

Beverly Shores Building and Site Committee
Meeting Minutes
September 8, 2018

The meeting was called to order at 8:30am at the Administration Building

Roll Call:

**Present: David Wagner, John Mackin, David Phelps, Mark Lies, Council Liaison
Brian O'Neil**

Not Present: Christine Pritchett, Building Commissioner Charlie Ray

1. Minutes

The Minutes of the June, July and August 2018 meetings were reviewed. One change was made to the August minutes then David Phelps moved and John Mackin seconded a motion to approve all three month's minutes. Motion passed unanimously.

2. Building Commissioner Report

- a. The building commissioner was absent (planned) from this meeting so the report had been submitted to the shared site for members to review before the meeting.
- b. List of active permits was reviewed. Committee member Wagner read from the list of projects.
 - i. 5 Pleasant project is underway. One neighbor complained about tree cutting, but the action was in accordance with the permit.
 - ii. A pool permit application was submitted for 1 W Marne, though the project had already started. There was discussion of whether a fine should be assessed. Phelps moved that the issue be tabled until the building commissioner is present; Lies seconded. Motion approved unanimously.
 - iii. 1 W Dunes Highway restaurant construction continues. Committee member Wagner and BC Ray have been visiting the site regularly to follow progress and ensure compliance with the permit. There had been some issues with the installation and placement of silt fences that have been resolved. The west end of the property where the septic system is to be located has yet to be cleared.
- c. Building commissioner-submitted report listed inspections completed in the past month.
- d. The building commissioner has not received written communication in the past month.

3. New Business

436 Charing/Bellevue (Vesilica) Property. The property owner filed an Application for Residential/Commercial Driveway Permit on 9/5/2018 for the project that had previously been rejected due to impacts to wetlands and construction within wetland setbacks. The applicant petitioned the BZA which

issued a special wetland permit allowing the applicant to construct a bridge, driveway and retaining walls to be built within 25 feet of the wetland, with conditions.

Committee member Phelps suggested tabling this decision until a temporary building commissioner can be assigned due to the involvement of Duneland Group in the design of the project.

The owner stated that to complete the required geotechnical report for the house, he has to build the bridge and driveway to access the house lot with equipment. The committee questioned whether the driveway ordinance allows installation of the driveway without an approved house permit. The answer to this question was unclear. It was determined that construction of the driveway could not move forward before completion of geotechnical test borings for the driveway bridge piers and an explanation of the construction technique, so the applicant was directed to have the borings done and to submit the results prior to the next meeting, by which time a temporary building commissioner will have been assigned.

4 Pleasant Property (Previously approved permit B18-07). This permit application was approved on April 20, issued on April 25, 2018, and construction activities have not been started, beyond the clearing of trees and undergrowth and grading completed to allow access to the interior of the site for surveying. By ordinance 155.059(B), construction is required to begin within 3 months of issuance of the permit. The building commissioner had been directed in the August meeting, to write a letter to the property owner to tell them of the revocation of the permit, but to pass it by the town attorney for advice first. The town attorney responded with written opinion that the Committee could interpret the ordinances two ways. The attorney's opinion was discussed, then committee member Mackin moved to send the letter to the property owner to inform them that their permit is revoked and they need to reapply for a building permit or request an extension of the previous permit at an upcoming meeting. The motion was amended to notify the owners that they are responsible for stabilizing the dune if the project is not going to move forward; Wagner seconded. The committee requested that the Town Council liaison contact the Building Commissioner to direct him to send the letter to the property owners. Motion passed unanimously.

108 W Fairwater Property (previously presented as 105 W Lakefront). Project was previously presented for discussion and feasibility at the July 2018 meeting. At that time, the plans were to provide street parking with stairway access or funicular to the house. The owner and architect presented preliminary plans to put in a driveway instead and requested the committee's opinion on the idea. This was not a formal permit application submittal.

There was discussion of the difficulties of living with such a steep driveway in the dunes. Sidewalls along the driveway were to be a maximum of 4 feet high. The

driveway will be constructed on a steep slope and would have to meet the steep slope ordinance requirements. It was also pointed out that Duneland Group is involved in the design of the project, so a temporary building commissioner would have to be assigned for this project, once the building permit application was ready to be presented. It is likely that the permit application will be rejected and then forwarded to the BZA for a variance because some of the construction work will be within the steep slope and within the side yard setback. If the driveway is moved out of the setback, the BZA variance may be able to be avoided.

409 Roberts, Shed. An approved shed was constructed, but not in the approved location. The shed was constructed within the front property setback and is not able to be moved without significant impact to trees or steep slope. Committee member Wagner will inform the property owners that they either must remove the shed or petition the BZA to allow them to leave the shed where it is.

4. **Old Business**

Building Commissioner conflicts. The committee stated that the Town Council needs to address the conflict issue and settle it. The committee's comments include:

- The committee is uncomfortable considering permit applications without direct input of the commissioner's direction and advice.
- The building commissioner (temporary or full time) needs to be at the public meeting to answer questions from the committee and the public.
- The temporary building commissioner needs the permit application and plans well before the committee meeting at which they are to be discussed to present his/her opinion of the plans.
- The temporary building commissioner should follow the project from beginning through construction to issuance of the occupancy permit.
- Currently, there are three projects in town on which Duneland is involved. One active and two upcoming.
- A resolution of the issue must be reached to prevent delays to projects and to provide service to applicants that they expect to receive.

Committee member Phelps moved to direct the Town Council liaison to bring the issue of conflicts of interest that arise with the current building commissioner to the Town Council and come to a resolution, and that the Town Council should clarify the procedure for naming a temporary Building Commissioner on projects for which conflicts occur. Lies seconded and the motion passed unanimously. Liaison O'Neil said that he would bring the issue before the Town Council.

Steep Slope Ordinance. Committee member Mackin discussed his progress on the analysis of the steep slope ordinances. Committee member Phelps suggested that the committee request a special meeting to discuss the steep slope ordinances, perhaps with the Plan Commission since that is the body that would have to re-write the ordinances if

that was determined to be necessary. Liaison O'Neil recommended that this meeting be held after the next committee meeting in October.

David Phelps moved to adjourn; Mackin seconded. Motion passed unanimously.

Meeting adjourned at 10:16 am.

Next meeting will be at the Admin Building on Saturday, October 13, 2018 at 8:30 am.