

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – October 18, 2018

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

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

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

Public: Roy and Ellen Knights, Wende and Tim Beck, Karen Menge, Fritz Feick, Ross McIntyre, Robby and Wayne Pike, Tami Dowd, Darryl Torrey

Chairman Frank Bowles called the meeting to order at 7:30 pm.

The minutes of the meeting of September 20 were approved on a motion by Bill seconded by Lynne. Frank appointed Lynne to sit as a regular member for all three cases, and gave the applicants a chance to continue their hearing until a full board could be present. None elected to do so.

Application #2018-ZB-60, Karen Menge (Tax Map 401 Lot 52)

In January of 2017 Karen Menge applied for and received a special exception under section 8.25 (2017-ZB-01) to expand the footprint of her barn and connect it to her house at 61 Dartmouth College Highway. She has been unable to start the project and does not expect to start until spring 2019. RSA 674:33 IV states that a "Special exception shall be valid if exercised within two years from the date of final approval or as further extended by local ordinance or by the zoning board of adjustment for good cause." Karen has requested the Board to re-approve the special exception for two more years. She confirmed that she anticipates no changes to her plans. David confirmed that there have been no changes to the parts of the zoning ordinance that apply.

Deliberations: Bill moved to approve the extension, and Lynne seconded the motion. It was approved unanimously.

Out of Deliberations

Application #2018-ZB-57, Wende and Tim Beck (Tax Map 403 Lot 44)

Wende and Tim Beck have applied for a special exception under section 4.62 B1 to construct a driveway across the steep slopes conservation district on the property owned by Roy and Ellen Knights at 106 East Thetford Road. The applicant has provided a driveway profile and a slope map with the driveway overlaid. At the Planning Board meeting on October 11, 2018 the Board found that the driveway plan was acceptable as long as the Zoning Board approval and a State Drive Way permit is granted. David provided a letter from chairman John Stadler.

Tim Beck confirmed that the proposed house site is not on steep slopes and explained the reason for the driveway layout. He provided an engineered cut and fill analysis. He explained that he runs an engineering company himself and is comfortable with the layout. NH DES has asked for additional culverts and the proposal has gone back to the state for review. Asked if he had reviewed Low Impact Development practices, Tim said that he created a stormwater management plan with spaced 15" culverts and has designed a drainage swale upslope of the drive. In response to a question from Bill, Tim said he had hoped to use one of the two old logging roads on the property but the grades are not good. There are good soils on site and a mounded septic system will not be needed. He believes the retaining wall near the bottom of the drive can be kept under 4 feet. Abutter Ross McIntyre inquired whether the drive was intended to serve a single family residence or a larger development. Tim said it would be a single family residence. Ross said he had no objection.

Deliberations: Lynne reviewed the criteria for 4.62B1. It was noted that the grade does not exceed 11% for any 100' section, and that the drive exceeds 1000' and conforms to the town road regulations. Bill countered that this section is not relevant but 4.61B1 and B7 apply. Bill moved to approve the application with the requirements outlined in the Planning Board's letter with the following findings of fact:

- the grade does not exceed 11% for any 100' section
- the drive exceeds 1000' and conforms to the town road regulations
- grades have been confirmed on the application and drawings
- the applicant has presented evidence indicating care to minimize physical impacts, especially drainage, runoff, and erosion issues.

- There will be an emergency vehicle pulloff
- The drive will not be in the setbacks.
- Grade within the curve leading to the house site is less than 5%.
- the distance measured to the Class V road is 840 feet.
- the Planning Board has approved the project.
- An abutter has commented and does not object to the project.
- The project meets the conditions of section 4.53
- The board reviewed the conditions of section 10.40 and concluded that the proposed project meets those conditions.
- Conditions of approval: a state driveway permit must be secured and if the retaining wall at the beginning of the driveway exceeds 4' in height, it must be constructed based on a stamped engineer's plan; best construction practices must be used with particular attention to erosion and silt control.

The board voted unanimously to approve the project.

Bill observed that the applicant will need to consider whether the house will be in the Ridgeline and Hillside Conservation District.

Out of Deliberations

Application #2018-ZB-55, Roberta Pike (Tax Map 421 Lot 5)

Roberta Pike has applied for a special exception under section 4.63 B 4 in order to remove a stone retaining wall and add fill to slope the lawn to the existing grade, re-loam and seed on her property at 645 Dorchester Road. The total impacted area will be 1,840 square feet. This project requires a DES wetlands permit. The data provided for this application came from the DES wetlands application. The Conservation Commission has no objection.

Wayne Pike explained that he built the retaining wall about 30 years ago and now finds that it is unsafe. Removing it would result in more usable space. The town has a culvert draining to the east, and on the west side, the property drains to the town boat landing area. David reported he had talked with abutter Barr, who had no objections. Bill observed that the project is not altering a natural surface, and is removing a non-conforming structure. Wayne confirmed that he built the 4' wall before zoning went into effect. David said that DES has approved the wetlands permit but the paperwork has not yet arrived.

Deliberations: Frank noted that the board's review finds that:

- Section 4.63 does not apply because a natural surface has not been altered
- no portion of Section 8 applies
- any existing zoning violation would be minimized or eliminated by the proposed project
- The Conservation Commission has no objection

Therefore, the board finds that there is no need for a finding. The board voted unanimously to accept this result.

Out of Deliberations

Meeting adjourned 8:43pm

Respectfully submitted,

Adair Mulligan, Recorder