

**Town of Lyme**  
**LYME ZONING BOARD OF ADJUSTMENT**  
**Minutes – March 19, 2015**

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

Absent - Bill Malcolm

**Alternate Members:** Present- Michael Woodard, Dan Brand

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

**Public:** David Roby, Bill Waste, Simon Carr, Stuart White, Rich Brown, Liz Ryan Cole, Michael Bruss, Bobbie Hantz, Brian Pratt, John Stadler, Robin Taylor, Matt Brown, Jean Behnke, Kim Quirk, Bryan Muenzer, Jolin Kish, Blake Spencer, Matthew Greenway, Hayes Greenway, Tim Mikovitz, Adam Patridge, Merritt Patridge, Sara Goodman, Kevin Sahl, Darla Sahl, Scott Nichols, Jane Eakin, Thomas Morrissey, Meg Russell

Chairman Frank Bowles called the meeting to order at 7:30 pm. He appointed Dan Brand to serve as a regular member for the first three cases and Michael Woodard to serve as a regular member for the Pinnacle Project case.

**Elections:** Frank was re-elected chair and Rob Titus vice-chair on a motion by Alan Greatorex seconded by Mike Woodard that was unanimously supported.

**Minutes:** Minutes of the February 19, 2014 meeting were approved as amended by Rob on a motion by Alan seconded by Mike.

**Application #2015-ZB-07, Crossroads Academy (Tax Map 401 Lot 56) 101 Dartmouth College Highway in the Commercial District.**

Energy Emporium, on behalf of Crossroads Academy, has applied for a variance to install 1200 square feet of solar panels in the Wetlands Conservation District buffer. Rob Titus noted that he is a 5% abutter as owner of a condominium at 85 DC Highway. The applicants did not object to his participation. Jean Behnke explained that of the 140 acre campus, 60 acres had been put in conservation. Kim Quirk of Energy Emporium said that the array would be put in an open area, of which 1200 square feet would be within the wetland buffer. The impervious surface is limited to the sonotube foundations, which will have less than 20 sf in the buffer. The array would not be visible from Route 10 and no trees will be removed. The array will provide 40 kw. Alan noted that the application requires a signed agreement to allow the company to represent the owner; Jean later signed the application on behalf of Crossroads.

Alan asked how runoff concentrated from the array would be handled. Kim explained that the array could be broken up and that plantings or a French drain can be installed to receive the runoff. Alan asked about soil types. Kim said she did not know. David Robbins confirmed that it was the north end of an old sand pit. Sara Goodman said she has a similar solar array and that at three feet off the ground, they can be partly buried in snow. Kim noted that because the array will be set at a 35 degree angle, it will have less functional square footage on the ground than a flat array. Alan calculated this to be less than 610sf of lot coverage. Asked why the array would not be placed closer to the Bancroft building, Jean explained that that area needs to be kept open for a playground or the next of two more buildings that are permitted for the site. The septic system and parking area occupy other potential spaces. Alan asked about potential glare visible from 85 DCH buildings. Rob said it would not be seen because the area is surrounded by trees and at a lower elevation.

Deliberations: Alan offered that the structure could be treated as an accessory structure and encroaches only on the wetland buffer. Frank noted that the Conservation Commission had sent a letter on February 17 that was highly supportive of the application and recommended that location. Frank reviewed the five criteria for a variance, which all agreed fit the project as presented. He noted that no abutter comment was received. Alan moved to grant a variance to Section 4.61 to install three solar arrays totaling 744sf in the location shown, based on the following findings of fact:

- The application meets the requirements of section 4.61, which allows expansion into the wetland buffer.
- Because of the angle of the array, the expansion into the wetland setback will be less than 610sf.
- The Conservation Commission supports the application.
- The application meets the requirements of section 10.50.

The board set a condition that best construction practices will be used, particularly with respect to erosion control. Rob seconded the motion and it passed unanimously.

**Application #2015-ZB-08, Matt Brown (Tax Map 201 Lot 50) 10 Brook Lane in the Rural District.**

Matt Brown has applied to the Zoning Board of Adjustment for a determination regarding resuming a business use after discontinuance on the property at 10 Brook Lane. He has also applied for a special exception for additional building footprint of a non-conforming structure, although the amount of expansion was not defined in the application. Frank said that the ZBA cannot give a finding without a specific, formal request in the form of a building application. Matt asked that the question be discussed so he knows what will be allowed. Frank explained that the board will need maps with distances, setbacks, environmental conditions, and other such information so it can make a determination. Frank requested that the applicant formally withdraw the application pending further information.

**Application #2015-ZB-09, Blake Spencer (Tax Map 407 Lot 107) 1 Orfordville Road in the Rural District.**

Blake Spencer, on behalf of Hayes and Matthew Greenway, has applied for a special exception under section 8.23 to build a 672 sf garage in place of an existing 400 sf stable which sits eight feet from the Orfordville Road and will be moved entirely out of the road setback area. They also wish to build a 960sf studio, of which 560sf will be within the road setback. They are seeking to use the 400sf of the stable footprint as "grandfathered" footprint to offset the expanded footprint of the new garage. The previous owners had used 144sf of the 1000sf allowed under section 8.22, leaving 856sf available for development. Blake explained that the intent is to use all the allowable square footage of expansion. The historic house, built before zoning, sits in the road setbacks of both Pinnacle and Orfordville Roads.

