

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – April 17, 2014

Board Members: Present - Walter Swift, Alan Greatorex

Absent: Frank Bowles, Rob Titus, Bill Malcolm

Alternate Members: Present- Michael Woodard, Dan Brand

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

Public: Dale and Pat Hill, Roger and Chris Berger, David Roby

Walter Swift called the meeting to order at 7:30 pm and designated Mike Woodard and Dan Brand as regular members.

Minutes: Minutes of the January 16, 2014 meeting were approved on a motion by Mike seconded by Dan.

Application #2014-ZB-11, Dale and Patricia Hill (Tax Map 408 Lot 42) 11 Horton Lane in the Rural District.

Dale and Patricia Hill have applied for a Special Exception under Section 4.66B to construct a new four bedroom, 2500 square foot dwelling with 400 square feet of porches and a 625 square foot attached garage within the Ridgeline and Hillside District on their property at 11 Horton Lane. David Robbins introduced the case noting that Horton Lane is considered a private road and the house is proposed to be located over 1000 feet from Franklin Hill Road, both by the drive and by a direct line. The lot is non-conforming as it has no road frontage. There are conservation districts on the lot – 153 sf of steep slopes according to the GIS Data and 1300 sf of agricultural soils – but they do not impact the proposed development area or calculations for the lot.

Dan asked if the house would be visible from Franklin Hill Road. Pat Hill said it would not be, although it could be seen by the large house on Acorn Hill Road. She provided a topographic map. The town's building height restriction is 35', but Pat said that she has limited the house to 28 feet in height, whether it is a 1 ½ story or two story structure. They purchased their lot in 1988.

Walter asked whether the lot had been part of a subdivision. David Roby explained that Alan Britton sold the land to Don Metz, who sold to the Winstons (lots 47.1 and 47.2, and later lot 42). David pointed out that subdivision rules of the time would have merged those lots. The Winstons proposed to subdivide the property such that lot 42 would be separate. The subdivision application was denied by the Planning Board (1980) because of the condition of Horton Lane. The Winstons successfully challenged this decision in court and the judge reversed the denial of the subdivision application. David noted that this may have converted Horton Lane into an approved road, which would mean that the non-conforming lot limitation would not apply. David pointed out that there are many non-conforming vacant lots in Lyme, and that the board's decision on this case could set a precedent for them.

Walter noted that much information needed to be pulled together and that action would be deferred until facts could be gathered. David, who owns land on Baker Hill Road from which he believes this property could be seen, said that he believes the Ridgeline and Hillside Conservation District is very important to the town to protect the town's scenic beauty. He described how Put Blodgett had built a house and other buildings on a hillside off Pout Pond Lane that cannot be seen from elsewhere, but the house affords an excellent view. He described this as "the gold standard" where development provides a view but the development does not become someone else's view. In contrast to Put's house, there is another house nearby that is clearly visible from the Grafton Turnpike. David recommended that the applicant provide a site plan and that the ZBA make a site visit. Dale Hill said that they had compromised the proposed location to one that is not visible by moving the proposed house away from the best view.

David Robbins called attention to the driveway. David Roby asked if that was the best location for a drive. Walter noted that the map did not show other options for the location of the residence and asked why it was not located in the middle of the lot. Pat Hill pointed to large areas of steep slopes between Horton Lane and the proposed house location and other areas of wetlands. She said they had sited the house to avoid these areas and to minimize visibility from other locations. She also noted that the existing path (proposed driveway) was once a logging access.

Deliberations: Dan said he is familiar with the site and that the proposed house site is the obvious place to build. He applauded the choice of the site behind the knoll and said it would help decrease visibility. Mike said that more information is needed: whether the lot is conforming or not, the impact of the court decision, distance from the road, and the lack of design criteria for the Ridgeline District.

Out of Deliberations: Walter asked the applicants if a month's delay would be acceptable. The Hills replied that it would. David Roby recommended asking for a development plan, including more information on the driveway location and screening.

Deliberations: Walter asked if the driveway crosses steep slopes. Dan said it does not as it is drawn. Walter noted that it is proposed to be 900 feet long, so pullouts for emergency vehicles are not needed. Dan said the area is wide at Horton Lane and Walter suggested making a condition to create a pullout there. He asked whether a curb cut is needed for a private road, and guessed that since the driveway has been there since 1988, it is probably not needed. The drive does not cross agricultural soils according to David Robbins. Walter noted that here, the Ridgeline and Hillside District allows a residence by special exception because it is in the Rural District. Because the entire lot is in the Ridgeline and Hillside District, there is no location outside this district on the lot where building could occur. Members agreed that a site visit is necessary.

Out of Deliberations: The Hills gave permission for the site visit. David Roby asked to attend.

Deliberations: Walter recommended that town counsel review the court records. Walter will meet with David Robbins to identify issues for clarification. Alan asked that a chronology be established.

Out of Deliberations: David Robbins confirmed that a site visit is a public hearing. The Hills noted that they have not staked out the building site but will be present to guide the group. The board voted unanimously on a motion by Mike seconded by Alan to continue the hearing to Saturday, April 19, at 8:30 am on the site, and then continue the hearing to the next regularly scheduled meeting (May 15).

Meeting adjourned 9:04 pm
Respectfully submitted,
Adair Mulligan, Recorder