

LAKE COUNTY PLANNING BOARD
September 15, 2010
Lakeshore Regulations Update
Meeting Minutes

MEMBERS PRESENT: Brad Trosper, John Fleming, Steve Rosso

STAFF PRESENT: Tiffany Lyden, Joel Nelson, LaDana Hintz, Lita Fonda

Brad Trosper called the meeting to order at 6:04 pm. The purpose of the meeting was to continue with the review of the lakeshore regulations.

LAKESHORE REGULATIONS UPDATE

Tiffany Lyden overviewed the topics, and suggested those in attendance from the public introduce themselves. People attending were Mary Supan (Ferndale/Swan Lake/Swan Lakers), Sue Laverty (Swan Lake/Board of Adjustment/Swan Lakers), Les Morgan (Dayton/dock builder) and Mike Wilson (Lakeside/lakeshore contractor). (Christi Buffington (Flathead Lakers) joined the public shortly after.)

Tiffany began with **'Decks, Walkways, and Stairways'**. This was a holdover from last month. Some changes in the draft had been made since then. Since the Tribe didn't regulate things on the land, she noted the Tribal column was blank here. Description and discussion of this section began. Tiffany highlighted changes and areas for attention.

Steve noted the amount of area that could be covered in the lakeshore protection zone was specifically brought up in the marina section for marinas. Tiffany said it was brought up for the public marinas, where a larger amount was allowed. Everything else fell under the regular standard.

Tiffany mentioned railings and materials. Steve asked if plastic composite materials were addressed. Tiffany thought this would be best to address in General Construction Standards. Here, attention was called that wood could not be stained or painted, and other treatments were addressed. Steve thought it could be added that plastic composite materials would be untreated.

Tiffany displayed some pictures to illustrate aspects of the discussion.

Regarding visual impacts, Brad asked about the landscaping to obscure a structure, such as listed in the Flathead County column of the comparison sheet. She said it hadn't come up much. "May" was in the Flathead regulation. John checked with Tiffany that minimizing visual impacts was a standard, and she pointed to the first section of policy. John agreed with Brad that if that was policy, it would be good to include the statement as a 'may'. Steve thought it might be available as a tool for mitigation.

Tiffany noted there were no side setback requirements for decks. It hadn't come up, but it might be a point to think about. Steve asked if there were setbacks to apply in the density areas. It could be mentioned that setbacks in a zoned area would apply to lakeshore construction. Sue L

agreed that was a good idea. Tiffany said boathouses and docks had side setbacks in the lakeshore regulations. She hesitated to do this for stairs. Sometime you had to find the best access, but you wouldn't spend a lot of time on the stairs. She checked the thought was to follow zoning regulation setbacks in zoning districts, but if not, there would not be a setback for decks. Sue L thought a setback could be made, similar to boathouses. If they needed a variance, the vegetation or some sort of mitigation could be thrown in. John could see Tiffany's point with the stairs. Tiffany checked this would be a 15' setback and if there were a variance, they could mitigate with some landscaping.

Christi B returned to the concept of the switchback. Under c, with the 2', how would that be measured on a switchback? Tiffany showed some pictures including some unique situations. Some were handled with a variance. She pointed out one where some areas might have been more than 2' but overall, the staircase was tucked in and not causing a visual impact above and beyond the rocks. Sometimes these were constructed in a depression. That worked best.

Christi noted the steep slope. If they didn't have a crevasse, they would be disturbing the slope when building. To switchback against the slope, some were at the ground surface and some were done nearby. Les Morgan mentioned elevators. Tiffany said there was nothing for trams, although there were certainly some on the lake. Those had gone under 'other projects' so far.

