

Lyme Zoning Board of Adjustment
Minutes: March 12, 2008

Board Members: Present – Alan Greatorex, Chair, George Hartmann, Jim Poage
Absent - Ross McIntyre, Walter Swift

Alternate Members: Present – Frank Bowles
Absent – Jane Fant, Margot Maddock

Staff: Francesca Latawiec, Planning and Zoning Administrator, Michael Hinsley, Fire Chief

Public: Tony Pippin, Applicant, Geoffrey Thornton, Agent, Cynthia Bognolo, Abutter

Chair Greatorex appointed Frank Bowles to sit as a voting member for the duration of the meeting.

Minutes of the February 21, 2008 were approved as written, upon a motion by Jim Poage, seconded by George Hartmann.

Application # 2008 – ZB- 004 Pat and Tony Pippin, owners of The Lyme Inn, (Tax Map 201, Lot 11) in the Lyme Common District, represented by Geoff Thornton, Architect

Project: The Applicants have received conditional approval from the planning board for their proposed project to renovate and reconstruct the existing inn. The approval is subject to the following conditions: (1) that the Fire Chief sign off on the project and that the applicant be granted a special exception by the ZBA in accordance with section 5.21 A of the zoning ordinance and (2) that there be some form of visual screening between Map 201, Lot 11 and Map 201, Lots 12.1 and 12.2, to be agreed upon by the owners.

They are applying to the ZBA for the following: (1) A special exception from the 35' maximum height regulation in section 5.21 A of the zoning ordinance and (2) A special exception from the minimum road setback requirements in section 5.13 C of the zoning ordinance for the Lyme Common District in accordance with section 8.20.

Chair Greatorex opened the Public Hearing at 7:44 PM, requested that all present introduce themselves for the record. He explained that the applicant was entitled to be heard by a 5 member board and that it was up to the applicant to request that, if desired, at any time during the hearing. He opened the hearing for public testimony.

Francesca Latawiec read a letter from Cynthia Bognolo, owner of lots 12.1 and 12.2, which documented an on-going dialog with the applicant relative to a screening agreement to address condition (2) imposed by the planning board.

Geoff Thornton spoke to the special exception for the height, required by the planning board's condition (1). He explained that the existing roof is about a foot higher than the one that is proposed. The proposal has been designed to address fire protection and life safety issues. There will be 2 stairwells and an elevator in the new addition, the existing narrow, steep stairs will be replaced to meet code, emergency lights will be installed and the building will be fully sprinkled.

Frank Bowles inquired about the proposed cistern to supply adequate water for fire suppression. Geoff Thornton replied that it would supply 21,000 gallons and be located below the basement, have a leader to the street with an outlet and a hydrant. This should be more than adequate to protect the neighborhood as well as the proposed structure. A 50-70 KW generator is proposed to run the pump for the fire suppression system and supply electricity in case of emergency. Cynthia Bognolo expressed concern about the location of the generator. It will be located sub-grade relative to the cash market.

Mike Hinsley, Fire Chief had submitted a letter for the record stating that he fully supports the design of the building and has no reservations regarding the safety of the proposed building. He indicated that he has inspected the building and that all of the wiring is in need of replacement. The replacement addition will be designed to state building code standards. Geoff Thornton explained that the 3.5 story building would be gutted and renovated to meet the code. The applicant is planning to keep the wooden storm windows for historic preservation purposes. Tony Pippin mentioned that there was a possibility that the fire suppression system may be able to supply water to accommodate sprinkling of the church.

Alan Greator asked Geoff Thornton to go over the existing and proposed dimensions of the building footprint, gross floor area and lot coverage for the project. The proposed building footprint is over the maximum allowed by the zoning ordinance by 53 s.f. for building 1 and under by 3,141 s.f. for buildings 2 and 3. The proposed gross floor area is under by 145 s.f. and the proposed lot coverage is under by 3,588 s.f. Geoff indicated that this is for Phase I only and that Phase II is not under consideration at this time.

