

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – May 17, 2018

Board Members: Present - Michael Woodard, Bill Malcolm; Absent - Frank Bowles, Alan Greateorex

Alternate Members: Present –Sue Ryan; Absent - Lynne Parshall

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

Public: Bill Murphy, Abbe Murphy, Tom Morrissey, Meg Russell, Lauren Day

Vice-Chairman Mike Woodard called the meeting to order at 7:37 pm. The minutes of the meeting of April 19 were amended slightly and approved on a motion by Bill seconded by Sue. Mike appointed Sue Ryan to sit as a regular member. The applicants accepted a three-person board.

Application #2018-ZB-14, Bill Murphy (Tax Map 401 Lot 2)

Bill Murphy has applied for a special exception under section 8.22 (Setbacks for existing non-conforming structures) to build a 12' x 20' (240sf) front porch on his property at 40 Preston Road in the Rural District. The new porch would be within the road setback as defined by section 5.13 of the Lyme Zoning Ordinance. The Murphy house was built pre-zoning (1774). There are no conservation districts that affect the project. The house and garage have a footprint of 2,212 sf. With the addition of the porch the footprint will be 2,452sf. The dimensional controls allow for a maximum of 7,000 sf of footprint and 26,000sf of lot coverage.

Preston Road has an unknown right of way. The zoning calls for a 25 foot ROW on each side of the center line and the Rural District requires a 75 foot setback from the edge of the ROW. Based on the applicant's drawing, David Robbins considers the structure as non-conforming as the center line of the road is only 74 feet from the front of the house and so the house is already in the setback. He provided a letter of support from abutter Rick Bourdon. Sue Ryan noted that the project meets the dimensional requirements of the zoning ordinance except for the setback issue. Dave said that there would be no impact on the setback or the well, and that he had gone through the file and found no other project that affected the application.

Deliberations: Sue moved to grant a special exception under section 8.22 to approve the application to add a 240sf porch in the front setback, with the following findings of fact:

- The project meets the conditions of Table 5.10 except for setback
- The requirements of section 8.22A and B are met
- The project will use 240sf, leaving 760 sf for further expansion in the setback
- An abutter has written in support of the project
- Conditions of section 10.40 A and B are met
- Conditions of approval: best construction practices will be used to control erosion.

Bill Malcolm seconded the motion and it passed unanimously.

Out of Deliberations: Abbe Murphy displayed an historic photograph of the Murphy home that showed it had a front porch at one time.

Application #2018-ZB-18, Tom Morrissey (Tax Map 401 Lot 2)

Tom Morrissey has applied for a special exception under section 8.24 to install a replacement septic system on his property at 180 Dartmouth College Highway in the Rural District. The proposed replacement system would be located within the 100 foot buffer of the Wetlands Conservation District as defined in section 3.27.1 of the Lyme Zoning Ordinance. In a separate permit, the Zoning Administrator approved the replacement of the dwelling with a new dwelling within the footprint of the first. The proposed septic system is outside of the existing system but within the buffer of the Wetlands Conservation District. The existing system is approved for three bedrooms; the proposed system is also sized for three bedrooms, so no increase in loading is proposed.

David provided letters from an abutter and evidence from the Conservation Commission that the CC has approved of the project. David noted that while a septic system is a structure, it is not considered a building, so building footprint and lot coverage do not apply. Bill agreed with Dave and recommended that David be asked to write a memo to the Planning Board clarifying this.

David referred to a concern expressed in the abutter's letter about potential effects on use of his property if the Morrissey well is located near the property line. David reported that he consulted NH DES about the well radius, and DES confirmed that locating the well there would place no hindrance on the abutter's use of his property where the well radius overlaps it.

Tom Morrissey said that the property had been bought in 2014 by a New Yorker who planned a large house but abandoned her plans. She had engaged Pathways Consulting to do a septic design. Tom said he purchased the design along with the property and noted that it meets the 100' setback on the downhill side but because the north/south area is only 200' wide, there is not much room to move. He intends to upgrade the existing system to current standards. Lauren Day will be the new owner; Tom is acting as interim owner and general contractor. The foundation is in and the septic tank looks new, although he does not know its size. The existing system seems operable. He reiterated that he wants to replace what is there with a system that meets current standards. David said that he prefers a new system with new materials in a new location. Tom replied that this plan fits better with the grade of the property, and he is trying to make the field as narrow as possible. He displayed the earlier plans. He added that the well can go in several places, and that he is not asking for approval for the well.

David said that the new house could be tied to the new system, which he prefers, or could be tied into the existing system. If the applicant does that, there is no need for a permit. The board discussed the abutter's suggestion of a composting toilet, and David said that it is very hard to get DES to approve this approach, as such fixtures are high maintenance which can lead to problems down the road. He also believes that DES would not approve running a pipe through the wetlands to locate the system elsewhere, as this would require excavation of the wetlands. The current proposal is for an Enviro-Septic design, which DES likes. The system would intrude 30' into the 100' wetland setback.

Deliberations: Bill moved to approve the expansion of the existing septic system within the Wetlands Conservation District, under section 8.24, with the following findings of fact:

Meeting adjourned 8:25pm
Respectfully submitted,
Adair Mulligan, Recorder