

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – October 21, 2021

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

Alternate Members: Absent – Helena Witte

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

Public: Lindsay and Patrick Mendyka, Terry Melendy, Ben Simpson

Chair Frank Bowles called the meeting to order at 7:30 pm. Consideration of the minutes of the September 16 meeting was continued to the next meeting on a motion by Sue seconded by Bill, since they had not been received for review.

Application #2021-ZB-68 – Lindsay and Patrick Mendyka (Tax Map 408 Lot 31) 53 Dorchester Road

The Mendykas have applied to the Lyme Zoning Board of Adjustment for a Special Exception under section 8.23 of the Lyme Zoning Ordinance to construct a replacement septic system within the road setback on their property in the Rural District. The primary residence, built before zoning, is also within the road setback. The Mendykas accepted a four-member board. Terry Melendy of TRJF Services, who will install the system, said that he had dug four test pits and encountered ledge farther back on the property. The old system was 1000 gallons with small stone and a deteriorated pipe system. The new system will be 44' off the road, and 12' from the edge of the bank with a new double compartment tank. David measured the setback and said that it would be 50' from the centerline of the road to the edge of the leach field, meaning that the field would be 25' from the edge of the road right of way. He confirmed that the back of the lot is quite steep and could not accommodate a system. The drilled well is within the concrete floor within the house. Terry explained that the white stack would be painted black in order to draw air.

Deliberations: Bill moved to grant a Special Exception under section 8.23 with the following findings:

- There is no alternative location due to terrain
- Requirements of section 8.23 are met
- The residence predates zoning
- Lot coverage is not an issue, and septic systems do not count for footprint
- Conditions of section 10.40 were reviewed individually and are met or not applicable

The board imposed the following conditions: that the project not proceed without a state permit, and that the system be built substantially according to the plans submitted. The motion was seconded by Frank and approved unanimously.

Out of Deliberations: David advised that the project can go ahead as soon as the state permit is received; he will be going on vacation soon and may not have time to issue a permit before leaving, but knows that the project was approved by the board.

Application #2021-ZB-74 – Ben and Jill Simpson (Tax Map 402 Lot 53) 173 Dartmouth College Highway

The Simpsons have applied to the Lyme Zoning Board of Adjustment for a Special Exception under section 8.25 of the Lyme Zoning Ordinance to construct a 12' X 24' (288sf) carport attached to their existing attached garage at their property in the Rural District. The addition of the carport will cause the existing house/garage to exceed the maximum footprint allowed under section 5.14 of the ordinance. The house was built before zoning. Ben said that he would like to have one more enclosed parking space. The structure will be a pole type structure attached to the west wall of the house. He clarified that it would be attached to the garage that is already attached to the house, not a separate, secondary structure set farther west on the lot. David said that he has no records of the attached garage's construction. Ben said that there was a renovation done in 2013. David added that there are no lot coverage issues and that the buildings are within the 200' buffer from Agricultural Soils. Frank confirmed that 1000sf of expansion is available for this property.

Deliberations: Bill moved to grant a Special Exception under section 8.25 with the following findings:

- Requirements of section 8.25 are met
- The residence predates zoning
- The project will use 288sf of allowable expansion, leaving 712sf for future expansion
- Lot coverage is not a concern
- The garage will be out of sight of the main road
- The Zoning Administrator contacted 2-3 abutters who had no objections to the project
- Conditions of section 10.40 were reviewed individually and are met or not applicable

The board imposed the following conditions: that the project be built substantially according to the plans submitted using best construction practices. Sue seconded the motion and it passed unanimously.

Out of Deliberations

Meeting adjourned 8:11 pm

Respectfully submitted,
Adair Mulligan, Recorder