

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – June 16, 2016

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

Alternate Members: Michael Woodard, Absent: Dan Brand

Staff: David Robbins, Zoning Administrator

Public: Don Metz, John Stanhope, Lois Stanhope, John Mecchella, Brian Vincent, Charlie Hirschberg, Richard Menge

Frank opened the meeting at 7:30pm and appointed Mike Woodard to sit as a regular member in place of Bill Malcolm. Frank asked Dave Robbins to act as recorder.

The Minutes from March 23rd site visit regarding the Lacroix application were approved with added reference on the applicant not needing any relief for the existing access ways as they were in existence prior to the adoption of zoning.

Application # 2016-ZB-30 Don Metz on Behalf of Lynn Parshall and David Bromley. (Tax map 408 Lot 47.1)

Don Metz has applied to the Lyme Zoning Board of Adjustment on behalf of Lynn Parshall and David Bromley for a special exception under section 4.66 B (Ridgeline District) and any other relief deemed necessary by the Board for a 715 square foot addition of a garage/workshop one the east end of the house at 36 Horton Ln (Tax map 408 Lot 47.1).

Don Metz presented an overview of the project to the Board. He noted that the east end of the house was the least visible portion of the house and like the rest of the house a majority of the addition would be built into the existing grade.

Alan asked the Zoning Administrator if the additional square footage would exceed the allowed Building footprint or Lot Coverage. The Administrator responded that he had verified that both were within the allowable limit.

In deliberations:

Frank noted that a special exception under section 4.66 requires that the use is allowed in the underlying district and the property being in the Rural Zoning District, residential use was allowed. He also noted that Mr. Metz had testified as a professional architect that the addition would be minimally visible. Alan stated that the current house was visible from Baker Hill Rd in the winter time.

Frank read through the requirements of Section 10.40 and the Board concluded that each requirement was either met or did not apply to this case.

Walt asked that the record show that no abutters were present for the hearing nor did any submit comments.

Frank moved to approve the application for a special exception with the following findings and conditions:

Findings:

Mr. Metz had testified as a professional architect that the addition would be minimally visible.

Residential use is allowed in the underlying district.

The individual requirements of section 10:40 A either did not apply or were met.

With the exception of best construction practices, the Board did not feel it was necessary to impose any safeguards under section 10.40B for this special exception.

There was no input from abutters.

Conditions:

Best practices for construction shall be used.

Walt seconded the motion.

Frank called for a vote and the motion passed unanimously.

Application # 2016-ZB-31 CLD Consulting Engineers and John Mecchella have applied on behalf of Stanhope Lumber Co, Inc. (Tax map 401 Lot 17)

CLD Consulting Engineers and John Mecchella have applied on behalf of Stanhope Lumber Co, Inc. to the Lyme Zoning Board of Adjustment for special exceptions under sections 4.61, 4.63, 4.64 and 4.66 and/or any relief deemed necessary by the Board to construct a four bedroom residence with a 2 bay garage and driveway to the residence on the property at 60 Dartmouth College Hwy (Tax map 401 Lot 17).

The Planning and Zoning Administrator passed out a letter he had just received from the Conservation Commission with their review and comments. The letter states that the project would have minimal impacts on wetlands, agricultural soils and wetland buffers and that it has been designed to minimize these impacts. The commission found unanimously that it had no objections to the project proceeding as proposed.

Charlie Hirschberg of CLD reviewed the plans submitted with the application. He noted that the driveway would follow an existing woods road and have a grade of no more than 10%. The proposed route of the driveway would pass through the buffer area of both the Wetlands Conservation District and the Shoreland Conservation District. The proposed house site will be approximately 700 feet from State RT 10. Due to wetlands along the Hewes Brook the Wetlands Conservation District and the Shoreland Conservation District overlap in this area. There is an existing culvert that will need to be upgraded and will require a DES wetlands permit. Charlie explained that they chose to use the existing woods road for an access because it was an area that was already disturbed.

The proposed house site is on a natural terrace on the edge of the Agricultural Soils Conservation District. The proposed building envelope will cover approximately 7.5% of the total agricultural soils on the lot. Several alternate sites were looked at and rejected because of ledge, steep slopes and poorly drained soils that were not suitable for a septic system. The site is on the edge of the Agricultural Soils Conservation District so as to impact the district as little as possible. Frank suggested that the Board, if they were to approve the special exception, that they approve the use of 8% of the agricultural soils. He felt that this would be an easier number to deal with and if there were calculation errors from the drafting software, this would ensure that the residence could be built.

