

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – April 16, 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: Jason Berard, Arend Tensen, Tor Tosteson, Laurie Rich, Leon Oliver, Charlie and Joan Garipay

Chairman Frank Bowles called the meeting to order at 7:30 pm. Minutes of March 19 were approved on a motion by Rob Titus seconded by Mike Woodard. Minutes of the March 28 site visit were approved on a motion by Mike seconded by Alan Greatorex. Frank appointed Mike to sit as a regular member.

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

Continuation of Greenway application for a special exception under section 8.23 to build a 672 square foot garage in place of an existing stable and a 20 X 48 foot studio. Voted unanimously to continue the hearing until the next regular meeting on May 21, on a motion by Mike seconded by Alan.

Application #2015-ZB-04, Arend Tensen (Tax Map 403 Lot 54) 18 East Thetford Road in the Lyme Common and Rural Districts.

Arend Tensen has applied to the Lyme Zoning Board of Adjustment for a waiver for agricultural structures under section 10.63 of the Lyme Zoning ordinance in order to relocate several agricultural structures, including the farm stand from his property on river road to his property at 18 East Thetford Road. Section 10.63 allows for a Waiver for Agricultural Structures. Section 10.63 directs to Section 5.15 F which points to RSA 674:32 a-c.

The lot is split by the Lyme Common and Rural Districts. All the current buildings are located within the Lyme Common District. The maximum Lot coverage in the Lyme Common District is 6,000 square feet. The existing barn is approximately 12,000 square feet, maxing out the lot coverage itself.

Arend explained that he has recently purchased the former Recordridge Farm at 18 East Thetford Road, which he is calling the "Village Farm". He is remodeling the facilities and adding to the existing buildings to prepare it for planned farm operation of cattle, corn and farmstand. He plans to increase the herd with a goal of 100 animals in the barn. There is currently no manure storage, and temporary storage is essential to be certain that there is no contaminated runoff toward the school. The 20 x 24' manure storage will be built to federal specifications. There is a 38 x 80 steel Quonset hut out back for dry feed and equipment storage. The 22x14' farm stand will be set 80-100 feet from the road near the existing barn. He is requesting a waiver as all of the proposed buildings are agricultural in nature including the proposed farm stand. He has taken down three steel structures. A bunker silo needs repair. A 38 x 80 hay storage building will be built north of the pond. A 24' diameter round grain bin will be moved to the site. This structure will be in the rural district

Walter expressed a desire to quantify the number of animals and the size and number of building and asked for a layout, which Arend produced by adding dimensions to an aerial photograph. He says he has spoken to Elaine Neal, who asked him to put siding on the manure storage structure to make it resemble a shed. Calculations showed that there is currently 24,350sf of lot coverage after a 16x30' building was taken down. David Robbins noted that the tax card doesn't always have building dimensions for the farm structures.

Tor Tosteson, an abutter, asked about drying grain. Arend noted that the old device was very loud, and said he is installing more expensive but much quieter centrifugal fans because of the proximity of the school. Tor asked if corn will be delivered. Arend said that trucks will deliver hay and corn and noted that his three farm trucks do not have backup beepers. Walter asked about lighting. Arend said that when the farm work is going on, it will be very well lit, for safety reasons, but usually be shut down at dusk. The grain bin will have new lights. The lights at the farm do point down.

Deliberations: Mike noted that this is a continuation of activities at the site for over a century and Frank noted that it has been an active farm with many animals in public view. Rob noted that the application seems to fit all the provisions of the ordinance and that the board did not have the authority to deny it. Walter noted that agriculture is a permitted use in the Lyme Common District.

Out of Deliberations: David confirmed that it is okay to issue a building permit with a waiver.

Deliberations: Mike moved to grant approval of the Tensen application for an agricultural waiver pursuant to Section 10.63 which directs to Section 5.15 F which points to RSA 674:32 a-c. The following findings of fact were identified:

- The application complies with RSA 674:32 a-c insofar as it is a continuation and expansion of agricultural use.
- Expansion of use does not adversely impact the public given the applicant's testimony.
- Conditions:
 - Use of best management practices.
 - Must comply with federal and state laws and rules.
 - Structures should be built substantially as drawn on the map provided by the applicant.

Alan seconded the motion and it passed unanimously.

Application #2015-ZB-11, Upper Valley Land Trust (Tax Map 402 Lots 55,57) 215 and 199 Dartmouth College Highway in the Rural District.