Alan asked why the structure could not be rotated to reduce intrusion into the setback. Spencer said that it fits on the terrace, and that the ground drops off sharply in both directions. Sight lines from the house are also being considered. Frank asked David to assist the applicants with contours and mapping, and asked the applicants to stake out the building locations in advance of a site visit. Rob moved to continue the hearing to a site visit on Saturday, March 28 at 8:30am. Alan seconded the motion and it passed unanimously.

**Application #2015-ZB-06, Pinnacle Project, LLC (Tax Map 408 Lot 22.1) 70 Orford Road in the Rural District.**

CLD Consulting Engineers, on behalf of their client, Pinnacle Project LLC, has applied to the Lyme Zoning Board of Adjustment for a combination of variances and special exceptions to allow the Pinnacle Project to construct a 36-unit, 87-bedroom multi-family housing development. Members of the board were provided further extensive materials to review in advance, including a binder of supplemental information, including maps and imagery that was described as consistent with previously distributed materials. Frank appointed Mike Woodard to sit as a regular member.

Bobbie Hantz noted that the videos being taken would be available to all parties. Bill Waste rose to respond to comments from the previous meeting that he characterized as misinformation. To the charge that the project was "greedy," he noted that this project is not being approached as a typical development built for profit, but requires a certain number of units to result in more owners, to permit some units to be supported by others. To the charge that the project is "too big, will create too much traffic, will change the character of the town," he noted that development in Lyme in the last 20 years raised similar questions but the concerns have not been realized. He cited Stella's Restaurant, Green Mountain Studios, and 85 Dartmouth College Highway, all of which are closer to Route 10 than the current project. He asked the board to imagine an application for the development of the Dartmouth Skiway under zoning, and concluded that there is capacity in Lyme for the Pinnacle Project. He noted that the least expensive of the last 25 residential building projects was \$425,000, with cost of others over a million dollars, and reminded that this project focuses on affordable housing that does not now exist in Lyme. Bill continued by explaining the co-housing concept, in response to concern that the social aspect of the project will not appeal to buyers and the town would be left with an abandoned property. He reminded that the project will not proceed until a critical mass of people is ready to buy in, so that the project cannot fail and will not leave the town open to risk. To the charge that it would set a precedent for other projects, he observed that the zoning ordinance provides a mechanism for interpretation on a case by case basis, and so he does not believe that precedents would be set.

Architect Stuart White offered more visuals of the interior of the Common House and the layout, noting that the rolling topography of the site is challenging. There will be no single family buildings, in the interest of energy efficiency. The Common House will have shared amenities such as a big kitchen. Liz Ryan Cole said that they plan to offer one meal a day,

to appeal to families of young children and older adults who do not want to cook for themselves. This structure is set at the prime location on the site and includes a two-story dining room with a view to Post Pond, an exercise room, and a children's play room, and is accessible for nearby units. Asked about the second and third story connector, Stuart explained that because of the topography, this would serve all living units in the Crest building except for the single one that is on the first story. Frank asked if staff would be needed for the building. Michael Bruss said no. Liz added that it is designed for aging in place, and that it could be served by home health care nursing staff. Michael said that they have not yet decided on the heating plant but have considered central biomass heating and also air to air heat pumps.

Frank asked about how the foodservice functions would work. Liz Ryan Cole answered that the cooking would be done by community members as part of their commitment to the cohousing lifestyle model. She indicated that workforce housing members of the community would be expected to join in this commitment.

Frank announced that a site visit would need to be made and asked the board members if they would be willing to conduct extra meetings to focus on this project alone to expedite decision-making. The board agreed. Frank expects two more meetings before a decision would be made and said he appreciates the comprehensive materials provided. He asked Bobbie Hantz if she considers this project to offer workforce housing. She said it does, because of the percentage. Frank noted that an analysis of workforce housing in Lyme is needed and that a consultant is needed to give an expert opinion. Bobbie noted that if it is not considered workforce housing, fewer units would be needed because the workforce units would not need to be supported. Alan raised the question of subdivision in the last ten years with respect to section 4.64. Bobbie said that this is covered in the submitted materials.

Brian Pratt displayed updated plans including the agricultural soils overlay. They expect to disturb less than 10% of the agricultural soils on the property. A wetland buffer overlay showed that the project attempts to avoid wetlands. The steep slopes overlay showed most steep slopes on the eastern half of the property that will remain undeveloped. He provided a driveway length exhibit. A trip generation analysis showed that the project would create trips well under the 100 trips/hour threshold that would require a detailed analysis.

Frank asked if the project should be reviewed as a development of regional impact. Dan Brand said that it would and referred to the Upper Valley Lake Sunapee Regional Planning Commission.

Deliberations: Frank moved to ask town officials and the Zoning Administrator to provide the regional planning commission with the facts of the application and request a review for regional impact. Mike seconded the motion and it passed unanimously.

Out of deliberations: Frank noted that the RPC can determine if other communities need to be notified. The next special meeting of the ZBA will focus exclusively on this project. He asked that the applicant mark the centerline of the drive and building corners before a site visit.

Members of the public asked to speak. Kevin Sahl said that he does not support the project, believing it is unreasonable in scope and size, is too dense, and does not fit the Master Plan. He thinks it will set a precedent. He asked that application materials be made available to the public. David Robbins said that they already are, in his office. Tom Morrissey, owner of property on the west side of Post Pond, asked if he and his neighbors are abutters. David noted that because another lot separates the Pinnacle Project from the pond, they are not abutters.

The board voted unanimously on a motion by Mike seconded by Rob to continue the hearing to Wednesday, April 15 at 7:30 pm. The date of April 29 was also set aside for deliberation on this project.

Meeting adjourned 9:51pm  
Respectfully submitted,  
Adair Mulligan, Recorder