

Present: Gary Frenz, Chair
Cheryl Erickson, Vice Chair
Carl Heilman
Thad Smith
Pat Farrell, Alt #1
Scott Olson, Alt #2

Also Present: Jim Steen, Zoning Administrator
Bill McGhie, Planning Board Member
Bob Olson, Planning Board Member

Ben Sgambati, Troy Soka, Tim Beadnell, Francis and Elizabeth Therrien.

Agenda Items:

File # 2014-07AB
Tax Map 122.12-1-24
Sgambati, Soka, Ridin-Hy, Beadnell

File # 2014-06AV
Tax Map 105.2-1-47
Therrien, Elizabeth & Francis

Unfinished Business:

File#2014-02AV
Tax Map#72.13-1-32
Tumblebrook Farm LLC- Greenwald

File # 2014-03A
Tax Map 88.-2-21
Crystal Lake HOA

The regular meeting was called to order.

Pledge

Chair appoints Pat Farrell, Alternate #1 a voting member in absence of Charles Lewis.

Approval of Minutes: Discussion ensued regarding the August 2014 minutes and two minor changes were made. Pat Farrell made a motion to approve the August 2014 minutes with the appropriate corrections, 2nd by Thad Smith. All AYES.

Gary Frenz announced that File #2014-03A Crystal Lake HOA and File #2014-002AV Tumblebrook Farm applications will be tabled until further notice.

NEW BUSINESS:

File # 2014-07AB
Tax Map 122.12-1-24
Sgambati, Soka, Ridin-Hy, Beadnell
North Sherman Lake Road
Area variance for dock surface area and dock length

Ben Sgambati and Troy Soka stated they are attempting to install a dock in a difficult area in Sherman Lake with a low waterline and in a rocky area. The goal is to have two (2) boats docked in this area that will not pose any hazard to navigation. No sideline setback variances will be required as proposal is within codes.

Carl Heilman asked if the docks are floating sections or supported by posts and if there would be any problems with the neighbors.

Jim Steen stated that there is a dock on one side that has been there for quite some time and a pontoon boat on the other side and these should not pose any problems.

Cheryl Erickson asked if there are wetlands near that part of the lake.

Jim Steen stated there are no wetlands and Gary Frenz recommended that pictures of the lots be provided when the application goes to the APA.

Tim Beadnell spoke on behalf of the shared properties and he indicated it is acceptable to move forward with the application.

Gary Frenz asked Tim Beadnell if the additional properties were sold in the future would they get beach and or docking rights.

Tim Beadnell indicated that they would have docking rights and that the docking configuration would have to be revisited prior to the property being sold.

Jim Steen stated there are six (6) lots involved and the code states that if more than four (4) boats are at a location then it is considered a multiple access dock that is subject to Planning Board approval and suggested that the Board could grant the approval with a condition regarding the multiple access dock, with legal language provided by the Town Attorney.

Cheryl indicated the deed was missing.

Jim Steen produced copies of the deed and also showed pictures of the additional lots.

Cheryl indicated her concerns regarding the additional lots being sold in the future due to the fact that docking rights are in the additional properties deeds.

Gary Frenz indicated he will make sure that Town Counsel is present at next meeting to discuss.

Being no further comments or questions, Cheryl Erickson made a motion deem the application complete and schedule the public hearing on October 28, 2014, 2nd by Thad Smith. All AYES.

Public Hearing:

File # 2014-06AV
Tax Map 105.2-1-47
Therrien, Frances and Elizabeth
15 Pine Ledge
Area Variance for shoreline setback to build a 10'x10' deck 2' from shoreline.

The applicant, Frank Therrien spoke indicating his proposal to build a 10'x10' deck 2' from his shoreline in order to be able to enjoy the water from the proposed deck.

Gary Frenz asked if any trees will need to be removed to build the deck.

Frank Therrien indicated he does not want to take trees out and none will be removed.

Carl Heilman asked about the deck surface and will it be level with the ground.

Jim Steen responded that it will be 8" off the ground.

Gary Frenz and Jim Steen discussed whether or not this deck would come under the retaining wall codes. Jim indicated that it did not.

Cheryl Erickson asked what the deck is made of.

Frank Therrien indicated pressure treated wood and will have bark chip path leading to the deck. His goal is to keep the process simple.

Jim Steen indicated that moving the deck back further would cause more intrusive excavating and more beneficial to build as the homeowner has indicated. Jim Steen states that he had phone conversation with the neighbors and they have no objections to the plans.

Being no further comments or questions, Cheryl Erickson mad a motion to close the public hearing, 2nd by Carl Heilman. All AYES.

Unfinished Business:

File # 2014-06AV
Tax Map 105.2-1-47
Therrien, Frances and Elizabeth
15 Pine Ledge
Area Variance for shoreline setback to build a 10'x10' deck 2' from shoreline.

The Board reviewed the Area Variance criteria:

The ZBA further finds that variances for from Section 11.24 Shoreline setback of the Zoning Code regulations is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

1) There will be no undesirable change to the character of the neighborhood or detriment to nearby properties:

The neighbors have no objections and there will be minimum visibility from the house and neighbors properties.

2) The benefits sought by applicant could not be achieved by any other means as the applicant would have more excavating. Due to the topography the placement of this structure creates less tree removal which is beneficial to the parcel. This is the best possible result that can be expected.

3) The requested variance is substantial, however, it is the minimum surface area, small deck and will have the minimal effect on excavation and tree removal.

4) There is no adverse physical or environmental effects as minimal excavation will be needed, minimum tree removal necessary and will not cause any drainage issues.

5) The alleged difficulty was not self-created the terrain is inherent to the property.

6) This is the minimum variance necessary.

Conditions: None

Carl Heilman made a motion to approve the 73' shoreline setback variance per discussion, 2nd by Thad Smith. All AYES.

PUBLIC COMMENTS: NONE

BOARD COMMENTS: NONE

Gary Frenz made a motion to adjourn the meeting at 7:52 PM, 2nd by Cheryl Erickson. All AYES

NEXT MEETING: October 28, 2014

Respectfully Submitted,
Theresa Katsch, Secretary.