

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – August 18, 2011

Board Members: Present - Ross McIntyre, Alan Greatorex, Walter Swift

Absent: Frank Bowles, Rob Titus

Alternate Members: Absent: Paul Mayo

Staff: David Robbins, Zoning Administrator; Adair Mulligan, recorder

Public: Jane Fant, Robert Woods, Bob Coyle

Chairman Ross McIntyre called the meeting to order at 7:30 pm.

Minutes of the meeting of June 16, 2011 were approved on a motion by Alan seconded by Ross.

Alan noted that the applicant for application #2011-ZB-14, which was to have been heard on July 21, had withdrawn.

Application #2011-ZB-38, Jane Fant (Tax Map 409, Lot 12.2) 173 Dorchester Road in the Lyme Center District.

Jane owns two adjoining parcels in Lyme Center. At the May 6th 2011 Planning Board meeting Jane applied for and was granted a lot Line Adjustment to annex .09 acres from Lot 12.1 to lot 12.2 both parcels being on tax map 409. All the lot size calculations have been made using the post Lot Line Adjustment lot size. Jane had abandoned a previous application that was heard at the June 16 meeting.

Jane has made a new application to the Lyme Zoning Board of Adjustment for a special exception under section 8.25 of the Lyme Zoning Ordinance, to expand the footprint of her house. The original house was built in 1826, therefore the existing footprint and lot coverage is pre-zoning. There have been no post-zoning expansions to the residence on the property. Side setbacks in the Lyme Center District are 20 feet.

Lot Size (post lot line adjustment)	14810 square feet
Maximum Lot Coverage	1777 square feet
Maximum Building Footprint	889 square feet
Existing footprint and lot coverage	1547 square feet

Jane has proposed to remodel the existing residence and expand the building footprint by 98 square feet. Because the existing (pre-zoning) house is already over the maximum footprint for the lot the applicant

has requested a special exception under section 8.25 for the expansion. She accepted a three member board.

David measured the property against the plans and found 25' from the foundation edge to the west property line. The proposed tool shed is 10 feet wide and 6 feet deep, not 5 feet as indicated on the application, so would intrude into the west setback by one foot for a total of 10sf. The proposed 8' x 6' porch on the east side would intrude into the east setback by 6sf. David believes the applicant will therefore also need a special exception under section 8.23.

Proposed new footprint and lot coverage	1655 square feet
Total Expansion	108 square feet

Ross asked if the tool shed could be placed against the rear wall to avoid intruding into the side setback. Jane said that a screened porch is planned for the rear of the house, and the tool shed would block it. Adair Mulligan, the abutter to the east, said she supported the project. She asked if the dimensions were correct on the drawing or if the porch would be slightly set back from the main house as indicated, suggesting that would be the ideal. Jane said she was not sure, and the elevation drawings did not indicate. Walter said that this was more of an esthetic question than a dimensional one. Adair reminded that she supported the project.

Deliberations: Walter noted that the two additions could not reasonably be located elsewhere. He moved to grant a special exception for the addition of a 6' x 8' porch on the east side and a 6' x 10' addition on the rear of the west side, with the following findings of fact:

- Neither addition can reasonably be located elsewhere because of the location of windows and other porches.
- The 6x8' addition will intrude 1' x6' into the east setback
- The 6' x 10' addition will intrude 1' x 10' into the west setback
- The zoning ordinance permits expansion of existing non-conforming structure within side setbacks under section 8.23, up to 500sf in the Lyme Center District
- Section 8.25 allows 500sf of additional expansion for additions that exceed the maximum footprint on the lot
- Maximum Lot Coverage on the lot is 1777 square feet
- Maximum Building Footprint is 889 square feet
- Existing footprint and lot coverage is 1547 square feet
- Proposed new footprint and lot coverage is 1655 square feet
- Total expansion is 108 square feet, leaving 392 sf for future expansion
- Expansion into the side setbacks is 16sf, leaving 484 sf of encroachment into the side setbacks
- An abutter was present who expressed support for the project
- Neither expansion violates section 10.40
- Conditions: additions will be made as shown on the July 8 drawing submitted with the application. Best construction practices will be observed.

Alan seconded the motion and it passed unanimously.

Application #2011-ZB-79, Tami Dowd (Tax Map 201, Lot75) 9 Main Street in the Lyme Common District.

Tami Dowd is requesting a variance under sections 5.14, 5.15 and 5.16 to construct a 1900 square foot (38'x 50') addition to be used as a full service restaurant and a tavern on the property at 9 Main Street. The applicant's attorney has requested a joint hearing with the Planning Board at their meeting on August 11, 2011; however, the Planning Board voted to deny the request for a joint hearing, believing that there were too many issues that pertained only to one board. Ross agreed with this.

Ross noted that the applicant had requested a continuance, and suggested that David convey the board's request for more information to the applicant. Ross said that the plan sketched on the tax map is undated and unsigned. A date and indication of its origins are needed so it can be compared to other plans that may be presented. Distances to adjacent property lines and the location of the well and septic system are needed. David noted that the location and type of septic system is in question since the current leach field must be abandoned for the project. Walter asked that the fire pond and lane to it be shown. Alan noted that the resolution #2 of the June 22, 1990 record said that the inn was supposed to maintain a record of water consumption, and he was unsure if this was done. He asked if the parking area was designed using the rural district or Lyme Common district rules. He asked where the kitchen addition is located, and where the tavern is located. Walter said that it would be helpful to have details and relevant minutes for the two other restaurants in the district, including operating hours. Alan asked for updated septic information.

Walter moved to continue the hearing to the next meeting on September 15. Alan seconded the motion and it passed unanimously.

Meeting adjourned 8:18 pm
Respectfully submitted,
Adair Mulligan, Recorder