

**PLANNING BOARD
MINUTES**

December 11, 2023

On the above date Planning Board Chairman Barry Horas called the meeting to order at 7:00 PM. After the Flag Salute he made a statement in compliance with Sunshine Law.

Roll Call

Members Present: Kathy Brady, Kevin Cain, Mayor Niki Giberson, Gail Haviland, Robert Haviland, Barry Horas, Joe Martin, Bill Montag, and Donna Riegel.

Board Attorney Joe McGroarty and Board Secretary Vicki Cantell

Absent: Doreen Kelly and Paul Smisek.

Minutes – On the motion of Gail Haviland, second of Donna Riegel, and carried unanimously to accept the minutes of June 12, 2023.

City Council Report – No report.

NEW BUSINESS – Kurtz, Block 14 Lot 21 Variance

Tom Darcy appeared representing Bill Kurtz. Both were sworn in. This property known as 140 Clarks Landing Road is an existing, non-conforming lot of 1.8 acres in the Rural Residential zone with 101 feet of frontage. It meets all the bulk requirements but does not have the required 150-foot frontage and therefore needs a variance. Mr. Darcy supplied evidence for both a C1 and a C2 variances. The wetlands and buffer zones have been delineated by a specialist and the results have been forwarded to DEP for approval. The large wetlands area restricts the placement of the home, well and septic. The property to the left just meets their 150-foot requirement so cannot provide any additional property. While Kurtz LLC owns the adjoining Lot 22 there is even more wetlands there. Removal of any adjoining property from this lot would result in not leaving the property unbuildable. Mr. Darcy made the case as it is there will need to be averaging done to make the lot viable. By averaging the two lot frontages together they would meet the intent of the zoning. Mr. Kurtz has agreed that both lots will be deed restricted to protect the wetlands and buffers. Further he agreed that Lot 22 will be deed restricted to prevent it ever being subdivided. He further agreed to a 13.5 roadway easement and set-backs will be measured from there.

Kathy Brady asked if Mr. Kurtz purchased the lot knowing that it did not meet the frontage requirements and therefore negated the Hardship. Mr. Darcy explained that the hardship goes with the land, not the owner, and Mr. McGroarty agreed that the variance could not be denied for that reason.

Donna Riegel request clarification/confirmation on the deed restrictions of Lot 22 and received same.

Gail Haviland asked why a previous subdivision of these properties into three lots was never recorded. Mr. Darcy explained that it was deemed impossible due to the large wetlands area.

OPEN TO THE PUBLIC – There was no one in attendance.

On the motion of Gail Haviland, second of Bill Montag and carries by unanimous roll call vote to approved the variance with the noted DEP and other standard approvals and deed restrictions on Lot 22 of never being subdivided and 13.5-foot easement.

OLD BUSINESS – None

CORRESPONDENCE – none

BILLS – On the motion of Bill Montage, second of Kathy Brady and carried by unanimous roll call vote to pay the secretary.

ADJOURNMENT – On the motion of Gail Haviland, second of Donna Riegel and carried unanimously to adjourn the meeting at 7:58 PM.

Respectively submitted,

Vicki L. Cantell, Board Secretary