The Upper Valley Land Trust has applied to the Lyme Zoning Board of Adjustment for a Special Exception under section 4.61B 5 in order to construct a walking trail on their property. The trail will be designed to meet US Access Board Guidelines for Accessibility. The proposed construction will require excavation and the addition of fill within a wetland buffer area in order to meet access requirements. This grading will include cutting some high spots and using the excavated material to fill some of the low spots with the possibility of bringing in some fill from an outside source.

Frank noted that the Conservation Commission has sent a supportive letter.

Jason Berard of UVLT described the location of the proposed 800 feet of new trail. It will be built outside the delineated wetland but inside Lyme's wetland buffer. The trail will bring users to a view of the wetland. Adair Mulligan spoke in support of the project, saying it would make the wetland view accessible to a new group of trail users. Jason said that the project was inspired by Lyme's work on aging in place and that the trail would meet the slope requirements for mobility impaired users. The trail must be a minimum of three feet wide to meet federal guidelines, but will likely be four feet wide with wider areas for passing. The surface will be hardened but not asphalt. It will not be wide enough for trucks but will be accessible to other power-driven mobility devices. Alan asked about specifications. Jason said they will follow the US Forest Service trail construction guidelines and also the Conservation Commission's requirement to fill rather than excavate. Geotextile will be laid down, with a geogrid on top, then fill for a trail surface that will "float" on wetland soils. Jason added that landscape architect Jim Kennedy is advising on the project and that experienced trail builders from Crotched Mountain Academy will visit to advise.

Walter asked if a walkway will be needed. Jason said that two sections may need to be built of synthetic material but the exact amount will be determined later.

David Robbins noted that NH DES has issued a letter giving conditions for construction and permitting work to begin. The conditions are:

- Work will not take place in or adjacent to a municipally designated prime wetland, or in a bog, marsh, or undisturbed tidal buffer zone;
- This is not a trail for current or future development;
- The project will follow *Best Management Practices for Erosion Control During Trail Maintenance and Construction*, published by the Dept. of Resources and Economic Development in 2004,
- Each wetland crossing involves less than 3,000sf of impact;
- The proposed trail does not cross any stream eight or more feet wide;

- The route avoids wetland and stream crossings where possible; all crossings have been located to minimize impacts; and all crossings qualify as minimum impact by DES Wetlands Bureau rules; and
- Written permission of the landowner is obtained in advance.
-

David noted that Lyme has not designated any prime wetlands

Deliberations: Walter reviewed the DES letter, and noted that as long as any wooden or synthetic board walkways have permeability, they are approvable. He moved to grant a special exception to build a walking trail in the buffer zone of the wetlands as defined in maps provided by the applicant, with the following findings of fact:

- The applicant has testified that the trail will be four feet wide and 800 feet long
- The trail was found, under the definition of structures, not to be a structure
- All sections will provide permeability, and some sections may be elevated and supported to the ground to minimize excavation and fill, and will meet US Access Board guidelines
- The Conservation Commission has reviewed the project and supports it because it will be built under US Forest Service guidelines, under conditions imposed by NH DES, and will provide trail accessibility.
- Technical advice is being provided relative to soils from Jim Kennedy
- Technical advice is being provided relative to construction by experienced builders at Crotched Mountain Academy.
- Public support has been expressed.
- Requirements of Section 10.40 have been met.

Conditions:

- Best management practices for trail construction will be used.
- US Forest Service construction standards will be provided to the Zoning Administrator.

Mike seconded the motion and it passed unanimously.

The board conducted a fact-finding discussion relative to the Pinnacle Project. David reported that he called the regional planning commission regarding the road study and was told that they will advise on how the study could be done. David noted that the 2013 fatal accident cited earlier was due to a medical condition and only one car was involved. He continued that a state report on workforce housing is available and is based on regions and that the planning board has made a local study of workforce housing. He will email the study before the next meeting. Members of the board asked for procedural rules for relating to the Planning Board, and how the Planning Board approaches lot size averaging.

In the context of working with the Planning Board, Walter noted that some years ago the ZBA had an annual or semi-annual meeting to discuss potential changes to the zoning ordinance. Frank said that we proposed to revive this practice and would propose a meeting to do so at a later date.

Meeting adjourned 9:50pm

Respectfully submitted,
Adair Mulligan, Recorder