

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – January 21, 2010

Board Members: Present - Alan Greateorex, Chair; Ross McIntyre, Frank Bowles, Walter Swift

Alternate Members: Present –Jane Fant

Absent: Margot Maddock, Alternate Member

Staff: David Robbins, Planning & Zoning Administrator

Public: Charlie Hirshberg, CLD Consulting Engineers, Inc.

Chairman Greateorex appointed Jane Fant to serve as a regular member.

Minutes from the December 17th meeting were approved. The motion was made by Ross and seconded by Frank. The motion passed unanimously.

Application #2010-ZB-03, CLD Engineering on behalf of Carol Barr. (Tax Map 403 Lot 16) 301 River Road

CLD Engineering has applied on behalf of Carol Barr to construct a replacement septic system, drill a well and create 2 off-street parking spaces within the setback areas and within the Shoreland Conservation District and Flood Prone Conservation District.

In their application they have requested two special exceptions and two variances. The special exceptions are to alter the natural surface configuration in the Shoreland Conservation District and in the Flood Prone Conservation District, sections 4.63.B.4 and 4.65.B.6. The variance requests are for encroachment into the setback areas, section 5.10 c,d & e. and Sewage Disposal System Setback from the Connecticut River, section 5.13.E.1.a.

The entire project is within the Connecticut River Shoreland and will require a NH Shoreland Permit. The septic approval will need to be obtained prior to the Shoreland permit application being submitted to and approved by the state. CLD is currently working with the New Hampshire Department of Environmental Services subsurface systems bureau for the Septic Permit and will be applying for the Shoreland Permit in the near future.

Charlie Hirshberg presented the plans for the new septic system, well and parking area to the Board as well as providing a new set of drawings. Currently the property is used seasonally and has a septic system of unknown design. The cabin is cantilevered over the slope with the west side of the structure several feet in the air. Effluent is gravity fed from the house into a concrete tank of unknown size and then flows into a drywell. The northeast corner of the house sits on or very close to the edge of the tank. Non-potable water for the house is drawn directly from the Connecticut River. Parking for the cabin is non-existent; anyone using the cabin must park on the shoulder of River Road.

The proposed septic system would consist of two tanks set within the 100 year flood plain and an Enviro-septic leach field placed between the house and the road above the flood plain. The two tanks would be sealed with covers that have gaskets and are bolted in place, so that they will be able to withstand a 100 year flood event. The leach field will be covered with grass using a high traffic seed mix. A two car parking area will be established over the leach field.

The proposed well will be located approximately 30 feet to the south of the leach field. This is within the 75 foot setback required by the state. This location will require a waiver by New Hampshire Department of Environmental Services.

The plans include proposed plantings to be used to help stabilize the soil on the lot.

Alan asked Charlie if any testing has been done to determine if the lot sits on a ledge outcrop that is visible to the south along the road. Charlie stated that the only test pits that he dug were for the leach field and were six feet deep and he did not encounter any ledge. Alan stated his concern that adding the water from the leach field at the top of the site could cause the property to slough off into the river. Charlie stated to help reduce the amount of water entering the system he has insisted that all the fixtures in the cabin be replaced with low flow devices. Alan went on to ask if any structural testing has been done to determine the stability of the cabin. Charlie had not done any. Ross asked if the owner had any plans to expand the cabin or increase the use of the cabin. Charlie was not aware of any expansion plans by the owner with the exception of necessary repairs such as a new roof.

Deliberations: Ross noted that by approving the new septic system the Board would be opening up the way for more improvement to the site and increase the intensity of use. These increases could lead to an increase to the amount of water introduced into the system. Given the erosion that has taken place in this area of River Road, it would be conceivable that damage to the property could take place from the introduction of the water. Due to the steep slopes, Ross felt that it is critical for the Planning Board to address the steep slope issue. Ross also stated that the Zoning Board should also address the issue of future expansion of the cabin. He felt that restrictions should be placed in any decision that would prevent any future expansion of the structure or the intensity of use. He cautioned the Board that an approval could set a precedent.

Jane commented that an approval to improve the waste water treatment on the site, which would be considered an improvement, could in fact be creating a larger problem that could damage the property.

Walt expressed concern that if damage occurred to the property and possibly to River Road, the Town may be liable.

Ross moved that the Zoning Board convey to the Planning Board concern that this project has the potential, due to increased water loading into a steep slope within the Shoreland and the Flood Prone Area Conservation Districts, to cause destabilization of the soil. This in turn could potentially cause life safety issues for the property owners and residents of the Town. The ZBA asks the Planning Board to review the project in respect to the intent of the Master Plan and the Zoning Ordinance, noting that the project is on a slope greater than 30%, is within the road setback area, is within the Shoreland Conservation District and at least 75% of the project is within the Flood Prone Area Conservation District (100 year flood plain). The motion was seconded by Frank and it passed unanimously.

Frank Moved that this application be tabled until March 18, and upon the receipt of the Planning Board's input the ZBA will continue its hearing of this application at that time. Ross seconded and it passed unanimously.

The meeting adjourned at 9:15pm

Respectfully submitted,

David A. Robbins
Planning and Zoning Administrator
Town of Lyme