

## **Town of Middlesex / Zoning Board of Appeals Public Hearing**

**Draft Minutes April 7, 2022**

Zoning Board of Appeals Members: Chair – Rebecca Parshall; Board Members present: Ted Carman, Elizabeth Grant, Richard DeMallie, Win Harper (alt)

Others present: Rob Brenner, Esq., Town Attorney, Dawn Kane, CEO

Public Present: Gordon Stringer, Planning Board member, Jon Tantillo, Esq., Brendan Gooding (Venezia), Rob Testa, Rich Krenzer (via zoom), Richard Testa (via zoom), Richard & Lynn Lersch, Bill Scott, Jim Ghostlaw, Bob & Nancy Finger, Elizabeth O'Malley, Shanna Williams

Public Hearing was called to order at 7:03 p.m.

Chairman Parshall was in attendance and opened the public meeting with a reminder that the Zoning Board decision needs to be made within 62 days after the hearing is closed if a decision is made, appeals under Article 78 need to be made with 30 days after a Zoning Board of Appeals decision. All members were present. If a variance is granted, it is the minimum variance necessary with conditions (if needed). The variance granted goes with the property not the owner.

Old Business

1. **App #111821-ZBA/ Richard Testa owning property at 958 South Lake Road, Tax ID # 21.25-1-8 (LR), represented by Venezia Engineering is requesting five (5) area variances.**

John Tantillo, attorney for the applicant, presented the application giving a summary of the application's history.

Applicant is proposing removal of the existing building and rebuild within the same footprint. The existing house was impacted by runoff issues and subsequently compromised by failure in a newly installed boiler system. The mold damage that resulted ultimately made it necessary to take down the building. The house is a preexisting non-conforming structure at the lot. After reviewing available options, it made logical sense to rebuild rather than to attempt to salvage the existing home. The result will be a better structure with modern construction. Also included in the project is a brand-new septic system and a natural geo grid driveway to minimize lot coverage. No additional variances are required for the new septic system. Although the proposal has additions to the footprint, (including a 24x24 two-car garage) all of the additions, with the exception of the grass driveway are within the 15 ft. setbacks.

There will not be an undesirable change in the character of the neighborhood or an impact on the environment because some current footprint positions are already outside the requirements of the property. The lot coverage variance is not substantial because the lot coverage is only a 2% increase. It is not a self-created hardship because the applicant is in the circumstances because of water damage from the boiler and drainage issue.

Under §§ 302 and 311 of the zoning law, rebuilding within the original footprint is allowed and additions would be allowed in this case without needing a variance since the additions are all inside the setbacks.

Brendan Gooding added that the goal is to keep the house in the same configuration minus the addition of the garage so aesthetically it will look very similar to the existing house from the lake minus the garage. The proposed driveway will need to change slightly to navigate around the infiltration system which added some complexity to the plan from what was existing. This was necessary to conform with the watershed standards.

Attorney Tantillo stated that the way the Town zoning code is laid out, if a nonconforming building is damaged or destroyed by fire or otherwise, the building may be repaired or rebuilt provided new construction does not exceed the original footprint. They are exceeding the original footprint but they could rebuild within the existing footprint and keep the nonconforming status and then go on under § 302 (no non-conforming building shall be enlarged, extended, replaced when moved unless such alteration would tend to reduce or not increase the degree of non-conformance). Because the expansion would not increase the degree of nonconformance (because it is all inside the setbacks), they could do that instead.

Chair Parshall stated that in regard to § 311, the second part of the statement says that “provided the repair is completed within 36 months of the date the building sustained such damage”. It was understood from the previous hearing that the original damage to the building was in 2014.

Rob Testa explained that there was boiler damage, and it is an ongoing issue. Because both the neighbors have the higher elevation, all the water surrounds the foundation, and the basement floods every spring. This is an issue that can't be corrected, and it has compromised the foundation. They are trying to comply with everything instead of coming back for additional approvals for the garage within the allocated setbacks and then coming back another time for a driveway approval. The newer houses in the neighborhood have the construction capabilities so they don't have to deal with the flooding issue.

Attorney Brenner stated that the driveway is not actually counted in lot coverage, it is the addition to the structure (the garage and the other additions).

Board Member Grant inquired if the water and flooding issue were verified.

Rob Testa stated that the fire department came and there was over 3 ft. of water in the basement. The hot water heater was floating, and the boiler was ruined. They were lucky no one got killed when they went to the house or got electrocuted. The fire department has been there a couple times to pump out the basement.

