

**Lyme Planning Board Minutes**  
**June/23rd/2011**

Board Members and Staff Present: David Roby, Chair; John Stadler Vice Chair; Simon Carr Select Board Representative; Vicki Smith Member; Tim Cook Member; Freda Swan Alternate; Sam Greene Alternate; David Robbins Planning and Zoning Administrator

Board Members Absent: Ben Kilham Alternate

Members of the Public Present: Kim Butler, Debbie Williamson, Faith Catlin, John Griesemer, Darryl Torrey, Tami Dowd, Doug Vogt, Philip Hastings, Charlie Hirshberg, Carola Lea, Liz Ryan Cole, Rich Brown, Elizabeth Paolino

David called the meeting to order at 7:00pm

The Board had a short discussion regarding the scheduling of applicants. The Board decided that they no longer wanted to set specific times for each case. Each case will now be heard after the preceding case has been completed.

**Item 1: Re-hearing for Lyme Inn.**

The Board had requested a re-hearing for the Lyme Inn because the change to the hours of operation had not been specifically included in the letter notifying abutters of the previous hearing.

Debbie Williamson wanted to clarify the Inn's position. The late hours of operation were to provide flexibility to the Inn in serving patrons. There were to be no changes to the current posted hours of operation. She also stated that outside service is to stop at 9pm.

Chairman Roby asked the abutters, who were present for comments. Faith Catlin and John Griesemer both spoke of past issues with noise from patrons leaving at late hours. Their house faces the portico, which amplifies the noise of the patrons waiting to be picked up and the music from the speakers in the portico. The issue is worse in the summer when people leaving the Inn are more likely to linger and windows in the surrounding house are open. They also stated that noise was an issue when the Inn hosted large functions. Doug Vogt also reiterated his concerns with the issues with noise from patrons leaving at a late hour.

Simon as the Select Board representative voiced concern that the late hours of operation were not consistent with the other businesses operating in the Lyme Common. Simon suggested that the Inn be required to notify the Town and the abutters when there would be a large event at the Inn.

John asked the abutters how they felt about the conditional approval authorized at the previous hearing. Faith Catlin voiced a concern that there might not be any follow

through if issues were to arise. John assured her that the Board intended to monitor the situation and act if necessary.

The Board decided to add three items to the previous conditional approval. First the Inn would be required to notify the Select Board office, The Police Department and the abutters when the Inn was hosting an event with 35 or more attendees and provide the name and the phone number of the person in charge of monitoring the event for excessive noise. Second the music played in the portico shall to be turned off at 9:00 pm. Third outdoor food and beverage service will end at 9:00 pm.

Vicki moved that application be deemed complete.

John seconded the motion.

Chairman Roby called for a vote and it passed unanimously.

Vicky then moved to approve the site plan proposal with the following conditions:

- 1) The Board Approves operating hours that would allow last call to be at 10:00pm, glasses off the tables at 10:30 pm and patrons out the door at 11:00 pm.
- 2) The Board approved conditionally to allow the Lyme Inn to serve Food and Beverage to 12:00 am, glasses off the tables at 12:30 am and patrons out the door at 1:00 am for the term of 13 months. The Lyme Inn after 12 months will be required to return to the Board for review of the conditional approval. During the 12 Months the Board may revoke the conditional approval if after hour noise / patrons become an issue for the Inn abutters, Lyme Common community or law enforcement.
- 3) All outside activities shall cease at 9:00 pm
- 4) Any function that is hosted by the Inn that has 35 or more guests, Then Inn shall notify the Lyme Select Board, The Lyme Police, and the abutters. The notification shall include the date of the event and the name and phone number of a contact person working at the Inn.
- 5) No music will be played over the speakers in the portico after 9.00 pm, and outdoor food and beverage service will end at 9:00pm.
- 6) The noise level from the generator will be no greater than 55db at the property line
- 7) The noise level from the exhaust fans and the air conditioner condensers will be no greater than 60db at the property line.

- 8) The applicant shall provide a report from a sound engineer showing the decibel readings after the installation of the generator, exhaust fans, and air conditioner condensers.
- 9) The Planning Board will send letters to the abutters and interested parties to inform them of the Board's conditional approval of the hours of operation.

John seconded the motion

Chairman Roby called for a vote and it passed unanimously.

