

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – December 20, 2018

Board Members: Present - Frank Bowles, Bill Malcolm, Alan Greatorex, Michael Woodard

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

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

Public: Wayne Pike, Tami Dowd, Darryl Torrey

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

The minutes of the meeting of October 18 were approved on a motion by Lynne seconded by Frank. Frank appointed Lynne to sit as a regular member.

Application #2018-ZB-74, Dowds' Country Inn, LLC (Tax Map 201 Lot 75)

Dowds' Inn has applied to the Lyme Zoning Board of Adjustment for a Variance from section 5.15 of the Zoning Ordinance to exceed the maximum lot coverage allowed for their lot at 9 Main Street to increase the size of their parking lot. Over the fall Dowd's Inn converted their grass overflow parking area to a stay-pak surface without a permit. In order for a permit to be issued, they need site plan approval from the Planning Board. Site Plan Approval requires that all requirements of the Zoning Ordinance are met.

The addition to the parking area represents an increase to the lot coverage as driveways and parking areas in the Lyme Common Zoning District are included as lot coverage. Dowd's Inn has used all their allowed lot coverage as well as additional lot coverage granted by the Zoning Board. On June 21, 2012 the Board granted the inn a variance to add 1,400 square feet of footprint and lot coverage for the inn. In February of 2016 the Board amended the variance to add 152 square feet.

In addition, in a 1990 Zoning Board approval, the Board set as a condition that "the parking lot shall not be expanded without ZBA approval."

Tami Dowd reviewed the diagram indicating changes. Wayne explained that the inn had 45 extra parking spaces on grass, which caused problems with mowing, so he removed the topsoil and put staypak on the surface. There had already been parking on the grass. Tami added that the area would remain overflow parking for events. She has spoken with Fire Chief Mike Mundy who has asked for some changes in his Nov. 29 message which she is addressing, including removing a shrub and a light to ensure that there is a 20' wide corridor to the hydrant.

Frank asked about the proximity of the well. David referred to a letter of December 5 from NH DES, which amends its approval letter and notes that because the land slopes away from the wellhead, there is no additional concern. DES has set conditions that during winter maintenance, snow shall not be stockpiled near the wellhead, and no salt shall be applied to the parking area or travelways if they pave these areas in the future. Tami confirmed that she is aware of these conditions and will implement the requirements.

Discussion ensued about dimensions, and it was affirmed that the current proposal is to add 2,860sf of lot coverage to the previously approved 12,560 sf for a total of 15,420sf. According to the 2016 approval, the building occupies 18,466sf. Together, these result in total lot coverage of 33,886sf. This is substantially more than the 6000sf allowed in the zone, but also less than most other properties in the Lyme Common District, and the building's 12,466sf exceeding the ordinance limits had already been approved. Frank observed that this is consistent with the current setting of the Lyme Common District. Alan added that the town has indicated that it prefers business uses in this district.

Deliberations The board reviewed and voted unanimously to affirm each of the conditions for granting the variance:

- The Variance is not contrary to the public interest because the plan keeps parking on private property, reduces traffic on the main road, and reduces the likelihood of parking on public or other private property.

- The spirit of the ordinance is observed as Section 7.21 of the Zoning Ordinance requires all parking to be on site and will encourage local businesses in keeping with the master plan.
- Substantial justice is done. The plan improves safety of operations at the inn and is not substantially different from practice at other nearby establishments.
- The values of surrounding properties are not diminished. There is no evidence of concern by abutters.
- Literal enforcement of the ordinance would result in unnecessary hardship and would result in potentially hazardous parking conditions on Rt. 10 and nearby parking areas on other properties.

Bill noted that the lot is located in both the Rural and Lyme Common Districts, and that the map does not show the boundary.

Out of Deliberations – David cited section 3.32 and asked Tami to select how she would like the lot governed. She chose to have the Lyme Common District rules apply, as they are more restrictive.

Deliberations – Frank moved to grant a variance based on the findings of fact cited above, with the following conditions: The owners will comply with the requirements of the Lyme Fire Chief and NH DES and bring the project to the Planning Board for site plan review. Michael seconded the motion and it passed unanimously.

Out of Deliberations

Meeting adjourned 8:15pm
Respectfully submitted,
Adair Mulligan, Recorder