

**Lyme Planning Board Minutes
December /10/2015**

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; Freda Swan, Alternate; David Robbins, Planning and Zoning Administrator.

Board Members Absent: None

Members of the Public Present: Rich Brown, Liz Ryan Cole.

At 7:00 pm John opened the Public Hearing.

Item 1: Zoning Amendments Public Hearing.

(Note: the full text of the amendments is found at the end of this document.)

John reviewed the three Zoning amendments the Planning Board has proposed for the 2016 Town Meeting.

He then asked if there were any questions from the public. There were none. John asked the Board if they had any questions. There being none, he moved to close the public hearing. Vicki seconded the motion. John called for a vote and the motion passed unanimously.

Vicki move to send the amended section 1.35 to Town Meeting.
Tim seconded the motion.
John called for a vote and the motion passed unanimously.

Vicki moved to send the amended section 3.27.1 Wetland Conservation District to Town Meeting.
Tim seconded the motion.
John called for a vote and the motion passed unanimously.

Vicki moved to send the amended section 10.50 to Town Meeting.
Ursula seconded the motion.
John called for a vote and the motion passed unanimously.

Item 2: Pinnacle Project to discuss their Petition Zoning Amendment.

John noted that the amendment had been submitted to the Select Board and the Planning Board would need to hold a Public Hearing. John moved to hold the Public Hearing at the Boards next regular meeting on January 14, 2016. Vicki seconded the motion. John called for a vote and the motion passed unanimously

John asked Liz and Rich if they wished to describe their petition amendment. Liz stated that they worked with a professional planner to come up with language that they felt would allow the Pinnacle Project to build their Co-housing project while trying to stay consistent with existing language.

The intent of the proposal was to extend the ability to create modified Planned Developments into portions of the Rural Zoning District.

John asked about the definition of Senior Housing, noting that it differed from the Federal definition. Liz stated that the Pinnacle project had no intention of applying for the federal money because the federal requirements were too stringent for the Pinnacles intended age groups.

John asked how they would suggested how Lyme would enforce their amendment's "Senior Housing" clause. Liz stated that she believed other Towns must have encountered this and Lyme should research this and see what they did.

John asked if the increased density option for Workforce housing units would increase the maximum units allowed. Liz responded that thirty units per lot was the maximum.

John asked if they had done any analysis of the properties that could take advantage of the amendment, specifically did they know how many units could be created if the amendment were to pass.

Liz responded that they had not looked at any Lyme property other than their own. John noted that it looked as if the amendment would allow an enormous number of new units in the defined area.

Vicki asked about the connectivity of buildings in section 4.49F.7. She felt that this section was written to get around the building footprint issues. Under these rules a developer could build a structure that was larger than allowed by calling it two buildings.

Liz stated this was to accommodate the connected design of the Pinnacle Projects development.

Vicki had an additional concern about section 4.49F.8. She felt that the use of "may be protected" instead of "shall be protected" as used in 4.49.E could be problematic if the developer decided that they did not want to place an easement on the undeveloped portion of the property.

Liz suggested that if the Board did not approve of the petition amendment, they could still write their own amendment. Given the very limited time the Board had before an amendment had to be submitted to the Town, John felt that it was unlikely that the Board could or would write such a sweeping amendment before February 1st 2016. Liz felt there was plenty of time if the Board added additional meetings. Vicki noted that for herself, since this was the holiday season, she did not have time in her schedule for additional

meetings. This sentiment was echoed by several other Board members. John explained to Liz that writing this type of amendment could well be, a yearlong project. In any event it would need to be demonstrated whether the Town residents had an interest in pursuing this type of major revision. And even if so, the Board would need to consider various options all requiring research and feedback.

John asked if any of the Board members had any other questions. There were none. John then asked if Rich or Liz had any other questions. They did not.

Rich thanked the Board for their time.

Item 3: Acceptance of minutes from November/12/2015

Vicki moved to accept the minutes with minor edits.

Tim seconded the motion.

John called for a vote and the motion passed unanimously.

Item 4: New business

John stated that he had been working on updating both the workforce housing and Town wide inventory and reports. He asked for two volunteers to help review the data. Tim and Eric agreed to help. John, Tim and Eric agreed to form a sub committee to review housing data and update the inventory.

John also reviewed with the Board House Bill 146. This bill establishes requirements for local regulation of accessory dwelling units.

John noted that: "Every accessory dwelling units shall be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59." This would mean that all accessory dwelling unit, would count as Workforce housing.

He also noted that the wording "An accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. The municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling." And "A municipality may establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 40 percent of the living space of the principal dwelling unit." It was noted that this could lead to larger accessory dwelling units than are currently allowed in Lyme.

The meeting adjourned at 9:00 pm.

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

Proposed Zoning Amendments:

1) Include Small Wind Energy Systems Ordinance in section 1.35

1.35 Status of Other Land Use Ordinances, Regulations, and By-Laws. The Town of Lyme Subdivision Regulations, Regulations for Site Plan Review, Curb Cut Regulations, Excavation Regulations, Telecommunications Facilities Ordinance, Floodplain Development Ordinance **and Small Wind Energy Systems Ordinance** remain in effect. In the event of any conflict between the provisions of these ordinances **and Regulations** and the Lyme Zoning Ordinance, the provisions which impose the greater restriction or the higher standard shall govern. Modifications of subdivision conditions, including but not limited to building envelopes, may be made by the Planning Board only.

2) Add an objective to the Wetlands Conservation District.

3.27.1 Wetlands Conservation District. The Wetlands Conservation District is hereby defined as any area that is inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal conditions does support, a predominance of vegetation typically adapted for life in saturated soil conditions, together with a 100 foot buffer zone around such areas.

Wetlands include but are not limited to swamps, marshes, bogs, and similar areas. Wetlands shall be delineated on the basis of hydrophilic vegetation, hydric soils, and wetlands hydrology in accordance with the current New Hampshire Department of Environmental Services Wetlands Bureau Code of Administrative Rules. One hundred percent (100%) of such wetland areas and 80% of the 100 foot buffer zone shall be excluded in the calculation of lot size. Wetlands less than 2,500 square feet in size are excluded from the provisions of the Wetlands Conservation District, although State regulations may apply. The map available in the Town offices at the time of application will provide the Natural Resources Conservation Service (NRCS) hydric soils and National Wetlands Inventory which may be used as preliminary guidance for wetlands delineation. **The primary objective of the wetlands conservation district is to protect the Town's wetlands from despoliation or unregulated alteration and thereby to preserve the integrity of these areas, optimizing the following: 1) proper drainage, 2) flood control, 3) water quality, 4) wildlife, flora and fauna, 5) recreation, 6) and aesthetics, all for the purpose of the public good.**

3) Change section 10.50, variance criteria, to reflect the state requirements in RSA 674:33

10.50 VARIANCE

The ZBA may, on an appeal, grant a variance from the provisions of this ordinance, but only if all the following facts are found by the ZBA and such findings are specified in its decision:

- (1) The variance will not be contrary to the public interest;
- (2) The spirit of the ordinance is observed;
- (3) Substantial justice is done;
- (4) The values of surrounding properties are not diminished; and
- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

(ii) The proposed use is a reasonable one.

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.