Attorney Brenner stated that if the board agrees, he is comfortable with the applicants' representations on the record that it is an ongoing issue.

Board Member Harper stated that part of the proof is whether the benefit requested by the applicant to be achieved by some method feasible for the applicant to pursue other than the area variance. It seems the way the house is situated that it could be rotated a few degrees and probably end up having no variances.

Brendan Gooding responded that they are trying to minimize as many disturbances as possible rotating the house could be within the drip line of certain trees.

Attorney Tantillo also added that rotating the house would alter the footprint of the nonconforming status they are trying to preserve.

Chair Parshall opened the public hearing.

Neighbor Eric Eckberg stated that regarding the flooding, when Rich Testa had the fire department down, they also pumped out his basement too. The flooding is a problem in general.

CEO Kane read an e-mail from Eric & Kristin Eckberg (the neighbor to the north):

“1. The old, one-story cottage is being razed and the new footprint expanded so any grandfathered setback provisions are erased.

2. The proposed new construction is a complex shape and is skewed 9 ° on the lot and violates current side setback codes. A simpler shape and orientation could avoid setback variances.

3. This is the third application. This application process has added variances (now 5), instead of exploring feasible options to comply with codes.

4. At the March 3<sup>rd</sup> meeting, it was mentioned the septic system would be within 5 ft. of the lot line. Digging that close to the lot line could impact older trees on the neighboring property.

5. Zoning laws are often used during renovations to create homes that are up to current codes. But this new application, instead, spreads out to within 9 ft. of the lot lines, and then grows the structure vertically, to 2 stories, creating even more of a nonconforming structure. This seems to go exactly against the extent of zoning codes - to have new construction improve on old nonconforming buildings.

6. The architect created a nice design that would look good on a bigger lot.

7. Residential Lake lots are now zoned 100 ft. wide minimum. The existing 60 ft. lot width is nonconforming but grandfathered in. It doesn't make sense to allow even more structure density by allowing lenient variances for this already nonconforming 60 ft. lot.

It is easy to envision that a simpler shaped house and orientation is feasible for this small lot, and it would be more in keeping with the spirit of zoning to have new construction updated to current codes”

Chair Parshall closed the public hearing and invited any further comments from the applicants.

Attorney Tantilla made a statement to the five (5) variances. He acknowledged that it is maybe a quirk of the towns code that it takes five (5) variances. He thinks it is just a variance on the north side, a variance on the south side and then the lot coverage.

Rich Krenzer stated that the cottage, as is, hugs the ground. It is in the lowest portion of the neighborhood. So much so that the front roadside wall of the existing garage is subterranean. All of these improvements to raise up the cottage are going to be improvements and they will no longer have these issues with a new water mitigation system. An improved cottage is needed so there is no more damage. Also, the height is within the Town of Middlesex zoning law and it is more of a story and a half cottage with bedrooms within the roof and under the roof, it's not a 2 story cottage.

Attorney Brenner uttered comments that he agrees with what Mr. Tantillo said about the variances. CEO Kane identified for the board each of the portions of the building that encroach into the setback. She tagged each corner of the building that is in the setback which is why there are so many variances. It is appropriate to think of it as encroachment into the north plane, the south plane and then lot coverage. The confusion around the variances vs. grandfathering was clarified. Trusting the applicant's representation that the damage is ongoing and was sustained within three (3) years. It is fair on that basis to say that the applicant is entitled to rebuild the cottage in a state that doesn't increase the nonconformity. The real question is the lot coverage variance being requested and whether that is an appropriate addition to what is on site.

Board Member DeMallie inquired if the house remains on low property, even the new place will have to divert water directly to the lake instead of sitting in the basement. If the land will be graded away from the house and gutters from the roof and water from both sides north and south will be directed towards the lake? Is that the only possible solution?

Rob Testa responded that there would be grading around the house to make sure it conforms. The walls would be waterproofed too.

Brendan Gooding stated that modern construction, water techniques will send water away from the building. The only thing to do between the house and the lake, when it comes to the building stages

and site plan, is to install some sort of water retention system to have the roof and storm water go into a retention system and then go through clean stone and overflow slowly into the lake. That is the closest thing you can do when you are so close to a body of water to protect the lake from any sort of things that shouldn't be in the lake going into it and would just absorb into the ground.

Rob Testa stated that the new construction has a very similar concept as the neighbor to the south. When the cottage was originally built, they may not have had water proofing materials. They are unsure of the exact material of the foundation, and with the new construction they would know the quality of the construction so they can prevent the basement from getting flooded.

