

Meeting Minutes  
Ad Hoc Zoning Committee  
Town of Ulysses

May 30, 2013

***Approved June 13, 2013***

**Attendees:** Rod Hawkes (chairperson), Darby Kiley, Don Wilson, Dave Kerness, Rebecca Schneider

**Public:** Tim Fallon, Heinz Riederer, Lawrence McCann, Cheryl Chalmers, Liz Thomas, Karen Meador

Mr. Hawkes called the meeting to order at 7:00 PM.

There were no changes to the agenda.

Meeting minutes from May 22 were approved with Ms. Schneider abstaining.

**PRIVILEGE OF THE FLOOR**

Tim Fallon noted that the meeting was not on the town's calendar until a day or two ago. Ms. Kiley responded that the agenda was on the committee's webpage as of last Friday but was not added to the calendar until Wednesday. Mr. Fallon stated that accessory buildings on the waterfront are different; residents have boat accessories, cushions for chairs, and well pumps.

Karen Meador stated that homes on or very close to the water may not need an accessory building but properties with cliffs might need a storage building closer to the water. She stated that she has general concerns about negative impacts on desirable beautification improvements and that the regulations will decrease the tax base and property values.

Heinz Riederer asked if the committee looked at the tax base of lakeshore properties. He said that his numbers are stale but the taxes generated from lakeshore properties is a substantial number relative to the town government and should be a consideration. If development is restricted or lots are made undevelopable, income flow to the town would be restricted. He stated that the state law is specific about one mooring per lot and he asked if the committee was discussing one mooring per 100 feet, so is the committee saying that if a property has less than 100 feet of frontage, that they are not entitled to a mooring. Mr. Hawkes responded that is not the intent. Mr. Wilson added that the committee proposed 1 dock per 100 feet. Mr. Kerness stated that if the state says one, we cannot allow for more.

**REVIEW OF OUTSTANDING RECOMMENDATIONS**

DOCKS

Dock square footage: The 9/12 draft language limited the total dock square footage to 375 feet. Based on measurements of 30 docks using aerial photography, the average square footage is 775 square feet. The committee voted unanimously in favor of **700 square feet (plus 8 square feet for each additional foot allowed beyond 60 feet)**.

Dock width: The committee discussed the need for minimum and maximum widths. The minimum is derived from building code requirements. Committee members stated that 10 feet is sufficient width. The committee voted unanimously in favor of **dock widths of 3-10 feet.**

Dock extensions: The committee discussed that 20 foot length and width of extensions is generous. The committee voted unanimously in favor of **extension length of 20 feet and width of 10 feet.**

Number of docks/lot: The 9/12 draft language included the following, which the committee voted unanimously in favor of:

**The number of docks permitted per each waterfront lot shall not exceed the following:**

- 1. 200 feet or less of water frontage: A total of 1 dock.**
- 2. More than 200 feet up to 400 feet of water frontage: A total of 2 docks.**
- 3. One additional dock is allowed per each 200 feet of water frontage in excess of 400 feet.**

#### BOAT HOISTS:

Mr. Hawkes stated that the committee had discussed removing the length and width requirements in favor of a square foot area. Mr. Wilson suggested that 450 square feet takes into account the average existing area of 442 square feet. Ms. Schneider asked how the boat hoist size impacts the use of boats, and Mr. Wilson stated that if the average is used, the existing, larger structures will be grandfathered, and this will impact future development. Mr. Kerness stated that he knew of two boats that are over 30 feet long and the hoists for those do not have covers. Discussion also included: the draft regulations do not limit the number of uncovered boat hoists; boat widths are typically 8 feet because of transporting on highways; many hoist structures have catwalks to allow access on and off a boat.

The committee voted unanimously in favor of **boat hoist maximum area of 450 square feet.**

After discussion of boat hoist structure height, the committee voted unanimously in favor of **boat hoist maximum height of 15 feet.**

The committee discussed that sides on the boat hoist structure limit the view through the structure, though it was mentioned that the architecture tradition would be to have sides. The committee voted unanimously in favor of **boat hoists with no sides.**

The committee discussed the roof pitch of boat hoists. The rationale for requiring a relatively flat roof is so that neighbors' views are not blocked. Some residents have larger lots with no neighbor views to obstruct and there could be some allowance for architectural variety. The committee added new language and voted unanimously in favor of **"To avoid excessive impairment of lake views, roof pitch shall not exceed 3/12 (3-inch vertical rise for every 12 inches horizontally)."**

#### ACCESSORY BUILDINGS:

The two options that were presented in the rationale table are as follows:

Option 1: Allow one accessory building up to 200 square feet to be located within setback area to lake but outside of 100- year floodplain (elevation 386 ft) for storage of water-oriented recreational equipment. Hazardous materials may not be stored in accessory building within 50 feet of shoreline.

