

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – November 21, 2019

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

Absent - Sue Ryan

Alternate Members: Lynne Parshall

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

Public: Ernst Kling

Chair Frank Bowles called the meeting to order at 7:30 pm. The minutes of the meeting of September 19 were approved on a motion by Bill seconded by Mike.

Application #2019-ZB-83 – Ernst Kling (Tax Map 401 Lot 3) 30 Preston Road

Ernst and Fiona Kling have applied to the Lyme Zoning Board of Adjustment for a variance from section 5.13 to construct a 60' x 30' three sided agricultural shed within the road setback on their property in the Rural District. The proposed location is also within the Agricultural Soils Conservation District. The applicant has provided a photo of some of his cattle as evidence of agricultural use. The tax map shows the Kling property as two lots, Lot 1.2 and Lot 3. In 2005 the area of lot 1.2 was acquired Kling, the owner of Lot 3, via a lot line adjustment; therefore the lot is a single parcel. Maximum lot coverage is 26,000sf and maximum building footprint is 6,049sf. Currently the house, garage, and pole barn occupy a total of 3,540sf total lot coverage.

Ernst Kling explained that he needs to provide better cover for his animals and also wants to store hay and equipment (tractor and mowing attachments). The flattest area for the shed is near the road as the rest drops off steeply. The only other possible location is far downhill, is entirely on agricultural lands and has no access to power. He would like to place the structure near the road and close to an existing shed, which will remain but not be attached. David noted that it would not cause a problem with lot coverage or footprint if the two were connected. Ernst noted that Goodell Lane, a Class VI road, runs along one side of the parcel across the road, but does not provide a viable building site.

The board agreed that the proposed use of the structure is for agricultural purposes. David noted that the agricultural soils map is up to date. A variance is required only because the footprint of the structure (1800sf) will exceed the 1000sf limit allowable by special exception, and agreed that section 8.23, construction of accessory buildings within the road setback, is the applicable section of the ordinance.

Deliberations: Frank reviewed each part of section 10.50, reading them aloud, voting on and unanimously approving each section separately, and making the following findings of fact:

- The variance will not be contrary to the public interest as the proposed use is for agricultural purposes
- The spirit of the ordinance will be observed, as the project will enhance the value of agricultural use on the property and the project conforms with the master plan and with section 4.51A of the ordinance, right to farm
- Substantial justice is done as the project supports the intent of the master plan to encourage agricultural use
- The values of surrounding properties are not diminished as traditionally they were also agricultural properties, and the proposed use is consistent with neighborhood uses
- Literal enforcement of the provisions of the ordinance would result in unnecessary hardship because there are steep slopes of approximately 25% elsewhere on most of the property. This lot is distinctive because it has open land for grazing cattle while other neighboring properties are forested. There is already an agricultural structure next to the proposed building site, and the ordinance would allow for a smaller structure to be built here under special exception.

Observing that all five criteria for a variance had been met, the board then voted unanimously to approve the variance on a motion by Bill seconded by Alan.

Out of deliberations. Frank said that he is working on an outline or template to guide the construction of motions.

Meeting adjourned 8:05pm

Respectfully submitted,

Adair Mulligan, Recorder