

**Lyme Planning Board Minutes
June/25/2015**

Board Members and Staff Present: John Stadler, Chair; Tim Cook, Vice Chair; C Jay Smith, Select Board Representative; Ursula Slate, Member; Eric Furstenberg, Alternate; David Robbins, Planning and Zoning Administrator.

Board Members Absent: Vicki Smith, Member; Freda Swan, Alternate

Members of the Public Present: None

Item 1: Acceptance of minutes from June/13/2015

John moved to accept the minutes with suggested changes.

Tim seconded the motion.

John called for a vote and the motion was unanimously approved.

Item 2: Agro tourism

The Board discussed the NH Supreme Court decision concerning agro tourism and decided that there were no actionable issues for the Board to deal with at this time. The Board will wait and see what the State Legislature's response is.

Item 3: Zoning ordinance Amendments.

Wetlands objectives:

John had proposed the following language for wetlands objectives:

The primary objective of the wetlands conservation district is to protect the Town's wetlands from despoliation or unregulated alteration and thereby to preserve the integrity of these areas, optimizing the following: 1) proper drainage, 2) flood control, 3) drinking water, 4) wildlife (including hunting, fishing and related commerce), 5) recreation, 6) aesthetics all for the purpose of the public good.

After discussions the Board changed the wording to the following:

The primary objective of the wetlands conservation district is to protect the Town's wetlands from despoliation or unregulated alteration and thereby to preserve the integrity of these areas, optimizing the following: 1) proper drainage, 2) flood control, 3) water quality, 4) wildlife, flora and fauna, 5) recreation, 6) aesthetics, all for the purpose of the public good.

The Board discussed possible way to change the language in section 4.64 B of the Agricultural Soils Conservation District to clarify this section.

- 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. 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, 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 Board reviewed this section sentence by sentence:

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.

The Board determined that the sentence (above) seemed clear that the uses are only those “listed below” and might not need any changes.

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.

The Board determined that the intent of this section was to keep any intrusion of the development area into the agricultural soils as small as possible. Additionally, the intent is to keep the intrusion from spreading out and breaking up the overall contiguous area of the agricultural soils.

The Board considered changing the wording as follows:

If a lot does not have sufficient non-agricultural soils, then the minimum area of intrusion needed to accommodate the use may be developed, ranging up to a maximum of 25% of the agricultural soils. The remainder of those soils shall be kept in as large a compact and contiguous shape as possible to ensure their ongoing agricultural viability.

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.

The Board agreed this section was written to prevent someone from subdividing in a way to thwart the intent of keeping the agricultural soils of the parent lot viable, as described above. Otherwise, a portion of the agricultural soils on each subdivided lot could be developed in a patchwork pattern, the sum of which would be of far greater acreage, than allowed on the parent lot. The issue remains as to how to equitably divide the developable area from the parent lot across subdivided lots. To address that the Board considered changing the Subdivision Regulations to require the creation of building envelopes on agricultural soils at the time of subdivision. This would also be the addition of such building envelopes as a permitted use under section 4.64 A of the ordinance.

Solar energy:

The Board discussed how to integrate the use of solar energy as an accessory use to a residential property while also addressing larger systems that may or may not be appropriate under various circumstances.

Ursula suggested the possibility of adding a section that defines and allows renewable energy as an accessory use. John asked that she write some proposed language for the Board to consider. She also suggested that the Board invite Mark Bolinger, of the energy committee to come to a Board meeting to discuss renewable energy. The Board asked her to extend that invitation.

The meeting adjourned at 8:54 pm

Respectfully Submitted

David A. Robbins

Lyme Planning and Zoning Administrator.