Rationale: convenience and easy access to store water and beach equipment/furniture close to water.

Option 2: Keep setback requirements of 50 feet. If a landowner wants to build within the setback area because of unique situation, apply for an area variance.

Rationale: Do not want to make an exception for lakefront property and not the whole town.

The committee discussion included the following comments: property owners with a cliff have to carry lake gear back and forth and an accessory building at the beach should be large enough for winter storage of canoes, etc.; not all properties have a cliff so allowing accessory buildings close to the lake is not necessary for all properties; if the accessory buildings are small but sometimes they are larger and are converted into habitable space; you don't have to put your canoe indoors; similar to the current zoning, language needs to be added so that pump houses ARE allowed within the setback area; comfortable with 144 square feet but not 200 square feet; the language regarding the storage of hazardous material is unenforceable.

The committee voted unanimously to keep the **setback requirement of 50 feet from the lakeshore.**

There was continued discussion on gas storage and boat refueling as possible water pollutants. The Coast Guard provides education for boat owners regarding storage and handling of fuel.

#### WATER RIGHTS:

The committee discussed that there are a number of methods to determine water rights lines but the Colonial method seems fair.

The committee voted unanimously to keep the **water rights determination using the Colonial method.**

DRIVEWAYS AND PARKING: From the previous meeting discussion, language was needed to ensure driveways, etc. on steep slopes are designed or reviewed by a professional. The following language was recommended and the committee voted unanimously to accept it: **For new impervious surfaces proposed for driveways, parking areas, or walkways in Unique Natural Areas or Slope Overlay Areas, Site Plan Review procedures shall be followed, and the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for by the applicant.** [note: the end of this sentence is the same as in section 9.8.5.]

Under that statement: "Regrading of slopes for parking areas shall be minimized," Mr. Kerness recommended changing "shall" to "should." The committee voted unanimously for the following statement: Regrading of slopes for parking areas **SHOULD** be minimized.

The 9/12 draft included the following statement: **“The combined dimensions of impermeable walkways and ground level stairs shall be no more than 800 square feet in total area.”** Based on previous discussions, the committee voted **unanimously to remove that statement** from the zoning language.

LOT SIZE: there was some discussion on the 5-acre lot area requirement for non-lakeshore properties. Ms. Kiley will present the data again for the committee to understand the impacts of the different lot sizes. She will also add a diagram with lot sizes.

Other:

Mr. Wilson mentioned other issues that were presented at the October 2012 public meeting.

1. “Plowing of **salt laden snow from driveways** into streams is prohibited.” Mr. Wilson stated that the problem is that everything ends up in the lake at some point and the topography might allow for easier snow clearing if plowed in a certain direction. Ms. Schneider added that the salt usage is not trivial, and a pulse of higher salt concentration has more impacts than a chronic background level. Mr. Hawkes recommended a language change, approved unanimously by the committee: **“Plowing of salt laden snow from driveways into streams should be avoided.”**

2. Mr. Wilson recommended that references to **scenic views** should be deleted because scenic views refer to the other people’s aesthetics, not the landowners. Ms. Schneider stated that the Comp Plan focuses on scenic views and the recommendations should be included. The language is written as “should” which informs landowners who might not know about scenic view concerns. The zoning document is an educational tool and represents the intent of the Comp Plan. Mr. Wilson agreed to leaving the language as it is (**No actions were taken**), and when it comes to relating the views to the trails, that the same principles need to be applied, as there are many developable areas along the Black Diamond Trail.

3. Mr. Wilson asked about references to **dock and beach lighting**, and the committee reviewed the lighting standards that are currently in the zoning law. **No actions were taken.**

4. Mr. Wilson stated that he met with a representative from the Girl Scout Camp who stated that they have given permission for a mooring for the State Park Police but no others. She said that counselors are aware of the partying issues and will try to deter partiers.

NEXT MEETING:

The next meeting date is June 13 at 7:00 PM. The Committee will review the recommended language as inserted into the zoning district document and vote on the final document.

The meeting was adjourned at 9:00 PM.

Minutes submitted by Darby Kiley.