

PLANNING BOARD REGULAR MEETING MAY 26, 2021 AT 7:00PM

- 1 -

Members present: Chairwoman Severance, Chris Maron, MaryLou Fitzgerald, Dwight Anson, Alan Hipps Ken White & Elisha Bartlett

Guest Present: Catherine Simmer and George Hainer

Chairwoman Severance: Called this regular meeting to order at 7:08 pm.

Chairwoman Severance: Has everyone had a chance to look at the April minutes?

Chairwoman Severance: Do we have a motion to approve the minutes?

Mr. Hipps: I'll make that motion.

Mr. Anson: I'll second that motion.

Chairwoman Severance: All in favor? Approved.

- **Resolution 2021-14 Approval of Minutes**

Resolved: To approve the minutes of April 28, 2021.

Moved by: Mr. Hipps

Seconded by: Mr. Anson

In Favor: Ms. Fitzgerald, Mr. Anson, Ms. Bartlett, Mr. Hipps, Mr. White, Mr. Maron and Chairwoman Severance

Opposed: None

Chairwoman Severance: We have a project proposal for a permit from Guy Lever, 74 Furnace Point. He must build the residence first. There has been a lot of problems with this property regarding the neighbors and protecting the integrity of the land.

Ms. Bartlett: Would we have the same requirement for another resident?

Chairwoman Severance: Yes, Town Law reads house first then accessory buildings. (See Town of Westport Land Use Law: Section 30 Construction of Language and Definitions, Subsection 30.020 Definitions- Principle Building and Section 31- Town District Regulations, Subsection 31.051(a) Village Growth- Residential District)

Ms. Bartlett: Is he planning to do everything under one permit?

Mr. White: Is it usually one permit?

Mr. Hainer: Yes, usually.

Chairwoman Severance: The boat house is his main driver.

Mr. Anson: I thought Giles said he couldn't have a boat house.

PLANNING BOARD REGULAR MEETING MAY 26, 2021 AT 7:00PM

- 2 -

Mr. Hainer: The boat house is an issue. A boat house must have direct access. The APA has backed off the direct access.

Mr. Hipps: We have direct access in our code.

Mr. Hainer: In the Hamlet building code is at or along the shoreline. The boat house is the exception to the APA 75 feet. We have never run into this because many people put the boathouse on the lake. The problem there is the ice, elevation and the shoreline.

Ms. Fitzgerald: I don't have any problems with his plan so far.

Mr. Maron: From an aesthetic point of view we would be letting one person enjoy. Who is getting the benefit?

Chairwoman Severance: Everyone has the right to ask once he does this.

Mr. Hipps/ Mr. Maron: Tom Hoy has a boathouse on the bayside you can't really see it.

Mr. Hainer: The issue is clearing and cutting trees down.

Mr. Hipps: So much is being forced on that slippery slope.

Ms. Brartlett: I can see why he would want this. It is a precious lot. Would he need a permit for a 10x12 lean to?

Mr. Hainer: Anything over 100 square feet needs a permit. The APA said get a definition of direct access.

Mr. Hipps: what was on the approved site plan?

Mr. White: There wasn't an approved site plan, it was an approved building envelope.

Chairwoman Severance: What is he asking? Where does it go from here?

Mr. Hasiner: 50' back. After he called it a boathouse 25' back. 103.8 is flood stage.

Mr. Maron: If we approve this and there is a washout, where do we stand? Are we liable?

Mr. White: Thatr is a good question.

Mr. Hainer: You can approve the house and the garage. More information is needed for the boathouse.

Chairwoman Severance: Can we permit this one building at a time? If the garage has a residence, then no house. The garage would be the residence.

PLANNING BOARD REGULAR MEETING MAY 26, 2021 AT 7:00PM

- 3 -

Ms. Bartlett: I agree we need a floorplan for the garage.

Mr. Hipps: What is the future intention of the boathouse? How does he get there? Is he using the driveway? It's hard to give it to the ZBA without knowing his intentions. I've seen pictures of boathouses along the lake, they get banged up and deteriorate.

