

Lyme Planning Board Minutes
October /27/2016

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

Board Members Absent: Freda Swan, Alternate

Members of the Public Present: John Nichols, Harry Burgess, Alan Greateorex, David Roby, Rich Brown, Liz Ryan Cole.

Item 1: Tyler Rich and John and Alice Nichols have applied to the Lyme Planning Board for approval for a Lot Line Adjustment to annex 3.67 acres from the Rich property at 50 Old Dorchester Rd (Tax map 420 to lot 22) to the Nichols Property at 622 Dorchester Rd (Tax map 420 lot 22).

John Nichols and Harry Burgess reviewed the annexation plan with the Board. Mr. Nichols noted that their house is within the property line setback and that if they were to increase the size they would be limited because to the setbacks. This annexation is intended to make his property more conforming by removing the buildings from the property line setback.

Vicki reviewed the checklist to ensure the application was complete. She noted that the plan did not show the complete boundaries for both properties and the septic systems were not located on the plan. She suggested the Board could consider waiving both these requirements. She also noted that the area calculations for each zoning district were not included. The Planning and zoning administrator noted that he had made the calculations and determined that the annexation would not cause either lot to become non-conforming. She suggested that the board could conditionally approve the plan, requiring that the lot size calculations be included on the final plats.

David Roby and Alan Greateorex pointed out that the Boundary line between the East Lyme and the Mountain and Forest Zoning Districts was located incorrectly.

Vicki suggested that the Board add correcting the zoning district boundaries as an additional condition.

David Roby asked if the addition of the 3.67 would the increase the applicant's ability to subdivide the lot. Mr. Nichols believed that it would not because he recalled that there was a deed restriction that prohibited using 600 feet of road frontage for subdivision calculations. John asked how much road frontage was available for subdivisions. Mr. Nichols was unsure.

John asked the Board whether they should consider a conditional approval or simply continue the hearing until the applicant can provide information as to whether the annexation will increase the number of lots that could be subdivided.

Mr. Nichols stated that his option to purchase the property would run out in January 2017 and he would like to be able to complete the transaction before then.

Vicki suggested that the Board vote to accept the application as complete with the stated waivers and corrections for the final plat. This would ensure that the Board would have to move forward in a timely manner as required by state statute.

John asked if there was a motion.

Vicki moved to grant a waiver for the complete boundary survey and the locations of the septic systems because neither of the items would provide any additional information.

John called for a vote and the motion passed unanimously.

Vicki moved to accept the application as complete.

John called for a vote and the motion passed unanimously.

The Board concluded that having specific information about road frontage and acreage would be advisable.

John moved to continue the hearing to the November 10th, 2016 meeting in order to give the applicant time to gather the information about the ability to subdivide.

John called for a vote and the motion passed unanimously.

Item 2: Acceptance of minutes from October/13/2016

Tim moved to approve the minutes as amended.

John seconded the motion.

John called for a vote and the motion passed unanimously.

Item 4: Discussion of zoning amendments returned from legal review.

Discuss scheduling a Public Hearing.

The Board reviewed the changes proposed by legal counsel and made minor changes. (Full text of the proposed amended sections are available at the end of this document)

Vicki moved to hold a public hearing for the proposed zoning amendments on December 8th, 2016 at 7:00pm in the Town Offices Conference Room located at 1 High Street.

John seconded the motion and called for a vote.

The motion passed unanimously.

Item 3: Pinnacle Project, informal meeting to discuss language for a potential change to the ordinance.

Rich Brown and Liz Ryan Cole have proposed changes to the Planned Development section of the Zoning Ordinance to:

- 1) Extend the area where Planned Development is allowed to include one mile of Route 10 both north and south of the Lyme Common Zoning District.
- 2) To allow new multi dwellings
- 3) Relax dimensional controls for Planned Development.

Liz noted that it was the Pinnacle Projects intent to present a petitioned zoning amendment for the 2017 Town meeting. It was her hope that the Planning Board would support their proposal.

John asked if they had done an analysis of the impact on all the properties affected, including their own property. John noted that the Board has repeatedly asked for this information.

Rich stated that there were no lots to the south of the Lyme Common Zoning District that would qualify and only a small number to the north, including the Pinnacle Project's lot and his own. He felt that the impact would be small.

Both Vicki and John noted that there were several lots to the south that would be subject to the proposed language and that the impact would clearly be greater than stated.

John added that there were several conflicts between the proposed language and the existing Ordinance language, making potential implementation difficult and problematic.

David Roby noted that the Ordinance does not allow for multi dwelling because, at the time the Ordinance was first passed the Town did not want apartment buildings. He feels the Town still does not want apartment buildings.

John felt that their analysis was very incomplete and misleading. Additionally some of the new language is confusing. He held, as he has for many years that he will not support any major change to the Ordinance without credible evidence of its genuine impact on the town. It appeared to him that the proposed changes were derived from how they would benefit Pinnacle, rather than how they would benefit the Town.