There was a discussion amongst the Board Members and applicant regarding removing about 226 sq. ft. to bring the lot coverage down to 20%. Applicant inquired on how many other individuals have over 22% lot coverage on the lake and their request was for 2% over the requirement. The neighbor to the north shared that they were approved for 28% lot coverage. The Board responded that each application is unique as there are different lots, shapes. This lot is undersized at 60 ft. The water flow issues aren't going to change. The addition of a garage and exceeding the lot coverage may exacerbate the water problem.

Rob Testa stated that they talked with the engineers, the potential builders and the architect and they think they can alleviate the problem with modern technology. Whether it be a poured foundation or different materials used in the construction process for the foundation, grading away from the property or even a simple lip at the driveway so it would divert any water from coming in at the garage. In addition, the grass driveway will be able to absorb water.

Attorney Tantillo stated that the applicant is prepared to address the water issues using new technology and he doesn't feel that it should negatively affect the application. The neighboring property has similar topography and has no flooding.

CEO Kane stated that a lot of the drainage and water runoff and effect on the neighbors will all be addressed through site plan review.

Attorney Brenner added that this application would be referred to Stantec so a professional engineer will weigh in on the Town's behalf and make sure the drainage is all done appropriately and that they are comfortable before we issue any Planning Board approvals.

Chair Parshall invited the Board to make a motion.

Rob Brenner suggested to the Board that they can make a motion for some or all the variances. He thinks based on the representation on record that the applicant made regarding the setback variances, that they are entitled to grandfathered treatment. For good order, a vote should be on those, but he recommends that be considered as part of the analysis. As for the lot coverage variance, either entertain that separately or as part of the same motion. Consider the treatment of § 311 based on the representations that they made.

Board Member Grant made a motion to approve all setback variances if they stay within the original footprint of the house. Board Member DeMallie provided a second to the motion. The motion so carried with the following:

Roll Call Vote:

|                          |     |                  |     |
|--------------------------|-----|------------------|-----|
| Rebecca Parshall, Chair: | aye | Elizabeth Grant: | aye |
| Ted Carman:              | aye | Richard DeMallie | aye |
| Win Harper (alt)         | aye |                  |     |

Chair Parshall asked if all were in favor of granting all the setback variances. Motion carried all in favor.

Board Member Demallie made a motion to approve the variance for lot coverage. Board Member Grant provided a second to the motion. The motion so carried with the following:

|                          |     |                  |     |
|--------------------------|-----|------------------|-----|
| Rebecca Parshall, Chair: | aye | Elizabeth Grant: | aye |
| Ted Carman:              | nay | Richard DeMallie | aye |
| Win Harper (alt)         | nay |                  |     |

Chair Parshall asked if all were in favor of granting the lot coverage variance. Motion carried three (3) ayes and two (2) nays.

The motions so carried. After complete review of the file and the testimony given at the Public Hearing, and after due deliberation, the findings of fact were noted and referenced in the Findings and Decision form.

**2. App #021822-ZBA/ William & Jan Scott owning property at 818 Green Cove Drive, Tax ID # 11.74-1-53 (LR), represented by Grove Engineering is requesting five (5) area variances.**

Bill Scott submitted a new plan for the lot coverage which was an issue at the last meeting. They reduced the coverage from 34+/- to 23.7 and is making all of the patio permeable in addition to reducing the distance of it on the north side to be within the setback requirement of 15 ft. There is also the possibility of doing a permeable concrete driveway which gets us to 18+/-% lot coverage.

Board Member Harper inquired of a setback of 17 ft. and 20 ft. for the extension and questioned if there is some way to get that back 40 ft. or what happens to the architecture by doing that.

Jim Ghostlaw stated that they discussed that at the last meeting and the Board indicated that the setback wasn't an issue. The changes they made pertain to the lot coverage.

Board Member Carman stated that the whole project is putting a lot of coverage on a sensitive lot with a lot of water flow that comes across it. For the lot coverage, the proposed request, and the proximity it is to the lake there is a huge amount of variances for new construction. The applicant reduced the lot coverage; however, the amount of water that comes across that lot and how everything is pitched from above, it goes to the store lot and this property. Seeing the amount of water and it being a new project, it should conform more to the zoning. This is a huge amount of variance when you look at the setback to the sensitive sight, the amount of water that comes down through there and the lot coverage all together.

