

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

Board Members: Present - Ross McIntyre, Vice Chair; Frank Bowles, Walter Swift, Robert Titus

Absent: Alan Greatorex

Alternate Members: Absent: Paul Mayo

Staff: Adair Mulligan, recorder

Public: Eric Mitchell, Luke and Lee Prince, Tish Smith

Vice Chair Ross McIntyre called the meeting to order at 7:30 pm. Minutes of the meeting of September 16 were accepted as presented, on a motion by Frank seconded by Bob.

Application #2010-ZB-80, Eric Mitchell & Associates on behalf of the Albert P. Carrier Trust (Tax Map 402, Lot 83) 2 Maple Lane in the Rural District.

Eric Mitchell & Associates, Inc. has applied on behalf of the Albert P. Carrier Trust to the Lyme Zoning Board of Adjustment for Special Exceptions under sections 8.23 and 8.24 of the Lyme Zoning Ordinance for the construction of a replacement septic system on the property. The location of the replacement system is within the road setback, Shoreland Conservation District and the Flood Prone Conservation District. Eric Mitchell said that the house is for sale, and that the current septic system is unknown. The house dates from approximately 1950. The family of the deceased owner wants a state-approved septic system. The current proposal meets state standards for a 75' setback from Hewes Brook, and is not within the state's Shoreland district, but is within the town's Shoreland district. Floodplain extends toward the intersection of River Road and Maple Street. Mitchell said that the only location to put the septic system is at the intersection, ten feet from the lot line, to be as far from the brook and at the highest elevation as possible. The house is a two bedroom house, and the septic system will be designed to serve this number of bedrooms.

Frank asked about a mercury float switch, mentioned on the plans. Eric said this would not be used. Ross noted that the grade of the leach field would be about a foot above the current ground level, and asked if it would impair visibility at the intersection. Frank thought it would not, and asked why a pressure dose leach field was not proposed. Eric said that the proposed system is the most conventional to make it easy to install.

Deliberations: Frank noted that the Conservation Commission had written and expressed no objections. He thought the proposal was the best that could be done under the circumstances. Frank moved to grant a special exception under sections 8.23 and 8.24 of the zoning ordinance to allow construction of a septic system on the lot at 2 Maple Lane.

- Testimony presented indicates that the criteria for special exceptions are met.
- The Conservation Commission has indicated no objection.
- It is in the public interest to prevent septic loading in the nearby waterway
- Section 8.27 allows for replacement of a non-conforming structure.
- The house and existing septic system were in place before the adoption of zoning.

Conditions include:

- The state must approve the septic design before a building permit is issued.
- All codes will be met.
- Best construction practices will be used.
- The existing system should be located and backfilled.

Walter seconded the motion and it was unanimously approved.

Application #2010-ZB-61, Luke Prince (Tax Map 201, Lot 39) 36 Union Street in the Lyme Common District.

Luke Prince has applied for two special exceptions under sections 8.23 and 8.25 to build a new garage and breezeway on his property at 36 Union Street. The proposed location of the garage will be partially in the side setback and the entire structure will exceed the Maximum Lot Coverage and the Maximum Building Footprint. The current house already exceeds the maximum building footprint and the maximum lot coverage. The applicant has removed a 30 square foot greenhouse from the south side of the house and will be removing the cement pad. He has also proposed to remove five feet from the end of the existing barn. This will free up a total of 168 square feet of lot coverage and building footprint.

The applicant is seeking a special exception under section 8.23 to expand 336 square feet into the side property setback. A special exception under section 8.25 of the Zoning Ordinance is sought to add 496 square feet of lot coverage and exceed the maximum building footprint by 1727 square feet. Section 8.25 allows for up to 500 square feet of lot coverage and a maximum of 4500 square feet of building footprint by special exception.

Luke explained that the attached barn on the back of his house has no foundation under it, and he needs more space for bedrooms for his three children. He proposes to take the barn down and build a garage. Parts of the barn structure will be incorporated into the house. Ross noted that the house was built long before the library, in 1826. He lived next door years ago, and recalled that Bob Chaffee showed him a granite corner post. He was never able to get a lot line adjustment. Tish Smith said that a surveyor would be useful, and that the library would like the shrubs on the property line to remain. Luke said he would keep the shrubs and replace them if they were damaged. He believes the fence is on his property. Frank advised a licensed surveyor.

