

**Town of Lyme**  
**LYME ZONING BOARD OF ADJUSTMENT**  
**Minutes – November 19, 2020**  
**Via Zoom**

**Board Members:** Present - Frank Bowles, chair; Sue Ryan, Michael Woodard, Bill Malcolm, Lynne Parshall  
Alternate Members Present – Judy Timchula

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

**Public:** Randy Perry, Rusty Keith, Tim and Lynn Cook, Josh and Brooks Gailey, John Biglow

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.

Minutes of the October 15 meeting were approved on a motion by Mike seconded by Lynne.

**Application #2020-ZB-68 –William Gray (Tax Map 201 Lot 113) 8 High Street**

William Gray has applied for a Special Exception under section 8.22 to construct a 10'x14' (140sf) addition to the south side of his home in the Lyme Common District. The entire addition will be in the property line setback. The calculated maximum building footprint is 1,493sf, and calculated maximum lot coverage 2,986sf. Current lot coverage is 856sf. The existing house is 616sf and the garage is 240sf. The house was built in 1892 as the Gilbert School and was later moved from the River Road to this site.

Frank noted that a letter had been received from abutter Rusty and Ann Keith objecting to the project. He noted that there is little information available about the lot. The board members reviewed it, noting that the request was not for a variance, but for a special exception. David confirmed that the garage is permitted and that previous decisions addressed the nature of the stream nearby.

Deliberations: Sue said she considered the application incomplete and that a drawing is needed. Lynne said she needed more information especially because of concerns raised by the abutter. Bill agreed that a drawing with dimensions is needed. The aerial photograph provided is unclear and it is difficult to ascertain what is on the property. David replied that he had given the image to the applicant, whom he had encouraged to attend the meeting, and that there are a house, garage, and deer frame (which he said he would not regulate). Bill expressed concern that an addition would cross the property line.

Out of Deliberations: Frank asked Rusty whether the fence is on his property. Rusty replied that he has a survey and that the fence is on the line he established with his neighbor. This was done when he realized that Mr. Gray had put a driveway and fuel tank on Rusty's land. The tank was eventually moved by the gas company and the driveway has been moved but a permit may not have been secured for that.

Deliberations: Frank expressed concern about the boundary location and moved to continue consideration of the application to a time when the applicant could submit an accurate drawing with accurate dimensions to the boundary line, and to include all current and proposed structures on the property. Bill noted that the board cannot be an arbiter in a boundary dispute and that the board needs a rationale why the proposed location is the only possible site for the addition. He seconded the motion and it passed unanimously. It was noted that it would be helpful if the applicant could attend the meeting at which the application is considered.

Out of Deliberations: Frank noted that the back of the tax card shows a driveway. David noted that High Street is a state road and so driveways are approved by the state. Asked about the waterway, David said that if it were year-round, a 100' buffer would be required around it, but because he is following the decision of a previous board that considered it intermittent, the stream does not require a buffer. Rusty said that the stream flows all year long. David held that he would still consider it non-jurisdictional, since the state maintained culverts this year and did not require a DES permit for work on the culvert carrying this stream, indicating that the state did not consider it a jurisdictional wetland. Lynne pointed out that water flow can change. Frank said that a certified wetland scientist would need to evaluate it, and that it could be disputed as a created wetland. John Biglow, whose property is across Route 10, said his pond receives water solely from that ditch, which drains all year. He asked what he could do to be sure that this water is clean. His home's water supply is from the spring above the stream.

**Application #2020-ZB-72 –Joshua and Brooks Gailey (Tax Map 406 Lot 9) 399 Orford Road**

The Gaileys have applied for a special exception under section 4.64B to develop 3.3 acres of agricultural soils for a single dwelling on the property in the Rural District. The total acreage of the parcel is 13.8 acres. The parcel is vacant. It was merged by the Town for taxation purposes with Lot 10 and has been recently de-merged. Josh Gailey said that they would like to build a colonial style farmhouse and garage and maybe a guest house (accessory dwelling unit). There is no well or septic system on the property yet. Lynne asked about farming there, and Josh said he has been in contact with the tenant farmer who will continue to farm the land. Abutter Tim Cook asked if the easement area could be reduced to better support the intent of the zoning ordinance and minimize intrusion on agricultural soils. It was noted that one of the property lines is the Orford town line. After some discussion, it was agreed to leave the plan as it was presented.

Deliberations: David said that the zoning easement would be recorded at the Grafton County Registry of Deeds before a building permit can be given, and that this is a legal lot. Frank noted that it would create difficulties if the easement area were to be reduced, since the buildings and septic system have not yet been formally laid out. David observed that the soils are heavy clay and that a septic system will be challenging, perhaps requiring a large leach field. If the applicants find they cannot put a well or septic system on the property they should come back to the board.

Sue moved to approve the plan to build a single dwelling as submitted, finding that the project meets the criteria of sections 4.64B and 10.40. Conditions are that best construction practices will be used, a septic system permit will be acquired, and a zoning easement will be in place before construction. Lynne seconded the motion and it passed unanimously.

Out of Deliberations: Frank turned to the draft rules of procedure, noting the intent was to regularize the board's review. Bill expressed concern that the proposed rules would not provide a good enough record on the justification for a decision, and felt that applicants are entitled to the specifics of section 10.40 review. Frank noted that there are many redundancies in 10.40, and that perhaps the board could submit a streamlined version of 10.40 to the planning board. He will work on a fresh draft. It was agreed, on a motion by Mike seconded by Lynne, to adopt the portion of the draft rules that allow the Zoning Administrator and Recorder to have a voice but not a vote during deliberations.

Meeting adjourned 8:46 pm

Respectfully submitted,  
Adair Mulligan, Recorder