

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – September 18, 2008

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

Alternate members: Present -Margot Maddock, Jane Fant

Staff: Francesca Latawec, Planning and Zoning Administrator, Adair Mulligan, Recorder

Public: David Roby, Travis Callahan, Erin Darrow, Randy Mudge, Pat Hill.

Minutes of August 21, 2008 were amended with several clarifications and approved contingent on clarifications as to whether, in the Conant decision, there will be an increase of over 500sf additional as allowed in the Lyme Center District, on a motion by George seconded by Ross.

The ZBA had requested the Planning and Zoning Administrator get an opinion from Town Counsel relative to the question raised at the July 17, 2008 ZBA meeting. Francesca reported with a written description that the question involves only appointment of alternate selectmen representatives, of which there are none on Lyme's ZBA.

Application # 2008-ZB-009, Joan Granlund, (Tax Map 409, Lot 84), 12 Baker Hill Road Ross McIntyre served as Chair for the discussion and appointed Margot to serve as a regular member. rehearing on special exception granted to replace an existing stone culvert with a precast concrete arch bridge within the Wetlands, Shoreland and Flood Prone Area Conservation Districts. The rehearing was granted subject to "the condition that structural engineers for both the applicant and the appellant be present with a written narrative to be prepared by each and that the stone mason also be present."

David Roby, an abutter, has requested a rehearing of the Board's decision that was granted July 17, 2008. He has provided drawings, a letter and a work plan prepared by Travis Callahan, the stone mason. David reported that he has spoken several times with Joan Granlund and her agent Steve Usle at Trumbull Nelson. He said that Ms. Granlund had told him that she has dismissed Pathways and has decided to abandon the project. He said she plans to barricade the access lane, remove the structure, and add the property to her portfolio of investments. David said that there are three facts of note: that the structure has real historic significance so should be saved; that the cost of doing so is reasonable in light of the cost of demolition and replacement; and that the restored culvert will provide safe access for today's heavier vehicles.

Ross pointed out that a condition of hearing the appeal was that structural engineers for both parties be present, and that since Ms. Granlund was not represented by one, the board could not proceed. Frank said that an engineering plan has been proposed and that an alternate is represented. David said it would be appropriate to deny the application for the culvert replacement. Frank asked if it is legal to barricade a property so that the fire department cannot access it. Alan said it would be too bad to block the drive and jeopardize the oldest house in Lyme Center. Jane said that no one has officially declared the crossing unsafe. Ross said he has visited the site and determined that firemen could haul hoses to the house.

Deliberations: Walter moved to declare the application abandoned, not denied or approved, based on testimony of David Roby who has spoken to the applicant. Francesca reported that Ms. Granlund replied to her message of that day by saying that the information was not enough to create a plan. Walter changed his motion and moved that the Planning and Zoning Administrator contact the applicant to see if she wants to pursue the application. Ross advised tabling the appeal until she comes to a hearing, and said he would accept the withdrawal of the previous motion.

Out of Deliberations: David pointed out that the rehearing had been noticed and that he is present with a stonemason and engineer. He believes the application should be denied. Ross said that if the applicant had read the ZBA decision about the appeal from the August minutes she knew that for the September meeting to act that she should have representation present. Jane asked why she defaulted if she knew the terms. Ross suggested it might be to delay a decision.

Deliberations: Ross moved to continue the hearing to November 20 at 7:40 pm and to ask the Planning and Zoning Administrator to contact Ms. Granlund to see if she wants to continue with the project to demolish the culvert and replace it with a pre-cast bridge, or withdraw her application. The motion was seconded by Margot and passed unanimously.

In further discussion, Erin Darrow said that restoring the culvert could be found as less impacting to the stream.

Zoning Amendments: Alan proposed correcting reference numbers on page 9 with regard to lot size. On p. 45, he asked about a definition relating to lot coverage. Other members said they were satisfied with the language.

Application # 2008-ZB-015, Peter McLaughlin and Jane Kitchell (Tax Map 402, Lot 104) 261 River Road has requested a special exception to construct a 210 sf covered porch and 32 linear foot retaining wall in the Shoreland Conservation District. On February 21, 2008 the applicant was granted a special exception to increase the house and barn from the 3,495 sf that existed when the zoning ordinance passed in 1989 by 285 sf to 3,780 sf and the guest house from 865 sf by 660 sf to 1,525 sf (5,305 sf total building footprint). This is a 945 sf increase that was approved, leaving 55 sf remaining within the 1,000 sf increase allowed by the zoning ordinance. The applicant's intent is to reconfigure the original proposal to increase the footprint of the house and barn from the 3,780 sf that was approved by 130 sf to 3,910 sf, to include a new covered porch. In order to do this, and keep within the zoning requirements, the applicant plans to decrease the footprint of the guest house from the 1,525 sf that has been approved to 1,450 sf. This 75 sf reduction, combined with the remaining 55 sf after what was approved on February 21 2008, would compensate for the increase in area to the house and barn and keep the project at the 1,000 sf limit. The plan, as currently proposed, would supersede the previously approved plan and should therefore be subject to the same conditions of approval.

The proposed retaining wall, shown on the plan, extends into the 50' primary building line established by the state comprehensive shoreland protection act (CSPA). A state shoreland protection permit has been applied for from NHDES. The Conservation Commission has reviewed the proposed project and believes that following best management practices, as outlined in their letter and the revised landscape plan for the project will minimize potential impact to the Grant Brook outlet and the Connecticut River.

Randy Mudge characterized the change as a minor modification of a previously approved site plan. The applicant wants to use the rest of the 1000sf expansion allowance, and has reduced the size of the guesthouse to do this. He added that the retaining wall had been originally designed to be outside the state's 50 foot shoreland building setback, but the owner wants it to be closer than 50 feet. Walter said this is a state issue. Alan asked about the addition of the area of terrace. Pat Hill said that the terrace will be made of permeable material and so she used only the walls in her calculations. Walter said it would be appropriate to treat this as a new special exception.

Deliberations: Frank asked Francesca if she is confident the applicant is under the 1000 sf limit, and she confirmed this. Ross moved to grant a special exception for the house project to increase by 285sf with the following:

FINDINGS OF FACT:

- The current request is for an additional 130 sf for a total of 3910 sf to include a new covered porch
- To keep within the 1000sf allowable increase in conservation areas, the applicant has reduced the expansion of the guesthouse by 75sf
- The impact on conservation areas is essentially unchanged
- There is a slight change in the curve of the stone wall
- All provisions of the previous approval are in force
- No abutters were present
- The Conservation Commission has reviewed and has no objections

CONDITIONS

- DES approval must be obtained
- Recommendations of the Conservation Commission regarding stormwater management and plantings must be followed.

Alan seconded the motion and it passed unanimously.

Meeting adjourned 8:42 pm.
Respectfully submitted,
Adair Mulligan
Recorder