

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – April 20, 2017

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

Alternate Members: Dan Brand

Absent: Michael Woodard

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

Public: David Allen

Chairman Frank Bowles called the meeting to order at 7:30 pm. The minutes of the meeting of January 19 were approved (again) on a motion by Walter seconded by Alan.

Application #2017-ZB-07, David Allen (Tax Map 407 Lot 90)

In December, 2016, the Allens' 1790 home at 1 Pinnacle Road was damaged by fire, and they determined that the cost of fixing the damage exceeded the cost of replacing the structure. In March 2017, the fire damaged house was removed for safety reasons, following consultation by David Robbins with Michael Hinsley of the Lyme Fire Department. The entire footprint (1,644sf) of the original house was within the road setback of Route 10 and Pinnacle Road, and also within the Shoreland Conservation District, as a stream is located north of the house. The proposed replacement house, including a garage and breezeway, will have a footprint of 1976sf, an increase over the existing footprint by 76sf. A special exception under 8.25 is required for the additional footprint and lot coverage. The replacement house and the breezeway and garage are proposed to be located outside of the Route 10 setback and have 1,000sf intrusion into the Pinnacle Road setback. The entire new structure (1,976sf) will be within the Shoreland Conservation District. A majority of the property is conserved through an easement held by the Upper Valley Land Trust. The proposed location is outside the easement area.

David Robbins explained that although the house has been removed as per section 4.44, he has treated the new home as an existing structure with the garage and breezeway as an expansion, since section 8.26 allows a replacement residence that is to be considered an existing structure. Because the proposed location is different, it requires a special exception under section 8.29 to move it within the Shoreland Conservation District. The new house, breezeway, and garage will have 644sf less road setback intrusion but will increase intrusion into the Shoreland Conservation District by 324sf, requiring a special exception under section 8.24.

David Allen said he hopes to build a "geobarn" and would like to move the house back from Route 10 and change its orientation so that it faces north. It will be placed on the site of the wing of the original house. The footprint of the house will be smaller but a garage and breezeway are also proposed that will be built in the future only if there is funding to do so; he hopes that they can also be approved as part of this decision.

Bill Malcolm asked about the dimensions and scale on the drawing. David Allen said that the drawing is not to scale, but that CAD drawings had just arrived. He took dimensions from the center of the road several times and could produce a scale drawing soon. Bill suggested approving on the condition that a scaled drawing matched the drawing submitted with the application.

Walter Swift asked about the seasonal brook that comes down the hill near Pinnacle Road, which is not shown on the drawing. David Allen said that it passes through a culvert and that the garage would be west of it. He added that the larger brook has moved over time during his occupancy. Walter asked whether the Allens had spoken to the Upper Valley Land Trust about swapping land in the easement so the house could be built farther from the stream. David said that they had, and learned that such an arrangement would require an amendment to the easement which would be extremely difficult to achieve and would require intervention by the Attorney General. Another easement in Lyme was amended only when the Town exercised eminent domain to move River Road. David said that UVLT staff had marked the edge of the easement area.

David Robbins shared a letter from the Conservation Commission, which noted that the site had long been disturbed by parking and management as lawn, and that the CC had voted unanimously to recommend that the project go forward as it

would have no more impact than was already present. They advised that strong conditions be placed on the approval requiring use of best management practices to protect the nearby stream. Walter asked about parking, and David Allen said that they had always parked in the area where the breezeway is to be put, and have four spaces on the ledge by Pinnacle Road. Several vehicles there now will be removed. He said that if it is necessary to move structures closer to Pinnacle Road to keep them farther from the brook, he would do so.

Rob Titus asked whether the number of bedrooms will change. David Allen said that there had been three bedrooms and two and a half baths, and the replacement house will have two bedrooms, two baths, and two dens. David Robbins noted that the tax card indicates three bedrooms in the original house. Alan Greateorex asked about the location of the well and septic system. David Allen said that the well is near Route 10 and the septic tank is halfway between the house and stream. Only the hookups will change. The leach field is located across the stream near the barn.

Deliberations: Discussion ensued about dimensions, and the board went in and out of deliberations to seek further information from David Robbins and David Allen. Bill noted that he is more concerned about the brook than intrusion into the road setbacks.

Walter moved to grant a special exception under section 8.29 to replace a fire-destroyed house with the following findings of fact:

- The property included a non-conforming house on a nonconforming lot; the house was built in 1790, well before adoption of the Zoning Ordinance
- It was destroyed by fire in December, 2016 and removed in March, 2017
- The entire house was located in the Shoreland Conservation District and setbacks for Route 10 and Pinnacle Road
- Section 8.26 provides that nothing in the ordinance shall prevent the substantial restoration or reconstruction within two years of a non-conforming building or structure destroyed in whole or in part by fire or other natural casualties so long as this use does not result in a new or increased violation, and that such a replaced building or structure shall be considered an existing building or structure for the purposes of the ordinance.
- Section 8.29 of the ordinance permits relocation of an existing structure in a conservation district to a different location within the district
- The Conservation Commission has provided a letter indicating that the proposed project is considered an improvement
- The applicant withdrew the proposal to add a garage and breezeway but requested space for two small porches, totaling 80sf
- The proposed footprint of the reconstructed structure will be 1440sf, consisting of the house, porches, and two bumpouts
- This approval allows for further expansion under the terms of the zoning ordinance so that a breezeway and garage could be built after a new application is submitted.
- There is no alternative location because of the presence of a conservation easement on the remainder of the lot.
- The septic system and well will not be moved.
- There will be a net decrease in the number of bedrooms.
- The board agrees with the tax card number of 1644sf for the footprint of the 1790 house
- The board agrees with the tax card that the deck near the house had been 256sf and was not attached to the original house. This deck will not be rebuilt
- The entire proposed construction will be in the Shoreland Conservation District, resulting in 1900sf of lot coverage in the District
- There is a shed remaining on the property close to Pinnacle Road that was not damaged in the fire and will not be changed.
- The approval constitutes no expansion in either the road setback or the Shoreland Conservation District
- The house is to be no less than 13 feet from the brook at the closest point, no closer than the original house.
- The board designated a building envelope with a footprint and lot coverage no greater than 2000sf, bounded as follows:
 - On the north by a line from Route 10 no closer than 13 feet from the brook
 - On the west by a line no closer than 74 feet from the center of Route 10

- On the south by a line no closer than 50 feet from the center of Pinnacle Road
 - On the east to be 5 feet west of the seasonally-running culvert.
- Conditions of section 10.40 are met

Conditions:

- The applicant will bring in a detailed drawing with all dimensions clearly noted.
- Best construction practices will be used with specific attention to protecting the brook and any other flowage from sedimentation and erosion
- The Conservation Commission will be asked to provide oversight and approval for the reconstruction project in the disturbed area to ensure that it is restored to the greatest possible degree.
- Any further plans for construction will require a drawing by a licensed surveyor

Bill seconded the motion and it was unanimously approved.

Election of Officers

Frank Bowles was unanimously re-elected chair on a nomination by Alan. Rob Titus was unanimously re-elected as vice-chair, effective until he resigns from the board, on a nomination by Frank.

Meeting adjourned 9:25pm

Respectfully submitted,
Adair Mulligan, Recorder