In response to a question, Tiffany added that slopes over 25% were not supposed to be disturbed. She asked for suggestions about the 2' criteria. Steve asked if for slopes over 25% if it was understood someone could ask for a variance if the regulations said this was prohibited. Tiffany clarified that in the lakeshore regulations, where it said 'prohibited' it did not mean you couldn't request a variance. There wasn't language to discuss that. John thought you weren't going to be able to cover every situation. He thought you could go to the trouble of saying 'average' in there. Tiffany said her thought was that in crisscrossing the slope, you were looking at 2' above the ground. On a slope, you would be in the slope. Christi said the slope would have to be less than whatever percentage to make that high side. Les brought up the steepness of stairs. Steve said some stairs had an 8" tread and 8" risers, which was 45 degrees. Christi suggested to clarify the highest portion should be no more than 2'. She didn't know if that was realistic. Steve noted for a 25% slope that would be 1 foot up for 4 feet horizontal. If one side was in the dirt, the other would be 2' off the ground. If the slope was steeper, you'd need more than the 2'. It sounded like someone would need a variance to the 25% anyway. Tiffany said it depended on what the disturbance was. Steve checked that if you could erect a stairway on the steep slope without disturbing the soil, you wouldn't be in violation. Tiffany said this hadn't come up too much. Les thought that 39 degrees was about the steepest you'd want to build it. Christi said if stairs were not allowed, people might disturb soils with stone emplacements.

Tiffany pointed out if 'average' was put in there, they needed to be sure it was the average based on the width, not average based on the course of the length of the stairway. Steve said if it was too complicated for the average, you wouldn't want that. He suggested changing it to 3'. Christi suggested some wording so you'd know where the boundary was. She suggested measuring at the shortest end. Steve said they needed to say at the place where the distance between the ground and the structure was at its maximum. Tiffany clarified with the group visually on the point under discussion.

Tiffany mentioned variances, which had not yet been covered. Currently those went in front of the Commissioners. She thought state law might require that. If a variance was minor, the Commissioners often just approved it. There was no public process. She thought sometimes that was appropriate and sometimes it was not. They would eventually get to this topic.

Mike W pointed out on the 2' item, it needed to be adjacent to underlying ground. The group was assuming this was natural or undisturbed ground but the section didn't specify this. He suggested stating that.

Tiffany referred to a clause in some sections that said exceptions may be made in cases where there were special circumstances. That might be the way to handle it rather than variance. There might be some exceptions that could be made administratively. Steve thought it might be appropriate to introduce the permitted uses/ conditional uses/ prohibited uses type of structure. Maybe height of stairs and decks off of the ground would be listed under conditional use.

Les Morgan asked if Lake County has a board like the Tribe did. He thought that would be good, because the Commissioners didn't have specific knowledge. Tiffany explained her method for handling variance requests with the Commissioners. Tiffany asked how the Shoreline Board worked with the Tribe. Was there much public comment? Les said anyone who wanted to could comment. Tiffany detailed the minor variances got approval from the Commissioners and major variances went to the Planning Board. There were also some provisions for environmental studies. John asked how to determine a major versus a minor. Tiffany thought this could be addressed more with the Administration section. Maybe there were some other models. She asked Les if the Tribal Board slowed up his projects a lot. He said it did not.

John expressed interest in people getting timely responses from the government. He asked Les how the Tribal responses compared to the County responses. Les said that Tribal were faster. He mentioned the Army Engineers. Brad said part of the reason was the decision was made by a board rather than a governing body. Les noted the board had 5 people on it. John commented the Planning Board was a recommending Board. Les added if the Tribal Board denied a request, they couldn't do the project.

Tiffany returned to the 2' discussed in 2.f, and also decks attached to living quarters. These would be new things. Christie suggested saying 'existing' decks and patios. She also went back to the 50% open space in design. Railings may have glass in between, which was not open but was visually open. Tiffany thought that would be open, as a visual thing. Brad and Steve said it needed to say 'visual' as a qualifier, and John agreed. Steve suggested specifying that the 2' extension was for visual reasons so the governing body would get some idea what to consider when someone asked for a variance.

She pointed out where recommended construction materials for stairways were untreated wood. She suggested possibly adding composite material. She didn't know that it was needed. To limit disturbance, part of the thing with wood or elevated stairways that weren't solid on the ground was that airflow was allowed, and vegetation was allowed to grow underneath. Steve thought

metal stringer could be smaller than the wood and would allow more airflow while meeting the same strength requirements. He thought it would be good to say the recommended construction material should allow the passage of air and stuff underneath and around the stairway, and to allow the natural groundcover to continue growing.

John understood that for 2.k, they were simply talking about construction material. He thought the concern was treated wood. He suggested leaving off the first sentence. Tiffany pointed out the regulations were written before composite wood. Now she thought many people recommended composite materials over wood. John said that if wood were used, it shouldn't be treated. Tiffany agreed with eliminating the first sentence of k.