Bob asked why the building project was not designed further east on the property to avoid the side setback. Luke said that they would need to drive too close to the new leach field. The septic system, sized for four bedrooms, is new and is located as far from the nearby wetland as possible. No site plans were available to show this. He said that a two-bay garage could not be built beyond the house.

Walter asked if the septic tank could be pumped and septic system replaced if the garage is built where proposed. Luke said that there is room to enter the property through the library lot. Walter asked how snow would be shed from the garage room. Luke said it would be a two-story garage with ridgeline placed so that snow falls on the driveway and the rear of the lot, rather than on the library property. Snow would be placed on the edge of the drive. Bob asked about the need for such a long breezeway. Luke said that there would be no foundation under the breezeway, and that its location is meant to protect the view through the back and a flower garden.

Deliberations: Bob said he is conflicted because of the lack of specific information available to ascertain that the garage cannot be located elsewhere. Frank asked if the breezeway roof presents a problem for lot coverage. Ross said if the lot lines were different, the applicant would be allowed to build the structure, and the issue is the necessity of placing it where there is well drained soil. He spoke from experience as a former owner of the neighboring property. Frank suggested that the applicant come back with a plot plan to clarify questions. Walter said that the issue is whether the garage can be reasonably located elsewhere, and didn't see the need for a detailed plan. He asked if the height of the building would block the sun into the library windows, and was told no. He thought that if the two parties agree that the building and construction activity do not intrude into the library property there would be no need for a survey.

Walter moved to grant a special exception for construction of the garage and removal/refurbishment of other portions of the structures as proposed in the application. Findings of fact include:

- The structure predates the ordinance, and the house is integral with the barn.
- The lot is a non-conforming lot of 0.39 acres with a non-conforming structure.
- The existing footprint is 2250 sf.
- The proposed new structure is a breezeway and garage, create a total footprint of 664 square feet. The barn will be torn down and portions of it used in the construction of an addition to the house.

There will be a net reduction of 168 feet in coverage by the dwelling addition in the former barn footprint.

- The proposed modifications include addition of a garage in the side setback
- 168 sf will be removed from the former barn footprint to give a net addition of 469 sf footprint.
- This will increase the total lot coverage to 2746 sf.
- The total building footprint of all structures will be 2746 sf.
- Under section 8.25, expansion of an existing non-conforming structure is allowed; this would exceed the limits in Table 5.1, but in the Lyme Common District, expansion is allowed up to a limit of 500 sf.
- The project meets the ordinance's requirements with up to 31 sf left for future expansion.
- The only abutter that provided testimony was a representative of the library, who expressed concern about the proximity of the garage to the lot line and the presence of foliage along the side line.
- The applicant presented notation information about the septic system, recently upgraded, and its proximity to wetlands.
- It is inappropriate to place the garage east of the buildings because of the septic system location.
- The ridgeline of the two story garage is such that snow will fall into the drive, not onto the library property.
- The garage is to be unheated and uninsulated.

Conditions

- Before a permit can be issued, the applicant must demonstrate to the Zoning Administrator that he has reached an agreement with the abutting library regarding the proximity of the garage to the property line and the abutters' concerns are satisfied. Both landowners will agree on the dimensions between the side of the garage and the lot line, and provide a diagram of the agreed dimensional controls.
- The applicant must maintain or restore foliage damaged during construction to preserve this barrier.
- The new garage will be constructed as shown on the application, subject to the agreement between the parties.
- Best management practices will be especially necessary because of proximity of the library building.

Frank seconded the motion. It passed with three in favor and Bob opposed. A copy of the decision notice shall be sent to the library.

Walter asked that the Zoning Administrator be instructed to be sure that applicants are prepared to provide all necessary information at the hearing.

Meeting adjourned 9:00 pm

Respectfully submitted,
Adair Mulligan, Recorder