

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – May 16, 2019

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

Alternate Members: Absent - Lynne Parshall

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

Public: Rob Meyer

Chair Frank Bowles called the meeting to order at 7:32 pm.

The minutes of the meeting of March 21 were approved on a motion by Bill seconded by Mike. Rob was given the opportunity to wait for a five-member board, and asked to proceed with the attending four members.

Application #2019-ZB-22 – Rob Meyer (Tax Map 405 Lot 42.2) 738 River Road

Rob Meyer has applied for a special exception under section 4.64 of the Zoning Ordinance to remove nine acres of land from the Agricultural Soils Conservation District to construct a single family dwelling. In addition, he has applied for a special exception under section 4.66B to build this dwelling within the Ridgeline and Hillside Conservation District. There are approximately 39 acres of agricultural soils on the property. Section 4.64B allows up to 25% of the area (9.75 acres of this lot) of agricultural soils to be developed. Based on the GIS calculations the maximum building footprint is 7,000sf and the maximum lot coverage is 26,00sf. David Robbins noted that because the proposed driveway will be over 1000', it needs a special exception under section 4.53B5. While the beginning of the drive already exists, this is necessary because the structure it will eventually serve is over 1000' away.

Rob Meyer said that his family wants to consolidate their activity and has been considering building here for some time. There are two lots, with agricultural buildings already existing on lot 2. The area selected for the house he believes makes the most sense, as it would be tucked into the hillside. There are two farm roads in place. Test pits for ledges also guided the site, and he does not want to have to build a pumped septic system. The house site sits in a slight hollow. Frank asked if it would be visible from Clay Brook. Rob said he did not think so. David explained that he had conducted a line of sight analysis using LiDAR, and distributed two maps indicating where the house would be visible if placed outside the Ridgeline District. It would be visible along Clay Brook and North Thetford Road. He reminded that the ordinance requires consideration of the view without trees in place, and cited the language in section 3.27.6. Rob said that the roof would be black.

Bill confirmed that the house site is within the Ridgeline District, and asked if there is any other place to put the house. Rob said that if they moved the house lower, it would impact agricultural use, and would expose the house to more view. He added that the contours had been surveyed, and that he wants to avoid the expense of cut and fill as much as possible. He feels there is not another place on the lot with less impact that is still in the district. Bill agreed that it would be better not to impact agricultural use, and that one can't farm on the hillside. He appreciated David's analysis. Members agreed to label the various map exhibits as follows:

- A. Locator Map
- B. Plot Plan
- C. Ridgeline District Map
- D. Agricultural Soils
- E. Viewshed As Proposed
- F. Possible Alternative Site Viewshed

Deliberations: Bill moved to approve development in the Ridgeline and Hillside Conservation District as the special exception meets the criteria outlined, and that there has been substantial testimony on alternative sites. Mike seconded the motion and it passed unanimously.

Out of Deliberations: Mike asked why nine acres needed to be removed. Rob said that David had recommended using nine acres for simplicity, bounded by the property lines and farm road, since in addition to the house, soils will need to be disturbed for the septic system and running underground utilities from the powerline on the edge of the property. Bill

advised that instead, the board indicate that development could be permitted within the nine acre area, with the least amount of disturbance possible.

Deliberations: Frank moved to grant a special exception under section 4.64B1 to permit development within the approximately nine acre plot outlined on Exhibit B, resulting in minimal disturbance of agricultural soils. Mike seconded the motion and it passed unanimously.

Out of Deliberations: Discussion ensued about the driveway, which Bill noted was not in the Steep Slopes area. David pointed out that Rob has a fire pond close by that is maintained by the Fire Department and has a dry hydrant.

Deliberations: Mike moved to grant a special exception under section 4.53B4 to permit a driveway serving a house located in excess of 1000' from the road and to record findings supporting the Special Exceptions:

- the house cannot be reasonably located elsewhere.
- Testimony indicates that a fire pond is within 1000' and has a dry hydrant.
- LiDAR analysis (Exhibits E and F) shows other locations are more visible.
- The project meets the conditions of section 10.40A 1-14.
- Conditions are that the house will be constructed within the approximately nine acre area defined on Exhibit B and that disturbance to agricultural soils will be kept to a minimum.

Bill seconded the motion and it passed unanimously.

Out of Deliberations: The board unanimously elected the following officers: Frank Bowles as chair, nominated by Mike; Mike Woodard as vice-chair, nominated by Frank.

Meeting adjourned 8:40pm
Respectfully submitted,
Adair Mulligan, Recorder