

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – December 16, 2010

Board Members: Present - Alan Greatorex, Chair; Ross McIntyre, Vice Chair; Rob Titus
Absent: Walter Swift, Frank Bowles
Alternate Members: Absent: Paul Mayo
Staff: David Robbins, Zoning Administrator; Adair Mulligan, recorder
Public: Alexandre Bird

Chairman Alan Greatorex called the meeting to order at 7:30 pm. Minutes of the meeting of November 18 were accepted, on a motion by Ross seconded by Rob.

Application #2010-ZB-92, PETSU (Tax Map 201, Lot 11) 1 Market Street in the Lyme Common District.

PETSU, LLC, owner of the Lyme Inn, has applied for a variance to sections 5.10 and 5.13 of the Lyme Zoning Ordinance in order to install a new well. The proposed well would be located at the front of the Inn in the road setback area. Alexandre Bird of the inn said that it was unexpected, after completion of the inn's rebuilding, to discover that the well was at the end of its useful life. The present well is located under the main building of the inn, and cannot be replaced there. Ross noted that the drawing shows the proposed well is just outside the 125' radius from the leach field and asked about the location of the leach field at the Brannen house. Alex said it was located in the yard just west of the house. He added that the back of the parking lot is wetland, and that a well drilled there could easily be contaminated by bacteria. The only location left on the property is in front of the inn.

Rob asked what permits are needed. Alex said he has a water specialist working on it and awaits state approval. David confirmed that there is state oversight. Ross asked about possible salt contamination from the nearby roads. Alex said that if this happens, it is a treatable condition. Rob asked what would be above grade. Alex said that a small portion of the casing will be above ground, and it will be protected with pylons or other structures to protect it from injury, and may be concealed by a decorative cover or landscaping. David reported that abutter Cynthia Bognolo had called him to say she has no objection to the new well.

Deliberations: Ross advised issuing a special exception under section 8.23. Alan noted that the definition of structure includes a well and that section 8.23 deals with expansion of accessory structures into road setbacks. Ross noted that the application indicated no other options, and that there is no problem with lot coverage. The building was in place before 1989. He moved to grant a special exception under section 8.23, with the following findings of fact:

- The application requests a variance for construction of a new rock well in the road setback.
- The existing well cannot be reconstructed and is failing.
- There is a need for a reliable source of water for the inn
- The location chosen is acceptable for the state for a source of drinking water
- No abutters attended, and one reported by phone in favor of the application.
- The board discussed the issue of a variance versus special exception, and examined section 8.23 under which well construction in this setting is considered. The board found that the application meets the conditions A, B and C of section 8.23.

Conditions: the applicant will protect the head of the well to the extent deemed necessary for protection from road hazards. Screening of the above-ground structure is encouraged. The necessary permits will be

received from the state. Protective easements to avoid contamination must be received from surrounding property owners.

Rob seconded the motion and it passed unanimously.

Regular meeting adjourned 8:02 pm

Respectfully submitted,
Adair Mulligan, Recorder