

**Town of Lyme**  
**LYME ZONING BOARD OF ADJUSTMENT**  
**Minutes – November 17, 2022**

**Board Members:** Present - Frank Bowles, chair; Bill Malcolm, Helena Witte, Judy Timchula

Alternate Member: Zoe Washburn

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

**Public:** Michael Battles, Gregory Smith

Chair Frank Bowles called the meeting to order at 7:30 pm and appointed Zoe Washburn to sit as a regular member. Minutes of the September 15 meeting were approved on a motion by Bill, seconded by Zoe.

**Application #2022-ZB-55 – Michael Battles (Tax Map 410 Lot 80) 374 Baker Hill Road**

Michael Battles has applied for a special exception under section 8.24 to install a ground mounted solar energy system that will intrude into the Agricultural Soils Conservation District as described in section 3.27.4 of the Lyme Zoning Ordinance, on his property in the Rural District. Michael noted that the only other place for the system is on top of the septic system. The site is close to the barn. The system will be installed with helical piles, preferred because they can be installed to be removed as they went in, without scar to the land. The house was moved onto the lot before zoning was in place. The entire parcel is agricultural soils. Bill suggested that the Zoning Administrator be given authority to approve the project if it is not located in the side or front setbacks. David confirmed that it is not in the road setback and is considered an accessory structure under 8.24.

Deliberations: Bill moved to approve the special exception under sections 8.24 and 3.27.4 to construct a solar energy system within the Agricultural Soils Conservation District as proposed, with the following findings:

- the project meets the tests of section 8.24
- The solar panel array will occupy 504sf
- 496sf will be left for future expansion in the conservation district
- the project meets the requirements of section 10.40A
- under section 10.40B, conditions are that best construction practices will be used, the installation will follow the plans submitted, and the Zoning Administrator finds that the project will not be located in the side or front setbacks.

The project was unanimously approved.

Out of Deliberations

**Application #2022-ZB-58 – Gregory Smith (Tax Map 408 Lot 67.2) Franklin Hill Road**

Gregory Smith has applied for a special exception under section 4.64 and/or a variance to construct a single family residence, garage, septic system, and driveway that will intrude into the Agricultural Soils Conservation District on his property that is formerly part of 145 Franklin Hill Road in the Rural District. David noted that he is attempting to get an address assigned to this newly separated parcel. Gregory Smith said that the best site for the house has been chosen to avoid wet or steep land, and that the house has been pushed as far off agricultural soils as possible. David said that section 4.64 is unclear about how to treat an area that has been removed from the parent lot, absent guidance from the Planning Board. He suggested a variance may be a cleaner way to resolve the question. The building footprint proposed is about 2900sf. A soil scientist has identified 3.19 acres of ag soils on site, largely Marlow soils. The Planning Board has approved the building plan but sent the project to the ZBA because of the ag soils.

Deliberations: Helena moved to grant a variance for developing a portion of land formerly part of 145 Franklin Hill Road to construct a single family residence on the basis of the plan submitted, with the following findings:

- section 4.64B is not applicable
- the lot has been subdivided in the last 10 years and so is uniquely different from other adjacent properties. This finding is relevant to section 5B of the criteria for a variance.
- Per section 10.50 each of the criteria for a variance was voted individually and unanimously approved
- Conditions are that construction will take place in accordance with submitted plans and the property is to be developed in a compact manner

The project was unanimously approved.

Out of Deliberations

Meeting adjourned 8:37 pm

Respectfully submitted,

Adair Mulligan, Recorder