

**Lyme Planning Board Minutes  
December/08/2016**

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

Board Members Absent: Amber Boland Alternate; Freda Swan, Alternate

Members of the Public Present: David Roby, Rich Brown, Liz Ryan Cole, Adair Mulligan, Laurie Wadsworth, Ray Clark.

**Item 1: Public Hearing for proposed zoning amendments for the 2017 Town Meeting.**

John opened the public hearing.

He stated that the first item for discussion would be Agritourism. He felt that the wording in section B of this amendment is inaccurate.

B. Agritourism; Existing Agricultural Uses Any new establishment, re-establishment after disuse, or significant expansion of a farm stand, retail operation, or other use involving on-site transactions with the public, including agritourism as defined in RSA 21:34-a, shall be subject to Site Plan Review.

David Roby stated that the amendment was not needed. He said commercial uses associated with a farm are already subject to Site Plan Review. Jay pointed out that is not necessarily the case with the way the new law is written. David Roby requested the Board allow him to revise the amendment and bring it to the meeting on December 22, 2016. The Board would still have time to hold a public hearing before the February deadline and consider his approach.

There being no other comment John continued with the other amendments.

**Intent of Conversions**

John asked if there were any questions from the public. Rich Brown stated that the conversion clause was revised at the request of a property owner in 1992 to increase the number of units from four to six. He asked why this was not the basis for the intent. John stated that the intent was being added at the request of the Zoning Board of Adjustment and had nothing to do with a previous Board decision to change the ordinance. Rather, old buildings are the common element shared by all the uses covered in the conversion clause and thus more appropriate as the intent,

There being no further comment John asked if anyone from the Board wanted to move to send the amendment to Town Meeting.

Vicki moved to submit the amendment to the 2017 Town Meeting.  
Jay seconded the motion.

John called for a vote and the motion passed unanimously.

### **Sign Regulations.**

John noted that the changes are a result of a Supreme Court decision that does not allow content to be regulated. The sign regulations were modified by Town Counsel in order to comply with the court's decision. He then asked if there were any questions or comments. There being none he asked if a Board member would make a motion.

Tim moved to submit the amended sign regulations to Town Meeting.  
Vicki seconded the motion.

John called for a vote and the motion passed unanimously.

### **Dwelling Unit Definition.**

John stated that the reason for the change was because there were two different definitions for Dwelling Unit, one in the Zoning Ordinance and one in the Subdivision Regulations. The Board wanted to create one for both documents.

John asked if there were any questions or comments. There being none he asked if a Board member would make a motion.

Eric moved to submit the new Dwelling Unit definition to Town Meeting.  
Tim seconded the motion.

John called for a vote and the motion passed unanimously.

John closed the public hearing and opened the public meeting.

### **Item 2: Heritage Commission – To Discuss Demolition Delay Ordinance.**

Tim noted that he was also a member of the Heritage Commission and therefore withdrew himself from any decisions the Planning Board might make.

Ray Clark started the discussions by giving the Planning Board some background as to why the Commission was seeking a Demolition delay Ordinance. The Heritage Commission is concerned that Lyme is rapidly losing its historic buildings. In an attempt to try to slow down the loss, the commission wishes to have the Zoning ordinance delay the demolitions of any building built in 1940 or earlier by up to 30 days. The Commission would use this time to discuss other options with the owner, instead of demolishing the building.

The Commission brought proposed language to submit to the Planning Board. The Board having not seen the language before, took a few minutes to read the proposal. Vicki stated that in her opinion they were trying to get involved too late, because the applicant would have already made their plans and obtained financing prior to applying for a permit. She felt that the Commission would have better success with outreach programs that would engage property owners before they made the decision to demolish a building.

Vicki and John recommended several changes to their proposal including separating it into two parts, the first being the amendment to the ordinance and the second being, the procedure to be added to their Rules and Procedures for the Heritage Commission to follow once they receive an application.

The commission said they would update their proposal and meet again with the Board on December 22, 2016.

### **Item 3: Pinnacle Project- To discuss proposed “Pocket Neighborhood” zoning amendment.**

Liz Ryan Cole and Rich Brown met with the Board to discuss their latest version of a petition zoning amendment that they will be submitting next week. Tim stated a concern that their plan would be considered “Spot Zoning”. John asked again for a detailed build out for a buildout plan that would show the potential impact on both the Town and on the combined Brown and Pinnacle properties. Rich did not have that information. John said that the impacts looked to be enormous and negative. It is very hard to support a proposal that the impact to the Town was unknown. The consensus of the Board was that this was very close to the same plan that had been submitted in the past.

### **Item 4: Discussion of Accessory Dwelling Unit Zoning Amendment.**

The Board continued discussions on amending the accessory dwelling unit language provided by Vicki. Several minor changes were made.

In addition the Board discussed the following definition for accessory dwelling units:

Accessory Dwelling Unit. An “Accessory dwelling unit “ (or “ADU”) is a residential living unit that is within, attached or detached to a single family dwelling, and provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

John noted the definition for Dwelling Single would need to be changed and offered the following language:

DWELLING, SINGLE. A residential building which may include an attached or detached accessory dwelling unit as allowed under section 4.42.

The Planning and Zoning Administrator noted that the proposed changes to section 4.42 included control of design criteria and design criteria is not regulated anywhere else in the ordinance and he asked if the Board wanted to set this precedent.

Due to the time, John suggested that the Board continue the discussions at the December 22, 2016 meeting.

**Item 5: Acceptance of minutes from November/27/2016**

John asked if there were any changes, there being none, he asked for a motion to accept.

Vicki moved to accept the minutes as submitted.

Tim seconded the motion.

John called for a vote and the motion passed unanimously.

The meeting adjourned at 9:45pm.

Respectfully Submitted

David A. Robbins

Lyme Planning and Zoning Administrator.