

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes - June 19, 2008

Board members: Present - Alan Greatorex, Chair; Ross McIntyre, George Hartmann, Walter Swift
Absent: Frank Bowles

Alternate members: Present -Margot Maddock, Jane Fant

Staff: Francesca Latawiec, Zoning Administrator; Adair Mulligan, recorder

Public: Scott Williams, Tim Odell, Nancy Papademas, Michelle Buckman, David Roby, Ayo Hart, Byron Haynes

Minutes of May 15, 2008 were approved after correction of a typo, on a motion by Ross seconded by George.

Application # 2008-ZB-009, Joan Granlund, (Tax Map 409, Lot 84), 12 Baker Hill Road, Represented by Pathways Consulting, LLC.

Alan, an abutter, recused himself. Ross served as chair for this portion of the meeting, and appointed Margot and Jane as regular voting members.

The applicant requests a special exception to replace an existing stone driveway culvert with a precast concrete arch bridge within the Wetlands, Shoreland and Flood Prone Area Conservation Districts. State wetlands permit and Conservation Commission review and comment are required.

A bridge analysis by Timothy A. Schall, PE, dated 11/14/07, states that the "bridge should be replaced as soon as possible with a new structure...". A state DES minimum impact wetlands permit application was filed on May 21, 2008. Lot 83 may be impacted and a temporary easement during construction may be required. The Conservation Commission's letter, dated 2/12/08 supports the project as proposed and presented. They recommend erosion control practices be implemented during construction and that the road be graded to direct run-off away from Grant Brook.

Scott Williams said that there are inherent problems with the existing structure, and that it needs repair or replacement. He considered trying to rebuild it with the same stone or other options. Because there is a small area in which to work, with a steep bank, replacement is best, he believes. He has discussed it with abutters Odell and Papademas, and hopes to use a small area of their land for placing access before restoring the area. Scott added that if the culvert cannot be replaced, it would need a DES permit for a larger impact which would result in a longer review process. He noted that the culvert has been repaired in the past, but construction traffic could cause a collapse. The applicant has a permit to remove the existing house on the property. The structural engineer in his office would not sign off on it. Mortared stone would be required at a minimum, but would result in a structure that would not look the same, so the plan is to use the culvert's stone nearby, to build up the banks of the proposed concrete structure.

There is now a constriction point in the stream caused by the current structure, which Scott believes is contributing to instability. The owner intends to face the proposed new concrete bridge with a "cultured stone product" to improve its appearance. Scott said that he had spoken to the Conservation Commission, which asked if the existing culvert could be repaired. All rock would need to be removed, resulting in questions of how the property would be accessed.

Ross asked how wide the drive would be. Scott said it would be reduced, and while the length would not change, the top of the walls could be seen and the opening for the waterway would be larger. Walter asked if it is in the floodprone district. Scott said that FEMA has described a district around Grant Brook, but the 100 year floodplain has not been mapped at this location. Walter asked about the easement on the abutters' property. Scott said it is in the works but not yet complete.

Jane asked whether there is any other location for the driveway. Scott said that the new house will be placed about 100 feet farther back than the present structure, on a flat area. He said there is no other access point. Jane asked about accessing it from the southern corner of the property that abuts Baker Hill Road. Scott said that this was not seriously considered, and added that there is an upstream culvert of 7-8' in diameter that is larger than the culvert under discussion, and that widening this area would result in an improvement. Jane noted that the property in question is the original historic property in Lyme Center village. Scott displayed photos of stone product samples.