Tiffany said she would like to see, where possible, looking at consideration for managing stormwater drainage. Christi said she was stuck on L because she thought a stairway was less impact than flagstone stairs. If people didn't put in stairs, they would call it a walkway. It would have steps, and be a walkway down to the lake. Tiffany thought that was okay sometimes. She described one in the Swan where they had a gradual thing. They put large rocks there to channel the foot traffic. It was pretty organic there. It seemed like a good solution. Steve thought the point was if you had a continuous poured concrete walkway, the runoff continues down the walkway. Instead if you had stone that was broken up, then the water would run off when it got to the edge. Christi thought it needed to be clarified that there had to be some kind of a [inaudible]. Steve said there needed to be well-drained soils or the like. Mike Wilson thought there would be disturbance when it was put in place but it was probably better than just a dirt path for less sediment. Christi saw that. For the recommended travel surface, when you start recommending in the regulations, she was a little nervous because she saw the scenario, but basically flagstone steps would be under L. Instead of those they could have had a stairway or elevated walkway. Steve thought perhaps there needed to be a distinction, if indeed elevated walkways would cause less disturbance and were preferred. If you were going to do one on the ground, you wanted to be sure the walkway design would drain frequently from individual stones rather than from a continuous surface that would erode.

Sue L suggested clarifying the definition of what a walkway was as opposed to a stairway. Steve thought the definition section would benefit from other additions as well, when it was time to discuss it.

Tiffany summed the intent of the stairway/ walkway discussion as to avoid channelization of water. Maybe that could be achieved with the stormwater drainage. Maybe 'these things should not create a direct pathway to the lake' or something similar. Sue L thought the meander thing was good if that was the intent. The walkway was to be no more than 4' wide and preferred to meander. That would also give more of a break in vegetation. Tiffany added that some of the zoning districts have that in their buffer, that those are preferred [inaudible]. Maybe that could be used. Christi liked the word 'preferred' over 'recommended'. She asked on individual stones if large flat stones would have to meet the square footage coverage. Tiffany said she usually looked at this if they were large enough. Calculations had been done on how much small stuff was hard-surfaced and how much in between was not. Christi said they wanted larger stones to meander if used, but if they meander, there will be more of them with more impervious surface. Mike said you didn't want to discourage people from doing that. He'd seen a foot trail that

meandered down to the lake which was hard and basically impervious even though it was just packed dirt. It channeled water right to the lake. Christi said that was also what she was getting at. Was this one of those things where more impervious surface would be allowed if it meandered? Steve was interested in where the limits were set in 5.2. Tiffany said it was 5 square feet per 20 feet of shoreline. 25% was as much as you would be allowed. She thought something could be put either with the impervious standards or here. She made a note that if the meandering caused the impervious amount to be over, if there was some reason which resulted in something better that caused the overage, there might be some allowance. Mike thought if it improved the stormwater management, it might be okay. He pointed out managing stormwater might mean collecting it up, but the idea was to disperse it and slow the velocity. Sue L and Tiffany suggested infiltration without causing erosion.

Christi brought up another fairly new practice of pervious pavement. Tiffany said they would get to that with the definitions of what was impervious surface and constructed surfaces and how to calculate such things. The question comes up with decks with slats, or even docks. This could be approached as ‘constructed surfaces’. She thought Flathead County did this too. There’s a concern with runoff from rain. You’re channeling water in between. Sue L mentioned that at Tahoe, there was a consideration depending on the height and a mathematical formula. There was some kind of percolation that happened. John didn’t like the ‘managing stormwater drainage’ phrase. Decks, patios and walkways were not stormwater management structures—it was not what they were for. He suggested it might be better to say ‘shall incorporate methods of dispersing stormwater’. He liked leaving it as open as possible to avoid limiting possible solutions. The goal was to disperse stormwater. Christi and Sue L mentioned best management practices. Tiffany noted that during construction, this would be addressed in construction standards. Christi suggested ‘shall incorporate best management practices for stormwater runoff’. John thought that sounded fine. Christi noted that in the conditions for a permit, best management practices could be spelled out.