There was discussion of the screening between the Inn and the abutters. There is a fence that could be replaced in-kind or repaired and/or grass are options. Geoff Thornton and Cynthia Bognolo agreed to work together as the project progresses to work out a mutually agreeable screening between the two properties.

Cynthia Bognolo expressed concerns about the timing of demolition of the apartment building on the edge of the Inn property. She has a pregnant tenant who will be having her baby in May that might be disturbed by the activity.

There was discussion of disturbance from lighting. Geoff Thornton noted that there would be down casting fixtures, but that light will always be reflected from the snow in winter.

Jim Poage initiated discussion about the necessity of the additional 53 s.f. of building footprint for building 1. Geoff Thornton stated that it would be necessary for a functional porte cochere at the entrance to the Inn. Mike Hinsley noted that the additional area would be necessary for an ADA compliant side loader van and rescue vehicle access.

Alan Greator asked for further public comment. There was none.

Deliberations: The ZBA entered into deliberations upon a motion by George Hartmann, seconded by Frank Bowles. George Hartmann stated that all of the ZBA's questions had been answered to allow them to grant the two special exceptions as requested. The

project would be a dramatic improvement over the existing conditions and that it would be a benefit to the community. Relative to the setback requirement in section 5.13 C, the proposed setback is less non-conforming than the existing non-conforming setback. It was a consensus of the ZBA that making a determination of “the median setback of the five closest buildings on the same side of the street” would not further the deliberations on this project. It was a consensus of the ZBA that the two special exceptions requested for the project be approved based upon the following findings of fact:

- That the proposed project is consistent with the description and objectives of the Lyme Common District as described in section 3.21 as well as the objectives of the master plan.
- The special exception is for the project, Phase I, as accepted. No further approvals are implied. The addition of any further square footage to the project would require submittal of a new application.
- The cistern and ancillary equipment for fire suppression are exempted from the dimensional requirements for this project and for future proposals for the property.
- There are letters of support for this project, from Fire Chief Hinsley and Abutter Faith Catlin and letters of agreement from Abutter Doug Vogt and Abutter Cynthia Bognolo.
- There is a continuing dialog between the applicant and abutters Doug Vogt and Cynthia Bognolo relative to screening between the properties that is working well towards achieving positive ends for the parties involved.
- That the additional 53 s.f. required by the proposed porte cochere is necessary to accommodate an ADA compliant structure and that allowing for this is in the best interest of life safety
- That the gross floor area is 145 s.f. less than required by the dimensional requirements in article V of the zoning ordinance.
- That the lot coverage is 3,588 s.f. less than required by the dimensional requirements in article V of the zoning ordinance.
- That all of the requirements for a special exception detailed in section 10.40 A have been met.

Jim Poage made a motion that the special exception from the 35’ height restriction requirement in section 5.21 A of the zoning ordinance be approved, subject to findings of fact and the strong support of the Fire Chief as documented in his letter of March 12, 2008. This was seconded by George Hartmann and passed unanimously.

Relative to the special exception for the setback from Dorchester Road, Jim Poage indicated that the old structure intrudes further into the setback and the new proposal would make a non-conforming use less non-conforming. There was discussion of the requirements of section 5.13 C of that the setback be no less than “the median setback of the five closest buildings on the same side of the street”. It was the consensus of the ZBA that since that only applies to buildings in the Lyme Common District and therefore the project complies with the requirements. The ZBA felt that it did not make sense to create an artificial setback for a project that is reducing an existing intrusion.

Jim Poage made a motion to grant the special exception for the setback requirement from section 5.13 C and to add the condition that best management practices for controlling erosion and sedimentation be used in all aspects of the proposed project. This was seconded by George Hartmann and passed unanimously.

Meeting adjourned at 9:45 PM.

Respectfully submitted,

Francesca Latawiec, Planning and Zoning Administrator