

November 4, 2010

Henry has already cleared out the hydrant area. Eagle Brook's fire pond would be an asset for Jackson as it could be used to fight a fire on Wilson Road and other locations nearby. The Association would like the Highway Department to dredge the fire pond to increase its capacity; the Association was asked if it would allow the use of the fire pond for its neighbors and the Association agreed it would. Chairman Mason has a copy of the agreement with the Eagle Brook developer; frontage on bodies of water provides up to a thirty foot easement which is to be maintained by the developer. While Fire Chief Henry feels it would be of value and could reach homes other than the development, the development should share the cost of dredging the pond with the town. The development has an obligation to maintain the pond. Dan noted the Association wants to enter into discussion about that. Fire Chief Henry isn't sure if what Chairman Mason has is an agreement. Selectman Dougherty noted this is outside of what the Board wants to do. Fire Chief Henry noted his suggestion to Eagle Brook was that they dredge the pond and the town will invest what it can; whether that means using Jackson's truck or sharing the costs involved. Dan wants to work out a plan and then come back to the Board with the cost to proceed; they will meet with Fire Chief Henry who will bring that information to the Board. Selectman Dougherty noted this is what Fire Chief Henry goes through with all fire ponds; is it still necessary to the town; is it still valuable to the town. Selectman Davis noted Fire Chief Henry has gone through all the ponds. Fire Chief Henry noted this is the first year in a long time that the Department cleaned out around the dry hydrants; dredging and clearing them out; there's always an issue with money. Chairman Mason noted he's off the subject but would like to note that the assessment from the Forestry says having the fuel storage tanks below ground is good but in the Insurance industry having an oil tank underground is a bad thing. Dan is to get a hold of Fire Chief Henry in the spring and get a price to him for the Board's review. Dan noted the Association will continue to clean around the area during the fall and winter. Fire Chief Henry noted they can spend a few thousand or a lot of thousands; Dan noted they want to dredge out the cattails and all the things that are sucking up the water; they want to clean out the muck. Fire Chief Henry suggests they need to find a place to pump the water if they need to take the pond down but Paul noted they run it down the road; it's been done a few times.

06665004. **Building Permit Business – Andy Chalmers, Building Inspector**

fdlidij. Loynd, John & Elizabeth (Map 14, Lot 12A) New residential construction Inspector Chalmers noted the owners will comply with the guidelines and are working on the plan; he is satisfied they are doing what they are supposed to do prior to the site disturbance plan being received. **Selectman Dougherty, seconded by Selectman Davis, made a motion to approve the permit as recommended. The motion passed unanimously.**

fdlidij. Levitt, Daren & Melanie (Map R12, Lot 100B) Septic System It was noted that there are things to talk about regarding this septic system. The owners were going to have the town density calculations on the plan but those have been taken off the plan so we have an incomplete plan; the property didn't meet the criteria for the town density calculations when those were on the plan. The owners bought this property that had an apartment in a separate building; the separate apartment was not permitted. They have a septic system approved for three bedrooms and the apartment was a fourth bedroom; the owners needed to upgrade the system to four bedrooms. The Selectmen gave the owners the permit and counted on the Certificate of Occupancy to assure all was done as needed. Daren and Melanie have done everything they can to meet regulations. The plan was that the Board would have to deny the permit because the lot didn't have enough land to conform to Jackson's density requirements but it could meet the state's requirements, then the applicant would be sent to the ZBA to ask for a waiver. After that they were to submit the plan to the state. The state won't accept the plan without approval from the town of Jackson. Daren thought he might need some representation and his attorney Randy Cooper has sent a letter that says essentially the Board doesn't have authority to require the Levitts to adhere to the density requirements. Selectman Dougherty noted what Randy is saying is that Section 6 applies to subdivisions and this is not a subdivision. Chairman Mason noted what Randy hasn't cited is Section 2.3 which states that all septic systems will meet the requirements; Jackson is going to continue doing it this way. Now the calculations have been removed so we have a plan we can neither approve nor deny because the plans are incomplete. He called for the Board to reject the application as incomplete and hold it until the calculations are added to the plan; Engineer Phillips agrees. Engineer Phillips also met with Thorne Surveys so they know what they need to do. Chairman Mason would like a motion not to accept the application as complete. Selectman Dougherty wants the Board to deny the request; Chairman Mason noted the Board can't deny it because it can't be accepted as complete. Randy took the calculations off, does he want to litigate? Selectman Dougherty is confused; this is a non-conforming lot with respect to Section 6; Chairman Mason agreed this is a non-conforming lot; they can have a maximum of two bedrooms but they already have three in the house and the apartment makes four. The plan doesn't meet town regulations. Chairman Mason doesn't feel this is the time to debate this. Daren Levitt noted this is an existing lot of record; it was approved for a four bedroom septic system but the previous owner only built a three bedroom system. He thinks this should go to Rob Upton (Jackson's Counselor) and Randy Cooper for discussion. The criteria for Jackson septic systems are in the subdivision regulations. This property was created in 1968 and it's not construction; the construction is already there. The Levitts were not aware the accessory apartment was not properly permitted under our ZO until the fire; they got the Building Permit to fix fire damage then they got the Building Permit for the upstairs that creates the accessory apartment. It was pointed out that the Building Permit

