

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – August 15, 2019

Board Members: Present - Frank Bowles, chair; Michael Woodard, Bill Malcolm, Alan Greatorex, Lynne Parshall
Absent - Sue Ryan

Alternate Members: Absent -

Staff: David Robbins, Zoning Administrator;

Public: Bill and Eugenia Braasch, Jay Cary.

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

The minutes of the meeting of July 18 were approved on a motion by Mike seconded by Alan.

Frank appointed Lynne to sit as a regular member.

Application #2019-ZB-63—William and Eugenia Braasch have applied for special exceptions under section 8.24 to construct an addition to their house and a new septic system within the wetlands conservation district, and section 8.25 because the addition to the house exceeds the maximum building footprint allowed for their property at 33 North Thetford Road tax map 407 lot 36. The proposed addition to the structure involves removing the existing ell (32' X 16', 512 sqft), including the failing concrete block foundation, and replacing it with a new ell totaling 1008 sqft, an expansion of 496 square feet. The applicant noted that the failing foundation was causing issues by allowing pests into the basement area and freezing issues with the plumbing. State regulation require that a new septic system be designed because the lot is less than 5 acres and the existing system is greater than twenty years old. The current system is a mound system that takes up a large area in the front yard, adjacent to the defined wetlands. The proposed plan would place the leach field at the back of the property further from the wetland. The Administrator gave the Board copies of the Conservation Commission review that supported the project. An abutter spoke in support of the project.

Bill asked if the entire septic system was within the Wetlands Conservation District, The administrator noted that the leach field was outside of the district, but the tank, pump chamber and force main were within.

Deliberations: The Board reviewed Zoning Ordinance sections 8.24 A-E to ensure that the proposed project met the conditions for a special exception.

Out of Deliberations: Lynne, in order to ensure that section 8.24. D were met, asked what the existing and proposed use would be for the ell. Mrs. Braasch noted that currently the very end of the ell was used as unheated storage and main portion was their kitchen. The new ell would continue to serve as the kitchen area. The Board noted that this would not significantly increase the septic loading as required by the section.

Deliberations: The Board concluded that the requirements of 8:24 A-E were met. The Board reviewed section 8.25 A-C and concluded that the requirements were met. The Board read through the requirements of section 10:40 A 1-14 and determined that all were met.

Out of Deliberations: Bill wanted clarification as to the state requirement for a septic design. The administrator noted that because the septic system is older than 20 years, and the lot is less than 5 acres, and the applicant is proposing an expansion of a building on the lot, the state requires that a new septic be designed and approved. The reasoning is that DES wants to prevent expansion on smaller lots to a point where a replacement septic system cannot be installed. The Administrator stated that the procedure for approval of a replacement system required that the Town approve the system, the administrator could not sign off on the approval because of the intrusion into the Wetlands Conservation District. The Zoning Board would have to approve the special exception so that he could sign off on the plans which in turn would be submitted for State approval.

Lynne asked if the 100 foot buffer area was part of the wetlands district or just the wetlands themselves. The Administrator stated that the actual wetlands area plus the 100 foot buffer was the defined district.

Deliberations: Frank moved to approve the special exceptions under sections 8.24 and 8.25 to rebuild and expand the existing ell and install a new septic system. The Board made the following findings:

- The requirements of section 8.24 A - E had been met.
- The requirements of section 8.25 A - C had been met.
- The requirements of section 10:40 1-14 had been met.
- The Towns approval was required for the submission of the new septic plan to the state.
- The Conservation Commission noted that the new septic plan was an improvement over the existing system.

The Board set the following conditions for their approval:

- The State must approve the septic system plan prior to a building permit being issued for the new system and the expansion of the ell.
- Best construction practices will be used

Mike seconded the motion, Frank called for a vote and the motion passed unanimously.

The Board came out of deliberations.

The Meeting Adjourned at 8:15 pm.

Respectfully submitted,

David A. Robbins

Planning and Zoning Administrator