Ledge that was found to the south of the house location required that the septic system be moved to the north where test pits showed that the soils were appropriate for a septic system.

The current plan is to run the utilities along the driveway using utility poles at the beginning of the driveway and then underground as they approach the house. A final plan has not been developed because there has been no input from the utility companies. They will have final say as to how this is implemented. John Mecchella, who is proposing to purchase the property, stated that he wishes to have the utilities run underground as far as possible.

The proposed house site is within the Ridgeline Conservation District, but will site well below the actual ridge. With the existing tree cover and the protected area along Hews Brook, it is Charlie Hirschberg's opinion that the house will not be visible from Route 10.

There are three areas of Agricultural Soils that were located on the property totaling 8.02 acres. The total proposed area impacting the soils is .06 acres or 7.5 %. Areas delineated on the map as the "Upper Agricultural Soils Unit" and a portion of the "Lower Agricultural Soils Unit" make up 75% of the total Agricultural Soils on the property and these areas will be placed into an easement to be protected. The area delineated as the "Middle Agricultural soils unit" that is outside of the building envelope will remain unprotected.

Walt asked Charlie who delineated the soils, wetland and shore lands on the map. Charlie responded that it was a combination of data, some originally created by Jim Kennedy for Mr. Stanhope and some, including the wetlands along Hews Brook, were done by Johnathan Sisson of Beaver Tracks, LLC.

Walt then noted a benchmark on the map that was to the south west of the house site and inquired why the house was not sited at this location as it was not in Agricultural Soils. Charlie replied that the area in question was shallow to ledge and it would be difficult to dig deep enough for a foundation and the ledge caused water to pool in the ground so it was unsuitable for a septic system.

Walt then asked how the Board would be assured that an easement would be placed on 75% of the Agricultural Soils if they approved the application. The Planning and Zoning Administrator stated that he would not issue a building permit unless the easement was in place.

Referring to the outline of the house on the map, Walt asked if the proposed house and garage were connected. Charlie responded that they were, but the exact dimensions had not been decided.

Walt noted that even though the "Middle Agricultural Soils Unit" was not going to be protected, any development other than agricultural structures used for agricultural use, would need further Board approval. He continued by saying that the flat area to the south west that was not on agricultural soils could be developed without Board approval.

Frank asked if the members of the public had any questions. Richard Menge, an abutter, asked about the visibility of both the house and the utilities going to the house. Charlie reiterated that he believed that the house would not be visible, and to the best extent possible the utilities would run along the driveway. Mr. Menge was concerned that if the utilities were run through the woods it would open a direct line of sight to the house. Charlie noted that until they met with the power company, they would not know the exact route or how much of the run would be underground.

In deliberations:

Frank suggested that the Board vote on the special exceptions separately. He then asked the Board to consider the request for a special exception under section 4.61 B 3 Wetlands Conservation District.

Mike moved to approve a special exception under section 4.61 B 3 with the following findings and conditions.
Findings:

The letter from the Conservation Commission states: "As described, the project would have some impact on wetlands and Agricultural soils on the site. It also would intrude slightly into a stream buffer. Viewing the plans, members of the commission agreed that the proposed development has been drawn up to minimize those site impacts and that if Best practices are followed disturbance of environmentally sensitive areas will be minimal. It was agreed unanimously that the Commission has no objections to the project proceeding as proposed.

The proposed new residence would be less than 1000 feet from a class V or better Rd.

The proposed driveway meets the conditions of section 4.53 Driveways.

By using the existing woods road, the proposed route creates the least disturbance to the wetlands.

Mike asked if there was a curb cut permit for the proposed driveway.

Out of deliberations:

John Stanhope stated that the proposed driveway was on a state road and NH DOT had Jurisdiction. He has a valid Driveway Permit from NH DOT. The new owner would need to have the permit changed to his name. The Planning and Zoning Administrator confirmed this.

In deliberations:

Mike added to the findings that a state driveway permit existed for the property.

Conditions:

Best management Practices shall be used.

Rob seconded the motion.

Frank called for a vote and the motion passed unanimously.

