

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – April 15, 2021
Via Zoom

Board Members: Present - Frank Bowles, chair; Sue Ryan, Judith Timchula, Bill Malcolm

Absent: Lynne Parshall

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

Public: James Murray and Zoe Washburn, Will Davis (Horizons Engineering), Rich Brown

Chair Frank Bowles called the meeting to order at 7:30 pm and explained the authorization for the meeting to proceed via remote connections. Minutes of the March 18 meeting were approved with a minor adjustment on a motion by Judith seconded by Sue. Frank recused himself as he is a neighbor to the first applicant, and appointed Bill Malcolm, Vice Chair, to run the hearing for this application.

Application #2021-ZB-23 – Murray and Zoe Washburn (Tax Map 408 Lot 42) 11 Horton Lane

The couple has applied for a variance under sections 4.42Bc, 4.42B 1.3, and 4.66 to construct an accessory dwelling unit at their property in the Rural District. Due to the possibilities of encountering ledge the unit may need to be located over 100' from the existing residence and have its own septic system. The unit will also be located within the Ridgeline and Hillside Conservation District. The proposed accessory dwelling unit is not located within the building envelope defined by the Zoning Board in their August 21, 2004 decision. Zoe explained that the purpose of the accessory unit is to allow her mother to age in place. The property has challenges including the Ridgeline district and much ledge. If they cannot build in the proposed site, they would need to take down a number of trees.

David displayed the line of sight analysis he did using LiDAR. He concluded that if the cottage is 20' above ground, the only place it would be visible would be places on Franklin Hill Road and Dorchester Road, but not from any major surface waters. Sue asked if the unit would be within the buildable square set up by the ZBA's Jim Poage, where there is 54' available. Zoe explained it is within 110-120' of the house, which is as close as they could get without running into the driveway. David said that when the original construction site was studied, the board gave an envelope for the house as opposed to a specific site plan. Murray said that the unit is outside the envelope but sited to be within the ordinance requirement. Judith asked if there are no other reasonable locations. Murray said that there are but they would require removal of trees and be farther from the house. He concluded that because this area was already cleared, it is the most reasonable area to build. Sue asked about the square footage. David explained that the 750' limit is for gross floor living area, and doesn't include a garage.

Turning to the septic system and the requirements of 4.42Bc, to be within 100' or share the same septic system, the unit may not meet either requirement because of ledge, so a variance has been requested. Section 4.42 B Li, the unit is to be at least 10' behind the house on the street side, but in this case the unit is 575' from the road and cannot be seen from it, so it is not relevant. Bill invited public comment. Frank observed that the Washburns have done a good job siting the ADU given the limitations of the site, and said he fully supports the application. Bill asked David if he required further analysis on the Ridgeline district, and David replied he did not.

Deliberations: Bill reviewed the provisions of section 10.50. Judith moved to grant a variance to approve the application based on the fact that the application meets the five criteria for a variance:

- the project is not contrary to the public interest
- the spirit of the ordinance is observed
- substantial justice will be done
- the value of surrounding properties will not be diminished
- literal enforcement of the ordinance would result in unnecessary hardship.

All participating members voted unanimously to confirm each finding. Bill seconded the motion and it passed unanimously.

Out of Deliberations: Bill turned the meeting over to Frank.

Application #2021-ZB-24 – Will Davis on behalf of Loch Lyme Lodge (Tax Map 408 Lot 42) 11 Horton Lane

The applicant has applied for a special exception under section 8.24 to make major upgrades to the septic system and replace water lines within multiple Conservation Districts at the Loch Lyme Lodge property in the Rural District. Will Davis, an engineer with Horizons Engineering, explained that they will eliminate individual systems; each cabin will get its own septic tank and effluent will be pumped up hill to a large community leach field. Frank asked whether electric power and communications

service would be installed in the same trench system. Will said yes, using underground conduits. A 10' separation will be used to conform to DES requirements. Some tanks will be gravity fed to a central pump chamber and some will be pumped into the forcemain running between the central pump chamber and the leach field. Frank asked what would prevent an overflow if the power goes out for several days. Will said he would have to look into this, noting a similar design was approved by DES a few years ago with the same basic intent. Bill asked how the tanks with pumps will have standby power. Will noted that the tanks will provide capacity for holding for a while, but he will take up the question with the designer. Bill cited concern that the sewage could overcome the system and flow overland to Post Pond. Will replied that DES does not require a backup power system.

Rich Brown said that innkeepers on site would manage the situation. He added that electricity also powers water pumps and that if no water is going in, no water would be coming out of the tank. Will drew a distinction between this and a municipal system. Bill questioned whether stopping water flow could diminish septic demand, since people could fill buckets at the pond to flush. He said he could approve the application with the condition that a generator would be permanently installed at the main pump tank and that it have an automatic transfer switch.

Rich asked if the board had other concerns. Sue noted that the project goes through four conservation districts which requires comment from the planning board and conservation commission. David said that he has letters from both boards but the office scanner was not functioning to allow him to share them. He recalled that the CC had no issues and thought that the revised system would improve conditions relative to conservation zones. He noted that the planning board wants to see that the plans show a laydown area for materials and vehicle parking, wetlands flagged, areas to be disturbed delineated and monitored, excavator access limited, and erosion control monitored and maintained by a qualified professional. Hay should not be used for erosion control as it can bring in invasive plants.

Will said that a general contractor would oversee that, and that the plans require erosion control monitored weekly or after a rain event of a specified intensity, but not necessarily by a licensed credentialed person. If auto backup power generation is required for water, it could also be required for a wastewater system. Bill asked about horsepower needed; will said that the sewage pumps are half and 1/3 horsepower. Bill thought a small generator would run them. He asked if a conduit would be installed for LymeFiber. Rich observed that the cabins will need telecommunications. David asked to see that on the plans too, in separate conduits. Frank noted the project will likely result in heavier use of the property and also noted that the planning board's comments should be provided to the applicant. Bill observed that the planning board's comments seem reasonable.

Deliberations: Frank said he has concerns with the potential for backup of the system, David wants to see all utilities going into the trenches, and that planning board suggestions should be addressed. Bill said that a very small generator by the barn would be very simple and inexpensive but that would not address the outlying cottages. Frank wanted the plans cleaned up to give a clearer idea of what is intended. Bill thinks the concept is great but the details are difficult. He wants a stronger proposal that addresses life in New England, adding that this is not a municipal system but is in effect a community system without the municipal employees to monitor it. Judith would like a generator that no one has to start. David said that portable generators can be misplaced and that one mounted on a pad would be reliable.

Frank moved to continue the application to May 20, at 7:30pm, and to require the applicant to clarify details with respect to planning board comments. There should be standby power for the water and sewer supplies to provide uninterrupted service, and simplified/clarified plans for critical elements and structures, showing all utility lines. Bill seconded the motion and it passed unanimously.

Out of deliberations : David said that the Conservation Districts did not need to be shown on the plan but contours are important. Frank gave additional instructions on the plan presentation and suggested optimizing the line weights used for the utility lines to make the plans easier to read.

Elections: Frank offered that he would be willing to serve one more year as chair but that it would be his last. Sue nominated Frank as chair and Bill as vice chair. Judith seconded the motion and it passed unanimously.

Meeting adjourned 8:55 pm
Respectfully submitted,
Adair Mulligan, Recorder