Bill Scott stated that they added the curtain drain which is grabbing a lot of water coming off the field. That was completed when they were at the last meeting. A plan has been submitted by Bill Grove to grab the water and divert it under the road to the culver that is there. They also talked to Kevin Olvany and he asked if they would be willing for an additional method of getting rid of more water should the attempt that they are going to make at the beginning of Green Cove Drive not work. Bill stated that they would do whatever was necessary to protect their property and the stores property from seeing more of the damage that they've experienced this year. He thinks there is further discussion about another possible pipe further to the south if what they are doing doesn't work. So, they are considering several options.

Jim Ghostlaw added that the water issues are ongoing and have been addressed. The curtain drain worked, and foundation drains were installed around the building that are working so there currently is not a drainage issue.

Board Member Carman stated that the mitigation is the Planning Board's responsibility. The Zoning Board of Appeals is lot coverage and variances.

CEO Kane stated that the Town of Middlesex is going to be working with the Ash family, Bill Grove and this project with the watershed issue to mitigate the water.

Rebecca opened the public hearing.

Robert Finger stated that, regarding the water that is affecting the property, he received a drawing from Bill Grove and he is willing to submit it for review. It is a couple of confinement berms and a lower swale that would collect the water with a daylighted pipe to stop the accumulation that, if not mitigated, it would overflow the road. They talked to Kevin Olvany, the County, the Town and everyone is on board with this pipe being able to take that accumulation at times and channel that water down to the open drain that is there now and not accumulate. This was the result of a couple of meetings.

Rebecca closed the public hearing.

Board Member Harper inquired if the Planning Board will look at the lot coverage for run off if it is approved by the Zoning Board of Appeals. Also, will the Planning Board require a permeable driveway.

Attorney Brenner stated that the Zoning Board of Appeals should make that decision because if it grants the coverage, it would be hard for the Planning Board to walk that back. They could take the position that drainage on the site simply doesn't work and that a permeable driveway is required but it would be tough in the context of the Zoning Board saying from a coverage standpoint it is appropriate.

Board Member Carman stated that he would like to see everything possible done to mitigate the water issues. And obviously there is a lot of attention that's coming to the water issue.

Board Member Harper inquired on whether they can say they want the applicant to have a permeable driveway.

Attorney Brenner stated that shouldn't be enforced. If the Board thinks that the coverage is inappropriate, then they should deny the requested variance as to coverage and then go back and work within the variances granted and present an alternative proposal which may include a different driveway to the Planning Board. The Zoning Board should not direct them as to the material of the driveway, but instead give them the option that they have a combination of a hard surface driveway for travel lanes and grass in between.

There was discussion about different properties that had 28% +/- lot coverage approved and the response by the Zoning Board was that there are differences with each property, and some are set back further from the lake.

Board Member DeMallie stated that he would make a motion for the lot coverage, He thinks the lot coverage that is requested should be approved. One of the reasons he wants to grant the lot coverage is because there was a lot of thought on where and how the water should go. The reason to have lake residential homes with 20% lot coverage is because they want the land to absorb the water that is coming off the roofs of the houses and driveways, etc. and go slowly to the lake down either cliffs or straight in like this lot would. He doesn't see any point in making the proposed garage smaller. If a condition can be put on there for a permeable patio, driveway, and sidewalks and so forth to make it look better but the applicant already looked into that and put it down there. So, his opinion is that the water may go off onto the lawn and this new proposed house addition the water is going to go down off onto the lawn but some of these drains are going to take care of that and they don't need to have so much protection and make it 20% vs. 23.7%.

Board Member DeMallie made a motion to approve all the requested variances. Board Member Grant provided a second to the motion. The motion so carried with the following:

Roll Call Vote:

|                          |     |                  |     |
|--------------------------|-----|------------------|-----|
| Rebecca Parshall, Chair: | aye | Elizabeth Grant: | aye |
| Ted Carman:              | nay | Richard DeMallie | aye |
| Win Harper (alt)         | nay |                  |     |

**New Business**

**3. App #030222-ZBA/ Richard & Lynn Lersch owning property at 890 S Lake Road, Tax ID #11.82-1-11 (LR) is requesting one (1) area variance.**

Applicant is requesting to install a driveway giving them easy access to their house. They are requesting a 14 ft. variance 1 ft. from the property line from the neighbor to south. The object is to get a gentler curve into the house. This will forego a lot of drainage issues. They are working with neighbors to south on drainage issues. This new plan will lessen the drainage issues in their original plan and will also allow for more green space and drainage. Both properties will be graded, and the retaining walls will not be needed. They are requesting to locate the driveway 1 ft. from the property line.