Item 4: New Business

Vicki brought in a handout from the New Hampshire Municipal Association containing recommendations to ensure compliance to the new Accessory Dwelling Unit Law. She suggested that the Board consider adding a definition for Attached Accessory Dwelling Units and modify section 4.42 to include rules for Attached Accessory Dwelling Units. John asked the Planning and Zoning Administrator to scan and email copies of Vicki's handout to the Board members. He then asked the Board members to read the handout so that they could discuss possible changes to the Accessory Dwelling Units regulations at the November 10, 2016 meeting.

The meeting adjourned at 8:53 pm

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

Draft Zoning Ordinance Changes for the 2017 Town Meeting.

1) Intent of Conversions

4.46 Conversions. If a use is permitted in Table 4.1, then a conversion of all or part of a single building to that use may be allowed. Any conversion requiring a Site Plan Review as noted in Table 4.1 must meet all of the criteria of section 12.10 as well as all of the following criteria:

- A. Structures less than five years old or structures which were not served by wiring, heating, and plumbing (including sanitary facilities) during the previous five years shall not be converted to any use other than a single dwelling.
- B. If applicable, the proposal must conform to the standards contained in the Site Plan Review Regulations;
- C. The building is served by a driveway that conforms to the standards contained in Section 4.53;
- D. The building is served by adequate off-street parking and loading meeting the standards set forth in Article VII;
- E. The building is served by a septic system that meets both local and state standards;
- F. In the conversion of a residential building to a non-residential use, 40% of the floor area of the building shall be retained for residential use.
- G. No more than 6 units shall be permitted in any building.

The intent of Section 4.46 is to encourage the ongoing viability of Lyme's older buildings by allowing for their conversion to other uses.

2) Signs

ARTICLE VI: SIGN REGULATIONS

6.10 APPLICABILITY

The purpose and intent of this section is to provide control of the erection, installation, and maintenance of signs for the purpose of aesthetic values and for safety, convenience, comfort, propriety, and the general welfare. All signs placed, erected, or established subsequent to the adoption of this ordinance shall conform to the requirements herein.

For the purpose of this Article the word "sign" does not include Town street or traffic signs or warnings or State approved directional signs;. These regulations shall not apply to non-illuminated signs and window posters that are displayed from within a building.

6.11 Non-conforming Signs. Any sign existing prior to the adoption of this Ordinance on March 14, 1989 and not conforming to the terms of this Ordinance shall be allowed to continue. Nothing herein shall prevent the replacement of a non-conforming sign so long as the replacement does not result in a new or increased violation.

6.13 Site Plan Review. All signs to be erected in conjunction with a new site plan or a change in site plan shall be subject to Site Plan Review.

6.20 GENERAL REQUIREMENTS

6.21 Permitted Signs.

- A. On-Premises Signs: Allowed in all districts as described in Article VI.
- B. Off-Premises Signs: Except for State approved signs, off-premises signs may be permitted by the ZBA by special exception. There shall be no more than two Town approved signs to any premises, and there shall be no more than one sign on any one lot. No off-premises sign shall be located within 50 feet of another such sign.

6.22 Size of Sign.

- A. On-Premises Signs. The total area of on-premises signs on any lot shall be limited to 16 square feet per side for signs in commercial/industrial district and three square feet per side for signs in residential districts. The total sign area may be increased during Site Plan Review.
- B. Off-Premises Signs. The area of an off-premises sign shall not exceed six square feet.
- C. Increase in Sign Area. If a sign is located at least 100 feet from the road right of way, the maximum area of the sign may be increased by 25%. If the sign is located at least 200 feet from the road right of way, the maximum area of the sign may be increased by 50%.

6.23 Illumination. Signs may be illuminated only by continuous indirect white light with the light sources so placed that they will not constitute a hazard to driving or be a nuisance to neighboring properties. Signs in commercial districts may be illuminated one hour after the last business in the building in which the business is located closes for the night, but not later than midnight.

6.24 Lighting & Movement. No flashing or moving signs or signs with visible moving parts or intermittent lighting to create the visual effect of movement are permitted. Neon and tubular signs are permitted when they are located within the building and are seen through a window.

6.25 Construction & Location. Signs shall be constructed of durable materials and shall be maintained in good condition and repair. No signs shall be located more than 20 feet above ground level. No sign shall extend above the roof or parapet line of any building on the premises, nor more than 4 inches out from and parallel to the wall to which it is attached. No sign shall be placed upon or supported by a tree, rock, or other natural object. Any motor vehicle primarily used to display a sign will be subject to any and all regulations as contained in this article. No sign shall be located within side and rear set back areas as provided in Table 5.1. There is no road setback.

6.26 Pole Signs. Only one Pole Sign may be erected upon any premises.

6.27 Restrictions as to Location. No sign other than official street signs or traffic directions shall be erected or maintained within the road right-of-way. No sign shall be placed in such a position as to endanger motor vehicle or pedestrian traffic or obscure or otherwise cause confusion with official street or highway signs or signals.

3) Dwelling Unit:

“A room or rooms providing independent living facilities for one or more persons, including provisions for sleeping, eating, cooking and sanitation that is established for regular occupancy.”