

Lyme Planning Board Minutes
October 27, 2011

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

Board Members Absent: David Roby, Chair; Vicki Smith Member;

Members of the Public Present: Charlie Hirschberg, Liz Ryan Cole, Rich Brown, Eileen McGuckin, Lucy Guerra, Maxie Guerra

John opened the meeting at 7:00pm.

Liz Ryan Cole was running late, John decided to use that time to take care of the administrative matters.

John appointed Freda Swan to sit for Vicki Smith and Ben Kilham to sit for David Roby

Item 1: Acceptance of minutes from October 13, 2011

Freda moved to accept the minutes with corrections from Tim Cook.
Simon seconded the motion.
The motion passed unanimously.

Item 2: Planning Board Meeting on Thursday November 24th, 2011

The regularly scheduled meeting on Thursday November 24 falls on Thanksgiving, the board voted unanimously to cancel this meeting.

Item 3: Sam Greene reported on the Upper Valley Lake Sunapee Regional Planning Commission's Planning and Zoning Conference, to be held on Saturday October 29th, 2011.

Item 4: Continuation of Loch Lyme Lodge proposed subdivision plan to determine the number of lots available on their property.

Several questions that had been sent to Charlie prior to the meeting, of these items the following were discussed:

Road frontage:

Charlie provided a map that indicated the road frontage dimensions, showing the proposed lots had the required 300 feet of road frontage.

4 to 1 depth to width ratio (Section 5.11 C of the Zoning Ordinance):

Charlie had calculated the average width of the back three lots by measuring the width at several points and averaging the widths. He then used the maximum depth to create the ratio. The three lots in question were all within the 4:1 ratio.

Agricultural Soils:

The Board discussed the wording of section 4.64 B of the Zoning Ordinance.(The text of Section 4.64 is provided at the end of the minutes)

The issue was the interpretation of the following two sentences:

“If a lot does not have sufficient non-agricultural soil, then up to a 25% area of the agricultural soil in a contiguous compact shape may be developed. If the lot is being subdivided or has been subdivided within the last 10 years, this 25% area shall be applied to the parent lot.”

The Board felt that there were two interpretations of the requirement. The first was that the 25% area would be calculated as 25% of the total Agricultural Soils on the parent lot and that all the development must occur in a contiguous compact area of the Agricultural Soils on the parent lot.

The Board felt that this interpretation would probably restrict the development, in this case to one of the two large contiguous areas of Agricultural Soils on either side of the parent lot.

The second interpretation was that the 25% area would be calculated as 25% of the total Agricultural Soils on the parent lot and that all the development must occur in a contiguous compact area of the Agricultural Soils on the individual lots.

The Board felt that this interpretation would allow the development to occur in the individual lots as long as it occurred on a contiguous portion of the Agricultural Soils within the individual lots.

The Board could not unanimously agree on the interpretation, John requested that the Board vote on which interpretation would be used.

Freda moved that the Board interpret the requirement as: The 25% of the Agricultural Soil in contiguous and compact shape shall refer to the parent lot not the individual lots.

Ben seconded the motion.

John called for a vote.

Ben and Freda voted to approve the motion, Simon Tim and John voted against.

The motion did not pass.

Simon then moved that the Board interpret the requirement as: The 25% of the Agricultural Soil shall refer to a contiguous and compact shape within each individual subdivided lot.

Tim seconded the motion.

John called for a vote.

Simon, Tim, and John voted to approve the motion. Freda and Ben Voted against.

The motion passed.

The Board decided to end for the night, Charlie requested that if there were questions that Board did not have time to ask, to send them to him and he would have answers for the next meeting. The Planning and Zoning Administrator requested that the questions be sent through him and he would forward them to Charlie and to the rest of the Board members.

Simon Moved to continue the hearing to November 10th, 2011 at 7:00pm

Tim seconded the motion

John called for a vote and the motion passed unanimously.

The meeting adjourned at 9:50pm

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

4.64 Agricultural Soils Conservation District.

- A. Permitted Uses. Permitted uses are those uses which will preserve and protect the Town's agricultural soils. Such uses include:
1. Agriculture using best management practices to prevent soil erosion and maintain the productive capacity of the soil.
 2. Forestry and tree farming using best management practices to prevent soil erosion and maintain the productive capacity of the soil.
 3. Wildlife refuges.
 4. Parks and outdoor recreation uses consistent with the objectives of the District.
 5. Conservation areas and nature trails.
 6. Structures accessory to the uses permitted in 1 - 5 above.
 7. Underground utility lines, wells and waterlines.
 8. Fire protection structures if approved by the Planning Board with the exception that fire ponds of one acre or greater require a special exception.
- B. Special Exceptions. Development of any of the uses listed below shall not occur within the District unless a lot does not have sufficient developable non-agricultural soil to accommodate a proposed use. If a lot does not have sufficient non-agricultural soil, then up to a 25% area of the agricultural soil in a contiguous compact shape may be developed. If the lot is being subdivided or has been subdivided within the last 10 years, this 25% area shall be applied to the parent lot. In all cases, 75% of agricultural soil shall be protected by a zoning easement prohibiting all but agricultural, forestry, recreation and conservation uses. The Zoning Board of Adjustment may waive the requirement of an easement on lots which have less than three acres of agricultural soils. The easement requirement does not apply to special exceptions granted under section 8.24.

The uses listed below are permitted by special exception in existing structures or as described above provided that subdivision and development of land within this District shall be designed and carried out to the greatest extent reasonably feasible so as to preserve and protect the productive capacity of the soils. The following uses are permitted by special exception

in the Agricultural Soils Conservation District:

1. Single dwelling.
2. Multi-dwelling and office/studio conversions. See Section 4.46.
3. Clinic.
4. Cottage industry.
5. Home occupation.
6. Lodging accommodations.
7. Access ways which meet the conditions of Section 4.53, roads which meet the standards for new roads set forth in the Lyme Subdivision Regulations, and rights of way for overhead power and telephone lines.
8. Agricultural structures with a building footprint over 10,000 square feet to be located off agricultural soils as much as practicable.
9. Non-business development within areas specifically reserved for that purpose which were created as the result of conservation easements executed prior to the adoption of this Zoning Ordinance on March 14, 1989.
10. As provided in Article VIII.
11. Structures as allowed by the Telecommunications Facilities

Ordinance.