

**Town of Lyme**  
**LYME ZONING BOARD OF ADJUSTMENT**  
**Minutes – June 18, 2020**  
**Meeting conducted via Zoom**

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

**Alternate Members:** Absent - Lynne Parshall

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

**Public:** Phil Harrison, Rod Finley, Bill Choyt, Pat and Bill Ploog, Tom Frawley

Chair Frank Bowles called the meeting to order at 7:32 pm, citing the Right to Know law and the Governor's emergency order permitting meetings to be held in electronic remote format. The board voted to give David Robbins voice to be able to respond to requests during deliberations. The board then voted unanimously to thank Alan Greatorex for his many years of service on the board. Frank then issued a roll call, and David confirmed that a quorum is present.

Minutes of the meetings of February and March were approved on a motion by Mike Woodard seconded by Alan.

**Application #2020-ZB-13 – Crossroads Academy (Tax Map 401 Lot 56) 95 and 100 Dartmouth College Highway**

Crossroads Academy has applied to the Lyme Zoning Board of Adjustment for special exceptions under sections: 4.61 and 4.62 in order to construct a new middle school and associated structures on its property in the Commercial District. The application is for intrusions into both the steep slopes and wetlands conservation districts for a driveway and a walking path. Phil Harrison said that a hearing has been scheduled with the Planning Board in the coming week and that at a previous meeting with that board, they had asked for a slight change requiring a reconfiguration of the path to cross the drive at a 90 degree angle. He has met with the Conservation Commission which approved the project as presented. Rod Finley confirmed that these changes are reflected in the March 11 plans provided to the ZBA. Frank confirmed that he received the CC's email and minutes, and that they note that all areas under consideration are highly disturbed and not natural. Alan said that most of the area was a gravel pit used for reconstruction of Route 10. He asked if steep slopes will be seeded with fast growing cover to stabilize them. Rod said they would be and that a mulch mat will be used. There is rock in some areas. No retaining wall will be built except around the existing fire cistern. All fire pumps will be kept in the Bancroft building. The driveway permit will result in an altered (new) guardrail that will give way to the long-established upper parking area. Frank asked if the ordinance provides 1000sf of expansion in the commercial zone. David checked and confirmed that it does. He has copies of the state permit for the curb cut.

Deliberations: Frank moved to approve a special exception under sections 4.61 and 4.62 for intrusions into both the steep slopes and wetlands conservation districts for a driveway and a walking path, with the following findings of fact:

- the Conservation Commission has approved the project noting it will occur in a disturbed area with no adverse impact
- the Planning Board commented favorably in relation to steep slopes
- site plan review will take place
- the project meets all the requirements of section 10.40 (by unanimous roll call vote)
- the following conditions will be applied: best practices will be used, especially for erosion control, and the project will be built in compliance with the plan submitted.

Sue seconded the motion and it passed unanimously.

Out of Deliberations

**Application #2020-ZB-06 – William Ploog (Tax Map 407 Lot 55) 236 Orford Road**

William Ploog has applied for a special exception under section 8.23 in order to construct an addition to the existing residence and to construct a detached garage at his property in the Rural District. He presented a hand-drawn map, not to scale, and explained the project. He noted that he anticipates the garage will be 20'x26' rather than 20'x30' and that the addition to the house will be 10'x24' with enclosure of a small area. He described the terrain behind the house as quite steep, resulting in the choice of site for the garage. He said he could not move the garage farther from the road because of the slope, but that he expects the front of the garage will be approximately in line with the front plane of the main house with respect to Route 10. He

has two curb cuts for his loop drive. Mike advised keeping them. The applicant noted that there is a barn out back with a woods road giving access to it. Bill Malcolm asked about applicability of dimensional controls; David noted that the house predates zoning (built 1830). The proposed addition is 960sf with 40sf left for future development. Bill Ploog said he has reduced this to 832sf by planning a smaller garage and taking two feet off the addition. David added that all are within the road setback but that there are no constraints for lot coverage or footprint.

Deliberations: Bill Malcolm moved to approve the application for a special exception under section 8.23 as submitted with the following findings of fact:

- the house predates zoning
- the road setback is the only issue
- the intrusion into the road setback will not be substantially different from the existing intrusion
- conditions of section 10.40 are met or are not applicable as determined by a roll-call vote
- conditions: the owner shall make all efforts, to keep the intrusion in the setback to a minimum and to align the front of the garage with the front of the house; best building practices will be used

Alan seconded the motion and it passed unanimously.

Out of Deliberations

**Application #2020-ZB-23 – Tom Frawley (Tax Map 201 Lot 104) 30 Union Street**

Tom Frawley has applied to the Zoning Board for a Variance from sections 5.13 (setbacks), 5.14 (building footprint), and 5.15 (maximum lot coverage) to construct an addition to the existing residence at his property in the Lyme Common District. Tom explained that he and his wife bought the property in 1999 and made significant changes to the house in 2000, including removal of a 1150sf garden/studio and a 500sf addition to the house. They now want to expand their small kitchen to include space occupied by an unheated mudroom, adding 217sf to the house, and to add a 268sf deck for a proposed additional footprint of 265sf for the house and proposed additional lot coverage of 533sf for the house and deck additions. The applicant has already used the additional footprint allowed by special exception under section 8. The lot is non-conforming in size. The increase would result in an increase of 3% in lot coverage. Bill asked if applicants get credit for removing a structure. David confirmed that they do for two years, but after that time has elapsed, the credit goes away and nothing in the ordinance allows that footprint to be maintained.

Sue noted there is no further intrusion into the setback. David pointed out that the lot is less than half an acre, but the minimum lot size in the Lyme Common District is one acre. The Frawleys' buildings are not larger than others in the area, but their lot is much smaller. There were no comments from neighbors.

Deliberations: Frank referred to the applicant's answers to the Variance criteria and reviewed each of them. The board found unanimously that

1. The project will convert 126 sf of existing deck and an additional 217 sf of new construction for kitchen space, totaling 343 sf of additional footprint for the house. In addition, a 268 sf deck will be added for a total of 485 sf of additional lot coverage for both the house and deck.
2. The variance will not be contrary to the public interest as this minor expansion of building footprint will have no impact on municipal services, police, fire, or traffic.
3. The spirit of the ordinance is observed because the minor expansion is in keeping with other buildings in the Common District
4. Substantial justice is done because the minor 3% increase in lot coverage is fair and reasonable
5. The values of surrounding properties are not diminished by the project; all construction will take place in the rear
6. (A) Literal enforcement of the provisions of the ordinance would result in unnecessary hardship because the lot in question is almost the smallest lot in the District, distinguishing it from other properties in the area.

The board voted unanimously that all the requirements for a Variance are met and the Variance was approved.

Out of Deliberations

David noted that Alan Greateorex may serve on the board until the select board appoints a replacement.

Meeting adjourned 8:38 pm  
Respectfully submitted, Adair Mulligan, Recorder