

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – January 21, 2016

Board Members: Present - Frank Bowles, Rob Titus, Alan Greatorex, Bill Malcolm, Walter Swift

Alternate Members: Absent Dan Brand, Michael Woodard

Staff: David Robbins, Zoning Administrator; Adair Mulligan, recorder

Public: Rusty Estes, Sue Hewitt, Dawson Wilson

Chairman Bowles called the meeting to order at 7:30 pm and the minutes of the meeting of December 17 were approved on a motion by Rob seconded by Alan.

Frank asked Rob to take his place as chair for the first hearing, citing conflict of interest. Rob advised Rusty Estes that four members would be voting on the application, and Rusty accepted this.

Application #2016-ZB-01, Elizabeth Mallory (Tax Map 408 Lot 45)

Estes & Gallup has applied on behalf of Elizabeth Mallory for a special exception under section 4.66 B of the Lyme Zoning Ordinance in order to construct a 10' X 10' shed on her property at 108 Horton Lane. The proposed location of the shed is within the Ridgeline and Hillside Conservation District. She also wishes to relocate the existing cabin on a new foundation. Both the current location and the new are within the Ridgeline and Hillside Conservation District. The lot is approximately 50 acres in size and the footprint / lot coverage of the proposed shed are well within the limits set by the ordinance.

Rusty Estes explained that the cabin was built in 1985-6 and a 16'x16' addition was made in 2000. The proposed shed would be for storage and placed on a flat area. The cabin is sited on a ledge and may need to be turned for a new foundation or may need to be rebuilt. Frank Bowles stated that he does not believe the cabin can be seen from any roads or public areas, and that he has no objection as an abutter. Rusty confirmed that there is no well or septic system at the property. Alan asked if these would be built in the future. Walter noted that the cabin is on a ledge. Frank said it is a seasonal camp with an outhouse. Alan said he is concerned about future expansion or improvements that would accelerate development on this site. Bill reminded that residential use is permitted in the area. Rob clarified that the cabin was built before zoning was enacted and that it is accessed by a right of way from Horton Lane.

Deliberations: Alan moved to allow the proposed work to go forward with the following findings of fact:

- Testimony has been received that the cabin and shed site cannot be seen from any public roadway or from Post Pond
- There are no other issues
- Conditions of section 10.40 have been satisfied
- Testimony has been received from an abutter in support
- The cabin is a seasonal camp with no water or septic system
- The use is permitted in the zone
- Conditions: best management practices will be used as described in the ordinance and the location and size will be roughly in accordance with the sketch submitted.

Walter seconded the motion and it passed unanimously.

Frank resumed his role as chair.

Application #2016-ZB-02, Susan Hewitt (Tax Map 407 Lot 91)

Susan Hewitt has proposed to modify her application to build an accessory dwelling unit to her garage at 11 Pinnacle Road in the Rural District, which received approval in November 2015. Based on a Subdivision Plat by Pantel Associates dated April 8, 1985, the southwest corner of the garage is 35 feet from the property line and the northwest corner is 40 feet from the property line. Because the garage is shown on the 1985 plat, it existed before the adoption of zoning in 1989. David Robbins calculates that 45 sf of the addition will be in the property line setback, so the applicant has applied for a special exception under section 8.23. The entire addition will be in the Shoreland conservation district and so will require a special exception

under section 8.24. There are no issues with the lot coverage or building footprint. Sue explained that she would like to add 2 feet to the garage and better use the full amount of expansion available to create a building with cleaner lines.

David Robbins shared a letter from the Conservation Commission indicating that they had no objection as the project would result in improved septic treatment. Asked about the condition of the septic system, Sue said it is 46 years old but is still functioning. It will be replaced and accommodate the new addition. Rob asked if the current leach field has a pump, and Sue said no. David said that the septic designer had said that the only other location for the system would require a pump and would cost \$4000 more. The new system cannot be placed where the current one is located, and a larger leach field is required. Attention focused on the various drawings supplied, and David noted that the septic plan had not been updated with the new shape of the proposed building addition.

Deliberations: Rob asked whether the septic system should be considered under section 5.13 E 3 because it is being altered for the addition, or whether it should be under 8.24. Walter said he considers it a replacement system and cited the CC letter on septic improvement. Alan agreed. Frank added that pump systems are inherently more fragile, and this proposal is for a gravity feed system from the house. He said he thought it prudent to replace the system. Walter said that lot coverage was not an issue. Bill said he prefers to look at the application under 8.23. Walter observed that if the leach field were moved 5-10 feet east it would be out of the setback.

Out of Deliberations: David explained that he used site measurements to come up with the square footage. Walter asked if the septic leach field could be moved. Sue pointed out that a bank might need to be cut. Alan asked if the septic designer could meet with the board and said it appears the tank needs to be moved 10+ feet from the building. Frank said that a better drawing is needed and recommended that the septic designer add the buildings' new configuration in autoCAD, which would give David the best tool to use. A letter or testimony from the designer is needed to explain what extra work would be involved in moving the leach field out of the setback. Frank asked if there is ledge in the route of the force main and suggested checking on this. Rob moved to continue the hearing until the February meeting. Frank seconded the motion and it passed unanimously.

BUSINESS MEETING

David reported that the Pinnacle Project applicant has suggested continuing the hearing until August. Alan observed that with such a delay, consideration of the project might need to start over. Walter noted that at the next regular meeting, the board would vote to deny or accept the request to continue.

Discussion ensued on workforce housing, and Walter suggested that the Planning Board might consider compiling the needed information on the various parameters he recommended. It was also noted that an expert opinion on Lyme's workforce housing stock would likely be needed. Frank asked David to send around the spreadsheet of documents that have been presented to the board for the Pinnacle Project at various times. Frank also passed around a memo detailing questions about the Pinnacle's proposed plan to use directional drilling to install its septic system forcemain under wetland areas. This memo was not discussed and will be presented to Pinnacle at the next meeting. It was also noted that Rob will look into the finances of the project and that Frank will analyze the neighborhood in the light of potential differences or similarities between adjoining properties. David was also asked to circulate a list of court cases that were referenced by town council. It was noted that many of the analyses will likely wait until it is known whether or not Pinnacle will continue to pursue its application in its current form.

Meeting adjourned 9:22pm
Respectfully submitted,
Adair Mulligan, Recorder