



7/14/2021 - Minutes

1. CALL TO ORDER

Chair Steven Bogert called the meeting to order at 6:30 PM.

2. ROLL CALL

Members present: Michael Foote, Gail Ober, Steven Bogert, Michael DellaVecchia, Roland Maheu, Marcia Hayward, Jane LaRoche.

3. RECORDING SECRETARY

Mackenzie Theberge

4. STAFF IN ATTENDANCE

Planning Director Dean Trefethan

5. OTHER BUSINESS

5.I. 41-63 Elm Street; Paugus Elm1 LLC, Request For Rehearing Of Appeal On An Administrative Decision

I. S. Bogert explains that the request for rehearing means there is no participation from the audience, it is strictly a discussion with the board. The applicant is saying the board is erred in their judgement and making their decision. And was there anything provided to them by the applicant that would indicate that the board erred in the decision.

G. Ober does not see the reason for the emergency of this meeting as there were enough denials.

R. Maheu explains the purpose of the emergency hearing is to look out for the best interest of the city.

S. Bogert briefly explains what the board indicated in the last meeting.

There was clarification between the board that they can only discuss the evidence that is in front of them.

M. Foote states that both statements are true it is a structure, but they call it a non-building structure. They use the same materials at the Marina to keep materials from falling into the lake.

S. Bogert mentions if it were to be left as a retaining wall as itself then it would be a structure of that wall but in this case the garage is the retaining wall because they will backfill. This will allow it to be held up. Then they remove the steel, and you are left with concrete footings. It has been determined

that the extraction of these would cost less rather than leaving them. Once the garage foundation and footings are put in place, they are useless. They do not provide anything other than taking up space. To pull them out could disturb the area around them. It was wiser and safer to leave them in the ground.

M. Foote concurs that it was a technique not a structure.

M. DellaVecchia states that retaining walls are allowed to be built on the border line. If they cut five feet below the surface rather than two feet, the cherry trees would thrive. The technique is putting the structure in the ground. M. DellaVecchia concluded that it is a structure. The building itself will be within the confines of the set back. The retaining wall is okay to be there.

R. Maheu agrees that it is a technique, whether the wall was left in the ground or taken out. A function ceases to exist it does not serve a useful function therefore it is not a structure it is a technique.

II. S. Bogert mentions that in corner lots a backyard turns into a side, and it has always been done that way. In this instance we have three roads instead of two roads.

M. DellaVecchia believes because it is on a corner lot, the rear setback disappears, and they all become side setbacks.

G. Ober believes whether it is a rear setback or side, the structure is still within the setback.

S. Bogert confirms that the discussion is about whether it is structure or a technique.

R. Maheu questions if they can use anything different in this situation regarding the setbacks and their definition.

S. Bogert replies that the definition for setbacks has been there a long time and has always been the same.

M. Foote defers to the guidance from the Planning Director, D. Trefethan and believes the board did not err.

III. S. Bogert believes that the technique was discussed in the second meeting of Planning board.

G. Ober states there was no vote on this.

S. Bogert confirms that there is no error to be made.

G. Ober motions to deny the request of the rehearing, R. Maheu seconds the motion. All voted in favor of the motion, motion was denied.

## 6. ADJOURNMENT

With no other business, G. Ober motioned to adjourn with M. Foote seconding. All voted in favor.

Meeting adjourned at 7:01 pm.