

**Town of Lyme**  
**LYME ZONING BOARD OF ADJUSTMENT**  
**Minutes – May 17, 2012**

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

**Alternate Members:** Dan Brand, Michael Woodard

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

**Public:** Tami Dowd, Darryl Torrey, Bob Coyle, Colin Robinson, Cynthia Bognolo, Stephen Mott

Frank Bowles called the meeting to order at 7:30 pm.

**Minutes:** Minutes of April 19 were approved on a motion by Rob seconded by Alan, with one typo amended.

**Application #2012-ZB-21, Dowd's Inn (Tax Map 201 Lot 75) 9 Main Street in the Lyme Common District.**

Dowd's Inn has applied for a variance to construct an addition to be used as a 60 seat restaurant and a 10 seat tavern. The tavern will serve food and beverage to both the public and guests at the inn. The existing inn already exceeds the maximum building footprint for the Lyme Common District. Colin Robinson provided updated information, including a replacement spreadsheet of lot coverage and footprint figures, and reviewed the information submitted and the history of the application. The project was turned down in site plan review last August and the application was withdrawn in November 2011 because of proximity of the septic system to the well. The Zoning Ordinance was amended at 2012 Town Meeting, and there is now sufficient area. The applicant is requesting four variances: to sections 5.14, 5.15, 5.16, and Table 4.1. Colin noted that the proposed addition is 1400sf, not the 1900sf in the application. He noted that in the last few years a few restaurants have been approved in the Lyme Common District although Table 4.1 says they may not. David pointed out that Stella's was permitted as a restaurant conversion. Colin continued that the community attitude survey indicated that 54% would like more restaurants in Lyme. Tami assured Dan that the food service would not be take-out.

Colin turned to the spreadsheet dated 5/17/12 showing features of seven nearby properties, noting that several are out of compliance with the ordinance and/or grandfathered, and said that Dowd's would be significantly less out of compliance than these others. He said that the project could not be done in another way, and asked Tami to review the alternatives that were considered. Tami said that putting the restaurant function in the current breakfast area would eliminate the current feeling of the breakfast service area and would create noise that would intrude on the two (Check memory- I thought Tami said that there were three handicap rooms) nearby handicap accessible rooms that are the inn's highest revenue sources. Some room space would be lost if an elevator had to be put in to move these elsewhere. The banquet room was considered for partial conversion, and sharing a restaurant space would eliminate seating for large groups in the banquet space. Frank asked if there is parking for both the banquet room and tavern. Colin said yes, that there are 30 spaces now and 43 are planned. He said most groups come by bus.

Frank asked for public comment. Bob Coyle said he agrees restaurants are needed in town and supports the Dowd's proposal. He pointed to concern about parking, and said that Dowd's guests sometimes park at Stella's, giving potential customers the impression that Stella's is full. He said that Dowd's guests also park on the common, and that the 43 spaces do not take the banquet room into account. He advised counting parking for staff. Colin said he didn't think parking was part of the variance decision because it will be addressed in site plan review and that his calculations were based on the site plan review tables. Dan noted that the numbers in question are a minimum standard and asked if there are, in fact more areas on the property where parking could be added. Colin added that Tami has found Stella's customers parking in her lot. Cynthia Bognolo commented that Dowd's has been well taken care of, and that Tami gets town approval and police coverage for larger events.

Colin requested an hour's time at the next meeting. Rob moved to continue the hearing to the next regularly scheduled meeting on June 21. Alan seconded the motion and it passed unanimously. Frank asked for a conservation overlay on the lot for the next meeting, including distances and all features such as the well.

[Frank left the meeting, and Rob Titus served as acting chair]

Rob appointed Dan Brand to sit as a regular member.

**Application #2012-ZB-20, Stephen Mott (Tax Map 409 Lot 3) 1 Franklin Hill Road in the Rural District.**

Stephen Mott has applied for two special exceptions and/or a variance to construct a barn (24' x 42') and mudroom attached to his house. His property is split by Franklin Hill Road and the barn was originally across the road from the house. The tax records show the property as one lot. The proposed location of the barn will be within the road setback and the combined structure will exceed the maximum building footprint allowed by the Lyme Zoning Ordinance. The property is entirely in the rural zoning district. Lot calculations are as follows: actual lot size 240,996 sf; lot size after conservation district reduction 56,580 sf; maximum building footprint 1,132sf; maximum lot coverage 6,790 sf; proposed barn addition will be 1,008 sf; addition of the barn to the house will result in a structure that is 2,865 sf.

Bill noted that the proposed location of the barn intrudes less into the road setback than its original location. Walter pointed out that if the barn is attached, the limit is 1000sf, and asked if there is another reasonable place to locate the barn. Stephen Mott said that there is not, due to slope, rock ledge, the leach field, and the well. David Robbins noted that he had received no comment from abutters. Walter advised reducing the structure by 8sf so it could be issued a special exception. Various options for doing this were reviewed. Stephen Mott agreed to amend his application by moving the structure 9" toward the house.

Deliberations: Walter moved to grant a special exception to sections 8.22 and 8.25, to rebuild a barn on the other side of Franklin Hill Road as shown approximately on the sketch submitted with the application. Findings of fact include:

- The original structure sat further into the road setback than the proposed location, so the net change is positive
- A special exception may be issued under section 8.22
- Section 8.25 allows 1000sf of footprint to attach to the dwelling
- The application has been amended to comply with this 1000sf limit
- The applicant has testified to the location of well, ledge, septic system, and there is no other feasible location.
- No abutters expressed an opinion.

Conditions:

- Best construction management practices will be used
- The final size will be limited to 1000sf
- The barn will be set back from the road no less than the distance shown on the drawing (18')

Alan seconded the motion and it passed unanimously.

**Application #2011-ZB-103, Loch Lyme Lodge (Tax Map 408 Lot 19) 59 Orford Road in the Rural District.** This is a continuance of the hearing to construct a new dwelling and accessory structure on lot 19, Tax map 408. The applicant has requested that the Zoning Board continue the hearing again until June 21<sup>st</sup>, 2012. The board voted unanimously to approve this request on a motion by Bill seconded by Dan.

**Posting of ZBA Minutes** - Bill asked how the board's minutes can be posted on the website in a more timely fashion, and whether draft minutes can be posted. David said that it is his intent to post the minutes the day after they are approved, and he will try to speed up the posting. The drafts must be available to the public at the office five business days after the meeting, but have not been posted on the website because of logistical challenges. Rob advised that this timetable should be publicized. Bill asked if the selectboard could allow the posting for draft minutes in a separate column; otherwise, there is too much delay for the public and rumors spread, as happened on the Lyme Listserv. Michael advised better communication with the public.

**Stanhope decision** - David distributed a memo from Bernie Waugh and Jae Whitelaw's reply regarding this decision. No board action is needed. An appeal has not yet been filed.

Meeting adjourned 8:54 pm

Respectfully submitted,  
Adair Mulligan, Recorder