Alan spoke as the husband of an occupant of the present house since 1948. He said that the slab serving the bridge had been in place since 1962, and had carried logging trucks and 18 wheelers. Alan, an engineer and an abutter, suggested that if a top slab was put over the existing bridge that ran the entire span and was 1" thicker, the existing historic stone culvert could be used with a concrete patch near the toe. He said that documentation for this application misrepresented the width of the stream as 8-10 feet wide, when the brook is usually 2-4 feet wide. The existing house was built in the late 1700s, not 1983 as the application reads. He referred to early deeds for the

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property, and said that it is the original house of James Cook, the founder of Lyme Center village. He said that a 50-100 year storm is unlikely to overwhelm the current culvert, and advised that it stay as it is with structural treatment of the toe and abutments. He said that the volume of water is not enough to justify this size culvert, and that the next culvert upstream is oversized, probably installed at that size in order to minimize the amount of fill the town needed to bring to the site.

David Roby offered his opinion that the current stone culvert is an incredible piece of masonry, and has served the house for over 200 years. He checked with the State Historic Preservation Office about it, and advised that the Lyme Historians be consulted. He said he had an engineer look at it who thought it was a good structure, and advised replacing one stone slab or overlaying it with a poured concrete slab so that the historic structure could be preserved but not be asked to carry the weight. David continued that stone culverts are rare in Lyme, and that he has one on his property that carried heavy logging equipment, although he took care to place a temporary bridge over it in order to avoid possible damage. He recommended that the board make a site visit and invite the Lyme Historians. He believes it will be cheaper to reuse this structure than to replace it. The opening is 5' x 5'; he suggested a 100 year stream flow analysis done. He added that the Conservation Commission did not visit the site, and would not in the course of its review consider historic character. He concluded by saying that the criteria for special exceptions (section 10.40) call out significant historic structures for preservation.

Adair Mulligan, a member of the Conservation Commission and of the board of the Lyme Historians, said that indeed the CC had not visited the site but had consulted photographs. During the CC meeting she had described the historic stone bridge/culvert survey of the Division of Historic Resources, and that after the meeting she called the DHR for contact information for the state's consulting engineer, which she then provided to Scott. Scott said he spoke to the state and to this consultant who said it was private property, and asked who would accept the liability if the preservation approach was taken. He said that there is evidence of movement at the bottom and at the steel beams, including sink holes, and that the approach, which is the only access to the property, needs to be safe.

Mary Papademas, an abutter, said she agrees with all the comments, and in the 24 years she has lived next door, has seen semi tractor trailer trucks loaded with lumber cross the existing bridge. She said that the new owner is suggesting the least impacting approach she can. Mary added that she needs to drill a new well and that Baker Hill Road has created more runoff.

Deliberations: Jane asked for another opinion on safety of the crossing. George suggested a site visit. Walter said he didn't feel it was needed based on the engineer's report. Voted to table the discussion pending a site visit, on a motion by George seconded by Margot. Walter abstained, and the rest voted in favor. The hearing was continued to July 17 at 7:40 pm.

Out of Deliberations: Alan asked if any consideration had been given to crossing Grant Brook from Dorchester Road. Scott said this would bring major problems, including a need for a curb cut on a state road, a large bridge, and a long drive with steep grades. David Roby suggested to the applicant that he investigate other options that preserve the crossing, and that the board look at other stone culverts surviving in town. Ross said he knows of one on a farm road by Route 10 on land now owned by Priscilla Powers, and another on Tyler Hill Road. Adair offered to provide photographs taken during a recent cellar hole survey.

Application # 2008-ZB-010, Nigel and Ayodele Hart (Tax Map 405, Lot 35) 711 River Road, Represented by Haynes and Garthwait Associates.

Alan returned to his role as chair and appointed Margot to sit as a regular member.

The applicants request two special exceptions from the Zoning Board of Adjustment (ZBA) for the above referenced property. They wish to build a 910 sf addition to a single family residence that is a pre-existing non-conforming structure within the local shoreland protection district. They also propose to add a new 745 sf carriage house with a two bedroom accessory dwelling unit above a garage and to modify and expand the capacity of an existing septic system that is a pre-existing non conforming structure within the local Shoreland and Wetland Protection districts. Conservation Commission review and comment has been received. The proposed additions and carriage house are within the 200' building zone of the agricultural district. There are two conservation easements on the property, one held by SPNHF and one by the Connecticut River Watershed Council. The proposed septic system modifications for the main house would be less non-conforming than the existing conditions. An approved septic system plan would need to be provided for the accessory dwelling unit.

