

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – October 22, 2016

Site Visit -- 67 Acorn Hill Rd (Tax map 408 Lot 63)

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

Alternate Members: Dan Brand. Not present: Michael Woodard

Public Present: James Ricker.

The Board met at 9:00 am on the property at 67 Acorn Hill Rd (Tax map 408 Lot 63) to continue the Ricker application for a driveway within the Agricultural Soils Conservation District and a house and garage within the Ridgeline and Hillside Conservation District.

The Board reviewed the Conservation District Overlay map and Walt noted that there was a location on the south side of the property along the road that was not in either district. He questioned why the house and garage could not be placed in that location. The applicant responded that when the road and property line setbacks were applied, there would be very little space left for a house and garage. In addition electric power lines cross the middle of the site and the owner of the ROW will require a setback from the lines. The applicant was unsure what the required setback would be. The Board concluded that this site was too constrained and was unsuitable for development. Frank stated that the following finding should be included in the minutes:

The Board noted an area unencumbered by conservation districts on the south east corner of the lot. The Board concluded that this area was not enough area for building because of constraints from the road setback, the property line setback and overhead power lines.

The Board then walked the length of the proposed driveway. Frank noted that the proposed route started at an existing opening on the road and proceeded across the area of agricultural soils in an area that was a well-established route that was covered in trees and previously had several out buildings. As it proceeded to the south west it ran along the inside edge of the Agricultural Soils until it turned west climbing to the height of the land.

The Board then moved to the proposed house site. Mr. Ricker had placed stakes where he and his wife wished to place the house and garage. He noted that the house was positioned in such a way as to take advantage of the views to the west and to the southeast.

Walt asked how far the rear property line from the house and garage location was. Mr. Ricker responded approximately 400 feet. Walt asked if Mr. Ricker would be willing to move the house and garage back to the northwest in order to make it less visible. Walt noted that they would not be losing any of their views as the area was relatively flat. The applicant did not believe this would be an issue. Walt, indicating the stake that represented the south west corner of the house location suggested that the Board place a limitation on how far to the south and east the buildings

could be built using the stake as a starting point. Using the compass on his phone he suggested bearings of 231 degrees and 354 degrees. Note: both bearings are based on true north. The house and garage could be placed anywhere to the northwest of the two lines. Walt noting the outcroppings of ledge, suggested that a building zone defined as such would provide some flexibility in the placement of the house and garage. Frank asked Mr. Ricker if he was agreeable to this condition. He stated that he was.

Frank suggested that the Board go into deliberations, he asked the members if they had any additional questions for Mr. Ricker. There were no further questions. Frank made a motion that the Board enter deliberations. Rob seconded the motion. Frank stated that there were two issues that needed to be addressed. The driveway in the Agricultural Soils Conservation District and the house and garage in the Ridgeline and Hillside Conservation District.

Frank asked if there was any discussion on the driveway. There being none, Frank asked if anyone wanted to propose a motion. Walt moved to approve a special exception under section 4.64 B 7 for a driveway. With the following findings and conditions:

The use is allowed by special exception under section 4.64 B 7

The area in the south west corner of the lot that is non-agricultural soils is not sufficient in area for development due to road, property line and power line setbacks.

There are 7.2 acres of Agricultural Soils on the property and therefor an easement will be required.

The following condition will be imposed:

The applicant will submit a plan for the driveway to ensure that it uses less than 25% of the Agricultural Soils.

Best management Practices will be used.

Rob seconded the motion. The Board then reviewed section 10.40 noted that sections 10.4 A3, A9, A11 and A14 were relevant to the proposed driveway. The Board concluded that all the requirements of 10.40 A were met. Rob noted that the requirements for section 10.40 being met should be added to the findings.

Frank called for a vote and the motion passed unanimously.

Frank then asked if there was any discussion regarding the special exception under 4.66 B Ridgeline and Hillside Conservation district. Bill noted that the requirements for this special exception did not include "Cannot be reasonably located outside of the district" as several of the special exceptions under 8:20 require.

Walt made a motion to approve a special exception under section 4.66 B to allow the applicant to build a house and garage within the Ridgeline and Hillside Conservation District. He noted the following findings:

The use was allowed in the underlying district (Rural)

The applicant wishes to take advantage of the views to the west through an opening in the trees and to the south east across the field.

The following condition will be imposed:

Construction will be limited to the building zone north west of the stake representing the south west corner of the proposed house and following bearings of 231 degrees and 354 degrees.

Best management Practices will be used.

Rob seconded the motion.

The Board reviewed the individual requirements of section 10.40 and found that all the requirements were met. Rob requested that this be included as a finding.

Frank called for a vote and the motion passed unanimously

The meeting adjourned at 9:49 am.