

March 1, 2017

APPROVED 5/17/2017

Case # 475

Bob Theve, Amy Stockman, Alicia Gettman, Tom Swift and Mark Howard were present

Mahnaz Mahidashti and Mohammed Reza Alemi, 10 Westwood Bay, seek a variance for insufficient front setback in the lakefront zone. Applicant proposes to demolish existing cottage and build a new one 18' further back but still within the 50' front setback.

Scott Ohlson from Winona Manor, Ms Ebersol and Ms Ball from Westwood Bay were present. Gary & Bonnie Chehames and Code officer Jack Parsons also in attendance.

Tom Varney of Varney Engineering presenting. He explained that the cottage is not worth fixing so they plan on demolishing it and rebuilding further back but still within the front setback. Because of the wetlands cannot really go back any further. He has Shoreline protection and Wetland permits from the State. A new septic in 2012 and a new well in 2016.

Bob asked why not go back further? Varney said he tried to balance it out and not go any further into the wetland. He felt the State would not grant a permit if more wetland was impacted. The driveway that was recently upgraded had to have wetland permit. The driveway now allows the owner to get to their cottage, previously they were parking on abutters property and had to walk to cottage. The property slopes down from 109 and the water settles behind the cottage. The cottage is now on the high spot of the land. The new cottage would be 34'x 34' 2 stories. Only allowed two bedrooms per septic permit. It will probably only be used seasonally.

Abutters from Westwood Bay were concerned about where is the water going to go once a foundation was put in because now the water basically goes under the cottage. Mr Ohlson was concerned about the existing culvert that was put in under the driveway when it was upgraded, the water does not flow out like it should.

Jack commented that the Shoreline permit has them taking care of the water. It will be corrected.

All abutters are very concerned about the water runoff. All their properties are low and wet, they don't want more wet. Ebersol and Ball both said that when another neighbor built a new house there was more water.

Varney felt there would be no more water on the abutting properties because on one side of the applicant property there is a natural seasonal ditch along Winona Manor side that drains into the lake. The other side of the property there is a swale to prevent water from going that way.

Ohlson asked why not rebuild in the same location as the existing cottage? Tried to move away from the lake. Bob asked about a future water problem, who is responsible?

Ohlson said he thought the culvert under the driveway should be lowered at least a foot for it to work efficiently. He is in favor of a new cottage, the existing one is in sad shape. Bob asked who judges the additional impact? Varney responded that there will be grading as permitted to get water away. It is the soil that holds the water. There should not be any additional runoff.

Mark asked why move it back. Varney said it is only 20' to the water now and Shoreline permit is a compromise. Varney felt that the water will continue to stay on the property.

Back and forth conversations about the water issue. The permits allow the State to remediate.

No other questions the public input closed.

Questions

# 1 Hardship; the condition of the existing structure and the wetlands are self explanatory.

# 2 Spirit and Intent not broken; they have met all the DES requirements.

# 3 Adversely affect others: It could and if it does the DES would remediate it. That could be a condition of the variance.

# 4 injustice to deny: It is an improvement to the property and enjoyment of the owner.

# 5 Contrary to public interest; Public not affected.

Amy made motion to grant the variance with the condition that: remediation of any additional water or runoff or water accumulation resulting from construction. Alicia seconded. All in favor.

Hearing Adjourned.

Motion was made and seconded to approve the minutes of hearing #474 ( Hunter).

Meeting Adjourned

Jackie Rollins, Secretary