

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – January 16, 2014

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

Absent: Bill Malcolm

Alternate Members: Present- Michael Woodard, Dan Brand

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

Public: Melissa Pratt, Christopher Pratt, Jim Nourse, Dick Keiling

Frank Bowles called the meeting to order at 7:30 pm and designated Mike Woodard as a regular member.

Minutes: Minutes of the September 19, 2013 meeting were approved on a motion by Rob seconded by Mike.

Application #2014-ZB-01, Christopher and Melissa Pratt (Tax Map 408 Lot 72) 76 Franklin Hill Road in the Rural District.

Chris and Melissa Pratt are in the process of purchasing the property and as a condition of the purchase and sale agreement they are seeking ZBA Approval to replace the existing mobile home (added to the lot in 1955) with a new house and detached garage. The lot is entirely within the Rural Zoning District. The lot is a pre-existing non-conforming lot of only 0.98 acres. It slopes down from Franklin Hill Road to the rear of the lot. David Robbins clarified that the footprint of the trailer is being used as a credit. Melissa Pratt noted that a small portion of the septic system is within the side setback. David added that septic systems are excluded from lot coverage calculations; he has checked this treatment in previous board decisions. Alan asked if the system will be raised above seasonal high water. Melissa said that one side (which was unknown) would be raised ten inches. A final septic design has not yet been prepared.

Dick Keiling asked about clearing trees. Alan noted that logging laws in NH limit clearing to less than 50% of the basal area within 50 feet of property lines (see note below re RSA 227-J:9). Christopher Pratt said they intend to leave trees along the borders. Dan Brand, a neighbor, added that houses will be closer together here than elsewhere on Franklin Hill Road and so he hopes trees will be kept between the houses. Both abutters, Nourse and Keiling, echoed this hope. Jim Nourse said he had no objection to the project.

Walter asked where the current septic system is. The Pratts did not know. David said that the trailer has facilities that were in use in 1955, but does not know more.

Deliberations: Alan compared minimum lot dimensions in this district (5 acres) with this lot (less than one acre) along with other dimensions and noted that it was grandfathered.

Out of Deliberations: Walter asked why the new septic system was located partly in the side setback. Melissa Pratt said she did not know, except that of four test pits dug, the one in that area was the best.

Deliberations: Rob said he was troubled by viewing the trailer as a structure being modified when it is nowhere near the new house site. Walter pointed out that if the lot is to be treated as a vacant lot (after the trailer is removed), the owner does not get the 1000sf allowance.

Out of Deliberations: David suggested looking at section 8.27, replacement of a nonconforming structure. The board also looked at Section 8.30:D and noted that this section gave it authority to set dimensional requirements for a non-conforming lot. There was general agreement that it was preferable not to invoke this section.

Deliberations: Rob suggested raising the question of screening and Mike suggested pushing back the leach field, if practical, so it does not intrude on the side setback. Alan and Frank jointly constructed the following motion:

- The lot is 42,781 sf (0.98 acres. There are no reductions for conservation districts.
- The maximum allowable lot coverage is 5,175 sf (12%).
- The maximum building footprint is 855sf (2%).

- Section 8.23 allows a special exception for up to 1000sf of intrusion into the setbacks. The applicants propose to place 725 square feet of the new house and 275 square feet (totaling 1000 square feet) within the road setback.
- Section 8.25 allows a special exception for expansion up to 1000sf.
- The foot print of the proposed house is 1818 square feet. The maximum building footprint of the lot is 855.
- The applicants are requesting two special exceptions under section 8.25, one for 963 square feet of expansion for the house and the second for 165 square feet of expansion for the garage.
- Under section 8.25, the total proposed footprint of the house could be up to 1855 sf, and of the garage, 1020sf.
- Section 5.13E3 allows a replacement septic system to extend into the setback. The proposed septic system will intrude 43sf into the side setback.
- Conditions of 10.40 are met.
- Conditions:
 - if possible, the septic system is to stay outside of the side setback
 - privacy concerns of abutters are recognized; trees along the property lines should be retained to the greatest practical degree to maintain privacy and planting replacement plants to provide screening is advised.
 - Best management practices for construction are to be used, with particular attention given to runoff and protection against erosion down the slope.

Mike moved approval of the special exceptions and Rob seconded his motion; it passed unanimously.

Meeting adjourned 8:15 pm

Respectfully submitted, Adair Mulligan, Recorder

Note added in proof by Frank Bowles: section 227-J:9, the 'basal area law' is part of the NH timber harvesting law and sets required margins along roads and streams for timber harvest areas. It does not speak to residential land. The law also specifically excludes areas being converted from timberland to other uses as long as all relevant permits are obtained.