Tiffany introduced ‘**Living Quarters**’. Steve noted in the housing section, it was inferred that the lakeshore protection zone was being discussed. In the second sentence, he suggested ‘Such activities *should be* essentially land based...’ In the third sentence, he suggested ‘Living quarters *in the lakeshore protection zone* are potentially harmful...’ In section 2.b, he wondered if that should be limited. Tiffany said she would like to address that. She felt it could be handled in the nonconforming uses and structures. Christi noted the policy portion referred to storm instead of stormwater, whereas stormwater was used elsewhere. She didn’t like ‘...and probable sewer line leakage.’ People might argue about replacing a bad septic system with a better one in the lakeshore protection zones. She and Steve liked the word possible instead of probable. In 2.a, she suggested adding roof gutter downspouts. Tiffany summed that this was so stormwater would not be sent into the lakeshore protection zone.

Christi asked about the difference between 2.e and 2.a. Tiffany wasn’t sure that there really was a difference, other than in emphasis. Christi suggested ‘new’ could be added to 2.a. For 2.b, she asked about a scenario where a non-conforming use would enclose a porch. The living quarters would be increased but it wouldn’t increase the footprint. Tiffany said that remodeling and maintaining would not allow you to change the 3-dimensional footprint. She would not recommend approval for that. Joel clarified that an attached deck was not considered living area.

He pointed out if a deck was enclosed, then living quarters were redefined to include decks, it would be living quarters without expanding it. Tiffany read from the current definition of living quarters in the lakeshore regulations. Attached decks were included in the definition. She thought a porch would be an appurtenant structure to a living quarter. You couldn't change living quarters within the lakeshore protection zone. Sue L thought you couldn't change the character of the living quarters. She thought the porch would already be part of the living space. Joel summed that she was saying she was replacing one type of living quarters with another type. Sue L thought either this kind of change was acceptable or else the verbiage needed to be changed a little bit.

Steve said they didn't want to increase the level of living in the living quarters. If there was no roof or walls, the living was limited. Walls increased the opportunity to live out there in the winter or whatever. He thought expansion of the livability of the living quarters needed to be limited. Sue L thought that would be more the character of the living area. Joel said they could work with a definition of character. He noted that living quarters come up all the time. Steve asked about people who might choose to sleep on their dock or boathouse in a sleeping bag. Sue L asked if this was a problem. Tiffany said she saw it once on Rollins Lakeshore Drive where there was a roofed porch or patio down by the water, and then walls were added, turning it into a boathouse. It was right on the property line, and problematic with the neighbor, so she had a note that they should not allow the addition of walls to an open structure. Sue L said attached decking was considered living space. She thought that would address this. Attached decking was considered living space, but enclosing that attached living space would constitute an expansion. Expansion of a nonconforming use was not allowed.

Tiffany moved on to '**Docks, Wharves, and Piers**'. She described some initial clarifications and changes. Steve asked if there needed to be a section saying closed docks were prohibited. Tiffany suggested that would go with standards rather than policy. Since this section referred to open and partially open, perhaps closed docks should also be at least referenced. Les Morgan mentioned pipe and cross ties to allow water flow. You could put in enough cross ties to make it a third open.

Tiffany addressed standards. With length, Les asked if a dock could go out farther if there wasn't 4' of depth at the maximum length. Tiffany affirmed. This was covered in 2.b. Christi noted this was for mean annual high water. Could it be clarified in c. of the policies that the water depth would be taken at full pool? Joel noted it was in a. Tiffany thought it could be in b. also.

Tiffany noted that #2 contained the standards for all docks. Additional standards for Swan Lake and Lake Mary Ronan existed. Les said Lake Mary Ronan froze every year, so the docks were taken out.

Sue L asked if the 50' length could be kept for Swan Lake, rather than 60'. Swan Lake was not that big of a lake. Tiffany mentioned navigation would not be affected on Flathead Lake, whether it was 50' or 60', but on Swan Lake it might. Mary S said especially where Swan Lake began to turn into the river and go narrow, this might happen. They've never had trouble with the 50'. Tiffany thought 50' would work for Lake Mary Ronan also. Steve said the problem that

occurred was the water depth. He asked about the depth of Swan Lake. Mary knew it was over her head, so more than 5'. Tiffany checked whether the feel was to change to a 60' length on Flathead Lake for the purpose of being consistent with Flathead County and the Tribe. Mike W commented that Flathead County had a width limit of 8'. He suggested being consistent on the width, also. John checked that there was a limit on the impervious surface of a dock. Tiffany pointed to k on pg. 4, where it was subject to the maximum allowable constructed surface area. She thought it was hard to say impervious coverage when you were speaking of docks.

