

**Town of Lyme**  
**LYME ZONING BOARD OF ADJUSTMENT**  
**Minutes – September 19, 2013**

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

Absent: Alan Greatorex, Bill Malcolm

**Alternate Members:** Present- Dan Brand

Absent: Michael Woodard

**Staff:** David Robbins, Zoning Administrator

**Public:** Rhonda Sheffield

Frank Bowles called the meeting to order at 7:31 pm and designated Dan Brand to sit as a regular member.

**Minutes:** Minutes of the August 15<sup>th</sup>, 2013 meeting were approved on a motion by Rob seconded by Dan.

The board introduced themselves to the applicant.

**Continuation of Application #2013-ZB-39, Elke Koning / Rhonda Sheffield (Tax Map 409 Lot 24) 22 Pout Pond Lane in the Rural District.**

Elke Koning and Rhonda Sheffield have proposed to build a 15' X 20 foot screened porch and add an additional 316 square feet of open porch. The proposal is to replace a 10' X 20' (200 square feet) of existing open deck with a new 15 X 20 screened porch (with a roof). The new porch will be 100 square feet larger than the existing open deck. In addition the applicant wishes to add an additional 316 square feet of open deck that wraps around the rear and part of the side of the house. Both the screened porch and the open deck are entirely within the Wetlands Conservation District (wetlands buffer) and in the property line setback. The existing house was built in 1976 and is non- conforming as it is almost entirely within the side setback area and wetlands conservation district.

Noting that there were only four board members present and that any action taken by the Board would require an affirmative vote of three of the members, Frank asked the applicant if she would accept a four member Board. The applicant agreed to have the case heard by the four member Board.

Frank opened the hearing by asking if the Board members had any questions.

Walt wanted to know if the house and existing deck were built prior to the passage of Zoning. The Zoning Administrator responded that according to the tax card the house was built in 1976 and there were no other permits in the map and lot folder for a deck indicating that the deck was built with the original house. In addition Walt wanted to know the dimensions of the remaining section of open deck. The Zoning Administrator responded that it was 12' X 37'.

Frank asked if there were any other questions, there being none Frank asked if there was a motion to enter deliberations.

Dan moved that the board enter deliberations.

Walt seconded the motion.

The Board members unanimously voted to enter deliberations.

Walt reviewed the dimensions of the proposed deck, the screened porch, the increase in lot coverage and footprint. The total additional footprint was determined to be 300 square feet, the total additional lot coverage

was 616 square feet and the total intrusion into the setback area is 616 square feet, and the intrusion into the wetland conservation area will be 376 square feet. After construction the house will still have 700 square feet of footprint available, no available lot coverage, and no available Conservation District intrusion under section 8.22 and 8.24 of the Zoning Ordinance.

There being no more discussion, Walt moved to grant a special exception under sections 8.22 and 8.24 to replace a 12' X 20' section of open deck with a 15' X 20' screened porch with a roof and add an additional 316 square feet of open deck to the applicants property at 22 Pout Pond Lane (Tax Map 409 Lot 24)

Walt cited the following findings of Fact:

- The property is entirely within the Rural Zoning District.
- The garage, approved in 2001 used 625 square feet of intrusion into the Wetlands conservation District leaving 375 for future expansion
- The proposed development is entirely within the Wetlands Conservation District.
- The proposed development is entirely within the Property Line Setback area.
- A 12 'X 37' section of the original deck built before zoning will remain.
- A 12' X 20' section of open deck will be replaced by a 15 X 20' screened porch with a roof.
- The screened porch will add 300 square feet of footprint to the house, 60 square feet to lot coverage and intrusion into the setback area and Wetland Conservation District
- The new section of open deck will be 316 square feet, adding 316 square feet to the lot coverage, intrusion into the setback area and the Wetlands Conservation District.
- The addition will use all of the available expansion for lot coverage into the Wetlands Conservation District and the setback area; there will still be 700 square feet of footprint available for future use.
- Abutters provided both oral and written testimony approving the project.
- The Conservation Commission concluded that the project would have negligible impact to the adjacent wetland.
- The Proposed addition cannot be reasonably located outside of the wetland or property line setback areas.
- The criteria of section 10:40 has been met.

The following conditions were included in the motion:

- Best management practices for construction and erosion control will be used.
- The additions will be built as per the submitted sketch.

Rob seconded the motion.

Frank called for a vote and all four Board members voted to approve the motion.

The Board exited deliberations.

Frank informed the applicant that there was a 30 day period that an interested party could appeal the Boards decision and that any construction within that time frame would be at the applicants own risk if someone decided to appeal.

### **Other Business**

Walt asked the Planning and Zoning Administrator the status of an elevated walkway on a garage approved by the Board earlier in the year. The Planning and Zoning Administrators stated that his interpretation of the Zoning Ordinance was that it was a walkway and that walkways are not considered structures under the Ordinance.

Both Frank and Walt felt that it was something more than just a walkway and would like to have had it reviewed by the Board.

The meeting adjourned at 8:07 pm.

Respectfully submitted

David A. Robbins, Planning and Zoning Administrator.