Board Member DeMallie stated that if there was less than a 38 ft. turnaround, they could move the whole driveway 3 ft. closer to the north/house. What is the goal of putting the driveway on the lot line?

Lynn Lersch stated that between Wolk's driveway and the old driveway there is 30 ft. and the land in between is unusable unless they put trees or whatever in there. The lay of the land is requiring the placement of the driveway, it is a very steep slope. They need to go closer to the south side and the Wolk's are fine with that.

Board Member DeMallie inquired if both properties would need topsoil brought in to raise the driveways.

Lynn Lersch responded that their original plan had their driveway elevated at the end and that's why the 5 ft. retaining wall which they didn't like. The new design has both properties graded so they don't need retaining walls and fill. There was a 15% grade, and the new plan is a 14% grade. The end of driveway is a spillway which would mitigate the water. There will be better access to house in years to come. Nothing will go into the lake with the drainage. Currently icy in front of garage door. This is a better plan to get into the home. Less impervious service because there is no retaining walls or ramps to navigate. They are not cutting into the embankment like the previous plan was going to do. They originally had 7 variances but have been reduced to 3. The Zoning Board approved 2 variances for the generator in January and then they have a septic retaining wall that is still impacting the land. They don't want to have all the parking lot on the greenspace, they have reduced the coverage on it with the new plan.

Board Member Carman asked whether the driveway is where they are asking to put it or meeting the setback the amount of green space is the same either way.

Lynn Lersch indicated it is almost 80 sq. ft. less but it's usable space. If it's a lot of that green space between 2 driveways, it's unusable. Whereas if the driveways are closer together then they have the use of that land on their side, and it helps the overall drainage. The recreating of the elevation lines shows that this is a lot less of a slope.

Board Member Harper asked how far the driveway was in from the top part of the property line.

Lynn Lersch answered that it measured from where they unloaded to our front door, and it was 30 ft. The old plan vs. the new plan put them 30 ft. closer to their entry way. In the new plan they are about 10 ft. away. The new driveway backing in area goes to almost the front of the house which is on the lake side. But the driveway itself is closer to the front of the house.

Board Member Harper stated that it looks like their other driveway, the south edge of the driveway was about 20 ft. from the property line. He inquired what the lot coverage was when they put the driveway in.

Lynn Lersch responded that it is 15 ft. and it had a retaining wall all the way around it and around the ramp and on the other side of the ramp (lot coverage should be a percentage). She stated that the lot coverage is well below, a little bit over 100 ft.

CEO Kane read the Wolk letter.

“We have been in frequent communication with Richard and Lynn Lersch regarding their driveway and its location to our north boundary. To help minimize the environmental impact and maximize green space we fully support a 0 or a minimal setback for our property line with the Lersch’s. This variance will allow the Lersch’s to safely construct the driveway which meets their current and future needs. We intend to landscape our driveways in conjunction with the Lersch’s to insure a good outcome for both parties. Should you have any questions please don’t hesitate to contact us.”

Attorney Brenner stated that there was a lot of discussion about a shared drainage facility and water being directed toward the Wolk’s. He is concerned when there is change in ownership, the Lersch’s sell or the Wolk’s sell at some future point someone may be stuck in a situation where the driveway is 1 ft. off the line and there is no formal agreement in place with how that water is being directed. If the Board is inclined to approve, he suggests a condition of a drainage easement, or some sort of shared facility easement being required as condition of approval so that in the future when there is different owners there is no confusion about why the Lersch’s water is on the Wolk’s property and the driveway is 1 ft. off the line.

The Wolk’s have not yet changed their driveway design. Their approval is still with the retaining wall on the west side towards the lake.

Board Member Carman suggested also having a shared maintenance agreement in place where the facility is maintained and cleaned out periodically and the parties work together.

Board Member DeMallie asked if a lot of water comes down the road and down?

Lynn Lersch stated that it can happen with flash storms but generally does not. A thought that 6 ft. rather than just being nothing could be used to channel that water into the spillway at the very end of the driveway and then there would be a rain guard there that would stop any extra water from going down the embankment.

