

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – October 15, 2020
Via Zoom

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

Alternate Members: Judy Timchula

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

Public: Bret Ryan (by phone), Bayne Stevenson, Clyde Cook

Chair Frank Bowles called the meeting to order at 7:30 pm and explained the authorization for the meeting to proceed via remote connections. Frank noted that David Robbins and Adair Mulligan will be given a voice but no vote during deliberations. He appointed Judy Timchula to sit as a regular member as Sue Ryan has recused herself from deliberations on her son's application.

Minutes of the September 17 meeting were approved on a motion by Mike seconded by Lynne.

Application #2020-ZB-65 –Bret Ryan (Tax Map 405 Lot 16) 652 River Road

Bret Ryan has applied for a Special Exception from section 8.22 of the Zoning Ordinance to construct a replacement septic system in the property line and road setbacks at his property in the Rural District. Calculations are as follows:

- Calculated Maximum Building Footprint: 217 sf
- Calculated Maximum Lot Coverage: 1304sf
- Current Lot coverage: 2864sf
- Existing Building footprint: House, 13727sf; deck, 208sf; shed 144 sf; Garage, 1140sf

There are several other sheds on the property that are not listed on the tax card. The house, built in 1979, is a pre-existing non-conforming structure as it is mostly located in the road setback. The replacement septic is being proposed in the road and property line setbacks because much of the rear of the lot is wetlands. The proposed location will be out of the Wetlands Conservation District. The lot is 0.988 acres. The current septic system is within the well setback and the Wetland Conservation District; the intent is to move the system away from both. David noted that Bret usually builds a larger septic system than a structure requires; this one is sized for 3 bedrooms although the house has one. Bret noted that the leach field has failed and there is a pipe leading over the bank into the wetland. Bill asked if the system could be placed elsewhere; David replied it could not because the wetland setback overlaps with the road setback. The rear of the property is also in setbacks, and reaching it would require a wetland crossing.

Deliberations: Lynne moved to approve a special exception for the proposed septic system in the property line and road setback under Section 8.22 with the following findings–

- The building was built before zoning, in 1979
- The proposed septic system cannot be reasonably located elsewhere due to the presence of wetlands
- Septic capacity is not an issue
- Lot coverage calculation requirements of Section 8.22B are met
- The proposal meets the criteria for Section 8.22
- The proposal meets the criteria for Section 10.40A.
- Conditions per 10.40B: best construction practices will be used and the system will be built in accordance with the plan submitted; no construction will take place until the state approves the project.

Mike seconded the motion and the board voted unanimously to approve the Special Exception.

Out of Deliberations

Application #2020-ZB-57 –Bayne Stevenson (Tax Map 201 Lot 12.2) 5 Market Street

Bayne Stevenson has applied for a Special Exception under sections 8.22 and 8.25 to add a 56 square foot gable over the front entrance of the existing building on his property at 5 Market Street in the Lyme Common District. The gable will extend into the road setback of the property and exceed the maximum building footprint. Calculations are as follows:

- Calculated Maximum Building Footprint: 139sf

- Calculated Maximum Lot Coverage: 278sf
- Current Lot coverage: 1464sf
- Existing Building footprint: House, 1464sf

The building was built in 1900, making it a pre-existing nonconforming structure. It was Mason Balch's Lyme Cash Market. It has recently served as a rental residential unit and will become a cottage managed by the Lyme Inn. The gable is for weather protection. It will be held up by corbels and will not reach the ground. Mike noted it is not a significant change. Bill asked David to review the numbers. David said that 500sf of expansion is allowed in this district, for which this will consume 56sf, leaving 444sf. He added that neighbor James Graham has contacted him with an expression of support for the project.

Deliberations: Bill moved to approve the special exceptions and made the following findings:

- There is no other reasonable area to place the gable, as it is to serve the front entrance.
- When the project is complete, there will be 56sf of intrusion, leaving 444sf for future expansion
- An abutter has expressed support for the project
- The structure was built before zoning was adopted in 1989
- The project meets the criteria for Sections 8.22, 8.25, and 10.40A
- Conditions pursuant to Section 10.40B are that best construction practices will be used and construction will occur consistent with the plans submitted.

Mike seconded the motion and it passed unanimously.

Out of Deliberations: At this point, Chairman Bowles left the meeting due to loss of internet access, and Vice Chair Mike Woodard took up leadership. It was agreed to defer discussion of Frank's proposed addition to meeting protocols until the next meeting when all could be present.

Meeting adjourned 8:05 pm

Respectfully submitted,
Adair Mulligan, Recorder