

Planning Board Minutes
04/09/2009

Board Members and Staff Present: Dick Jones Selectboard Representative ; John Stadler Member; Paul Mayo Member; Ben Kilham Alternate; Freda Swan Alternate; David Robbins Planning and Zoning Administrator.

Board Members Absent: Vicki Smith Member; David Roby Member.

Members of the Public Present: Elizabeth Kilmarx; Michael Woodard; Barbara Woodard; Sharon Haire; Becky Wheeler; Jack Wheeler

A new Chair has not been elected so Dick called the meeting to order at 7:02pm.

The first order of business was to elect a temporary Chairperson. A motion to elect Dick as the chairperson was made by Paul Mayo and seconded by John Stadler. The motion passed unanimously.

The second order of business was for the Chairperson to designate alternate members to act in place of the absent members. Dick designated Ben Kilham to act in place of David Roby and Freda Swan to act in place of Vicki Davis.

Item 1. Approval of minutes from February 26th 2009

Paul Mayo motioned to accept the minutes with corrections submitted by Dick. Dick second the motion and it passed unanimously.

Item 2. Hazel Wheelers Request for Final Approval for Minor Subdivision.

Hazel Wheeler was unable to attend, her daughter Becky and son Jack represented her. The board reviewed Hazel's Application for completeness. Three required items were found to be missing from the Plat Map.

The first requirement found to be missing was II.B.4 Location of zoning district boundaries and area of each lot in each district if property in more than one district. If only one zoning district, only a note should be provided.

The second missing requirement was II.B.7 Surface water, drainage ditches and swales.

The third missing requirement was II.D.14. Property setbacks according to Table 5.1 of the Zoning Ordinance.

Dick started the discussions about the missing requirements, He asked that a note be added to the final plat stating that both of the lots are completely contained within the Rural Zoning District. The rest of the board agreed. The board went on to discuss the

second missing item. Freda stated that the two lots only have a 10 foot elevation difference over the entire area and that because it is flat that there are no water issues.

Dick then recommended that this requirement should be waved. The rest of the board agreed.

Dick moved onto the third missing requirement. He stated that the Zoning Board of Adjustment approved a variance to the set back requirements of the Zoning Ordinance and that this requirement should be waved. The entire board agreed.

Freda noted that the map had a signature for a Planning Board Secretary, because the board does not have a secretary, the required signature should be removed from the plat.

Ben made a motion to wave requirement II.B.7 Surface water, drainage ditches and swales and requirement II.D.14. Property setbacks according to Table 5.1 of the Zoning Ordinance

The motion was seconded by John and it passed unanimously.

Freda then made a motion that the application be accepted as complete with the following conditions:

- 1) A note will be added to the final plat map stating that both lots are in the Rural Zoning District
- 2) Remove the planning board secretary signature from the final plat map.

Dick seconded the motion and it passed unanimously.

Dick then asked Becky Wheeler to give a general description of the proposed subdivision. Becky said that she lives in one of the houses and that her mother lives in the other. They wish to separate the ownership of the two houses and the only way to accomplish this is to subdivide the lot.

Dick asked to see the Variance granted by the Zoning Board and Becky provided him with a copy.

Dick asked if there was any public input and Sharon Haire, an abutter asked if she could speak. She stated that she did not receive the notification letter for the Zoning Board hearing on July 20th, 2005 that granted the variance until two weeks after the meeting had taken place and that she had some concerns about the variance.

Dick stated that she did receive the letter within the 30 day window to request a rehearing with the ZBA.

Sharon continued by saying she was concerned that allowing other lots in the area to be subdivided into very small lots and change the character their neighborhood.

Freda addressed Sharon's concerns stating that the lot was already Non-conforming and that the only way to separate ownership was to allow a minor subdivision. She went on to explain that this would not set a precedent because the non-conformity existed before the Zoning Ordinances were enacted.

With no other input from the public Freda then moved to grant approval for the subdivision with the following conditions:

- 1) A note will be added to the final plat map stating that both lots are in the Rural Zoning District
- 2) Remove the planning board secretary signature from the final plat map.

The motion was seconded by Ben and it was approved unanimously.

Michael Woodard then suggested to the Wheelers that they may want to consider having a lawyer create a deed based off the final Plat Map for each of the two new lots. He felt it would make it easier for them if they want to sell the lots in the future.

Item 3. Michael and Barbara Woodard's request for a Lot Line Adjustment.

Dick started with a brief explanation of the back ground of the property. Approximately 10 acres of the property had been taken by the US Department of Interior to become part of the Appalachian Trail. The Woodard lot 46 had also recently been de-merged back to the original two lots.

Freda asked to see where on the map the land that was taken by the US Department of the Interior. Barbara said that it was shown best on the inset on the left side of the Plat Map.

Dick then led the board through the Lot Line Adjustment Checklist and everything was found to be in order.

Freda made a motion to accept the application as complete.
The motion was seconded by John and it passed unanimously.

Paul opened the discussions with a question about the size of the lot listed in the application at 1.53 acres as compared to the 2.41 acres listed on the Plat Map. Michael explained that the 2.41 acres referred to the "Old line" shown on the map.

Freda commented that she would like to see Lot A and Lot B shown more clearly on the map but after some discussion with the woodards she agreed that it was marked as clearly as it could be.

Paul brought up the fact that the woodards application did not meet the exact wording of the definition of lot line adjustment because in the definition it states that the transfer of land is between two or more adjacent owners. Freda asked Paul what he would call the woodards request instead of a lot line adjustment. Paul was unsure what else it would be.

Ben felt that this should be an item to consider a change in wording at a later date. Freda felt that the second line of the definition could be changed to drop the “between 2 or more owners”

Dick then asked for a motion and Ben made a motion to grant the Lot Line Adjustment to the woodards. John Seconded the motion. Freda then moved to amend the motion to include the condition that planning board secretary signature be removed from the final plat map. John then seconded the amended motion and it passed unanimously.

Item 4 Other Business.

Dick brought up a question from the Planning and Zoning Administrator: Because the board is responsible for interpreting whether or not a site plan review is required for a particular development, change in use or change in site layout. The Planning and Zoning Administrator wanted to know if the board wanted a project at the Dartmouth Skyway to go through Site Plan Review. The Planning and Zoning Administrator described the project from the building permit application as follows:

Dartmouth Skiway has applied for a building permit to remove 2 building including the timing shed and add a second floor to Holt’s barn to replace the timing shed
After a short discussion the board felt that this did not need to go through Site Plan Review.

Freda while looking at Article IV of the Site Plan Review Regulations stated that she felt that sections 4.1.1 and 4.2.1 should be switched and the wording cleaned up.

The Planning and Zoning Administrator then asked about a pending project to place solar panels on the roof of the elementary school would need a Site Plan Review. After some discussion it was felt that it most likely would not require a Site Plan Review but when the building permit application is submitted then it should be brought to the boards attention.

Respectfully submitted

David A. Robbins
Planning and Zoning Administrator
Town of Lyme.