

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – September 15, 2022

Board Members: Present - Frank Bowles, chair; Judith Timchula, Helena Witte

Absent - Lynne Parshall, Bill Malcolm

Alternate Members: Zoe Washburn

Staff: David Robbins, Zoning Administrator

Public: James Ricker, Karl Furstenberg

Chair Frank Bowles called the meeting to order at 7:30 pm. Frank appointed Zoe to sit as a regular member. The minutes of the August meeting were approved with no edits.

Application #2022-ZB-52 – James Ricker (Tax map 408 Lot 60) 62 Acorn Hill Road.

Frank noted that there was only four members of present and asked the applicant if he would like to continue with the four-member board instead of the usual five. He stated that NH law requires for the Board to approve the application 3 of the members would have to vote in the affirmative.

The applicant stated that he was fine with the four-member Board.

James Ricker has applied to the Lyme Zoning Board of Adjustment for a Special Exception under section 8.25 to replace the house on his property at 62 acorn Hill Road (Tax map 408 lot 60). The proposed new house will have an increased footprint of 524 square feet. James Ricker explained that he had purchased the property to provide a place for his mother-in-law to live. The existing house on the lot, built pre-zoning (1845) was entirely within the road setback. He had considered at rehabilitation the existing house, but due to its condition decided that the cost and length of time required was far beyond the timeline envisioned to move his mother-in-law. The new plan moved the majority of the house footprint out of the setbacks but was 524 square feet larger. Mr. Ricker also noted that the proposed location of the house was partially dictated by the location of the existing leach field to the south. The existing septic system was relatively new (installed in 2008) and the state would allow the leach field to be re-used with the installation of new septic tanks.

The Zoning Administrator noted that section 8.26 allows for the replacement of a non-conforming structure as long as the non-conformance does not increase. The new structure would be considered existing for the purposes of the ordinance. The proposed structure decreased the footprint in the road setback, but increased the footprint. Section 8.25 allows for a special exception to increase in footprint of an existing non-conforming structure by up to 1,000 sf.

Frank asked Karl Furstenberg, an abutter if he had any comment on the proposed project. He noted that he had been in discussions with the owner from the beginning and had no issues with the proposed plan.

Deliberations: Zoe moved to grant a special exception under sections 8.25 based on the following findings and conditions:

Findings:

- The proposed footprint of the new residence has less area within the road setback.
- The proposed new residence has a footprint of 524 sf larger than the existing structure. Leaving 476 sf for future development.
- The location of the house was partially dictated by the location of the existing leach field.
- The project had abutter support.

Conditions:

- Best management practices for erosion control will be used.
- Will be completed substantially as shown in the submitted plans.

The Board reviewed the requirements of section 8.25 and found that the proposal met all three of the criteria. The Board then reviewed section 10:40 and found the all the items in section A were met or not applicable. The Board noted the above conditions were allowed under section 10:40 B.

Helena seconded the motion and it was approved unanimously.

Out of Deliberations:

Meeting adjourned 7:50 pm.

Respectfully submitted,

David A. Robbins, Planning and Zoning Administrator.