

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – February 19, 2009

Board Members: Present Alan Greatorex, Chair; Ross McIntyre, Vice Chair; Walter Swift

Alternate Members: Jane Fant

Staff: Simon Carr, Selectman

Public: Heather Toulmin

Minutes: The minutes of January 15, 2009 were approved on a motion by Ross McIntyre, seconded by Alan Greatorex.

**Application #2009-ZB-04, Heather and Stephen Toulmin (Tax Map 402, Lot 65)
5 Sloan Lane in the Rural District.**

Alternate Member Jane Fant was appointed as a voting member for the Board. The hearing was on appeal of administrative decision to deny a building permit to install a replacement septic system in the Shoreland Conservation District and side property setback. The property is currently owned by Lisa Wilmot. The applicants are under contract to purchase the property contingent upon issuance of the special exceptions to zoning regulations that will permit replacement of the existing septic system. The applicant furnished plans of the lot showing a small stream located on the easterly and southern boundaries of this 0.66 acre non-conforming lot.

Findings of fact: The house and lot predate the Zoning Ordinance. The existing septic system was permitted and installed in 1974 to service a four bedroom home and utilizes a 750 gallon steel septic tank and gravity flow to the leachfield. The entire lot lies either within the Shoreland Conservation District or the road setback. An Enviro-Septic system sized for four bedrooms and including a 1000 gallon concrete septic tank has been recommended by a consulting engineer. The applicant states that the engineer will make final recommendations concerning the location and grade and type of the system when the weather is appropriate for making detailed measurements. Section 4.64 does not apply because of the small size of the lot. No abutters attended the hearing.

After entering deliberations Alan Greatorex moved that the necessary special exceptions be issued because the entire property is either in the Shoreland Conservation District or setback area. Such special exception is permitted in Section 8.24 and the septic system cannot be reasonably located elsewhere. The current system is designed to service a four bedroom home. The new system will serve the same number of bedrooms and will not increase the septic loading in the District. Replacement of a non-conforming structure is allowed under Section 8.27 so long as the replacement does not result in a new or increased violation. The motion was seconded by Ross McIntyre and was approved unanimously.

Conditions:

1. The Conservation Commission must conduct a review of the planned replacement system and its impact on the Shoreline Conservation District as required by section 8.24 This should occur prior to the issuance of a building permit.
2. The project is developed as described in the application. The final septic design is to be based upon measurements taken when snow cover is absent.
3. A design for a four bedroom system must be submitted to and approved by DES prior to issuance of a building permit.
4. Best construction practices will be employed to avoid harm to the Shoreline Conservation District and the small stream surrounding the property.

Respectfully submitted,
Ross McIntyre, Secretary Pro-tem