HARRISON PLANNING BOARD
MEETING MINUTES
AUGUST 21, 2019

Board Members Present:  Chairman James Dayton, Vice-Chairman Richard St. John, Brian Spaulding, Colleen Densmore, Wendy Gallant, CEO John Wentworth, Asst. CEO Jim Fahey, Secretary Kristen MacDonald

Public Present:  LRTV, James Shaw, Tom Smith, Henry Shaw-contractor

The meeting was called to order at 6:25 pm by Chairman Dayton and a quorum was determined. Chairman Dayton stated that the Board had just finished their site walk at 134 Zakelo Rd. for James & Marilyn Shaw’s shoreland zoning permit and are now going to discuss it.

1. **Old Business:**

   a. **Approval of the Meeting Minutes for July 3, 2019 & August 7, 2019**
      The Board will vote on the minutes at the next meeting.

   b. **Shoreland Zoning Permit Application – James & Marilyn Shaw – 134 Zakelo Rd.**
      The Board looked over the plans which James Shaw gave to them at this meeting. James Shaw stated that on the plan it shows building elevation of 12’ 6" but his contractor Henry measured 14’ 6”. Chairman stated that the plans are showing the elevation of the building to be 12’ 6" from the floor, but the Board needs the elevation from the ground. 15 feet is the maximum height allowed from the ground up. Chairman said that discussion is a little further along than where they are at this point.
      Chairman commented that the reason the permit was granted originally was for lifting the existing building and then putting it back down on a new foundation. For reasons that the Board wasn’t involved with, the building no longer exists and there is a foundation that seems to be around 6-8 feet from the water. CEO Wentworth passed a copy of a plan to the Board to show what the measurement
of the existing building was. There was some discussion about the septic system and where it is. Jim Shaw was unable to find anyone that had the plans on the current system.

Colleen and Brian shared that they are having an issue with the fact that being told to make the building safe and tearing it down are two completely different things. That repairing and replacing are totally different which makes this difficult. Chairman asked Henry Shaw, the contractor that when he looked over the building for the original permit that he thought it could be repaired and not replaced. Jim Shaw stated that Henry was not the first contractor on the job, he was the 4th. That its been a nightmare. Henry stated that he didn’t know until he got into it, when he pulled the first pine boards off the ceiling and a piece of sheetrock off the wall and it was so black with mold and the only way to cure the mold problem is to get rid of it. Also, everything was rotted. The roof itself wouldn’t hold his weight. Jim Shaw let the board know that he wouldn’t have put all this money into it if he wasn’t led to believe originally that the building could be repaired. He went by what the prior contractor told him.

Colleen asked Jim Shaw how his prior architect could possibly ask for a $7,500 project and determine that it’s less than 50% of the cost of the replacement of the building if he didn’t know the condition of the building? Jim responded that the only way that he could do that is to tear it apart. Chairman asked if they did any investigation of the building. Henry stated there was not a hole in the wall anywhere. Jim commented if you buy a house and the structure looks sound and you aren’t seeing any rot are you going to tear the walls open to see if its safe? Colleen commented that there are a lot of things a buyer can do before they spend a lot of money on a property. Jim said he has done this a lot and has never had anybody inspect an interior of a house for mold, only the basement or attics. Henry commented that all the dry wall was tight enough that the mold didn’t come thru like it can.

Tom Smith stated that he had spoken with April at DEP on whether they would need another permit by rule and her first opinion was no but she wanted to research it first and get back to him. She did have the existing permit application and all the materials in front of her. Tom said they will do what they need to with DEP.

Colleen spoke about how the original structure had what looked like a bungalow roof and that covered the 8’ extension on the one side that was an addition on that building at one point and the porches all had separate roofs so when you cover this entire thing with one larger roof with a higher pitch you have now gained loft space, added a window, etc. Henry responded that they dropped it down to a 4-12 pitch so that it’s the same height as it was. Colleen said it does not look like a hip roof on the current proposed plans. Jim Shaw commented it is because of cost that they changed it. Colleen wanted to make sure she was reading it correctly. She asked so this new plan is 12’ 6”? Henry stated yes, with a 4-12 pitch with no window or anything.
Wendy asked if the square footage is the same and that they will not be above the 15 feet? Richard responded that the square footage is the same but they will be above the 15 feet but not above the height of the original structure. Which it can be either or, whichever is greater. Colleen stated they are ok going to that original height based on what is stated in the ordinance.

The Chair asked CEO Wentworth if this is considered a change of use? CEO informed him that this is an accessory structure, its not a single family residential dwelling so it can’t have a kitchen in it, it can have a bathroom. It is a legally existing non-conforming accessory structure. **Richard moved, Brian 2nd that the Board agrees that it is an existing non-conforming structure in the existing footprint and it does not have to be moved back. All were in favor.**

CEO Wentworth recommended to the Board that they build the exact same thing that was there if DEP allows it. No moving the exterior walls out to enclose the porches just replace what was there. Jim Shaw asked that they please allow him to build it with a gable roof. It will be so much more expensive to rebuild the exact same. No walls will move out. Richard commented that if he could enforce it he would have him have a hip roof to make it back to what it historically was before, but he’s not sure that the Board can do that architecturally. The Board is there to set the height of the building and where it exceeds the 15 feet that’s in the ordinance they will have to find a number that they are comfortable with of what was existing. **Richard moved to accept the 12’ 6” building height from the finished floor to the peak. Brian 2nd. All were in favor.**

Colleen moved, James 2nd that they allow it to be built as it existed in the original existing plans. Jim Shaw again asked them to please reconsider because of the debt this has put on him and the historical value is already gone. He never expected to have to take down the building and it would be a big difference in price. All board members voted it down.

Richard commented that with a gable roof half the water runs straight to the lake. With a hip roof it falls off all four corners and its more spread out. Colleen asked if the gable would be facing the lake? Jim Shaw said no its not. Its pitched toward the lake and will run off onto the stones. Henry stated they can put a gutter on it so that it all goes into the drainage.

**Richard moved, Colleen 2nd to approve the plans for James & Marilyn Shaw dated 8/21/19 as submitted with a storm water management system, contingent upon receipt of DEP determination. All were in favor.**
2. **Next Meeting**

   September 4, 2019 @ 6 pm

3. **Adjourn**

   James moved, Brian 2\textsuperscript{nd} to adjourn at 7:35 pm. All were in favor.

   
   
   
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   Chairman James Dayton
   
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   Secretary Kristen MacDonald