

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

Board Members: Present –Frank Bowles, Robert Titus, Bill Malcolm, Alan Greatorex, Walter Swift

Alternate Members: Present- Michael Woodard

Staff: David Robbins, Zoning Administrator;

Public: Charlie Hirshberg, Rich Brown, Anna Barbara Hanks, Pat Hill, Randy Hill, Liz Ryan Cole.

Frank opened the meeting at 7:30pm

Item 1) Acceptance of the minutes from June 19th, 2014 meeting.

Alan moved to approve the minutes as amended.

Rob seconded the motion.

Frank called for a vote and the motion passed unanimously.

2) Loch Lyme lodge, application for appeal from an administrative decision (Planning Board), special exception and variance in order to move three buildings on their property at 70 Orford Road (Tax map 408 Lot 22)

Charlie reviewed with the Board the plans to move the three structures, a cabin, a shed, and the barn. The cabin and the shed need to be moved from their present location in order to comply with a condition of a subdivision approval (Both buildings would be in the side setback area if they were allowed to remain). The barn needs to be moved because of damage being caused by the stream. They had applied for Site Plan Review through the Planning Board. Because of the disturbance within the Wetland Conservation District, the Planning Board determined that at a minimum a Special Exception would be required to relocate the barn and the shed within the district.

Bill asked the Planning and Zoning Administrator if this application had come to him directly would he have approved it. The Planning and Zoning Administrator stated that he believed that section 8.27 Replacement of Non-Conforming structures covered this issue.

Bill moved to approve the moving of the barn and the shed within the Wetlands Conservation District.

There was no second. Bill withdrew his motion

Frank asked if the Board members had any questions, Walt asked for more details on why the shed and the barn were being moved. Charlie responded that the shed needed to be moved to comply with a condition of a subdivision approval. The shed is used to store lawn mowers and yard maintenance equipment. The intent was to move it to a location that was already disturbed (The former location of the barn). The stream that flows next to the barn has migrated under the barn and freeze/thaw cycles in the winter are causing the foundation to move. If the barn is not

moved the foundation will fail. The new location will be out of the wetland itself but it will still be in the wetlands buffer. Walt asked if the barn could be moved completely out of the Wetlands District. Charlie responded that the barn is used for functions that are held at the lodge and the further it was moved away from the lodge more difficult for patrons to walk between the buildings. Liz added that the laundry facilities for the lodge are located in the lower level of the barn. Moving the barn further would impede the operation of the lodge. Liz continued by saying that the lodge and the barn had always been close to each other and that moving the barn further away would make the barn look out of place because it would be sitting off by itself.

Having no further questions, Frank asked the Board if they wished to enter deliberations.

Bill moved to enter deliberations.

Walt seconded the motion.

Frank called for a vote and the motion passed unanimously

Bill stated that the first thing Board needed to determine was if the new buildings could be placed on the lot without exceeding dimensional controls of Table V. Alan noted that there was a subdivision pending and that the dimensional controls would be different for the subdivided lot than the original lot. Alan suggested that the Board exit deliberations to ask about the lot calculations.

Alan move to exit deliberations

Frank seconded the motion

He then called for a vote and the motion passed unanimously

Charlie stated that the calculations for lot coverage, building footprint and gross floor area were printed on the drawing "C1" that was given to each of the Board members. He did note that the area of the shed had been omitted and that the new drawing on the table included an additional 524 square feet for the shed.

Alan noted that gross floor area was greater then allowed under section 5.16.

Bill moved to enter deliberations.

Walt seconded the motion.

Frank called for a vote and the motion passed unanimously

Alan stated his concern that by allowing the shed to be moved would cause the maximum gross floor area allowed on the subdivided lot to be exceeded.

Rob noted that the subdivision was pending and would not be signed until the condition of moving the shed and the cabin had been met. All of the buildings already exist so therefore the gross floor area is not exceeded.

Bill stated that he was unsure if the Board should consider the lot as subdivided or not.

