

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – October 20, 2011

Board Members: Present - Frank Bowles, Alan Greatorex, Walter Swift, Rob Titus

Absent: Ross McIntyre

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

Vice-Chairman Frank Bowles called the meeting to order at 7:35 pm.

Minutes of the meetings of September 15 and 19, 2011 were approved on a motion by Alan seconded by Walt.

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

Continuation of application for a variance requested 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 at Dowd's Inn. At the request of the applicant, the hearing was continued to the next regular meeting on November 17, on a motion by Walter seconded by Alan. Walter recommended placing this hearing at the end of the meeting.

Application #2011-ZB-83, Don Metz on behalf of Peter and Janice Treadwell (Tax Map 408, Lot 47.2) 18 Horton Lane in the Rural District. The application is for a special exception to build a single family dwelling on the Treadwell property. The proposed location is within the Hillside and Ridgeline zoning district and therefore requires a special exception under section 4.66B of the zoning ordinance. David said that the applicants were unable to attend but wish to proceed as they believe they have no further information to offer. He reported that the applicant had put out a flag where the house peak was to be, and that David had not been able to see it from Baker Hill Road or from Bull Moose Farm on Acorn Hill, although it could be seen from some spots on Franklin Hill Road. Frank corroborated this, adding that other structures nearby are also visible. Walter pointed out that if there are no trees, the proposed house would be highly visible. Alan noted that the size of the flag was not specified. Rob said he had seen it from Franklin Hill Road.

The board entered deliberations, exiting several times to take testimony from David, who explained that the map of the district was prepared using an elevation model based on land surface, not tree cover. Alan observed that trees are not permanent cover; they can be cut, blown down, or burned, and this area was open farmland without trees all the way to Smarts Mountain until the 1940s. He believed that the area should be considered without trees, and should also balance the decision with conditions that make a house as visually unobtrusive as possible. Frank argued that the house should be permitted because it would be similar to others in the area. It was confirmed that the nearby houses in the Hillside District were all built before zoning. Rob advised that therefore, they should not be considered.

Walter recalled the site visit, and thought that the house could be moved to a flat area across the drive, where it would be less imposing and would not be visible from Franklin Hill Road, although it would still be visible from Acorn Hill Road, although not easily so. David said that he talked to the applicants about it, but they want to put the house where proposed so it will have a view. He noted setbacks might come into play. Rob said he wasn't sure how the view would change by moving it. If there were no other place to put a house, a reasonableness test would be met, but he believed that the house could be moved. David displayed a plat showing the new lot line.

Walter moved to continue the hearing to the next regularly scheduled meeting so that the applicant could come back with more information. He asked for a map showing current property lines, the proposed location of the house, delineation of steep slopes and the ridgeline /hillside district (300' buffer from road), and contours, so that the board can discern where a house could be reasonably located on the lot. A survey is not needed. David said he may be able to help with overlays. Frank seconded the motion and it passed unanimously.

During the meeting the location of the internet relay tower on the Treadwell property was raised. David will research the permitted height and location of the tower and report on it at the next meeting.

Meeting adjourned 9:05 pm
Respectfully submitted,
Adair Mulligan, Recorder