

**Town of Lyme**  
**LYME ZONING BOARD OF ADJUSTMENT**  
**Minutes – June 20, 2019**

**Board Members:** Present -Michael Woodard, Bill Malcolm, Alan Groatorex, Sue Ryan

Absent - Frank Bowles

**Alternate Members:** Absent - Lynne Parshall

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

**Public:** Russell and Diane Stearns, Horace Henriques

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

The minutes of the meeting of May 16 were approved on a motion by Bill seconded by Alan and approved by three members; Sue Ryan abstained as she had been absent for that meeting. Russell was given the opportunity to wait for a five-member board, and asked to proceed with the attending four members.

**Application #2019-ZB-33 – Russell Stearns (Tax Map 404 Lot 47) 88 North Thetford Road**

Russell Stearns has applied for a special exception under section 8.22 of the Zoning Ordinance to construct a 168sf deck on the front of his house in the Rural District. The entire deck will be within the road setback. In 2017 he applied for a special exception under section 8.22 to place a shed in the front setback bringing the total encroachment into the front setback to 640sf. According to the application, the proposed deck will use 168sf of the remaining 360sf.

Russell noted that he has already removed the old deck and plans to replace it with a new wraparound deck. Sue noted that in the previous approval, the math was incorrect and 80sf of a demolished structure had not been credited in the calculations. This correction results in 440sf left for expansion, not 360sf. Russell and Bill reviewed the dimensions of the proposed deck and concluded that there will be an increase of 144sf in new space, leaving 296sf for future expansion.

Deliberations: Sue moved to grant a special exception under section 8.22 to construct a 144sf deck on the front of his non-conforming house at 88 North Thetford Road, with the following findings of fact:

- The application meets the test of section 8.22
- The entire new deck will be within the front setback and is less of an intrusion into the setback than the existing house
- The site is in the Rural District
- The home predates zoning and was built before 1980
- The home has had an addition for which a special exception was granted in 1991 for 480sf of encroachment into the front setback
- The lot had an 80sf shed which was replaced with a new 160sf shed in a new location on the lot, for which a special exception was granted on 6/21/2007
- Encroachment of up to 1000sf into setback areas is permitted under section 8.22
- The total encroachment will now be 480sf (1991) + 80sf (2007) + 144sf (current proposal) = 704sf which leaves 296sf for future expansion.
- The project meets the conditions of section 10.40A 1-14.
- Conditions are that the deck will be constructed substantially as indicated on the application using best construction practices.

Alan seconded the motion and it passed unanimously.

Out of Deliberations

Meeting adjourned 7:52pm

Respectfully submitted,

Adair Mulligan, Recorder