Alan noted that if the lot were to be treated as an un-subdivided lot, it would only require Special Exceptions for approval.

Frank asked the Board's opinion as to whether they felt the lot was subdivided or not. The Consensus of the Board was that the subdivision was still in process and therefore the Board's decision should be based on the un-subdivided lot.

Frank asked if there was any more discussion, there being none he asked if anyone cared to make a motion.

Alan moved that the Lock Lyme Lodges application for Special exceptions under section 4.61.B, and under section 8.24 be approved with the following Finding of Facts and Conditions:

Finding of Facts

- This decision is based on the grounds that subdivision of the lot has not yet occurred.
- All structures are preexisting and predate the adoption of the Zoning Ordinance.
- All structures are on the same 110 acre lot.
- The lot has significant, irregular area of both wetlands and Wetland Buffer Zones
- The lot currently has 22 structures and no new structures will be added.
- The Conservation Commission has reviewed the project and recommends that it go forward, following Best Construction Practices as it reduces the degree of non-conformance of the buildings on the lot.
- No buildings will be added so the requirements for footprint, lot coverage and gross floor area are met.
- A special exception is required to allow remediation of the original sites for the moved buildings and the construction of foundations for those buildings in their new sites.
- The proposed changes, once completed, decrease the degree of non-conformity of numerous structures.
- The moving of the cabin known as Notwood, does not require any relief from the Zoning Board because will be completely removed from the Wetlands conservation district. .
- Testimony was given that the proposed location will maintain the commercial viability of the property.
- The stream that flows next to the barn has now migrated under the barn and the freeze/thaw cycle in the winter is causing the foundation to move. The barn will go into structural failure if this situation is not remedied.

- The provisions of 10.40 have been met.

Conditions:

- Best Construction Practices be followed during the performance of the work, with particular attention paid to the prevention of erosion and siltation of the Wetlands and disturbance of the wetland buffer.
- The recommendations of the Conservation Commission are followed.
- Because the new location of the shed is still within the Wetlands Conservation District, any fuel must be stored in containers approved by the State Fire Marshal and provision must be made to contain all containers to ensure that no leaks of hydrocarbons or agricultural chemicals can occur.

Bill seconded the motion.

Frank called for a vote and the motion passed unanimously

3) Continuance of Dale and Patricia Hill's application for a Special Exception under section 4.66 B to construct a new four bedroom 2,500 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).

At this time Frank withdrew himself as a Board member as he is an abutting property owner. He appointed Rob Titus to act as chair.

Rob appointed Mike to sit as a regular member.

The applicant presented a new site plan with a new location for the house. The new plan showed the ridge line and the proposed limit of the Southeasterly corner of the structure. The plan did not contain any details of the proposed structure.

Bill stated that he felt that the location was still in a visible location on the lot.

Walt suggested that the Board go into deliberations and made a motion to do so.

Alan seconded the motion.

Walt stated that in his opinion there was not enough information for the Board to make a decision. He suggested that the Board re-visit the site so that they could see the new proposed location.

Bill agreed saying that he did not see another alternative and that the Board must re-visit the site.

Rob asked the other Board members and they concurred.

Rob moved to go out of deliberations so that they could schedule a site visit with the applicants, seconded by Alan. Rob called for a vote and the motion passed unanimously.

Rob asked the Board members when they would be available. The consensus was that Monday afternoon on July 21st, 2014 would be available for the Board. Rob suggested 5:30 pm, and the Board members agreed that they were available. Rob asked the applicant if they could meet with the Board at this time, they responded that they could.

Rob moved to continue the hearing to Monday July 21st, 2014 at 5:30 pm, at the applicants property at 11 Horton Ln (Tax map 401 Lot 42).

Alan seconded the motion.

Rob called for a vote and the motion passed unanimously.

There being no new business the meeting adjourned at 10:05 pm.

Respectfully submitted

David A. Robbins

Lyme Planning and Zoning Administrator.