**Item 2: Tami Dowd- Dowd's country Inn Application for Site Plan Review to add a Tavern to the Inn.**

Chairman Roby informed the applicant that the Board could not act on the application because the Zoning Ordinance did not allow restaurants in the Lyme Common Zoning District, except through conversion of an existing building pursuant to section 4-46 of the Zoning Ordinance.

**Item 3: Loch Lyme Lodge Application for Major Subdivision for the purpose of defining the total number of lots that could be created with a conventional subdivision**

Charlie Hirshberg presented the board with plans to subdivide the Loch Lyme Lodge Lot (Tax Map 408 Lot 22) into six lots. The purpose of the plan is to determine the number of lots that could be created by a conventional subdivision in order to satisfy the conditions of section 5.11 D 2 to determine the number of lots available for a Lot Size Averaging subdivision.

The Board reviewed the plans with respect to the dimensional controls for lots set forth in the Zoning Ordinance and the Subdivision regulations. The Board paid particular attention to the proposed building areas, the slope and the width to length ratios of the proposed lots. The Board also discussed the need for Special Exceptions for the proposed lots. Chairman Roby suggested and the Board agreed that section 5.11 of the Zoning Ordinance gave the Board the authority to determine the number of lots available for a Lot Size Averaging Subdivision and this authority included the ability to determine if a Special Exception could be granted without having to send the applicant to the Zoning Board of Adjustment for that determination.

Vicki suggested that test pits in the area of the proposed septic systems should be completed to determine the suitability of the soils for septic system. The Board agreed and asked the applicant to test the proposed septic areas to determine their suitability.

Chairman Roby voiced a concern that the lot size calculations left very little margin of error in respect to the determination of the area of agricultural soils and wetlands. He suggested to the Board that the Board hire its own soil scientist to map out the soils and the wetlands. The Board agreed. Vicki suggested Ray Lobdell, the Board decided to have

Vicki make initial contact Mr. Lobdell then pass him to the Planning and Zoning Administrator to finalize the arrangements. The Planning and Zoning Administrator noted to the applicant that they would be required to pay this expense.

Chairman Roby asked about the proposed subdivision road access to Route 10 and if the applicant had inquired to the state to determine if the access would meet the DOT requirements. The applicant stated that they have not checked with NH DOT at this time. The Board asked the applicant to confer with the State DOT engineer as to whether the road entrance would be allowed.

Chairman Roby asked the applicant to supply a new map of the lots that shows that each lot satisfies the requirements set forth in section 4.02 of the Subdivision Regulations.

Vicki Moved to continue the hearing to the Board's regular meeting on July 28<sup>th</sup>, 2011.

John seconded the motion

The motion passed unanimously

#### **Item 4: Continuation of the Woodard Lot Line Adjustment.**

Mr. Woodard contacted the Planning and Zoning Administrator to ask for a further continuance due to the plans not being ready at this time.

Vicki made a motion to continue the lot line adjustment hearing until July 14, 2011.

John seconded the motion

Freda objected to a continuance because of the length of time between the application being submitted and the time that it would be heard. She felt that the abutters would not have the opportunity to voice their opinions on the Lot Line Adjustment.

The Planning and Zoning Administrator suggested that he could re-notify the abutters before the hearing. Freda felt that this would address her concerns.

The Board voted unanimously to approve the motion with Chairman Roby disqualifying himself as an abutter.

#### **Item 5: Acceptance of minutes from June /9<sup>th</sup> /2011**

Vicki moved to accept the minutes with corrections

John seconded the motion.

David called for a vote, all members voted to approve the motion.

#### **Item 6: Cathy Steesy appointment as an alternate to the Zoning Board of Adjustment.**

The Board felt that Mrs. Steesy was not the right person for the position on the Zoning Board of Adjustment, and asked the Planning and Zoning Administrator to write her a letter thanking her from the Board for her willingness to server her community, but that she was not the candidate that the Board was looking for.

**Item 7: Extra meetings to complete the Master Plan**

John noted that there has been an increase in the number of cases that the Board is hearing. He was concerned that the Master Plan was not getting the attention that it should and suggested that the Board add some extra meeting to their schedule in order to work on the Master Plan. The Board decided to add June 30<sup>th</sup>, 2011 and July 21<sup>st</sup>, 2011 to their scheduled meetings as time to specifically work on the Master Plan.

John moved to adjourn.

Vicki seconded

The Board voted unanimously to approve the motion

The meeting adjourned at 9:45pm

Respectfully Submitted

David A. Robbins

Lyme Planning and Zoning Administrator.