Frank asked the Board to consider the request for a special exception under section 4.63 B Shoreland Conservation District.

Frank moved to approve the special exception under 4.63 B 3 with the following findings and conditions.

Findings:

By using the existing woods road, the proposed route creates the least disturbance to the Shoreland buffer.

The letter from the Conservation Commission states: "As described, the project would have some impact on wetlands and Agricultural soils on the site. It also would intrude slightly into a stream buffer. Viewing the plans, members of the commission agreed that the proposed development has been drawn up to minimize those site impacts and that if Best practices are followed disturbance of environmentally sensitive areas will be minimal. It was agreed unanimously that the Commission has no objections to the project proceeding as proposed.

Conditions:

Best management Practices shall be used.

Rob seconded the motion.

Frank called for a vote and the motion passed unanimously.

Frank asked the Board to consider the request for a special exception under section 4.64 B Agricultural Soils Conservation District.

Rob moved to approve the special exception under 4.64 B 1 and 7 with the following findings and conditions.

Findings:

A single family residence is an allowed use by special exception on Agricultural soils.

The Board approved use of 8% of the total agricultural soils on the lot. An easement will cover the other 75% of the agricultural soils as designated on the plans.

The proposed driveway met the conditions of section 4.53.

Development shall take place in substantial agreement with plans submitted to the Board: CLD Project No. 16-0182, drawing Z1, Z2 and Z3, dated May 2016

Conditions:

The final house plans must meet all other requirements of the Zoning Ordinance.

Any further development on the agricultural soils that are not under the protection of an easement shall require further review by the Zoning Board.

A zoning permit for any development shall not be granted until the zoning easement on the remaining 75% of the agricultural soils has been signed and recorded with the Grafton County Registrar of Deeds.

Best Management Practices shall be used.

Mike seconded the motion.

Frank called for a vote and the motion passed unanimously.

Frank asked the Board to consider the request for a special exception under section 4.66 B Ridgeline and Hillside Conservation District.

Rob noted that he had walked the property earlier in the day and concluded that there would be very little visual impact as the proposed building site was well away from the road.

Alan moved to approve a special exception under section 4.66 B with the following findings.

Findings:

The proposed residential use is allowed in the underlying Rural Zoning District.

Based on testimony from Charlie and Rob's viewing of the site, the Board found that the proposed use, to the maximum extent reasonably practicable, will not degrade the visible features of the site.

The proposed site was chosen based on its ability to support an on-site septic system and lack of ledge to interfere with a foundation.

Richard Menge asked the board to exit deliberations.

Out of Deliberations:

Richard restated his concerns with the visual impact of utility lines entering the property.

Frank stated that the Board would consider this.

In Deliberations:

Alan suggested adding the condition that the utility lines shall be placed in a manner to greatest extent possible to protect the existing view shed.

Rob seconded the motion.

Frank called for a vote and the motion passed unanimously.

Frank noted that the requirement for all special exceptions were that they met the conditions of section 10.40. He asked the Board to consider the requirements of section 10: 40.

Walt moved that the special exceptions meet the conditions of section 10:40 A with the following findings:

Findings:

The proposed residential use was allowed by right in the Rural Zoning District.

The plans from CLD were engineered for minimum site impacts.

Mike seconded the motion.

Frank called for a vote and the motion passed unanimously.

Frank asked the Board if they wished to impose any safeguards as allowed under section 10.40 B.

Walt moved to set the following conditions under section 10.40 B:

The applicant shall maintain tree cover between the house and the road to the greatest degree practical in order to minimize the visual impact of the project. Reference is made to CLD Project No. 16-0182, drawing Z1, Z2 and Z3, dated May 2016 in this regard.

The driveway shall be constructed as shown on the submitted plans. (CLD Project No. 16-0182, drawing Z1, Z2 and Z3, dated May 2016)

The parking areas for the residence shall be as substantially as shown on the submitted plans. (CLD Project No. 16-0182, drawing Z1, Z2 and Z3, dated May 2016)

All exterior lighting including any driveway lighting shall be of low luminescence and down cast.

Any development on the unprotected agricultural soils other than agricultural structures used for agricultural use, would need further Board approval.

Best Management Practices shall be used.

Rob seconded the motion.

Frank called for a vote and the motion passed unanimously.

There being no other business the meeting adjourned at 9:15 pm.