

**Town of Lyme**  
**LYME ZONING BOARD OF ADJUSTMENT**  
**Minutes – June 21, 2018**

**Board Members:** Present - Frank Bowles, Michael Woodard, Bill Malcolm; Absent - Alan Greateorex

**Alternate Members:** Present – Lynne Parshall, Sue Ryan; Absent - Dan Brand

**Staff:** Adair Mulligan, recorder

**Public:** Colin Farr, Jack Elliott

Chairman Frank Bowles called the meeting to order at 7:30 pm. The board voted unanimously, as the first order of business, to send best wishes for a speedy recovery to David Robbins, on a motion by Mike seconded by Bill.

The minutes of the meeting of May 17 were amended to correct an omission and approved on a motion by Mike seconded by Sue. Frank appointed Sue Ryan and Lynne Parshall to sit as regular members.

**Application #2018-ZB-27, Jack Elliott (Tax Map 201 Lot 69)**

Jack Elliott has applied to the Zoning Board for a special exception under sections 8.22 and 8.25 to add a 10' x 10' addition to the east side of his house at 2 East Thetford Road. The entire addition will be within the property setback as defined in section 5.13 and exceed the lot coverage as defined in section 5.15. The house is a pre-existing non-conforming house built in 1842 on a 0.72 acre lot. The house is non-conforming because it exceeds the maximum lot coverage and intrudes into the side setback. In May, 2003, he applied for and received a special exception under section 8.22 and 8.25 to construct a deck. This deck was never built. He has requested that the Board revoke the 2003 decision to restore the availability of 500sf of expansion for both property setback and maximum lot coverage. The addition will be for an office that will be located in a small alcove on the east side of the house.

Jack displayed photos of the house from various angles, with indications of the area that would be filled in to create the office addition. He noted that all houses in the Lyme Common District intrude into the side setbacks. He noted that filling in the alcove will improve rain and snow management from the roof. Discussion ensued about how to retreat from the 2003 decision, and Lynn pointed out that section 9.26B covers expiration of a special exception. Sue observed that the tax card also shows that the deck permit has expired.

Deliberations: Mike moved to grant a special exception under section 8.22 to approve the application to add a 100sf addition in the side setback, with the following findings of fact:

1. The project is entirely within the setback.
2. The addition cannot be located outside the setback.
3. The project is less intrusive than a previously permitted deck would have been and intrudes into the side setback no further than the existing house.
4. The addition will consume 100sf, less than the allowable 500sf expansion into the side setback in this district.
5. The board notes that a special exception granted in 2003 for a deck is expired and no longer relevant, so the 500sf allowance is intact.
6. No testimony from abutters was received.
7. The project meets the requirements of sections 8.22 and 8.25a.
8. The maximum building footprint is 7000sf in the Lyme Common District; this building is not over 4500sf and meets the requirements of section 8.25B
  - Conditions of section 10.40 A are met
  - Conditions of approval: best construction practices will be used.

Frank seconded the motion and it passed unanimously.

Out of Deliberations

**Application #2018-ZB-28, Colin Farr (Tax Map 401 Lot 66)**

Colin Farr has applied for a special exception under section 8.23 to construct a 10' x 14' shed (140sf) within the road setback of his property at 6 Wilmot Way in the Rural District. The shed is proposed to be located on an existing asphalt pad. Due to the curve of Wilmot Way to the east, the proposed location is within the road setback. The new shed will not exceed the maximum building footprint or the lot coverage. The house was built in 1955 and therefore there is a 200 foot building zone around the house where the agricultural soils are excluded from the calculations. The proposed location of the shed is within this zone.

Colin presented a set of color photos to each board member to indicate the proposed location of his project. He explained that he considers the asphalt pad, a former basketball court, is the only place to build as it will require no digging and is convenient to the garage. The size of the pad is difficult to measure because of vegetation and slope, but it is about 14' wide and about twice that long. It is 75 feet to the corner of the garage. Bill asked for a way to measure. It was noted that in this district the road setback is 75' from the road and 35' from the side. The site is in the side setback. Lynn pointed out that since the ordinance describes a tennis court as a structure – but not a building – this pad counts as that as well. Bill agreed that the pad qualifies as an accessory structure that is being converted to an accessory building.

Deliberations: Bill said he believes the basketball pad predates zoning, so section 8.22 does not apply. Frank added that because the site is already paved, it is the best location for the shed. Frank moved that the board finds that this project is a modification of an existing structure, so no increased violation would occur with construction of the shed on top of the existing asphalt pad. Therefore, no special exception is required from sections 8.22 and 8.24. Mike seconded his motion and it passed unanimously.

Out of Deliberations

Meeting adjourned 8:23pm  
Respectfully submitted,  
Adair Mulligan, Recorder