

**Town of Lyme**  
**LYME ZONING BOARD OF ADJUSTMENT**  
**Minutes – August 15, 2013**

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

Absent: Alan Greateorex

**Alternate Members:** Present- Michael Woodard

Absent: Dan Brand

**Staff:** David Robbins, Zoning Administrator

**Public:** Julia Elder; Stina Kohnke ; Joseph Rosen

Frank Bowles called the meeting to order at 7:30 pm and designated Mike Woodard as a regular member.

**Minutes:** Minutes of the July 18, 2013 meeting were approved on a motion by Bill seconded by Mike.

**Application #2013-ZB-39, Elke Koning / Rhonda Sheffield (Tax Map 409 Lot 24) 22 Pout Pond Lane in the Rural District.**

Elke Koning and Rhonda Sheffield have proposed to build a 15' X 20 foot screened porch and add an additional 316 square feet of open porch. The proposal is to replace a 10' X 20' (200 square feet) of existing open deck with a new 15 X 20 screened porch (with a roof). The new porch will be 100 square feet larger than the existing open deck. In addition the applicant wishes to add an additional 316 square feet of open deck that wraps around the rear and part of the side of the house. Both the screened porch and the open deck are entirely within the Wetlands Conservation District (wetlands buffer) and in the property line setback. The existing house was built in 1976 and is non- conforming as it is almost entirely within the side setback area and wetlands conservation district.

The applicants were unable to attend the hearing.

The Planning and Zoning Administrator gave the members of the Board a letter from Don and Julia Elder stating that they had no problem with the proposed project.

Julia Elder attended the meeting and reiterated that she and Don had no issues with project.

The Board entered deliberations.

Walt stated that he felt that the calculations for the dimensions and area were in error.

Walt noting that the applicants had not provided a letter of review from the Conservations Commission and he wished to have some clarification as to the dimensions and areas of the project, moved that the Board continue the application to September 19<sup>th</sup>, 2013 at 7:35 pm so that the applicant could meet with the Conservation Commission in September and the Zoning Administrator could review the dimensions of the proposed construction.

The motion was seconded by Rob.

Frank called for a vote.

The motion passed unanimously.

The Board exited deliberations.

The Planning and Zoning administrator will contact the applicants and inform them that the hearing had been continued, and that they will need to contact the Conservation Commission and re-schedule a meeting. The conservation Commission could then provide review and comment as required in the Zoning Ordinance.

The Planning and Zoning Administrator would also review the dimensions and areas that he provided to ensure that they were correct.

**Application #2013-ZB-51, Stina Kohnke, (Tax Map 403 Lot 20) 317 River Road in the Rural District.**

Stina Kohnke has proposed to replace an existing two bedroom cottage with a new structure containing an artist's studio and a one bedroom apartment and to replace the septic system on the property of 315 River Road (Tax map 403 Lot 20). The lot is .92 acres within the Rural Zoning District and has 2 two residential buildings. The house to be removed was built in 1965 prior to zoning. The entire lot is within the Shoreland and Flood Prone Conservation districts as well as the State Shoreland Protection Area. The Applicant has received a State Shoreland Permit and the Conservation Commission has reviewed the project and has provided written feedback. I have discussed the requirements for ensuring that the new building conforms to the Flood Plain Ordinance requirements with the applicant and the building foundation will be elevated to bring the first floor above the base flood elevation of 400'

Introductions were made.

Stina gave the Board an overview of the proposed construction, stating that the reason for replacing the existing structure was that the building itself had significant rot in the walls and rats had taken up residence and due to the condition of the building there was no way to keep the rats out of the building. Because of the deterioration of the building and the presents of the rats, she was no longer able to use the building for as studio.

Frank asked if the Board had any questions.

There being none the Board entered deliberations.

Rob voiced a concern that this project was pushing the intensity of use on the lot to the maximum.

The Planning and Zoning Administrator asked to be heard.

The Board exited deliberations.

