

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – July 20, 2017

Board Members: Present - Frank Bowles, Alan Greatorex, Bill Malcolm

Absent: Walter Swift

Alternate Members: Michael Woodard, Dan Brand

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

Public: Brad Choyt, Phil Harrison, Meg and Steven Maker, Mary Callahan, Don Chabot, Colin Robinson

Chairman Frank Bowles called the meeting to order at 7:30 pm. He appointed Mike Woodard and Dan Brand to sit as regular members. The minutes of the meeting of June 15 were approved on a motion by Mike seconded by Bill.

Application #2017-ZB-23, Crossroads Academy (Tax Map 401 Lot 55)

Crossroads Academy has applied for a special exception under section 8.24 to construct an accessory classroom in the Shoreland Conservation District at 95 Dartmouth College Hwy. The proposed structure will have a footprint of 395 square feet. It is to have overhanging eaves and encircling walkways. The walkways and entry ramp would bring the building footprint to a total of 725 ft². The entire structure will be within the Shoreland Conservation District. The current maximum lot coverage was set by the Planning Board on April 3, 2001 with an unused square footage of 5,957 (For Crossroads). Subsequent construction has reduced this area to 4,044 square feet. David Robbins distributed copies of the Conservation Commission's July 19 letter which articulated no objections to the project but cautioned about erosion control and the need for an engineering study of the stability of the location of the proposed structure.

Head of School Brad Choyt explained that the hope is to have expanded learning space for the middle school in an inspiring natural environment overlooking Hewes Brook. The middle school is at capacity and the proposed location is close to existing teaching space. The plan is for a fully handicapped accessible structure that would have electricity but no plumbing; a decision has not been made about providing heat. Frank asked how the structure would be pinned to the ground. Brad said it would be similar to the pavilion, with concrete sonatubes, at 12 points. Bill asked if the structure could be moved back 45 feet to the northwest to move it out of the Shoreland conservation district. Phil Harrison explained that moving the building would intrude on either the septic system, playing field, or the side setback.

Discussion ensued about the side setback, as the abutting property is also owned by Crossroads. Phil said that it would be very complex to merge the lots, and reviewed the history of development of the property and permit conditions that include dimensional constraints. He indicated that the school might not migrate as planned to the other lot. Mike Woodard, who manages 85 Dartmouth College Highway, confirmed that merging the lots would be expensive and complex and would require approval by the 85 DCH residents' condo association, Planning Board, and state. Bill asked whether the building could be put in the property setback. Phil said he thought the view over the brook would be lost and that a better site plan might be needed. He invited a site visit. Mike asked about access for construction, and Brad said that a trail being used by students now would suffice. Alan asked about the conserved area. Phil explained that all land on the other side of the brook is conserved with the Upper Valley Land Trust. Frank asked for public comment, and there was none.

The board voted unanimously to continue the hearing to a site visit scheduled for Sunday, July 22, at 10:00am, on a motion by Bill seconded by Frank.

Application #2017-ZB-44, Mary Callahan (Tax Map 401 Lot 37.01)

Mary Callahan has applied on behalf of Bruce and Alison Pierce Cotton for a Special Exception under section 4.64 B to construct a single family dwelling to be located within the Agricultural Soils Conservation District. The proposed dwelling will be located on the property at 00 Preston Rd (Corner of Preston Rd and State RT 10). The lot had been approved for subdivision on March 10, 2005. At that time the Planning Board defined a building envelope in the Agricultural soils where development must take place. In their minutes it was noted that a special exception was still required.

Colin Robinson noted that he had been present in 2005 when the Baileys subdivided their land and the Planning Board had granted a 12.25 acre land lot. Harry Burgess did the survey plan. His question on behalf of Mary Callahan is whether the application qualifies for a special exception and whether a conservation easement is required on the remaining 75% of the land, which he described as wet. Frank asked about the 4,000sf rectangle shown on the map, and Colin said it shows the percolated area for septic disposal, which is shown to be sufficient for a four bedroom house. Don Chabot said that the Cottons bought the property in 2006 but then moved to California. Colin noted that Zoning Administrator Vickie Davis had written a letter describing the history of the property for the file that included a recommendation to go to the ZBA with any building proposal. Peter Schauer delineated wetlands, and the house was proposed for the only dry spot on the property. The current proposal respects the wetlands setback and all other setbacks. David Robbins added that there is an approved curb cut.

Frank asked for public comment. Meg Maker, an abutter, asked how drainage would be handled as the road washes out and the road crew is currently using the curb cut area as a swale. Colin said that the driveway ordinance requires an appropriately sized culvert and that the drive should be built at the right spot.

Alan noted that if a building zone is identified, there is no need for a special exception. David reviewed the definition of building envelope and clarified that it is not the same as a building zone. He said he saw no real discussion of Agricultural soils in the Planning Board decision. He added that there are 8.4 acres of Pittston soil on the lot.

Frank moved to issue a special exception under 4.64B with the following findings of fact:

- The Planning Board meeting of March 10, 2005 defined a building envelope for the lot then known as Map 401 Lot 1.2, that is now known as Map 402 Lot 37.01
- The Zoning Board reviewed the maps and findings
- A driveway cut has been approved but subsequent climatic events may require that the driveway be shifted
- A septic system area has been defined
- The house will be located once the septic system is in place
- Construction will take place within the building envelope defined by the Planning Board
- After careful review, the Zoning Board finds that the application meets the conditions of 10.40A 1-14, and 10.40B items 5 and 9.
- Conditions:
 - An easement will be granted for the entire area outside the building envelope as shown on the recorded plan.
 - Best management practices will be used with special attention to erosion and driveway construction
 - The road agent will reevaluate the curb cut and determine the correct size of the culvert to be used.

Alan seconded the motion and it passed unanimously.

Other Business:

Frank announced that Mike Woodard has agreed to serve as a regular member since Rob Titus has resigned. David will find out whether the Select Board or Planning Board had appointed Rob. Frank noted that another potential member is interested in serving. The board voted unanimously to express its deep and heartfelt thanks to Rob Titus for his service on the Zoning Board, on a motion by Frank seconded by Alan.

Meeting adjourned 8:56pm
Respectfully submitted,
Adair Mulligan, Recorder