Byron Hart described the property, noting the house was built in 1985 before zoning, and has a man-made pond. The existing garage is structurally deficient and will be rebuilt in the same location with an accessory dwelling unit. The SPNHF easement indicates that the only location for this unit would be above the garage, which then requires that the existing 30 year old leach field must be replaced to serve it as well as the house. New technology will result in a smaller leach field with better protection for groundwater. A wetland delineation at the base of the terrace below the house has been done. All changes are outside the 250' protected shoreland for the state Shoreland Protection District.

Margot asked about the accessory dwelling. Byron said it is limited to 750sf by the town. Jane asked if the garage is being rebuilt to accommodate it, and Byron answered yes. Walter asked about the intrusion of the proposed sunroom in to the wetland buffer. Byron said it is 230 sf. He does not yet have a septic system design because he is waiting for this approval, but plans to use a Presby design which has been accepted by the state.

Alan asked about the reduction in lot area due to the agricultural soils and shorelands. It was agreed that the lot size is 21.5 acres, as given on the tax card, although Ayo Hart said that she thought she had purchased a 28 acre lot. Byron said he did not calculate the lot reduction because the building zone of the easements already restricts use. George pointed to discrepancies in other calculations. Byron said that the new garage would be larger than the existing one, and will be 960 sf, with an added open but roofed porch of 210 sf. Lot coverage is currently 2075 sf, with an addition of 1188 sf, including the breezeway of 18'x 8'6". Byron said that runoff will be treated before it reaches the wetland at the base of the terrace.

Deliberations: Margot asked about the accessory dwelling. Ross said it is permitted as long as it is connected to the leach field and does not exceed 750 sf. Walter added that the porch does not count unless it is enclosed and heated.

Ross proposed to grant a special exception under section 8.24 to add a sunroom of 230 sf and an addition to the house of a garage and breezeway of a square footage to be confirmed. This is an addition to a pre-existing, non-conforming structure in the local Shoreland Conservation District. The proposal to reconstruct an existing garage is not within this district. On the second floor of this reconstructed garage will be a 745 sf accessory dwelling unit, and there will be non-enclosed porch of 210 sf added to this garage. The accessory unit will be connected to a replacement leach field located approximately on the site of the existing leach field. Construction will use new technology and will provide an approvable facility to service the main and accessory dwellings. The property is subject to a conservation easement from the Connecticut River Watershed Council and the Society for Protection of NH Forests. A legal opinion confirmed that the application meets the provisions of both easements. A portion of the sunroom lies within the 100 foot wetland buffer from a man-made pond so two thirds of the sunroom, or 150sf, is in the wetland buffer. A portion of the leach field is within the 100' setback from the pond and 100' setback from wetlands on the lower terrace. Testimony has been given that the new leach field will be less polluting. The applicant has not received a septic system permit from the state, and approval is contingent upon this permit. The ordinance permits up to 1000sf of new construction within the conservation district, there fore after subtracting 150 sf for the sunroom, 850 sf remain for possible future approval. No abutters appeared. Easement holders were notified but have not responded. A letter from the Conservation Commission finds no impediment to approval but provides cautions about stormwater drainage. The application meets the conditions of section 10.40. All proposed building lies outside the state's 250 foot Shoreland Protection District. Regarding lot coverage, the board does not have a delineation of agricultural soils or other conservation areas that would decrease available land, but assumes that all of the 21.5 acres on the property lies within a conservation zone, Taking 20% of the total acreage gives a lot coverage exceeding the amount requested in the application. Testimony has been given that runoff will be managed to be treated before it reaches the wetland on the lower terrace.

Walter seconded the motion and it passed unanimously.

Meeting adjourned 9:35 pm.
Respectfully submitted,
Adair Mulligan, Recorder