Chairwoman Severance: The conditions of that shoreline in particular are rough.

Ms. Fitzgerald: I would be surprised if the boathouse would still be there in 10 years with erosion, wind, trees falling etc.

Chairwoman Severance: What is direct access?

Mr. White: My interpretation would be the boat comes directly out of the water and into the boathouse.

Mr. Hainer: The reason it goes to the ZBA is to get clarification on what is direct access.

Chairwoman Severance: It's not far enough back.

Mr. Hainer: The planning board can give their opinion to the ZBA.

Ms. Bartlett: That would make others think long and hard.

Mr. Hainer: His main drive on this property has been the boat house. He started there with the APA.

Mr. Hainer: This is a site plan review.

Chairwoman Severance: Do we have questions for Mr. Lever? What are his intentions? How does he plan to access the boathouse?

Ms. Bartlett: Why does he have the area to the left that says "disturbed 2010"?

Mr. White: that was the landslide that he caused.

Chairwoman Severance: Why did the preservation area not go down to the lake?

Mr. Maron: I don't think the boathouse was discussed?

Mr. Hainer: No, it wasn't. You can go down to look at the area again.

Mr. Maron: anyone opposed to approving the house and leaving the boathouse separate?

Ms. Bartlett: I would like more information on the garage.

PLANNING BOARD REGULAR MEETING MAY 26, 2021 AT 7:00PM

- 4 -

Chairwoman Severance: If he puts the garage with no house that will be his residence.

Mr. Anson: I would feel bad about going that way without him knowing.

Chairwoman Severance: He would know. The law says house then accessory buildings.

Mr. White: The garage can be used for auto storage and general storage.

Mr. Hainer: You can't live above a garage.

Chairwoman Severance: Let's address his permit as house and garage, that's typical, until we get clarification on the definition of a boathouse.

Mr. Hipps: A boathouse should have a boat in it.

Chairwoman Severance: What do we need to approve?

Mr. Hainer: This is typical.

Ms. Bartlett: Do we know if the height is acceptable? The walkout basement changes the height. We need to get elevations, scale and determine the walkout height. The boathouse needs to be separate from the house and garage. We need to send an email to get more information.

Chairwoman Severance: We received two letters of interest and then we received a third. This is really wonderful that we have that much interest.

The board members all agree this is great to have so much interest. The board reviewed all three candidate's letters. They discussed their qualifications and the unique perspective each of them would bring to the board. After a lengthy discussion the board decided to accept all three candidates as alternates. There will be future discussions regarding which alternate moves into a member vacancy.

Ms. Fitzgerald: I make a motion to appoint all three candidates.

Mr. Hipps: I'll second that motion.

- **Resolution 2021-15 Alternate Member Vacancies**

Resolved: To accept Mr. Robert King, Mr. Daniel Berheide and Ms. Cheri Phillips as alternate members to the Westport Planning Board.

Moved by: Ms. Fitzgerald

Seconded by: Mr. Hipps

In Favor: Ms. Fitzgerald, Mr. Anson, Ms. Bartlett, Mr. Hipps, Mr. White, Mr. Maron and Chairwoman Severance

Opposed: None

PLANNING BOARD REGULAR MEETING MAY 26, 2021 AT 7:00PM

- 5 -

Ms. Fitzgerald: I move to adjourn.

Mr. Hipps: I second that motion.

Chairwoman Severance: All in favor? Adjourned.

• Resolution 2021-16 Adjournment

Resolved: To adjourn the meeting at 8:44 p.m.

Moved by: Ms. Fitzgerald

Seconded by: Mr. Hipps

In favor: Ms. Fitzgerald, Mr. Anson, Ms. Bartlett, Mr. Hipps, Mr. White, Mr. Maron
and Chairwoman Severance

Opposed: none

Respectfully submitted,

Catherine L. Simmer, Secretary