

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – December 18, 2014

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

Absent - Alan Greatorex

Alternate Members: Present- Dan Brand

Absent - Michael Woodard

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

Public: Sherman Phillips, David Roby

Frank Bowles called the meeting to order at 7:30 pm. He appointed Dan Brand to serve as a regular member.

Minutes: Minutes of the November 20 and 22, 2014 meetings were approved on a motion by Bill seconded by Walter.

Application #2014-ZB-9124, Kingland Farms, LLC (Tax Map 401 Lot 39) 72 Goose Pond Road in the Rural District.

Sherman Phillips (owner of Kingland Farms, LLC) has applied for a variance to relocate the farmhouse and driveway on the former Hewes Farm. She has also asked the Zoning Board to relocate the pre-zoning "Building Zone" with the building. Sherman explained that she and her husband, Doug Balch, bought the Hewes Farm last year. She said that the house's drylaid stone foundation is not solid and that there is no proper septic system or well. The water comes from a spring on the hillside. They would like to move the house, and because of the presence of a garage and large trees, they cannot keep it within the 200-foot Building Zone. They have chosen a site just outside the zone to move the living space away from the farm space, and during mowing identified a high spot in the field. Sherman explained that if the building is set too far east, it will be too close to the garage and trees and will crowd the farm space. The fields are being mowed to bring them back to hay or eventually to crops. The fields across Goose Pond Road are also theirs and are being mowed.

Walter asked how much of the new and old building zone is composed of agricultural soils. David Robbins distributed a map that showed that the entire area around the house and barns as ag soil. Sherman noted that they are remodeling the garage as a sugarhouse. There is no proposed garage for the relocated house. David noted that the building zone is a 200-foot radius that is excluded from ag soil calculations, and is about four acres. Sherman said that she intends to restore the current house area to field after removing some foundation stones. The house would have the same footprint: 38' x 29'.

David Roby reminded that the Building Zone provided in the Zoning Ordinance is very precise and encompasses 200 feet around the primary residence where the residence was located when zoning was adopted. He said that the ordinance does not allow the zone to be moved because its purpose is to protect agricultural soils. The flexibility provided in the ordinance was to be able to expand or move within the building zone.

Bill asked Sherman to explain why she chose that spot. She replied that the field would be more intact if the house were located there and that she does not want to remove big trees. She wants to separate the farm function from the living space and to have a landscaped lawn. David Robbins noted that the majority of the large lot is not in agricultural soils, and that the building zone "converts" agricultural soil to non-agricultural soil in the context of development decisions.

Deliberations: Walter asked why the proposed house location could not be moved 50 feet east to stay within the building zone. Frank observed that it would be difficult to find sufficient hardship in this case to warrant a variance and that the ordinance is clear on the treatment of the building zone. He recommended that the board instruct the Zoning Administrator to enforce the conditions of the ordinance. The board voted unanimously to deny the application, on a motion by Bill seconded by Frank, with the finding that the proposed building location lies outside the allowable building zone.

Meeting adjourned 8:30 pm

Respectfully submitted,

Adair Mulligan, Recorder