

LYME ZONING BOARD OF APPEALS  
PUBLIC HEARING  
May 21, 2009  
7:30 P.M

The Lyme Zoning Board of Appeals held its regular meeting on the third Thursday of month,  
May 21, 2009 at 7:30 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT.

MEMBERS PRESENT: David Lahm Chairman, Jack Sulger, Salvatore Caruso Alternate, Ronald Wojcik Alternate, LeRay McFarland, Bernie Gigliotti ZEO, and Patsy Turner Secretary.

Lahm entertained a motion to approve the minutes of the April 15, 2009 meeting; the motion was moved by McFarland and seconded by Caruso. The minutes were approved unanimously by all members present.

McFarland read the public notice.  
2009-03

Barbara Abrams, 86 Bill Hill Road, Tax Map 25, Lot 45; an application to construct an eight foot high fence within the side yard setback. The completed fence will be between 3 and 6 feet from the side line vs. 20 feet required per section 7.3.

Lahm read into the record Section 8-6 (3) of the General Statutes the five- (5) requirements that have to be met before a variance can be granted.

McFarland read the denial and application.

Present at the meeting was Matt Abrams.

Gigliotti stated the certified letter receipts were received and reviewed.

Lahm stated a letter was received from a neighboring property owner, Carol and Chip Dahlke, the letter was passed around to the board members.

Abrams presented pictures of the view from his property overlooking the Dahlke farm; which shows the back lot area and farm operations.

Lahm questioned the fence will not be located near the road and main house.

Abrams answered the fence will block the activities of the neighboring property.

Abrams read into the record his statement about the variance. The neighbor's 3 acre rear field is not visible from the road, but is viewed from the main house, riding arena, barn, guest house, and pasture. Farmer operations are done in the field; the applicant's opinion that the activities are affecting their health and quality of life. Last winter the neighbors installed an outside wood burning furnace and when in use the smoke permeates the guest house, the horse barn and fields. A letter was sent to Ralph Eno to inform him of the health hazard; the wood burning is not the Zoning Board of Appeals purview. Log splitter, generator, and chain saw noises are located adjacent to the horse arena. Four-mile River Farm has constructed a storage area to be used for cattle feed. There is a pile of manure located in the field with approximate dimensions of 75 X 15 X 10 feet; the run-off enters the wetlands and pastures. The Department of Agriculture does not have a law to prevent practices done on a farm with dead animals. Tiffany Farm has leased a part of the field for harvesting corn; herbicide and pesticide were applied without notice, as a result horses chalice, due to the chemicals entering the water source. Tiffany has stated notice will be done in the future. The photographs were described. The Farmer's Market visitors often take photos of our property; privacy is important. A horse trail application was approved by the Inland/Wetlands Commission and the trail was close to completion when cows escaped onto the trail and cause damage to landscaping; the area was restored by owners. The reasons stated are the descriptions for our hardship; a healthy environment and enjoyment of the property is a given right.

Lahm read the letter dated May 8, 2009 from Ashlawn Farm into the record. The letter stated that there is no objection to the fence being constructed within no less than 6 feet from the property. Lahm commented the letter contains more information than is necessary for the Zoning Board of Appeals; the request in the letter is that the fence be located 6 feet off the property line. Abrams stated the fence being 6 feet off of the property line would be problematic due to the location of the pasture, the paddock, the driveway, and the 20 foot trees would be compromised. McFarland commented the property was visited; the properties are divided by the trees and the driveway.

Abrams added the trees buffer a portion of the area; there are constant noise and activities on the neighboring property. The fence will help with these issues and stop farm animals from entering the property; which has occurred twice this year.

Lahm called for more comments from the board.

Caruso commented agricultural uses of a farm may not agree with urban point of views; the applicant's property was purchased knowing the neighboring property was a farm.

Abrams stated the farm was not a working farm ten years ago.

Lahm added the farm has changed over the past ten years.

Caruso stated feelings with suburban people moving into area of more urban atmosphere and some activities which occur in the country may be distasteful.

Lahm reminded the variance is for a fence to be placed on the property as a compromise and it is not asking for the operations to stop on the neighboring farm.

Caruso commented the fence will not stop the smoke from entering the property, the chain saw noise will continue, and the pesticides will still be applied.

Lahm commented the pesticides are outside this board's purview.

Caruso stated one of the requirements for granting a variance, is proving and solving a hardship.

Lahm entertained a motion to approve the variance for a fence in accordance with the sketch and the application presented, the fence being located 3 to 6 feet from the boundary.

Sulger questioned if the location of the fence should be more specific.

Lahm answered the sketch of the area shows the details of the starting location of the fence (the outbuilding on the Dahlke's farm) and continues 300 feet.

McFarland commented the 3 to 6 feet distance from the boundary should be more specific.

Lahm stated if the variance is granted the shrubbery should not be removed; the ground is uneven and may constitute the distance of 3 to 6 feet.

Sulger commented the length should be part of the motion.

Lahm stated the length of the fence is part of the application.

Wojcik added the application states the fence length will be 300 feet, plus or minus.

Lahm clarified the motion, the 8 foot fence will be located within 3 to 6 feet of the property line starting at the mechanical shed on the Dahlke's side as shown in the sketch and the length will be 300 feet maximum. The motion was entertained.

Sulger moved to grant the variance as stated, Caruso seconded the motion.

Wojcik questioned Abrams whether other options were considered, in the way of bushes which may help more with the noise and smoke.

Abrams commented the fence would be preferred.

Lahm called for a vote; Wojcik in favor, Caruso in favor, Sulger in favor, McFarland not in favor (due to the hardship not being proven), and Lahm in favor. The motion passed with the vote four to one; the variance has been approved.

Lahm reminded the applicant that there is a 15 day waiting period after the decision has been published during which time an appeal can be made of this board's decision to the superior court. You may proceed now but you do this at your own risk, if there is a successful appeal.

The meeting was adjourned at 8:19 p.m.

Respectfully submitted,

Patsy Turner Secretary