

**Town of Lyme**  
**ZONING BOARD OF ADJUSTMENT**  
**Minutes – ~~July 15~~ June 17, 2010**

**Board Members:** Present - Alan Greatorex, Chair; Frank Bowles, Walter Swift

Absent: Ross McIntyre, Robert Titus

**Alternate Members: Absent:** Margot Maddock

**Staff:** Dave Robbins, Planning & Zoning Administrator; Adair Mulligan, recorder

**Public:** Andrew Garthwaite, Sallie Ramsden, Bill Giles, Garry Thrasher, Rita Murdoch, Rod Finley

The meeting came to order at 7:30 pm. Minutes of the June 16 meeting were approved with correction of a typo on a motion by Frank seconded by Walter.

**Application #2010-ZB-47**, Haynes and Garthwaite on behalf of Lyme Congregational Church (**Tax Map 201 Lot 95**) **1 Dorchester Road in the Lyme Common Zoning District**. The Lyme Congregational Church has a proposed to reconfigure the side and rear entrances to the church. The proposal includes increasing the size of the porch on the side entrance (facing the horse sheds) to make a safer egress and to reconfigure the rear entrance and add a roof over the handicap ramp. Due to the size of the lot, the entire east side and rear of the building are within the setbacks, therefore a special exception is requested under section 8.23.

The current building also exceeds the maximum footprint for the lot. The lot is 14,375 square feet. The maximum building footprint is 863 square feet. The current building is 5,002 square feet. The applicants are requesting a special exception under section 8.25 to add an additional 144 square feet to the building footprint. The applicants are also requesting a Waiver to Accommodate Disability under section 10.62 for the new handicap ramp.

Andrew Garthwaite described the project, noting that the side stairway doesn't meet building code, and is signed as an emergency exit. There is a desire for an energy-efficient airlock vestibule on the north end, and a covered ramp for ADA accessibility. He noted that the building, built in 1812 long before zoning, exceeds lot coverage restrictions and is located in all road setbacks. To meet code, a covered porch will be created. The non-conforming structure on the property will increase. He said that a significant part of the increase is due to covering the ramp.

Frank asked about the structural integrity of the building. Andrew said that it is in good condition, and that the roof is a work of art. Floor supports that had been removed for the heating plant will need to be replaced, but otherwise it is sound. Alan asked whether covering the bulkhead had been considered. Andrew said that this would result in covering a window.

Walter turned attention to the property line and status of the three roads surrounding the church. David determined that in addition to Dorchester Road and Route 10, John Tomson Way is also a Class 2 state road. Various layouts of the ramp were discussed, and it was determined that the best alignment was the proposed one, to bring users close to barrier free parking with a better grade on a shorter ramp. Andrew said that the ramp could be moved slightly closer to the building and farther from John Tomson Way. Walter was concerned about whether the state might object to encroachment into the state road area.

Deliberations: Walter noted that the project could be approved conditional upon state DOT approval of the project, but if the state objects, the project must be redesigned and resubmitted for ZBA review. The state requirements were unknown. Walter suggested that the state might consider downgrading the road classification under the circumstances. David noted that the covered part of the ramp was included in footprint calculations but the uncovered part was not.

Walter suggested that if the ramp is an ADA requirement, a waiver for the entire ramp could be granted without affecting the ability of the applicant to expand the structure. Alan noted that if the congregation expands significantly, it might be desirable in the future to expand toward the north end.

It was determined that if the ramp were not included in the calculations, the application was requesting 94.5 sf for the north vestibule and 76sf of increase for the east side entrance, resulting in an increase in square footage of 170.5 sf.

Walter moved to grant special exceptions for the application by Haynes and Garthwaite on behalf of the Lyme Congregational Church, to sections 8.23 and 8.25, for replacement of an access ramp and a secondary building entrance. Findings of fact include:

- The airlock vestibule on the north side will have a footprint of 94.5 sf
- The doorway modification on the east side will result in an increase of 76 sf in footprint.
- Those increases in lot coverage and building footprint are permitted by sections 8.23 (encroachment into setbacks) and 8.25 (expansion of non-conforming structure).
- A waiver is granted for a handicapped access ramp adjacent to the exit on the north side, without footprint or lot coverage penalty because it is required by code and the Americans with Disabilities Act.
- This is an existing, nonconforming building and lot before zoning.
- [CurbingsCurbing](#) may be altered on existing church property without ZBA approval.
- The board recognizes that recalculation has resulted in a change from 144sf of proposed increased lot coverage and building footprint to 170.5 sf.

Conditions:

- No building permit shall be granted until written approval from the NH Department of Transportation has been received for the proposed plan dated 07/08/2010 and prepared by Haynes and Garthwaite. If approval is not granted for the existing plan, the applicant may come back with plans for a design that meets state requirements.
- The project will be built substantially as shown on the plans submitted.

Frank seconded the motion and it passed unanimously.

Meeting adjourned 8:32 pm.

Respectfully submitted,  
Adair Mulligan, Recorder