

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – June 19th, 2014

Board Members: Present - Rob Titus, Bill Malcolm, Alan Greatorex
Alternate Members: Present- Michael Woodard, Dan Brand
Staff: David Robbins, Zoning Administrator;
Public: George Miscally.

Rob Titus acting chair called the meeting to order at 7:30 pm.

Rob appointed Dan Brand and Michael Woodard to sit as regular members.

Acceptance of the minutes from May 15th, 2014 meeting
Alan moved to accept the minutes as submitted.
Rob seconded the motion.
Rob called for a vote and the motion passed unanimously.

Acceptance of the minutes from May 24th, 2014 site visit.
Bill moved to accept the minutes as amended.
Dan seconded the motion.
Rob called for a vote and the motion passed unanimously.

Item 1) Continuance of George Miscally's application for a Special Exception under section 8.23 to construct a 24' X 24' two car garage partially within the side setback area on his property at 18 North Thetford Road (Tax Map 407 Lot 48).

Rob Asked Mr. Miscally if he had any further information that he wished to present to the Board.

Mr. Miscally handed out a list of five items supporting the proposed location. The list included:

1. The proposed location is consistent with long established pattern of use of the driveway. No relocation, reconfiguration, or extension of the driveway would be required.
2. The proposed location is consistent with snow plowing in the winter time. The snow plow guy was consulted on this matter. Snow would be pushed along the front edge and dumped where it has been for years.
- 3) The proposed location is an excellent location for solar panels as established by site survey of the Solarize Lyme representative, RGS Energy.
4. The proposed design of the garage will have the same look and feel (clapboards, paint scheme, roofing) as the house. It will not look weird or ugly, but rather attractive and consistent with the architectural style of the neighborhood (predominantly clapboards).
5. The adjacent abutter (John Rush) does not object to the set-back.

Alan asked if Mr. Miscally knew the angle from the roof of the proposed garage to the tops of the trees on the south side of the North Thetford road. Alan wanted to know if there was

demonstrable difference in the solar gain between the proposed location and the alternative locations.

Mr. Miscally did not have any data to give the Board.

Bill stated that during the site visit the Miscally's had given testimony to the Board that the reason for placing the garage at the proposed location was:

- 1) to allow hay delivery trailer to be backed up to the barn,
- 2) to continue the winter snow plowing pattern,
- 3) to allow the septic tank to be pumped,
- 4) it was the preferred location for placing solar panels,
- 5) it would be least disturbing to the current landscape.

Bill continued that Board was able to determine that there were several alternative locations that the members felt could achieve the objectives of the Miscally's and not be placed in the setback areas. He also stated that while the alternate locations may not be ideal to the applicants, these locations does not meet the requirement of section 8.24 A, "the proposed replacement, addition, or accessory building or accessory structures cannot reasonably be located outside the setback area and".

Rob asked the applicant if he had any more information to present to the Board before the Board started deliberations. Mr. Miscally stated that to him and his wife the alternate locations were not "reasonable" but if it would help he felt that he could move the location an additional five feet to the East, lessening the intrusion into the setback area.

Mike moved to enter deliberations.

Dan seconded the motion.

Rob called for a vote and the motion passed unanimously.

Bill stated that there are many existing features and building already on the lot and that alternate locations may not be ideal to the applicant, but it was the Boards job to determine if there were any reasonable locations outside of the setback area. He said that the three Board members who were at the site visit had all agreed that there were reasonable alternative locations.

Alan asked if the alternate locations would allow for the five stated objectives given for the proposed location. Bill stated that they would.

Rob asked if there was any more discussion, there being none he asked if anyone wanted to make a motion on the application.

Dan moved that the conditions of section 8.23 A were not met and therefore the Board must deny the application for a special exception.

Alan seconded the motion.

Rob called for a vote and the motion passed unanimously.

The Board exited deliberations.

Continuance of Dale and Patricia Hill's application for a Special Exception under section 4.66 B 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 Ln (Tax map 401 Lot 42).

The Planning and Zoning Administrator stated that he had received an e-mail from Pat Hill asking the Board to continue the hearing to the July meeting.

Mike moved to continue the hearing to the July 17th, 2014 meeting

Dan seconded the motion.

Rob called for a vote and the motion passed unanimously.

Rob suggested to the Planning and Zoning Administrator that if the Hills are unable to have the information requested by the Board for the July meeting that they may want to consider withdrawing their application until such time as they are ready for the Board to hear the case.

The meeting adjourned at 8:36 pm.

Respectfully Submitted

David A. Robbins

Planning and Zoning Administrator.