

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – January 16, 2020

Board Members: Present - Frank Bowles, chair; Michael Woodard, Alan Greatorex, Bill Malcolm

Alternate Members: Absent - Lynne Parshall, Sue Ryan

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

Public: Phil Harrison, Rod Finley, Ray Clark, Earl Strout, Jim Kennedy

Chair Frank Bowles called the meeting to order at 7:30 pm.

Application #2019-ZB-98 – Crossroads Academy (Tax Map 401 Lot 56) 101 Dartmouth College Highway

Crossroads Academy has applied for a Special Exception under sections 4.61 B 5 and 4.63 B 4 to repair a damaged storm water treatment structure on its property at 101 Dartmouth College Highway in the Commercial District. Frank noted that the Conservation Commission's letter had been received. Phil Harrison explained that in 2004-5, Crossroads began an expansion including a stormwater treatment system that was installed and designed to handle a planned new middle school building. In 2018, planning for this building began in earnest but in November 2019, a swale in the stormwater system was revealed to be badly eroded from a previous heavy storm. Phil contacted Rod Finley to develop a plan for repairs. They met with the Conservation Commission on January 15, which advised that stormwater be redirected away from Hewes Brook into an existing created wetland. Overnight, Rod redesigned the plan for repair and presented drawings showing this new configuration. Rod noted that the erosion of the swale had taken out the streambank, and that the flow of Hewes Brook has recently changed course, following an oxbow that approaches the swale area. Rod proposes a soft, vegetated repair to the streambank, composed of fabric encapsulated soil planted with willows. He explained that the swale is intended as a grass treatment swale to filter out sediments carried by high flows, and that flow from larger storms will pass through. He will send along the new drawing to the CC for followup review. He noted that Crossroads is not asking to expand the stormwater treatment system, but to repair what was previously approved.

Frank guessed that that the erosion occurred during one of the recent very heavy storms our area has begun to experience. Rod observed that it is very hard to plan for such a storm and likes the CC's idea of diverting the stormwater into the wetland created when Rt 10 was re-done instead of directing it to the brook. Mike Woodard asked about the oxbow, whether trees have fallen in to divert the flow, and if they could be moved. Jim Kennedy offered that the state is engaged in an effort to put wood into streams for habitat enhancement and to help streams engage their floodplains. It may be possible to reduce the log jam by some cutting while leaving the fallen wood in or near the stream.

Deliberations: Bill observed that the board does not have the CC comments on the latest proposal. He added that owners and designers should be urged to take heavy storms into account. He moved to approve the application for special exceptions under sections 4.61B5 and 4.63B4 in accordance with the plan submitted at this meeting, on the condition of favorable review by the CC and review satisfactory to the Zoning Administrator. The board reviewed section 10.40 and found that the proposal meets the conditions of sections 10.40A 1-6, 10,11, and 13, and that sections 7-9, 12, and 14 are not applicable. Section 10.40B conditions are met. Alan seconded the motion and it passed unanimously.

Out of deliberations.

Application #2020-ZB-01 – Ray Clark (Tax Map 201 Lot 31.1) 14 On the Common

Ray Clark has applied for Special Exceptions under sections 4.61 B 1 and 8.24 to construct a septic system and garage within the wetlands conservation district. The applicant has supplied a map showing the extent of the wetland and the location of the additional garage area and septic system. Calculated maximum building footprint is 4,500sf and calculated maximum lot coverage is 3,848sf. The existing building footprint of the house is 2,848sf and 936sf of the garage (barn). Proposed additional lot coverage and footprint were not supplied by the applicant.

Ray explained that he plans to purchase and modify Tracy Flickinger's historic home and barn on the Common and convert them for senior housing. The plan is for one unit in the barn and four units in the house. A second phase involving new construction is

under consideration. He has had an informal meeting with the Planning Board, who directed him to the Zoning Board. He discovered that Tracy had applied previously for approval to expand the garage and septic system but that approval has lapsed. Ray has hired wetland scientist Jim Kennedy who discovered the wetland area, which triggers the wetlands conservation district that occupies a large area on this in-town lot. Ray noted that the soils are Windsor soils, which are good for septic systems. He wants to begin design of a septic system but needs to know where to locate it. Ray added that he believes that the proposed project is valid under the existing zoning for the Lyme Common District and does not need the senior district housing provisions that are being proposed for a vote at the upcoming Town Meeting. There is room for two cars on the first level of the barn, but covered space for more cars is needed. He envisions a four-car garage with a design resembling the horse sheds, it would have a south facing roof that could hold solar panels. A stormwater treatment basin is also proposed.

Frank asked about snow disposal. David pointed out that this will be addressed in site plan review by the Planning Board. Jim Kennedy described the Conservation Commission's visit and that this is a low value wetland that drains to the south. The stormwater treatment basin will meet the state's Alteration of Terrain permit conditions but is not designed yet. An outlet for the pipe will be needed. Frank asked about the driveway surface. Ray said he thought it might be paved. Mike noted that there is an existing wide paved driveway on the east side. David noted that setbacks are not an issue even on this narrow lot, only the wetlands conservation district, and that to expand into the side setback, the project would need a variance. Discussion arose about whether the septic system could be located under the parking area. Adair Mulligan observed that the Maine Lakes Resource Center in Belgrade Lakes, Maine, is located in a tight spot between two lakes and its septic system is located under its parking area, which is paved with interlocking small concrete pavers. Adair also asked whether a portion of the lot is covered by a conservation easement for the Big Rock Natural Area, noting that some easements include provisions that do not allow the conserved area to be counted when dimensional controls are calculated for development elsewhere on the lot. Ray, Earl Strout, and David said that they did not believe there was an easement on any of the land.

David asked how much of the project is in the wetland buffer area. Jim calculated this from his drawing and came up with a total of 3,063sf, of which 450sf is the new garage. David noted that section 4.61B 3 does not specify an area limit, and that 8.24A sets a limit of 500sf, so the garage is less than what is allowed.

Deliberations: Bill moved to approve the project as submitted with the areas and sizes specified during testimony, with the following findings of fact:

- The project meets the requirements of section 4.61B3, which refers to section 4.63 for access
- The new 4-car garage will have an area of 450sf, which is less than the 500sf allowed in the Lyme Common District
- The project meets the requirements of section 8.24C
- The Conservation Commission was consulted and does not object
- The project meets the requirements of section 10.40A 1-14
- Section 10.40B will be addressed by the Planning Board during site plan review

Mike seconded the motion and it passed unanimously.

Out of deliberations. Minutes of the December 2019 meeting were approved on a motion by Frank seconded by Mike.

Meeting adjourned 9:07pm

Respectfully submitted,
Adair Mulligan, Recorder