

**TOWN OF LYNDEBOROUGH
PLANNING BOARD MINUTES
OCTOBER 15, 2015
FINAL**

Meeting Called to Order:

7:32 p.m.

Roll Call:

Chairperson Bob Rogers, Vice Chair Tom Chrisenton, Mike Decubellis, Steve Brown, Bret Mader and Alternate Paul Best. Member Larry Larouche, Alternate Julie Zebuhr and Selectmen's Rep. Mark Schultz were not present. Alt. Paul Best will sit on the Board.

Announcement:

There is a Forest Law Seminar members are invited to attend on Monday, Nov. 9, 2015.

Informal Discussion:

Accessory Caretakers Cottage, John Reed of KRD Builders, Inc. of Amherst

Mr. Reed was representing Mr. Hager who owns property on Pinnacle Road. Mr. Hager is in need of a medical caretaker therefore his family would like to build a caretakers cottage on their property, not attached to the main home. Plans call for a single-floor ranch that will be located behind the garage. It will have its own septic system, water and power. The caretaker will care for Mr. Hager and will not be a property caretaker. They will use the cottage rent-free during the summer months.

VOTE: Paul Best made a motion the proposed caretaker's cottage on Mr. Hager's Pinnacle Road property is in compliance, providing no rent is charged for use of the building under Accessory Use to the Main Building. Bret Mader seconded the motion. Motion passed unanimously.

Continuation:

Special Exception for Reduced Road Frontage Discussion

Chairman Rogers presented two proposed zoning amendments and language for the Board to review.

#1

Amend Zoning Control Regulation, Section 407.00, adding to the first paragraph:
Dead-end subdivision roads constructed primarily for the purpose of increasing road frontage shall not be permitted.

VOTE: Steve Brown made a motion, Bret Mader seconded, to accept zoning amendment #1 as written. Tom Chrisenton and Paul Best abstained. Motion passed. 4-0-2.

#2

Mr. Rogers explained these are two possibilities for road frontage but adds to it a special exception. The second alternative would be to take out the 500 foot road frontage from the soil based zoning and make change the frontage for lots to be more than 250 road frontage for Rural Lands I and Light Industrial.

Amend the Town of Lyndeborough Zoning Ordinance, Section 408 entitled "Soil Based Zoning Requirement" to add:

Special Exception

All lots in the Rural Lands I or Light Industrial zoning districts with less than 500 feet of frontage and with less than 2 contiguous acres of "slight" or "moderate" limitation rated soils as defined above, may be granted a Special Exception by the Zoning Board of Adjustment for reduced frontage provided:

- (1) The lot(s) comply with all other requirements of this Ordinance;
- (2) The lot(s) use common driveways to the extent practicable;
- (3) In no case shall the frontage be reduced to less than 250 feet.

ALTERNATIVE ZONING AMENDMENTS:

Amend the Town of Lyndeborough Zoning Ordinance; Section 408.00 to eliminate the second paragraph with begins: "All the lots in the Rural Lands I or Light Industrial zoning districts with less than 500 foot frontage..."

Amend the Town of Lyndeborough Zoning Ordinance, Section 702.02 to read: "Minimum 500 (or whatever) feet of continuous frontage (or whatever), and to add the following:

Special Exception

All lots in the Rural Lands I zoning district with less than 500 (or whatever) feet of frontage may be granted a Special Exception by the Zoning Board of Adjustment for reduced frontage, provided:

- (1) The lot(s) comply with all other requirements of this Ordinance;
- (2) The lot(s) use common driveways to the extent practicable;
- (3) In no case shall the frontage be reduced to less than 250 feet.

The Board discussed in-depth soil based zoning and road frontage pros and cons.

In reality, most of the town would need to have 500 foot road frontage due to the soils in town and the rural character. There was a debate on if the road frontage should be 250, 300 or 500 feet.

There were concerns of de-valuing existing lots because they would not be able to be subdivided with the new zoning regulations. A grandfather status is possible.

This proposal would take it out of soil based zoning.

Mr. Decubellis explained that if the road frontage is dropped the growth potential in the town is already 41% and at 300 feet it would increase even more and he has concerns about maintaining the rural character.

The five-acre lot requirement will be retained in soil based zoning.

Mr. Brown felt the current zoning has worked well for as long as he has been a resident (30 years) and would like to Board to think forward to the possible changes in the town if the zoning is changed.

Having a driveway cut for every two lots for a subdivision under 500 feet was under review. Mr. Chrisenton felt that shared driveway's purpose is for safety and to maintain rural character.

The zoning changes could help alleviate potential future lawsuits about soil based zoning.

The alternative options would increase the frontage for every lot in town, regardless of soil types and would include property with good soil.

Mr. Decubellis gave an alternative that included no special exceptions allowed but it would grandfather lots currently on good soils and could read something like this; "those meeting the soil requirement as of Jan. 1, 2016 are allowed to subdivide their property with rules effective in that date."

This would accomplish the purpose of taking it out of soil based zoning but keep the idea the same. The zoning is not changed, just the application is moving.

There were concerns about dropping the soil overlay under 500 feet and it could have a significant impact on the town's future. The Master Plan recommends 500 feet.

The Board was curious about the timeframe to present a warrant article for Town Meeting 2016. Public hearings would be required and it would be a ballot vote.

Some Board members felt this is an important issue and should not be rushed.

The Board would like to look at other towns with similar terrain and seek information from NRPC.

The primary purpose for the modifications are; Safety, to preserve the rural character and minimize roads cuts.

Zoning amendment #2 will be tabled. Members were asked to do homework on the topic and present the information at the next meeting.

Budget:

In 2013 the Planning Board budget was \$1,075 and \$1,025 in 2014. In 2015 it is \$1,460 and \$2,200 was spent as of Aug. 31, 2015. There is \$1,200 for expenses and as of Aug. 31, 2015 \$1,037 has been spent. After discussion the Board will request their 2016 budget to be \$2,000.

Minutes:

VOTE: Steve Brown moved and Paul Best seconded to approve the minutes from September 17, 2015. Motion passed.

Adjourn:

VOTE: Tom Chrisenton moved, Mike Decubellis seconded, to adjourn at 8:28pm. Motion passed. 7-0-0.

Respectfully Submitted,
Kathleen Humphreys
Planning Board Secretary