

Lyme Planning Board Minutes
March/14/2013

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; Jack Elliott, Alternate; David Robbins, Planning and Zoning Administrator

Board Members Absent: Ben Kilham, Alternate

Members of the Public Present: Tami Dowd, Darryl Torrey, Jim Kennedy, C. Jay Smith, Brett Wanner, Alex Roupinian, Bob Coyle, Colin Robinson.

David opened the meeting at 7:00 pm

Item 1: Continuation of the Site Plan Review of a proposed expansion of the Dowd's Inn, located at 9 Main Street, Tax Map 201 Lot 75. The proposal is to construct a 28' X 50' addition to the existing inn for a tavern

Colin Robinson reviewed with the Board the revised summary of proposal dated 03/08/13 and the revised site plan dated 3/11/13 and the proposed signs. The Board was concerned with the use of the term "Event Center" on the sign, the applicant agreed to remove it.

Brett Wanner presented the Board with a document that raised his issues of concern. The Board reviewed the document and had the applicants answer the concerns as they were raised.

Three Emails had been submitted to the Planning and Zoning Administrator, these were read by the board. The Board requested that they be added to the record. Michele Lauria and David Celone raised concerns about the noise generated on the property. Beverly and Norman Wakely were opposed to the expansion.

The Board reviewed draft findings and conditions document and made the following changes:

Finding 3 was changed to read: A public hearing on the application was warned to abutting landowners, and to the public.

Finding 4.b the revised date changed to 03/08/13 to match the summary of proposal.

Finding 4.d the revised date changed to 3/11/13 to match the site plan.

Finding 6 Revised to add three submitted Emails one in opposition to the project and two with concerns about potential noise.

Finding 10. The Board reviewed section 11.1.1 through 11.1.12 and modified the finding to read as follows:

The application meets the requirements of SPRR sections 11.1.1 through §11.1.12 as modified by a variance granted by the Lyme Zoning Board of Adjustment on June 12, 2012 and as modified by the conditions below.

Condition 1.a-h were removed because the changes were made to the site plan.

Condition 2 was changed to read: All proposed structures shall be constructed substantially as shown on the plans and described in the narrative summary submitted as part of the application.

Condition 3 was changed to read: The use allowed by this approval shall be carried on substantially as described by the narrative summary submitted as part of the application, subject to the conditions of the approval set forth herein.

Condition 5 was changed to read: Vehicles used during site work shall enter and leave the premises using only the existing paved driveway, if practicable. If access to the site must be gained across the southeast lawn from Main Street, then the applicant shall demonstrate that the temporary access has been approved for use by the NHDOT, and shall erect such barriers as are necessary to protect the root systems of the black locust and Norway spruce located in that area during construction.

Condition 6 was changed to read: The buried water line serving the Lyme Water Association shall be protected.

Condition 8.d was added as follows: The applicant and all abutters will agree on additional screening prior to occupancy. If no agreement is reached with any abutter, the applicant and such abutter will return to the Planning Board for determination. The additional screening will be maintained by the property owner

Condition 9 was added: All parking for all uses on the premises shall be accommodated on the premises entirely off street in accordance with Article 7.21 of the Lyme Zoning Ordinance.

Condition 10 was added: This Board may revoke or modify this conditional approval if after hours noise or patrons become an issue for residents who live within 400 feet of the subject parcel, the Lyme Common community, or law enforcement.

The Board discussed at length the issue of noise. Chairman Roby suggested that the Board set a condition to allow property owners within 400 feet of the Inn property to request the Planning Board re-open the Site Plan Review if noise from any use on the lot becomes an issue. Colin argued that the Board did not have jurisdiction to regulate any preexisting use on the property and could only set conditions for the proposed new use.

Chairman Roby made a motion to approve the Site Plan Review with the condition that: All operations on the subject parcel shall be conducted so as not to disturb the reasonable enjoyment of properties located within 400 feet of the subject parcel.

Tim seconded the motion

The Board discussed the motion on the table.

Simon moved to amend the motion to approve the Site Plan Review with the condition that: All operations on the subject parcel related to this approval shall be conducted so as not to disturb the reasonable enjoyment of properties located within 400 feet of the subject parcel.

Jack seconded the motion.

David called for a vote on the amendment
Simon, Tim, Jack, and Freda voted to approve the amendment. David voted against.
The amendment to the motion passed.

David called for a vote on the amended motion.
Simon, Tim, Jack, and Freda voted to approve the amendment. David voted against.
The amended motion passed.

Item 2: Acceptance of the Minutes from February 28th, 2013
The board decided to review the minutes at the March 28th, 2013 meeting.

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