

Embden Planning Board – June 11, 2015

Members present were Chairman Leo Mayo, Eleanor Ketchum, Ann Bridges, Dwight Barron, and Myles Durkin. Also present were Elizabeth Lindsay and Durwood Beckwith.

The meeting was opened by Chairman Leo Mayo at 7:05 p.m.

The minutes of the May meeting were accepted as corrected.

Under Old Business the Chairman reported that the camper located on Barron Road was over 75 feet from the stream and that the gray water had been contained.

Next on the agenda was an application from Elizabeth Lindsay and Durwood Beckwith to construct a 24' x 24' two story 28 foot high dwelling on existing concrete slab and a 20' x 24' one story 17 foot high garage on existing concrete slab with an attached 5' x 24' deck on posts (74 Eames Road; Tax Map 3, Lot 20; check #6903 -\$25.00; Northview on Fahi subdivision). Their original application for a building permit had been denied by the Planning Board. The Board had denied their application as it did not meet the setback requirements set forth in Section 5.13.1 of the ESZO and it did not meet the criteria of Covenant 1 and 5 of their deed. Lindsay/Beckwith took their request to the Appeals Board. On 02/18/15 the Appeals Board reviewed Lindsay/Beckwith request. The Appeals Board stated that "the property of Eames Drive is private and maintained with private funds". Therefore, the Appeals Board motioned that the roadway setback requirements of the EZSO are not applicable and remanded the matter back to the Planning Board.

The Board discussed the matter that the deed Covenant 5 states that "no more than one single family dwelling house with attached garage (no larger than 26' x 26') may be erected on any lot. Any detached structures may be no larger than 12' x 12'." Much discussion followed. Lindsay/Beckwith felt that the measurements of 26' x 25' referred to the garage only, not the total of the dwelling and garage. The Board members consensus was that the dimensions of 26' x 26' included the house and garage. There was also some discussion about changing the deed covenants. The Chairman indicated that any changes to a subdivision must be formally brought before the Planning Board, all abutting landowners and lot owners within the subdivision must be notified (by certified mail and notice in the newspaper) and a public hearing would be required. One Board member also

raised the issue that the dwelling did not meet the setback requirements of the EZSO even though the Appeals Board determined that EZSO was not applicable.

A motion was made by AB and seconded by EK to table any further action on the Lindsay/Beckwith application until the matter has been reviewed by the town attorney for an interpretation of the roadway issue and Covenant 5 of the deed. All were in favor.

Permit #	Issued to	Construction Type	Plumbing Permit #	Amt.	Check #
2444	Michael Domino	To remove existing 11'6" x 12" single story shed and fill area with 5 yds. of fill; 66' HWM; to remove existing 11' x 17' single story garage 1-2' from HWM and to be replaced with 14' x 20' single story 11' high garage on concrete slab 105' HWM; contractor CLC Construction – Certificate #2734; site review completed 05/12/15; 10 Walnut Drive; Tax Map 30, Lot 1		\$25.00	TR411-1

There being no further business to come before the Board, it was voted to adjourn. Adjourned.

Respectfully submitted,

Ann C. Bridges, Secretary