

**Town of Lyme**  
**LYME ZONING BOARD OF ADJUSTMENT**  
**Minutes – September 15, 2016**

**Board Members:** Present - Frank Bowles, Walter Swift, Alan Greateorex

Absent: Bill Malcolm, Rob Titus

**Alternate Members:** Michael Woodard

Absent: Dan Brand

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

**Public:** Tara McGovern, Curtis Cote, Hoyt Alverson, Marianne Alverson

Acting Chairman Walter Swift called the meeting to order at 7:40 pm and the minutes of the meeting of August 18 were approved on a motion by Alan seconded by Walter. Walter appointed Mike Woodard to serve as a regular member. Chairman Bowles arrived at 7:45 and took over from Walter.

**Application #2016-ZB-37, Curtis Cote (Tax Map 413 Lot 22)**

Curtis Cote has applied after the fact for a special exception for a 8' x 12' garden shed at 22 Canaan Ledge Lane in the Rural District. The shed was constructed in 2012 within the Shoreland Conservation District. The lot currently has four buildings: house, (1368sdf), garage (1008sf), and two sheds, one at 80sf and the other, subject of the present application, at 96sf, totaling 2716sf. The current lot coverage including the unpermitted shed is under the maximum allowed. The house exceeds the maximum allowed footprint but was approved by the Zoning Board in 1999. Curtis and Tara McGovern accepted a four-person board.

Alan asked why a permit application was not submitted for it. Curtis replied that he did not know he needed to because zoning regulations in the town where he formerly lived permitted construction of a building this size without a permit. David reported that the situation came to his attention when a neighbor complained. He confirmed that the shed is located at the top of a steep bank, but is not in the steep slopes district.

Curtis said that the existing shed sits 60' from and 35' above an apparent seasonal stream. The Conservation Commission has visited the site to determine the nature of the stream and was unable to reach a conclusion, although suggested that it most likely flows only intermittently. David said that he had done some research using GIS and determined that it has a small, 0.16 square mile watershed. The designer of a nearby project deemed it to be intermittent. David believes the shed is in the Shoreland Conservation District, where 1000sf of intrusion is allowed. Walter asked for a drawing showing location of all buildings. David retrieved a drawing from the 2015 application for the garage.

Deliberations: Frank pointed out that the board's decision does not set precedent. Walter asked if the shed could be moved out of the Shoreland Conservation District, noting that the site is already disrupted.

Out of Deliberations: Curtis said that the house is also in the Shoreland Conservation District and that the shed is 10-15' from the house. There is little flat ground on the lot. Walter consulted the septic plan for the property.

Deliberations: Walter expressed concern that available information is incomplete. Alan suggested a site visit.

Out of Deliberations: David pointed out that moving the garden shed away from the garden would eliminate its purpose. The board voted unanimously to approve a motion by Mike Woodard, seconded by Alan, to continue the hearing to a site visit at 22 Canaan Ledge Lane on Sunday, September 18 at 8am, and then continue the hearing to the next regular meeting on October 20.

**Application #2016-ZB-48, Marianne and Hoyt Alverson (Tax Map 402 Lot 97)**

The Alversons have applied for a special exception to construct a 20' x 18' (360 sf) carport within the road and property line setbacks at 143 River Road in the Rural District. With the addition of the carport, the lot coverage will be 3210sf, well under the maximum allowed on the lot (8108sf). Frank read a letter from the Alversons explaining the need for the structure: the proposed carport is located on the same location as a prior "car-tent." The drive from River Road down to the house and garage has a variable slope that averages 7% and is subject during winter to periodic icing from melt water running down the drive from River Road, despite regular plowing and sanding. The carport would permit one or two cars to be parked at the top of the driveway for safe road access in winter. There is no other location on the property outside the setbacks that would permit road-level parking.

Frank confirmed his knowledge that the driveway is steep and would be icy in winter. Hoyt noted that a collapsing retaining wall was rebuilt this year. Hoyt said that there are several other carports along River Road in similar situations and a pattern of encroachment on the road setback. Marianne reported she had been injured on the driveway. Walter asked if Hoyt had contacted the fire department to see if they have concerns about access. He said he had not, but reported that despite close attention to sanding and plowing, he had skidded in his car down the driveway. The drive and level road access were built about 50 years ago, before zoning. Hoyt confirmed that there was a trailer tent of about 10'x14' on the carport site in the 1970s.

Deliberations: The board voted unanimously to approve a motion by Walter, seconded by Alan, to grant a special exception under section 8.22 for the expansion of a pre-existing structure with the following findings of fact:

- There was a 140sf pre-existing structure at the top of the drive before adoption of the Zoning Ordinance
- The applicant wishes to expand its footprint by 220sf to 360sf
- The site lies within the front road setback
- The zoning ordinance permits up to 1000sf expansion in the front road setback
- The carport cannot be reasonably located elsewhere on the property
- This is an expansion of an existing structure

The following condition was applied: the structure will be built in approximately the same location as shown on the drawing.

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

The board voted unanimously on a motion by Walter seconded by Mike to acknowledge that Silvia Richards has withdrawn her application.

Peter McLaughlin has applied for a variance to install two tracking solar panels on his property, but has requested that the hearing be continued to the October 20 meeting. The board voted unanimously to continue the hearing to October 20, on a motion by Frank seconded by Mike.

Meeting adjourned 9:15pm

Respectfully submitted,

Adair Mulligan, Recorder