

**Lyme Planning Board Minutes  
January/27/2011**

Board Members and Staff Present: David Roby, Chair; John Stadler Co-Vice Chair; Paul Mayo Co-Vice Chair; Dick Jones Select Board Representative; Vicki Smith Member; David Robbins Planning and Zoning Administrator

Board Members Absent: Sam Greene Alternate; Freda Swan Alternate; Ben Kilham Alternate

Members of the Public Present: David Crane; Paul Arnno; Nathan Baker.

Chairman Roby opened the meeting at 7:00.

**Item 1: Acceptance of minutes from January/13<sup>th</sup>/2011**

Vicki moved to accept the minutes with corrections.  
John seconded the motion.  
The motion passed unanimously.

**Item 2: David Crane from PSNH to discuss tree trimming on scenic roads in Lyme**

The Board and Mr. Crane discussed the specifications that PSNH and Asplundh use for trimming the power lines and their intent for the Scenic Roads in Lyme. Mr. Crane identified several trees that he felt should be removed in addition to the removal of the branches along the power lines. Mr. Crane also talked about their wiliness to work with the individual land owners to ensure that the power company's need to trim will meet with the landowner's satisfaction.

The Board discussed the powers granted to the planning Board under RSA 231:158 and felt that the land owners would be served best by noticing a public hearing as required by RSA 231:158 and to send a letter to the individual land owners notifying them of the public hearing and explaining to the landowner their rights. The Board would leave the decisions about trimming the individual trees up to the land owners and PSNH/Asplundh. In the event that a land owner and PSNH/Asplundh could not agree, the Board would be willing to mediate. The Board agreed to discuss the date to hold the public hearing later in the meeting.

**Item 3: Master plan schedule and Planning Board schedule.**

The Board discussed the need to continue working on the Master Plan. Paul expressed a desire to finish the plan before his term was over in March. The Board decided that in addition to their regular meetings in February and March 10<sup>th</sup> and 24<sup>th</sup> they would also meet on February 17<sup>th</sup> and March 17<sup>th</sup>.

The Board voted to hold a public hearing for tree trimming on the scenic roads on Thursday April 14<sup>th</sup> 2011.

**Item 4: Continuation of the Woodard lot line adjustment**

The Board voted to continue the Woodard lot line adjustment to the February 24<sup>th</sup> meeting.

**Item 5: Robert Coyle request to re-open the site plan review to increase the allowed sign area for his property at 5 Main Street**

Given that Mr. Coyle was not able to attend, the Board decided to reschedule a new hearing for April 28<sup>th</sup> 2011. The Planning and Zoning Administrator will notify the applicant of the new date.

**Item 6: Vote to approve or disapprove of the petition zoning amendment for Open Space Community Development**

The Board discusses the petition zoning amendment for Open Space Community Development and voted 5 to 0 to **Disapprove** of the amendment, noting the following reasons:

- 1) The proposed amendment is complex and ambiguous. If adopted it would likely lead to protracted and expensive litigation.
- 2) It would allow a very substantial increase in the level and intensity of development that is allowed for the Loch Lyme Lodge property to the detriment of the neighborhood and the town at large. In addition, other effected areas in town would be similarly impacted.
- 3) The petitioners have stated that the amendment is necessary to permit the clustering of small houses and to provide for open space. Contrary to the assertion of the petitioner's representatives, clustered development is already permitted in Lyme.
- 4) The ordinance as written would not allow the petitioners to build the development that they have proposed.
- 5) The impacts on the town are unknown.
- 6) Allows for the waiver of the 1800 square foot requirement.
- 7) No realistic ability for pedestrians to walk to Lyme common because there is no sidewalk; access should be closer to Lyme Common District.
- 8) Spralls development away from village center.

- 9) 60% open space is too little. Given that petitioner's land has close to that much that is inherently undevelopable anyway.
- 10) Abutting land to be used as part of the open space requirement should be merged into one lot.
- 11) Outdoor recreation definition is in conflict with the "no new structure" provision
- 12) Not converting existing structures should not be allowed to create a significant increase in density.
- 13) Allows unlimited number of dwelling units per buildings, at the discretion of the owners.
- 14) Allowing new multi family housing is contrary to Lyme Community Attitude Survey results.

#### **Item 7: Changes to the wording of the Small Wind Energy Systems Ordinance**

Town consul has recommended that the board change the wording of section I of the ordinance to avoid a conflict with the height regulations.

Dick made a motion to add the wording "but not including section 5.21 Height Regulations", To Section I the section will read as follows:

#### **Section I - Authority and Purpose**

This ordinance shall be known as the Town of Lyme Small Wind Energy Systems Ordinance. This small wind energy systems ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1-III-a. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Lyme Zoning Ordinance, and shall be considered part of the Zoning Ordinance for the purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance (including in particular the Conservation Districts, *but not including section 5.21 Height Regulations.*) or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

The purpose of this ordinance is to accommodate small wind energy systems in appropriate locations, while protecting the public's health, safety and welfare. In addition, this ordinance provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

And to change the property line setback to 1.5 times the tower height from the 1.1 in the original model ordinance.

The Motion was seconded by Paul.

Chairman Roby called for a vote and the motion passed unanimously.

Note: the Planning and Zoning administrator has scheduled a Public hearing for 7:00 pm on February 1<sup>st</sup> 2011 at the Town Offices.

**Item 7: Other Business.**

David Roby had spoken with Dan Brand and Mr. Brand had expresses an interest in becoming an alternate member of the Planning Board. The Board asked the Planning and Zoning Administrator to add an agenda item for the meeting on February 10<sup>th</sup> to appoint Mr. Brand as an alternate to the Planning Board.

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