The Planning and Zoning Administrator stated that the while the building was being enlarged, it would be placed further back from the river and the new septic system was designed for a single bedroom whereas the current system built in the late 1960s was designed for two bedrooms. In addition the new structure would be raised so that it would be out of the Flood Plain.

The Board re-entered deliberations.

Rob still felt that the project was adding to the overall intensity of use on the property but that the applicant has done everything possible minimize the effects.

Bill asked if driveways counted towards the lot coverage. Frank pointed out that section 8.25 A specifically excludes driveways from the lot coverage.

Frank asked if there were any other questions from the Board members.

There being none he asked if anyone would like to propose a motion.

Bill moved to grant a special exception under section 8.22 to allow the replacement of a 1,170 square foot residence with a 2,165 square foot combination artist's studio with a 1 bedroom apartment, as per the submitted plans. He noted that the requirements of section 8.22A & B had been met as follows:

**Section A-** Due to the constraints of the lot the proposed modification could not be located outside of a setback area.

**Section B-** The total expansion was 995 square feet, 5 square feet under the 1,000 square feet allowed for the rural district.

In addition the Board would grant a special exception under section 8.24 noting that the requirements had been met as follows:

**Section A-** The applicant had received a State Shoreland Permit for the project.

**Section B-** Due to the constraints of the lot there were no better alternatives for the expansion

**Section C-** The total expansion was 995 square feet, 5 square feet under the 1,000 square feet allowed for the rural district.

**Section D-** The new septic system will replace an outdated two bedroom system with a new one bedroom system.

**Section E-** The new structure would be elevated so that it will be above the Flood Plain.

The Board would also grant a special exception under section 8.25 noting that the requirements had been met as follows:

**Section A-** The total expansion was 995 square feet, 5 square feet under the 1,000 square feet allowed for the rural district.

**Section B-** The new structure would will have 2,165 square feet of footprint, 4,835 square feet under the 7,000 square foot maximum.

The requirements set forth in section 10.40 were also met for each of the three special exceptions granted.

Bill noted the following Findings of Fact:

- The total expansion would be 995 square feet.
- The new structure would be located five feet further back from the Connecticut River than the existing structure.
- A State Shoreland Permit has been issued for the project.
- A new septic system would be installed.
- The new studio and apartment would be for personal use.
- The lot is a narrow lot located between River Road and the Connecticut River with little space that is outside the setbacks.
- The entire lot is within the Shore land and Flood Prone Conservation District.
- The existing structure had deteriorated past the point that it can be repaired and contains a population of rats.
- No abutters attended the hearing or sent comments to the Board.

In addition the following conditions should be imposed:

- The new building would be built in accordance with the submitted drawings and plans, Drawing No. Sd-a from Haynes & Garthwaite Architects P.O. Box 1098, Norwich, Vermont 05055 and located as indicated on the survey by K.A. Leclair Assoc., Inc. Project NO. 1608A Dated August 7, 2008.
- Best management practices for construction and erosion control will be used, given the close proximity to the Connecticut River.
- The new structure must meet the requirements in the Flood Plain Ordinance.

Rob requested that the Board exit deliberations so that he could ask the applicant about the use to ensure that sections 10.40 8 and 13 were met.

Rob asked Stina about how she planned to use the studio and apartment. She responded that the studio was to be a private workspace for her and that due to the poor condition of the existing structure she currently rents a workspace in Lebanon. She also stated that she likes a clean environment to work in and has no intention of using the property to store unused materials for her sculpture. The apartment would be for her use and she had no intentions of renting it out. Bill asked about how she planned on dealing with the rat population during demolition. He was concerned that the population may move to neighboring properties when the existing structure was removed. Stina stated that she had planned on having an exterminator remove as much of the population as possible prior to the demolition.

The Board re-entered deliberations.

Rob stated that he was satisfied that the project met the requirements of section 10:40, in particular sections 10.40 8 & 13 were met.

Rob seconded the motion made by Bill

Frank called for a vote and all five members voted to approve the motion.

The meeting adjourned at 840pm.

Respectfully submitted, David A. Robbins.