

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – March 16, 2023

Board Members: Present - Bill Malcolm, vice chair; Judy Timchula

Absent: Helena Witte

Alternate Member: Present - Zoe Washburn

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

Public: Michelle Beane and Kerry Peters

Vice Chair Bill Malcolm called the meeting to order at 7:52 pm and appointed Zoe Washburn to sit as a regular member. Minutes of the December 15 meeting were approved on a motion by Judy, seconded by Zoe.

Application #2023-ZB-11 – Michelle Beane (Tax Map 201 Lot 63) 1 Hamilton Lane

Michelle Beane has applied for a Special Exception under sections 8.23 and 8.24 to drill a well in the rear and side setbacks and the Shoreland Conservation District on her property in the Lyme Common District. She explained that they have a water line from a spring behind the Tensen farm but now need a well as the containment for the spring is failing and cannot be fixed. They will likely keep the right to the spring but not keep the spring line because the State needs to work on a nearby culvert which would interfere with the line. David Robbins explained that wells are listed in the ordinance as structures, creating the need for the special exceptions, but they do not take up space. He considers them to be underground utilities similar to septic systems.

No abutters were present. The Conservation Commission has no objection. Michelle explained that the property is small and has a shared drive. There is no other place the well can go that would be accessible to a drilling rig. It cannot be put on the other side of the stream. Several companies have given her the same advice.

David added that the septic system is in the front yard, and the state setback requires placing the well in the rear. Bill asked about protecting the well from abutters, and advised Michelle to register her new well with the State so they will be aware of its presence when being asked to approve other projects nearby. The well cannot be outside the 75' setback due to lot constraints. The project is not in a floodplain.

Deliberations: Zoe moved to approve the Special Exception under sections 8.23 and 8.24 to construct a well within the side setbacks and Shoreland Conservation District as proposed, with the following findings:

- the project meets the tests of section 8.23A, because the well cannot be located outside these areas
- 8.23B is not applicable
- 8.23C does not apply as the building was built in 1900
- the project meets the tests of section 8.24A, B, and C; sections 8.24 D and E do not apply
- the Conservation Commission had no objection
- the increase in lot coverage is 1 square foot for the wellhead and the well is an essential underground utility
- the project meets the requirements of section 10.40A, which the board reviewed in detail
- under section 10.40B, conditions are that the project will be built according to the plans presented, and a silt fence will be installed during drilling.

Judy seconded the motion and the project was unanimously approved.

Out of Deliberations

Meeting adjourned 8:19 pm

Respectfully submitted,

Adair Mulligan, Recorder