

Town of Lyme
Planning & Zoning Administrator
1 High Street, P.O. Box 126
Lyme, NH 03768
Telephone: 795-2661 Fax: 795-4637
Zoning@lymenh.gov

The Lyme Planning Board will be holding a public hearing to discuss proposed zoning amendments for the 2016 Town meeting. The hearing will be held at 7:00 pm on December 10th 2015 in the Lyme Town Offices conference room. The Planning Board has proposed the following amendments.

1) Include Small Wind Energy Systems Ordinance in section 1.35

1.35 Status of Other Land Use Ordinances, Regulations, and By-Laws. The Town of Lyme Subdivision Regulations, Regulations for Site Plan Review, Curb Cut Regulations, Excavation Regulations, Telecommunications Facilities Ordinance, Floodplain Development Ordinance **and Small Wind Energy Systems Ordinance** remain in effect. In the event of any conflict between the provisions of these ordinances **and Regulations** and the Lyme Zoning Ordinance, the provisions which impose the greater restriction or the higher standard shall govern. Modifications of subdivision conditions, including but not limited to building envelopes, may be made by the Planning Board only.

2) Add an objective to the Wetlands Conservation District.

3.27.1 Wetlands Conservation District. The Wetlands Conservation District is hereby defined as any area that is inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal conditions does support, a predominance of vegetation typically adapted for life in saturated soil conditions, together with a 100 foot buffer zone around such areas.

Wetlands include but are not limited to swamps, marshes, bogs, and similar areas. Wetlands shall be delineated on the basis of hydrophilic vegetation, hydric soils, and wetlands hydrology in accordance with the current New Hampshire Department of Environmental Services Wetlands Bureau Code of Administrative Rules. One hundred percent (100%) of such wetland areas and 80% of the 100 foot buffer zone shall be excluded in the calculation of lot size. Wetlands less than 2,500 square feet in size are excluded from the provisions of the Wetlands Conservation District, although State regulations may apply. The map available in the Town offices at the time of application will provide the Natural Resources Conservation Service (NRCS) hydric soils and National Wetlands Inventory which may be used as preliminary guidance for wetlands delineation. **The primary objective of the wetlands conservation district is to protect the Town's wetlands from despoliation or unregulated alteration and thereby to preserve the integrity of these areas, optimizing the following: 1) proper drainage, 2) flood control, 3) water quality, 4) wildlife, flora and fauna, 5) recreation, 6) and aesthetics, all for the purpose of the public good.**

3) Change section 10:50, variance criteria, to reflect the state requirements in RSA 674:33

10.50 VARIANCE

The ZBA may, on an appeal, grant a variance from the provisions of this ordinance, but only if all the following facts are found by the ZBA and such findings are specified in its decision:

- (1) The variance will not be contrary to the public interest;
- (2) The spirit of the ordinance is observed;
- (3) Substantial justice is done;
- (4) The values of surrounding properties are not diminished; and
- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

(ii) The proposed use is a reasonable one.

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

David A. Robbins
Planning and Zoning Administrator
Town Of Lyme