

Lyme Planning Board Minutes
April 10, 2008

Board Members & Staff: Present: Stephanie Clark, Chair; John Billings, Vice Chair; Dick Jones, Selectboard Representative; David Roby, member; John Stadler, member; and Francesca Latawiec, Planning & Zoning Administrator

Public: Rod Finley, PE, Pathways Consulting, LLC.

The meeting was called to order by Chair Stephanie Clark at 7:00 PM.

Item 1: Approval of Minutes: Dick Jones made a motion to approve the minutes as amended to remove the word enthusiastically from Item 2, to add “for the entire property to Lot of Record status” for Lindsay Mather’s property and to delete the last sentence under Item 4 on page 2. The motion was seconded by John Billings. The motion passed unanimously.

Item 2: Application # 2008-PB-002, Lindsay Mather, represented by Pathways Consulting, LLC, (Tax Map 407, Lot 120) proposes a 2 lot minor subdivision at the above referenced lot at 124 Pinnacle Road. Trout Brook flows through the property. Continuation of Design Review Discussion from March 27, 2008. Rod Finley presented a revised plan for the board to discuss at their meeting on April 24, 2008. David Roby made a motion to continue the Design Review Discussion until April 24, 2008. The motion was seconded by John Billings and passed unanimously.

Item 3: Discussion of Master Plan Vision Statement: prepared by Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC). It was a consensus of the board that the document was not well written and appeared to be more of a regional boiler plate than an expression of the vision of the people of Lyme. Dick Jones commented that the Vision Statement identifies an area for future village development that is largely under conservation easements. David Roby made the observation that conservation should have a higher priority for Lyme. The board agreed that a vision statement should be a one page document, like an Executive Summary of the goals for the master plan, which focuses on the Guiding Principles for the Town. Board members agreed to mark up their copies of the vision statement and email them to Francesca, using WORD’s mark up function. She will in turn compile the comments and redistribute them to the board.

Francesca Latawiec asked the board about the level of involvement they would like to see from UVLSRPC. Dick Jones suggested utilizing their resources to update the land use section of the master plan using GIS. Stephanie Clark suggested that the planning board should tackle the vision statement to come up with a draft to fit the Town of Lyme. David Roby reported that Vicki Smith would like to do some work on the master plan. There was a question about whether or not any work had been done with the 2000 Census data. Dick Jones reported that he had organized the data and passed it on to Vicki Smith. The board directed Francesca Latawiec

to get an itemized bill from UVLSRPC for their last invoice of \$1,100 and to let them know that the board would be getting back to them about future tasks after the Vision Statement has been worked out.

Item 4: Discussion of CIP: John Stadler asked, as a new co-representative to the CIP committee, what the procedure should be for contacting department heads for data collection on needs for capital expenditures to be included in the CIP. Dick Jones suggested that the CIP committee meet and assign interview responsibilities for a couple of department heads each to CIP committee members. This information should be compiled for use by the committee in prioritizing and scheduling capital improvements of \$10,000 or higher. The CIP must define the relationship between the town's financial needs and the funds available for expenditures for capital projects based on historic spending patterns.

Item 5: Discussion of Agenda Procedures: The board decided to post their agendas as consecutive items that are not time specific to enable the board to proceed with the next item of business in the event that an agenda item is either continued to another meeting or takes less time than originally anticipated.

Item 6: Dwight Lahr and Beatrix Pastor, represented by Pathways Consulting, LLC, (Tax Map 201, Lot 134) , proposes to construct a driveway through the Steep Slopes District from Dorchester Road to a future building site at 35 Dorchester Road. Conceptual Consultation for Planning Board Comment. This project will require a special exception from the ZBA under Section 4.62 B of the zoning ordinance. This Section requires that the application be referred to the Planning Board for review and comment prior to scheduling the ZBA hearing on the application. Rod Finley approached the Planning Board with a plan on behalf of the applicant. John Billings went on record, stating that he has worked with Pathways in the past, but did not feel that he would be biased in discussions about the application before the board.

Rod Finley explained that a minor subdivision for the lot from the estate of Olive Gray had been approved by the Planning Board on April 27, 2006. At that time a waiver was granted for Section II A, the Topographic Map. It was noted that the estate's surveyor stated, relative to the topographic map, that "There is no contour to map." The property has since been purchased by Dwight Lahr and Beatrix Pastor, the applicants, who propose a driveway to access a house site. The driveway includes a switch back and crosses steep slopes. There is a lot of ledge on the site. The sizeable footprint shown on the plan for the house site is larger than what will probably be built. Rod is working on a design for a 4 bedroom septic system. There are some areas where the proposed slope of the driveway will be between 11% and 14%, which is allowed by Special Exception under Section 4.53 B, 1 of the zoning ordinance.

David Roby noted the earlier waiver of the topo map and asked about the specifications followed to compile the current plan. Rod Finley stated that his plan is based on a real survey done with a 3 person crew and multiple elevation points.

