

Lyme Planning Board Minutes
August/10/2017

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

Board Members Absent: Eric Furstenberg Member; David Roby Jr. Alternate

Members of the Public Present: None.

Item 1: Acceptance of minutes from July/27/2017

John noted that on page 4 there was a duplication of information in regards to Phil Elders letter. John recommended taking out the first reference.

Vicki moved to accept the minutes as amended by John.

Tim seconded the motion.

John called for a vote. Vicki, Tim and John voted to approve, Jay Smith abstained as he had not been at the meeting. Amber had not arrived at the meeting in time to vote.

The motion passed by an affirmative vote of three members who could vote.

Item 2: Amendments to the Subdivision Regulations.

The Board had been working on trying to fix issues with subdividing lots where the only developable area in a newly created lot is within the Agricultural Soils Conservation District. The Board would like to be able to create building envelopes at the time of subdivision so that the lot is guaranteed to be buildable and the impact to the district is minimized.

The intent would be to continue to have the Zoning Ordinance address existing lots via special exceptions through the Zoning Board, but to address lots that are being subdivided through the subdivision regulations. The Board would also like to have flexibility in defining the building envelopes so that the development area is not confined to a compact contiguous shape whenever that would serve the district better.

The Board discussed new language in the subdivision regulations that was similar to section 4.64 B of the Zoning Ordinance that would give the Planning Board authorization to approve a building envelope without the need for the additional zoning board approval (Special Exception under section 4.64 B).

The Planning and Zoning Administrator felt that the Board would need authorization to allow building in the district granted through the Zoning Ordinance.

The Board concluded that the best way to provide this authorization was to add a new section to 4.64 that was similar to section B, but aimed at the Planning Board.

John recalled that at the last March town meeting, the Town approved the new dwelling unit definition. As the Board had intended, that definition should now be added to the Subdivision regulations for consistency. The Board agreed.

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.

Vicki noted that RSA 676:4 had been revised to require that applications be submitted to the Planning Board 21 days prior to a hearing date. She stated that both the Subdivision Regulation and the Site Plan Review Regulations need to be amended to reflect this change.

Item 3: Amendments to the Site Plan Review Regulations.

Vicki had worked on a proposal for new lighting regulations. The Board reviewed the proposed regulations and John asked the members to contemplate the changes in preparation for the next meeting on August 24, 2017 where they would be discussed again.

Vicki stated that the first paragraph of section 6.3 needs to be revised from 15 days to 21 days as per the changes to RSA 676:4.

6.3 Formal Consideration and Time Limits:

In accordance with NH RSA 676:4, the Planning Board specifies in these Regulations what constitutes a completed application. The applicant shall file the application with the Planning & Zoning Administrator at least **21** days prior to the public meeting at which the application will be reviewed for completeness. The Board shall determine if the application is complete or not within 30 days of submittal. If the Board determines the application is incomplete, the Board shall notify the applicant within 144 hours of such vote of the determination including the information, procedure, or other requirement necessary for the application to be complete.

The Board discussed changes to section 4.1.3 to try to ensure that if a commercial building is replaced, a site plan review will be required before a zoning permit is issued.

- 4.1.3 a change in use or layout of multi-dwelling or non-residential property or building(s) which involves changes in traffic flow; parking; drainage; water, sewer, or other utilities; fuel storage; or toxic material storage; or

Vicki proposed removing the following:

“which involves changes in traffic flow; parking; drainage; water, sewer, or other utilities; fuel storage; or toxic material storage;”

The Zoning Administrator stated that he believes that the language in the Zoning Ordinance preempts the Site Plan Review Regulations and therefore a change to the Zoning Ordinance is also required.

John said that the proposed change to section 8.27 requiring site plan review for non-residential should make changing 4.13 unnecessary. He also stated that the same change should be made to 8.26.

Vicki agreed but said that the changes should also include Multi-dwelling use.

The Board proposed the following language for sections 8.26 and 8.27 of the Zoning Ordinance:

8.26 Replacement, Restoration, and Reconstruction. Any non-residential or multi-dwelling replacement, restoration or reconstruction requires Site Plan Review prior to the issuance of a Zoning Permit, Otherwise Nothing herein shall prevent the substantial restoration or reconstruction within two years of a non-conforming building or structure destroyed in whole or in part by fire or other natural casualties, to include snow load, wind, or age, or the replacement of a building or structure so long as this use does not result in a new or increased violation. Such a restored, reconstructed, or replaced building or structure shall be considered an existing building or structure for purposes of this Ordinance.

8.27 Replacement of a Non-conforming Structure.

Any non-residential or multi-dwelling replacement requires Site Plan Review prior to the issuance of a Zoning Permit, Otherwise nothing herein shall prevent the replacement of a non-conforming structure so long as the replacement does not result in a new or increased violation.

Item 5: New Business

Vicki has been repeatedly asked by a neighbor about the parking situation at another neighbor’s house where rooms are being rented. Vicki noted that the tenants were parking on the lawn, creating a new “driveway”

The Board concluded that this was not allowed and asked the Planning and Zoning Administrator to address the issue. He noted that he was not in town in the evening when the issue was occurring and asked Vicki to take some pictures. He wanted to include them in a letter to the property owner to be able to illustrate the issues.

The Planning and Zoning Administrator passed around copies of a letter from the select Board informing the Town’s residents that they are responsible to take corrective action

if their driveway poses a threat to the Towns roads. Under RSA 236:13, VI the Planning Board or their designee may issue an order to take corrective action.

Due to damage done to the Towns roads during the July 1st, 2017 storm and subsequent storms, the highway department has identified several driveways that need to be repaired to prevent further damage to the Towns roads.

The Planning and Zoning Administrator asked the Board and they agreed, to allow him to issue the orders of corrective action on behalf of the Planning Board.

There being no further business, the meeting adjourned at 9:28 pm.

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