CEO Kane read a letter from Bruce St. Lawrence:

“I have reviewed the Lersch driveway application and have comments as follows: The proposed driveway is approximately 100’ in length all at 1 ft. off the property boundary the requested variance. Approximately 75 ft. of the driveway, plus a few feet beyond the west end require 2 ft. of fill for the revised contours. Being only 1 ft. off the property creates a very steep drop off to the existing grade along the south shoulder of the driveway. This is a safety hazard for vehicular travel and



could present runoff concerns for the neighbor to the south if the driveway is not created properly then maintained. It is stated in the appeals criteria response that this latest driveway configuration requires less ground disturbance as compared to the previously driveways. This should be verified by the engineers. This is being offered as a positive to the request. Rough scaling indicates a similar extent of disturbance for both approaches. And finally, I would suggest that previously approved configuration be readdressed by the engineer to help mitigate the concerns expressed by the Lersch family. This setback variance, if approved, could likely set an unwanted precedent for future development applications presented to the Planning Board. Also, there is the potential for litigation from other landowners in the lake residential district who have had to comply more closely to the zoning law for setbacks. And finally, future changes in ownership of this parcel and the adjacent one to the south must be considered. Will this built-up driveway so tight to the boundary line be a source of contention to individual impact and drainage control.

Board Member Grant questioned if the Lersch's and the Wolk's will be doing their driveways at the same time. And asked how much of the swale goes on the Wolk's side.

Lynn Lersch responded that 5 ft. of that swale would be on the Wolk's side, and they are ready to go with it.

Attorney Brenner expressed concern about the shared approach. The Board does not have an application from the neighbor that is reflecting the circumstances that are being discussed at this meeting. He suggests that the Board table it to allow the neighbor to provide further input based on new information. From a legal perspective if you approve this application, the Lersch's have a right to build what is approved. The neighbor may never come in and want to build something different. If there is an argument between them and then we have a driveway that is 3 ft. in the air and that is not the intention. Both property owners should have a separate application and return at the same meeting requesting simultaneous variances. It is fine to have the same engineer for both properties. A combined map showing the improvements for both properties would be very helpful. It would be helpful for this Board to see that there is a big wholistic plan being developed. Also, include an agreement regarding document drainage and a shared services agreement.

CEO Kane stated the way the applicant is presenting it plays into the neighboring driveway and the Board doesn't have that. They have a driveway that is 5 ft. off the line with a variance. And you are saying you are going to share drainage and those two things don't match.

The application will be tabled until the next Zoning Board of Appeals meeting.

**4. App #032222-ZBA/ Mark O'Malley, owning property at 1466 S Lake Road, Tax ID #31.01-1-18 (LR), represented by Mott Land Surveying is requesting eight (8) area variances.**

Shanna Williams introduced the application stating that it is a unique house on a unique lot, so they are trying to make it more useful.

Elizabeth O'Malley detailed that in spending the summer with their mother and local family members they need more space to make it more easily accessible. For example, an extra bathroom, a slightly larger bedroom, and room for larger appliances. Her elderly mother and other family members frequently visit, and they would like some extra room. They would like to maintain the historical feel and the integrity of the home while updating the living space to accommodate their family.

Board Member Harper stated that according to Town zoning law § 302, no nonconforming building should be enlarged, extended, expanded, replaced, or moved unless such alteration would tend to reduce or not increase a degree of nonconformance. This is a preexisting nonconforming lot. None

of this house would even be allowed today. The Planning Board might be able to help with what you can do but all your variances increase the nonconformity of the lot.

The Board suggested that the applicant get better acquainted with the zoning and what is legitimate to do and not legitimate and to come back with a different plan with specifics.

Board Member Carman suggested being aware of the 100-year flood height. You can find that on a lake height guide that you can query and get.

CEO Kane restated that the applicant needs to address two things: the water level and building in the flood zone. They have to be outside of that otherwise the construction just won't work. And then finalize what they are asking for and prioritize them as well.

Board Member Carman stated his observation, having visited the site coming in by the stairs and going out by the asphalt driveway which comes down fairly steeply and ends abruptly at the existing house. Putting PC in there is going to further tighten up your amount of working space. This may create a safety issue.

CEO Kane recommended getting a geo tech involved to make sure that what they are asking for can even be built on. Get them involved in the ground fill area and see if it can hold any construction.

The application will be tabled to a later date.

Draft Minutes from January 6, 2022 were reviewed. A motion to accept as submitted was made by Board Member **Carman** and seconded by Board Member **Grant**. The motion so carried with all Board Members present voting in favor.

Without further discussion, Chair Parshall entertained a motion to adjourn the meeting of the Zoning Board of Appeals. Board Member **DeMallie** made the motion with Board Member **Carman** providing a second. The motion so carried with all Board Members present voting in favor. None opposed.

Meeting closed at 9:16 pm

Draft Minutes submitted by Laura Ann Chamberlain  
Minutes approved on May 5, 2022