Christi asked what the response after the rule change would be to people who had to do 50' docks previously. John said the change would be for consistency. Christi said it would be nice to know what was working. Were the 50' docks working in Flathead Lake? Les said they could get a variance to go out 10 more feet. Tiffany said they didn't even need a variance. John asked if people always went to the maximum. Les replied not really. If there were 15' of water at 60', they would go back to 6' of water. Mike thought you were still limited by the maximum constructed area. Just because it was 60' long, didn't mean you could have a big wing, a shelter, a shore station and so forth. Steve liked the idea of consistency with the other two governing bodies. He wondered if that could be handled, given the additional sections for Swan Lake and Lake Mary Ronan. Tiffany thought there may be a better way to organized this, to make it clear. John thought the answer to Christi's question [about a response regarding the change in regulations from 50' to 60'] was consistency, flexibility and coverage by construction surface. Sue L thought the regulations would be clearer and easier to read and look up if there was a section specifically addressing Flathead Lake and another addressing Swan Lake and Lake Mary Ronan, as opposed to 'exceptions'. Steve said in the same vein, the standards for all docks might benefit from adding 'except marinas', which was a different section. Tiffany said she aimed for a distinction in the title, but it might be good to reiterate. Steve suggested a cross-reference to marinas as another alternative.

Steve thought 2.b could be reworded for greater clarity, such as 'docks longer than 60' shall be no longer than that required to reach a water depth at mean annual high water of 5 feet'. Christi added that a comma followed, then 'with a maximum length of 100 feet.'

Regarding the riparian boundaries, Christi asked if a shared dock could be at the riparian boundary. Tiffany thought that was flexible. Steve clarified that just the setback for the shared riparian boundary would be waived with a shared dock, not all the setbacks. Tiffany thought it was implied. Steve didn't think implication was enough. Les M pointed out that shared docks didn't work out very well. If one person sold, it was harder to find a buyer. Tiffany knew of two shared docks, one in Rollins and one in the Swan. In one case there was not enough frontage because both were such small lots.

Tiffany commented 2.d dealt with the width of the dock, which Mike W had talked about. Staff was proposing 8'. Les asked about the corners, which Tiffany called a triangular bracing section, since she lacked another term. She wanted to allow those. Les couldn't recall the name either. Tiffany showed a picture and drew an illustration for the group. She suggested a 2' limit and drew an illustration of how this might be measured. Les thought maybe a little bit more. John didn't think Les had more than 2' in the picture showed. Steve noted the idea was to not turn the dock into a deck. People were still limited by the total square footage they were allowed to put

over the water. He asked if there were other places to address avoiding decks built out on the water. Tiffany said it wasn't addressed here. She hoped the 8' width would help with that. The deck section does say that decks are land-based structures, not over-the-water. Steve thought the distinction between decks and docks might be handled in the definitions section. Tiffany thought these [triangular bracing sections] should be addressed in the regulations, but a lid should be put on it. She wasn't sure what was appropriate. Les suggested 3'. Steve said his L-dock was permitted in 1992. It had a corner like that, which was definitely bigger than 2 feet. It was sunny in the afternoon, so although it might not be the size of a deck, it got used as a deck. He thought if you didn't want people to have decks, having a size restriction would be the only way to limit them. Christi asked if there were restrictions on what was put on the deck, such as benches, swings, slides and so forth. Tiffany replied there were not. The group could think about that or look the other way. It hadn't come up. She was a little leery of micromanaging too much.

Steve asked about the width between [arms] when you built an F-dock. Les replied usually 12'. That was usually the standard shore station. Steve noted with a 12' width, and filling in the two inside corners, half of the 12' would be involved with the angles.

Tiffany brought up 2.e, which talked about the breakwater portion of the dock. This needed to be defined. She pointed out which portion was the breakwater portion given the way it was talked about. She brought up the current standard and showed how she measured that. Les said the shoreline people included the main stem of the dock, and went 38' across the front. Tiffany said this would be good to clarify. There's been confusion there. Tiffany referred to the 30' and Steve added there was also the 8' for the width. Tiffany said both Flathead and the Tribe allowed this to be 30'. Lake County was still at 25'. For consistency, maybe this should be 30'. Les talked about the breakwater going 30' on one side, for the batter boards. Tiffany said they would get to the baffle boards in a moment, after the dimensions. Steve commented 30' was the wing, rather than the breakwater. The term wing was used in the marina section. He thought drawings of dock might help. Tiffany said she looked at a lot of other states and areas, and a lot of them had drawings in the page. She said you couldn't build a new solid dock now. You could build a partially open one that met the standards. If the breakwater wing was going to be solid, the solid part couldn't be more than 25'. Les said he got a permit from the Tribe with 8-inch pipe on a new crib-style dock.