Dick Jones noted that he and the Planning and Zoning Administrator had recently done a site walk of the property. He noted the challenging driveway situation. He expressed concern that there would be difficulty seeing Dorchester Road from the first 100 to 300 feet of the driveway off of Dorchester Road due to material that is currently piled there. Rod Finley stated that the broken up ledge that is being stored there would most likely be removed from the current location and used for stone walls on the property. Another concern that Dick Jones expressed was relative to snow removal and snow melt from the driveway. He anticipated that water from snow melt would flow into the High Street/Dorchester Road corner, creating the potential for a black ice type of safety issue on a very busy road. John Billings expressed a concern about where the snow removed from the driveway would be disposed of.

David Roby noted that the driveway crosses the Steep Slope Conservation District and so, in accordance with Section 4.62 of the zoning ordinance, requires review by the Planning Board before review by the ZBA.

Section 4.53 A of the zoning ordinance permits driveway grades up to 11%. Under Section 4.53 B of the zoning ordinance grades in excess of 11%, up to 14% within any 110 foot segment, may be permitted by special exception.

The proposed driveway would have grades of 14% over three segments, each of which is more than 100 feet long: 225 feet, 145 feet and 160 feet. David Roby noted that the proposed driveway would require very extensive excavation in the Steep Slopes Conservation District (cuts 20 to 20 feet deep ranging up to 70 feet wide) and that, in his opinion, such excavation would be contrary to the primary objectives of the zoning ordinance and therefore not appropriate. He stated that the project proposed piling special exception on top of special exception and that was not the intent of the special exception provision of the zoning ordinance.

Rod Finley explained that since his clients were unable to work out an agreement with an abutting neighbor, it was necessary to design the driveway on their own property. He mentioned that there were areas of slope that do meet the intent of the ordinance, but that a strict design at 11% or less would disturb a much greater area of the steep slopes district than the current proposal.

Dick Jones clarified that the Planning Board's role in the application is to review and comment under Section 4.62 B of the Zoning Ordinance. By statute, the ZBA makes the decision on the special exceptions and is responsible for interpreting the zoning ordinance. The Planning Board members should comment on the current design. Their concerns include: 1) safety due to snow melt and potential ice conditions near the corner of Dorchester Street and High Street; 2) visibility of Dorchester Road from the driveway; 3) snow removal; 4) stretches of 14 % slopes

greater than 100 feet on the driveway and 5) access for emergency vehicles and a comment by the Fire Chief. David Roby made the statement that in terms of impact the proposed project flatly does not meet the requirements for a special exception.

The Planning Board requested that the Planning and Zoning Administrator draft a letter of comment on the proposed project to the ZBA. This will be discussed for approval at the next Planning Board meeting on April 24, 2008.

There was further discussion about the plan, relative to erosion control. Rod Finley made reference to special netting for slope stabilization on the 3:1 slopes and the installation of stone check dams along the driveway. Dick Jones noted that the hay bales along High Street and the silt fence will need to be augmented.

Item 7: Discussion of Potential Alternates: An ad has been put in the Valley News and on the Lyme List requesting volunteers to serve as alternates to the Planning Board and ZBA. There has been no response, so the Board talked about taking a proactive approach and contacting potential candidates.

Item 8: Planning Board Agendas and Minutes on Town Website: Francesca Latawiec will look into having Elise Garrity, the keeper of the Town Website, teach her how to get this information posted.

The meeting adjourned at 9:10 pm.

Respectfully Submitted
Francesca Latawiec, CWS, CPSSc, PG
Planning & Zoning Administrator
Town of Lyme
Planning Board
38 Union Street, P.O. Box 126
Lyme, NH 03768
Telephone: 795-2661 Fax: 795-4637

April 15, 2008

Mr. Alan Groatorex, Chair
And Members
Lyme ZBA
38 Union Street
PO Box 126
Lyme, NH 03768

RE: Dwight Lahr and Beatrix Pastor, represented by Pathways Consulting, LLC, (Tax Map 201, Lot 134) 35 Dorchester Road

Application # 2008 - ZB - 006

Dear Chairman Greateorex:

In accordance with Section 4.62 B of the Zoning Ordinance, the Steep Slopes Conservation District, "The application for any Special Exception shall be referred to the Planning Board for review and comment prior to scheduling the ZBA hearing on the application." The Planning Board met on April 10, 2008 and April 24, 2008 to discuss the above referenced application and provides the following comments and concerns:

- 1) Snow melt on the proposed driveway and the potential for ice conditions that would cause a traffic hazard on High Street;
- 2) Visibility of the Dorchester Road from the lower approximate 300 feet of the driveway is restricted by the current grading and the driveway has insufficient sight distance along both High Street and Dorchester Road;
- 3) The plan does not include an adequate snow removal plan with adequate snow storage or disposal in the area of the cuts;
- 4) There are stretches of 14 % slopes greater than 100 feet on the proposed driveway.
- 5) The Planning Board recommends a detailed review and comment by the Fire Chief of the accessibility of the proposed house site by emergency vehicles; and
- 6) The Planning Board recommends best management practices and adequate design for stormwater management for the proposed project.

Please feel free to contact me or Francesca Latawiec, the Planning and Zoning Administrator, if you have any questions regarding these comments.

Sincerely,

Stephanie Clark, Chair

Lyme Planning Board