

**Town of Lyme**  
**LYME ZONING BOARD OF ADJUSTMENT**  
**Minutes – February 15, 2024**

**Board Members:** Present - Bill Malcolm, Chair; Zoe Washburn, Helena Witte

**Staff:** David Robbins, Zoning Administrator; Adair Mulligan, Recorder

**Public:** Alex Magleby, Brooke McGlaughlin, Steve and Carol Alden, Aaron Mancuso, Joey DeLuca

Chair Bill Malcolm called the meeting to order at 7:03 pm.

Minutes of the September 21, 2023 and January 18, 2024 meeting were approved on a motion by Zoe seconded by Helena.

**Application #2024-ZB-06– Alex Magleby and Brooke McGlaughlin (Tax Map 201 Lot 17) 135 Washburn Hill Road**

Alex Magleby and Brooke McGlaughlin have applied for a special exception from Section 8.24 to construct a sewer line, temporary access road, diversion ditch, and underground utility lines within the Steep Slopes Conservation District. None of the intrusion will be above ground structures, and the diversion ditch and access road are not structures under the zoning ordinance. David displayed the plan on the monitor noting that the access would come from an old sheep access lane, not the route of Class VI Alden Lane. Bill shared the Planning Board's letter with neighbors Steve and Carol Alden, explaining that where intrusion into the Steep Slopes Conservation District is proposed, the Planning Board is required to give recommendations to the Zoning Board.

Bill explained that the Zoning Board currently has three members (five is a full board) and that a unanimous vote is required of the three. The applicants agreed to a three-person board. Brooke observed that the project has been designed with the help of local professionals to find the best solution, including the best location for the septic system, which has the most suitable soil. Protective measures will be installed.

Steve noted that in spring, runoff carrying gravel from Washburn Hill Road flows downhill and damages his driveway. He asked that the town consider installing a culvert, David recommended that he contact road agent Scott Bailey.

Deliberations: Bill asked David if he concurred with the Planning Board's recommendations, which include using the shorter path for the septic line and requiring best management practices for erosion control. David said he did, and noted that because the work is underground it does not count toward footprint.

Helena moved to approve a Special Exception from Section 8.24 to construct a sewer line, temporary access road, diversion ditch, and underground utility lines within the Steep Slopes Conservation District, with the following findings:

- the project meets the steep slopes criteria for a Special Exception
- the project cannot be reasonably located elsewhere, according to testimony from the applicant and notes from the Planning Board
- there are no wetlands involved
- lot coverage is not an issue
- the application meets the requirements of 8.24
- abutters present did not object
- the Zoning Administrator spoke with the Upper Valley Land Trust which holds a conservation easement on abutting land, and reassured UVLT that drainage from this site will go to Grant Brook and not the conserved land
- the application meets the requirements of section 10.40A 1-14 as applicable (sections 9 and 14 not applicable)

Helena recommended that the board impose the following conditions under section 10.40B: construction consistent with the plan submitted, a state approval for the septic system, restoration of the temporary access road to the Zoning Administrator's satisfaction, and use of best management practices for erosion control. The motion passed unanimously.

Out of Deliberations

**Application #2024-ZB-07– Aaron Mancuso (Tax Map 407 Lot 70) 16 Clover Mill Lane**

Aaron Mancuso is seeking a variance from section 3.27.2 to construct a fixed solar array totaling 1,038sf within the Steep Slopes Conservation District. Aaron described the siting limitations, including an existing septic system, an area offering only poor solar gain, and the steep slopes. He tried to reduce the size of the array to get it under the 1000sf maximum for a special exception,

but was unable to because of the way the panels are made, forcing him to apply for a variance. The variance is required only for the steep slopes. Bill noted that because this is an application for a variance, the Planning Board need not be consulted.

Bill disclosed a family relationship with the applicant, but there was no objection. He said that the Board could look to section 8.24 for guidance. There is no testimony from abutters. David said he spoke to Dr. Niles, who had no objection. The project is not within side setbacks. The board discussed the finding of hardship with respect to other properties in the area. David noted that on that road, this house is at the bottom. A flat area that would otherwise be suitable is shaded by trees on another property. The surrounding properties affect this one more than other properties on the road. Were it not for the steep slopes, there would be no hardship here. The use is reasonable.

Deliberations: Zoe moved to approve a variance under section 10.50 with the following findings:

- the variance will not be contrary to the public interest because were it not for the 38sf the project could have been reviewed as a special exception, and is a solar array which is accepted and encouraged in the town
- the spirit of the ordinance is observed, because the project is allowable by section 8.24
- substantial justice is done because there is no contrary information about the project
- the values of surrounding properties are not diminished; the project will not be built in a setback and an abutter had no objection
- literal enforcement of the provisions of the ordinance would result in unnecessary hardship, because a variance is necessary to enable a reasonable use. The proposal exceeds the limits allowed by special exception only by 38sf, and the size cannot be reduced because of the way the solar panels are designed.

The motion passed unanimously.

Out of Deliberations

Meeting adjourned 7:56 pm  
Respectfully submitted,  
Adair Mulligan, Recorder