

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – August 18, 2016

Board Members: Present - Frank Bowles, Rob Titus, Alan Greatorex, Bill Malcolm,
Absent: Walter Swift
Alternate Members: Absent: Dan Brand, Michael Woodard
Staff: David Robbins, Zoning Administrator; Adair Mulligan, recorder
Public: Silvia Richards, Susan MacKenzie

Chairman Bowles called the meeting to order at 7:30 pm and the minutes of the meeting of June 16 were approved on a motion by Alan seconded by Rob.

Application #2015-ZB-06, Pinnacle Project (Tax Map 408 Lot 22.1)

The board voted unanimously on a motion by Rob Titus, seconded by Alan, to vacate its approval of the request for rehearing and reinstate its decision of denial, with the following findings of fact:

- The Board had voted to deny the application at the June 3 and June 10, 2015 meetings
- By letter dated July 22, 2015, counsel for the Pinnacle Project requested a rehearing
- The Board voted on August 20, 2015 to grant the request for the rehearing and set the date of November 19, 2015 for the presentation of materials for further proceedings
- On November 19, 2015, a substantial set of exhibits was presented by the applicant. The applicant concurrently requested that the hearing be continued to August 18, 2016
- Richard Brown, identified as a Manager of the applicant LLC, submitted a letter dated August 1, 2016 stating that the Pinnacle Project wishes to withdraw its request to rehear the Variance and Special Exception requests decision, originally scheduled for November 19, 2015
- No one representing the applicant attended the present hearing.

Application #2016-ZB-38, Silvia Richards (Tax Map 402 Lot 85), 100 River Road

Silvia Richards has applied for a special exception from Section 8.23 to construct a new barn and equipment shed at 100 River Road in the Rural District. The proposed location of both buildings is partially within the 75' road setback of River Road in the same general area as the current barn. The new barn and equipment shed will replace the existing barn and dairy.

Silvia explained that the existing barn is in poor condition and she believes it is better to build a new barn than to rehabilitate it. The barn will be needed until the new one is built, so she would like to build the new barn next to the old one and then remove the old one. The new location is better for bringing livestock to the field. She would like to retain the same setback for the barn and wishes to avoid pushing into good soils behind it. She noted that other structures have been removed from the property, including sheds and the original farmhouse, the town poor farm. A shed is also needed for farm equipment and is made part of the request for a special exception under Section 8.23.

Frank offered Silvia the opportunity to have a full five-member board, but she indicated satisfaction with the four-member board present. Frank noted that the Tensens had previously removed the remains of many other structures and vehicles from the property.

Bill called attention to the tax map and asked whether the proposed barn would obstruct the 50-foot right of way indicated on the parcel map. Silvia said that her husband also owns the back lot that the ROW leads to, but noted that the lots have not been merged. Adair Mulligan observed that the Upper Valley Land Trust holds a conservation easement on at least some of the property, and that the ROW may have been formalized in that easement. Sue MacKenzie observed that the driveway most often used was in a different area, not where the ROW is shown.

Deliberations: Rob said that the ROW question needs to be cleared up before the board can move ahead, since the way the ROW is depicted on the tax map suggests that the ROW is a surveyed and recorded easement. A letter is needed stating that

the ROW has been moved. Bill suggested that the area of the demolished house not be included in the credit for the setback, since it is not pertinent geographically.

Out of Deliberations: Silvia asked whether it makes a difference if both parcels have the same owner. Rob recommended that she check with a real estate attorney, especially as it appears that there may be a recorded easement for the ROW. Frank indicated that a ROW can be moved if all parties agree, by surveying a new route and then recording a new deed. Silvia will contact legal advisors and the Upper Valley Land Trust.

The board voted unanimously to continue the hearing to the next regular meeting on September 15, on a motion by Rob seconded by Bill.

Meeting adjourned 8:12pm
Respectfully submitted,
Adair Mulligan, Recorder

DRAFT