

Lyme Planning Board Minutes
December/22/2016
Draft

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

Item 1: Heritage Commission - continue discussions on demolition delay ordinance. Tim stated that the Commission was not ready to continue discussions. They were currently working on their Rules and Procures document. This document would contain the procedure for reviewing a proposed demolition. When the procedures were complete they would return to the Board to discuss implementing the ordinance. Vicki noted the Commission could ask the Select Board to enact a Town ordinance that would require the same delay. This could be done after a public hearing without having to wait for a vote at Town meeting. John asked Jay for his opinion, he stated that the Commission would need to show that the state has given them authority, then the Select Board could consider a Town Ordinance. Tim said that he would pass this information along to the commission.

Item 2: Set public hearing date for Pinnacle Project's petition zoning amendment.

Vicki moved to set the date for a public hearing on January 26th, 2017
Eric seconded the motion.
John called for a vote and the motion passed unanimously.

Item 3: Continue discussion on the agritourism zoning amendment. David Roby had written an alternate version of the agrotourism amendment. The Board discussed the new language, and decided to remove the "Retail Operations" section of the proposed language Vicki voiced a concern that agritourism would be allowed where the primary use of the property is agriculture. She felt that this could allow agritourism on properties that were used for farming but not owned by the farm that uses them. David Roby noted that the language came directly from the RSA (Section 674:32-d). The Board discussed that particular issue and decided to table it for discussion in 2017.

With no additional discussions John asked if anyone wanted to make a motion to hold a public hearing on the amendment.

Eric moved to hold a public hearing on the agritourism amendment at the Boards regular meeting on January 12, 2017 at 7:00pm.

Tim seconded the motion.

John called for a vote and the motion passed unanimously.

Note: Full text of the amendment is at the end of this document.

Item 4: Continue discussion of Accessory Dwelling Unit zoning amendment.
The Board made final revisions to the Accessory Dwelling Unit zoning amendment.

Vicki moved to hold a public hearing on the Accessory Dwelling Unit amendment at the Boards regular meeting on January 12, 2017 starting at 7:00pm.

Tim seconded the motion.

John called for a vote and the motion passed unanimously.

Item 5: approve the minutes from December 8th, 2016.

John moved to approve the minutes as amended.

Tim seconded the motion.

John called for a vote and the motion passed unanimously.

Item 6: New Business.

John noted that the 2016 housing report was complete and asked if the Board wished to officially accept the report. There being no discussion John moved to accept the 2016 housing report as complete.

Tim seconded the motion.

John called for a vote and the motion passed unanimously.

John asked the Planning and Zoning Administrator to add the report to the Planning Board document on the Town website.

The meeting adjourned ay 8:20pm

Respectfully Submitted

David A. Robbins

Lyme Planning and Zoning Administrator.

Agricultural Uses

Add the following definition to Article II

Agritourism. Agritourism which means attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation, including, but not limited to, eating a meal, making overnight stays, enjoyment of the farm environment, education about farm operations, or active involvement in the activity of the farm.

Amend section 4.51 as follows:

4.51 Agricultural Use:

- A. The Right to Farm. The right to farm is a traditional right of fundamental importance to the Town of Lyme to those who are now farming in the Town and to those who may want to farm in the future. In order to safeguard and protect these basic interests, the right to farm, comprising all generally accepted agricultural practices, is expressly recognized and allowed as a permitted use, excepting any practices which utilize, process, or dispose of toxic quantities of substances which may pose a threat to groundwater quality, which shall be prohibited.
- B. Agritourism. Agritourism as defined in article II and RSA 21:34-a is allowed, subject to site plan review on any property in the Town of Lyme where the primary use of the property is for Agriculture.

Amend table 4.1 by adding a third row under agriculture for Agritourism that allows Agritourism in all districts subject to Site Plan Review.

Accessory Dwelling Units

Change the existing definition of “Dwelling , Single” to:

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

Add the following two definitions to Section II:

Accessory Dwelling Unit Attached. An “attached Accessory dwelling unit “ is a residential living unit that is within or attached 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.

Accessory Dwelling Unit Detached. A “detached Accessory dwelling unit “ is a residential living unit that is detached from 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.

4.42 Accessory uses

- A. Customary accessory uses are permitted uses which are incidental to the principal use, including single dwelling uses in conjunction with permitted business use
- B. A single detached accessory dwelling unit may be added to a lot with an existing or proposed residence if:
 - a) only one detached accessory dwelling unit is permitted;
 - b) both units share an access to a town or private road;
 - c) both units are located less than 100 feet apart or share the same wastewater disposal system;
 - d) there shall be a suitable area for a replacement wastewater disposal system(s);
 - e) the gross floor area of the accessory unit does not exceed 750 square feet;
 - f) the subdivision of the lot to separate the two residences is prohibited through the grant of a zoning easement to the Town of Lyme; and
 - g) this shall not be considered a multi-dwelling conversion.
 - h) One of the units is owner-occupied;
 - i) The principal structure is a single-family dwelling;
 - j) The accessory dwelling unit does not have more than two bedrooms;
 - k) Parking adequate for the accessory dwelling unit is provided on site pursuant to Article VII; and
 - l) The accessory dwelling unit is designed as follows:
 - 1. **Location of entrances.** Only one entrance may be located on the street side(s) of the accessory building, unless the accessory building contained additional entrances before the accessory dwelling unit was created. An exception to this requirement is: entrances that do not have access from the ground such as entrances

from balconies or decks; in which case, an additional entrance may be located on the street side.

2. **Exterior stairs.** Fire escapes or exterior stairs for access to an upper-level accessory dwelling unit must not be located on the street side(s).
3. **Building setbacks.** A detached accessory dwelling unit must be located at least ten feet behind the street side(s) of principal dwelling, unless the detached accessory dwelling is in an existing detached structure and does not meet this standard.

C. A single attached accessory dwelling unit may be added to a lot with an existing or proposed residence if:

- a) There shall be a suitable wastewater disposal system to accommodate the additional bedroom(s);
- b) The subdivision of the principal unit from the accessory unit may not occur by the creation of a condominium or other method of transfer;
- c) This development is not considered a multi-dwelling conversion.
- d) An accessory dwelling unit may be located on a lot only if one of the units is owner-occupied, and if the principal structure is a single-family dwelling.
- e) The accessory dwelling unit does not have more than two bedrooms;
- f) Parking adequate for the accessory dwelling unit must be provided on site pursuant to Article VII.
- g) An accessory dwelling unit must be designed as follows:
 1. **Location of entrances.** Only one entrance may be located on the street side(s) of the principal dwelling, unless the principal dwelling contained additional entrances before the accessory dwelling unit was created. An exception to this requirement is: entrances that do not have access from the ground such as entrances from balconies or decks; in which case, an additional entrance may be located on the street side(s).
 2. **Exterior stairs.** Fire escapes or exterior stairs for access to an upper-level accessory dwelling unit must not be located on the street side(s).