

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – March 21, 2019

Board Members: Present - Michael Woodard, Bill Malcolm, Sue Ryan, Alan Greatorex; Absent - Frank Bowles

Alternate Members: Absent - Lynne Parshall

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

Public: Eric Furstenberg and daughters

Acting Chair Michael Woodard called the meeting to order at 7:32 pm.

The minutes of the meeting of February 21 were approved with minor amendments on a motion by Bill seconded by Alan.

The scribe was instructed to record a compliment on the quality of the minutes.

Application #2019-ZB-11 – Eric Furstenberg & Emily Blanchard (Tax Map 411 Lot 26.1) 74 Flint Hill Road

Eric Furstenberg and Emily Blanchard have applied to the Lyme Zoning Board of Adjustment for a special exception under section 8.24 to install a 268 sf (approximately 10' x 25') ground mounted solar array to be located within the Agricultural Soils Conservation District on their property in the Rural District. Eric explained that the best location is slightly outside the 200' buffer around the house. Eric said that he believes the project meets the spirit of the conservation district as it will not significantly violate its purpose and will not destroy the usefulness of the soils. The design is not yet complete but is likely to be a fixed array on one or two poles. It could always be removed if necessary.

The board viewed Google Earth images of the property and a map of soil types provided by the zoning administrator. Eric reviewed the areas they had considered, noting some would impact scenic views from the home, or affect the view from the neighbor's home, or intrude on the septic system. They had considered a roof-mounted system but the south-facing portion has many dormers and skylights. He proposes to set the array in a hollow at a spot that gets 97% solar exposure, but is less visible. In winter, he expects it would be visible in some places, such as from the Skiway and Appalachian Trail. It would not be seen from the bottom of the hill because of topography.

The east side of the property has poor soil and is very stony. The proposed site is in or near this area. David referred to the soil map, noting that it is not reliable on a small scale, and said that the better soil is actually in the area around the house. He agreed that the proposed site is on the poor soil or transition zone. Bill asked Eric to mark the proposed location on the soil map.

Eric said he expects that the array will be 15'-25' high, with black panels and a black frame instead of silver color, which would be more visible. He asked that the board consider granting 500sf. He added that he has spoken to all his neighbors, and they support the project. David confirmed that the board does not need to consider any other part of the ordinance beyond section 8.24 for this accessory structure. Eric accepted a four person board.

Deliberations: Bill moved to approve the proposal to install a ground mounted solar array within the Agricultural Soils Conservation District under section 8.24 of the Zoning Ordinance, with the following findings of fact:

- The application meets the requirements of Section 8.24 A and B (Construction of Accessory Structures within the Conservation Districts)
- Construction will not permanently violate the conservation district as the array can be removed
- Testimony has been received that this is the best location on the property, and is only marginally outside the buffer zone
- Lot coverage will be increased by 500sf
- The project does not affect other conservation districts
- The soils on the proposed site are marginal for agricultural use, according to a soil map produced by the Natural Resources Conservation Service
- Use of a black frame will reduce glare and visibility
- Testimony has been received that the neighbors support the project, and no objections were received
- No hazardous materials will be used, nor will there be noise, fumes, parking, or other nuisance

- Attempts have been made to site the array in harmony with the natural environment.
- Vehicle intrusion will occur only for installation and maintenance
- There will be no impact to wildlife
- The project will place no burden on public infrastructure
- No Planning Board approval is required
- Conditions of section 10.40 have been met

Conditions:

- Best construction practices will be used to minimize erosion
- Erosion control will be installed under the drip line if necessary.

Alan seconded the motion and it passed unanimously.

Out of Deliberations: David noted that the board should vote on officers, but recommended waiting until the full board can be present.

Meeting adjourned 8:20pm

Respectfully submitted,

Adair Mulligan, Recorder