

Lyme Planning Board Minutes
October/22/2015

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

Board Members Absent: Freda Swan, Alternate

Members of the Public Present: David Roby, Rod Finley, Frank Gould, Nancy Wray

Members Slate and Cook were running late, so John appointed Eric to sit as a full member.

Item 1: Rod Finley to discuss the addition of a deck to the Nunnemacher Cabin on the Dartmouth Skiway property.

Rod passed out copies of the site plan for the addition of a deck to the Nunnemacher Cabin. Rod noted that based on survey work, the cabin was within the Steep Slope Conservation District and would require Zoning Board approval in the form of a Special Exception. The Zoning Ordinance requires that the Planning Board must review and provide comment to the Zoning Board in order for the Special Exception to be granted.

Rod reviewed the plans with the Board. The deck would be set on Sonotubes, with the only excavation being for the tubes. All materials would be brought in via an access road from the Dorchester Rd. Vicki asked whether they would blast if they encountered ledge. Rod stated that if ledge was encountered they would set the tube on the ledge. Rod also noted that some trees would need to be removed or trimmed to provide a clear area for the deck. Vicki asked if a handicapped ramp was planned. Rod stated that only a stair case was planned. Vicki suggested that he check to make sure whether the cabin needs to be ADA compliant. Vicki then asked about lighting. Rod responded that there is no electricity or gas at the cabin. Any lighting would be what was brought along by those using the cabin.

Vicki stated she believed that the Board had enough information to provide comment to the Zoning Board. Any other issues could be addressed at the Site Plan Review. Vicki felt that the disturbance to the site was minimal and that the Board should support the project.

John asked the other Board members if they had any other questions or concerns. There being none, John asked the Planning and Zoning Administrator to draft a letter to the Zoning Board stating that the Planning Board had no objections to the project.

Item 2: Lyme Historians Informal Site Plan Review discussions.

Nancy Wray and Frank Gould, on behalf of the Lyme Historians came to discuss the conversion of the house at 15 Main Street from a residence to a museum and whether the conversion require a Site Plan Review. The Historians bought the house, intending to convert it into a museum that would store the Historian's artifacts.

The Ordinance, in Table 4.1, requires Site Plan Review to convert to intuitional use. Nancy asked the Board what will be required. Vicki responded that Site Plan Review is a review of the any changes to the site that will affect how people and cars move around the lot. The Board will be interested in a parking plan, the driveway plan and changes to how people enter and exit the building. John noted that in the back of the Site Plan Review regulations there is a list of submission requirements, although not all the items would be required by the Board. He suggested they follow that form while working under the Planning and Zoning Administrator's guidance.

Item 3: Acceptance of minutes from October/08/2015

Vicki moved to accept the minutes.

Ursula seconded the motion.

John called for a vote and the motion passed unanimously.

Item 4: Zoning Amendments.

Variance Criteria.

The Planning and Zoning Administrator passed out a copy of a re-written section 10.50 utilizing the current state variance criteria as set forth in RSA 674:33 (b) 1-5 for the Board to review.

Vicki stated that there was little to discuss because by statute, this was the criteria that the Zoning Board had to use. John asked if there was any further discussion. There being none, he asked for a motion to send this amendment to a public hearing.

Vicki moved to send this amendment to a public hearing at a date to be determined.

Ursula seconded the motion.

John called for a vote and the motion passed unanimously.

John asked the Planning and Zoning Administrator if Town Counsel had reviewed the proposed amendments. The Administrator stated that he had sent the proposed amendments to Town Counsel and counsel had promised to have his comments finished by the Board's only meeting in November (11/12/15). This would allow the Board to hold the public hearing at the Board's only meeting in December (12/10/15)

David Roby came to the meeting with several concerns. He was concerned that an unscrupulous developer may be able to use the conversion and affordable housing sections in ways that were not intended. He suggested that the Board may want to consider revising the language to make it more difficult to "game" the system. He suggested that the Board change Table 4.1 to make Affordable Housing subject to Site Plan Review. Vicki noted that Article XII of the Zoning Ordinance already authorized the

Board to review site plans for any structure that contained more than two dwelling units. John held that the Affordable Housing language was discretionary and would give the Board some ability to prevent misuse.

David suggested that the Board consider increasing the wait time for new construction or buildings not served by wiring, heating and plumbing from five years to ten years. As an alternative he suggested a requirement that the Board would need to make a finding that a building was not created for the purpose of conversion.

John and Vicki both felt it was too late in the year to start discussions on new ordinance changes, but agreed that it would be reasonable to review both sections for next year.

The Board discussed a proposed section 8.28 from last year. Town Counsel had expressed a concern with the requirement that: “The relocated structure shall not result in a new or increased non-conformity”.

They agreed there may be a problem with the wording because any relocation to a different location within a setback would by definition, create a new non-conformity.

The Board discussed changing the requirement from:

“The relocated structure shall not result in a new or increased non-conformity.”

To: “The relocated structure shall better serve the objectives of the Ordinance.”

Vicki felt that this was ambiguous and would be difficult for the Zoning Board to interpret.

Jay suggested changing the requirement to: “The relocated structure shall better serve the objectives of the effected conservation districts.”

David Roby pointed out that conservation districts were generally not at issue here. He thought the Board should review the entire section because he felt there were other issues. John suggested that the Board table the amendment until next year.

The meeting adjourned at 9:02pm

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