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specifies that the apartment will be approved under the following conditions: 1) parking delineation and 2) state approval for the septic system. The town density calculations were taken off the plan because the state has to look at the whole use of the carriage house which is more than four bedrooms. Daren noted he didn't come here to argue; he feels that Rob and Randy need to interpret the situation. Chairman Mason noted it would have been helpful if the Board had information as to why Randy thinks Section 2.3 doesn't apply to this lot. Daren noted Section 2.3 is only for creating lots; Chairman Mason disagreed noting Section 2.3 was put in place to allow folks with small lots to be able to do something with them. Section 6 speaks to subdivisions but then Jackson modified the Zoning Ordinance and said all septic systems have to meet Section 6 requirements and they did that in Section 2.3. Daren was reminded he can do all the work on the building he just doesn't have approval for the accessory apartment. Inspector Chalmers noted Daren came to the Board for an accessory apartment because he wanted to make sure he was going to be able to get the approval for the accessory apartment. Chairman Mason noted the Board did give him a Building Permit but issuance of an Occupancy Permit would be conditioned on meeting the septic requirements. It was reiterated that this has to go to the state and the state won't look at it until the plan has received approval from the town. He still thinks the fastest way to get to an approval is to not accept this application as complete. Daren noted he's not creating a new system; he is enlarging an existing system. Engineer Phillips noted an expanded system needs to go to the state and has to have the approval of the town before the state will look at it. Chairman Mason noted the Board can't accept Randy's reasoning because that's not the way the town has done it for years; we base our decision on meeting 2.3. Daren thinks Randy and Rob need to discuss this; "the way we always did it" isn't an answer. Chairman Mason noted Jackson has had fifty people in town who have had to deal with this on the same basis. The intent is there to get town approval to meet density. Chairman Mason reiterated that he'd like a motion to reject the application as incomplete. Selectman Dougherty suggested that since the application was submitted today the Board can just not take action on the application. Chairman Mason pointed out that the Board has thirty days to act on the application and he'd rather not accept it. **Selectman Davis, seconded by Selectman Dougherty made a motion to accept the application as incomplete. The motion passed unanimously.**

06665004. **Report of Cut**

fdlidij. (Map R7, Lot 57N – WMNF Unit 36) 10-231-002T

fdlidij. (Map R7, Lot 57N – WMNF Unit 24) 10-231-004T

fdlidij. (Map R7, Lot 57N – WMNF Unit 34) 10-231-005T

fdlidij. (Map R7, Lot 57N – WMNF Unit 25) 10-231-007T

06665004. **HEB – State Red Listed Bridges** Ed Bergeron from HEB noted there are five municipally owned bridges in Jackson and many others owned by the Department of Transportation. Of the five municipally owned bridges all of them are structurally deficient; two are on the state's red list of most deteriorated. Inspections are done yearly on red listed bridges. Ed reviewed when work was last done on these bridges and noted all the work is approaching thirty years old. At HEB they work with the Municipal Bridge Program every day; the Program pays 80% while the town pays 20%. He noted HEB was able to get stimulus money to cover the 20% so some towns were able to get their bridges repaired for nothing. Chairman Mason noted currently the state is saying they will give us the 80% but they have no money so Jackson would have to pay up front for repairs and then if the state gets money it'll pay Jackson back. The state isn't saying the bridges are dangerous. Ed noted if the town applies now to be in the Bridge Program it would be 2018 – 2020 before Jackson would be eligible for funding. When a bridge is red listed the town needs to take note of the load posting, that's the key and if a bridge is listed at 3 tons that means passenger cars only, the next step is to close that bridge. HEB has a bridge in Piermont that the state inspector closed immediately and folks now have a three mile detour to get around. The Board would do best to minimize the impact to Jackson by getting into the state aid program. Submitting an application will hold Jackson's place; then watch the bridges carefully for further load deterioration and also keep track of those bridges that aren't on the red list as they may be added at any time. Ed noted this is an issue of advanced construction; Jackson can go ahead and repair the bridges on its own first and then the state will reimburse Jackson in the year it qualifies. Of course the state won't pay Jackson any interest, just the 80% but it's still a good deal. Many towns