practicable.
9. Non-business development within areas specifically reserved for that purpose which were created as the result of conservation easements executed prior to the adoption of this Zoning Ordinance on March 14, 1989.

10. As provided in Article VIII.

11. Structures as allowed by the Telecommunications Facilities Ordinance.

C. Subdivision of land containing Agricultural Soils. If a lot is being subdivided that contains Agricultural Soils, the Planning Board shall define Building Envelopes for each subdivided lot that promote the preservation of Agricultural Soils. The Board may require development to be clustered as allowed under Section 5.11 D Lot Size Averaging. The Board shall take into account the soils suitability for septic systems and State setback requirements for wells and septic systems when requiring a Lot Size Averaging Subdivision.

John requested that Board members review these changes and that further discussions be added to the agenda for the meeting on June 26th,2014.

Item 4: Preliminary Workforce Housing inventory and report.

John reported that Sam was still working on the rental information and that he and Tim still needed to drive out and review the properties in the inventory.

The meeting adjourned at 8:45 pm

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