Christi asked if it made sense to keep the solid in section e or to have it in its own section. Tiffany also put it in the partially open standards, which might be the better place for it. Steve asked in Flathead County, where the wing was allowed to be 30', did they also limit the length of the breakwater portion of that wing to 25'. Tiffany affirmed. Steve asked if someone wanted to cover the entire 38' with the batter boards, but they spaced the boards 2 inches apart to stretch the boards over the entire length, would they meet the rule. Tiffany wasn't sure.

Steve confirmed with Les that when he put batter boards on the front edge of the dock, he would go from one end to the other of the dock without getting a variance. Tiffany asked Les if he was talking about going all the way to the lakebed. He said no, he was talking about going across the front. Steve said he was staying 3' off of the [inaudible]. Tiffany said this would be if you were building a partially open dock that met the standards. She indicated a portion that people often

wanted to be solid. The maximum solid there would be 25'. Steve checked that by solid she meant edge to edge and dock to the crib. Steve said he thought they were talking about the batter boards. Tiffany thought it was confusing. She put it in to let people know in case they were proposing a solid wing. Christie said they could have a reference to a section elsewhere for those who were proposing a solid wing.

Steve returned to the baffle boards in 2.f. He wondered if a statement saying 'breakwater baffle boards create a partially open dock from an open dock and restrict free water transfer. A partially open breakwater with board space with a gap equal to 40% (a number he picked out of the air) of the board width allows more free water transfer and are preferred over a solid breakwater baffle. He noted the regulations don't talk about putting the baffle boards in with gaps as they were shown. Tiffany said as long as they've been 3' off the ground, they've been allowed to go ahead. Les said the closer the planks are, the more the dock would want to go away. Brad summed that you'd be better off with [the spaced] situation. Steve said that was so as far as wave damage on the dock. For quiet water, it would need to be solid. Tiffany showed some examples of docks regarding spacing.

John wasn't sure they should address how to construct a dock. If they were tight together, you had smoother water. If they were spread, you had less pressure on your dock. Let people decide. Les said he'd build it with a 2-inch gap, and they wouldn't fill it, and he wouldn't guarantee it. Tiffany assumed this was a Flathead Lake standard. You wouldn't see baffle boards on Lake Mary Ronan or Swan Lake. Others agreed.

With 2.g, Tiffany said they would not do covered docks. People could still have shore stations. Sue L asked about a previous photo. The group discussed a photo with a covering. Christi said it would not be permitted under the update. Tiffany said this would be called a boat shelter, which would have a maximum size of 600 square feet or 40% of the allowable coverage, whichever was less. The intention here was to provide shelter for the boat. The one in the photo did cover part of the dock, which would be a little problematic under the proposed standard. John asked what problems a roof would create. People mentioned it blocked the view from the neighbors who see this thing out in the lake, it was a surface for birds, it was an impervious surface, it had a ceiling in it and people looked down on it. Sue L thought it was good to leave in this section that covered docks were not permitted. In the definitions, boat shelters could be distinguished. Tiffany noted the problem with the one in the photo were the dock portions it covered. Christi thought she could add 'see standards' for boat shelters and somehow clarify that. Sue L said you had to cover the boat, and in some way part of the wings or everything would drain off right onto the boat. John thought the owner probably didn't want the runoff to go on the dock either. He suggested just separating the docks and boat shelters, and having standards for this. Steve thought when you evaluated a design, you had to ask why they put the roof on there. Was it intended to cover the boat or the dock? Mary S noted there were 2 boats in the example. Tiffany asked if the group wanted her to reference seeing the section on boat shelters. People agreed.

Tiffany noted the word 'new' needed to be added to section 2.h and 2.i.

John wondered if it should say solid crib docks that essentially block the transfer are not permitted instead of trying to say concrete, piling, plank in 2.g. Tiffany said maybe just say solid docks. She did have one that had a solid concrete wall in the middle of it, with no pilings. Mary S noted this was a footing. John said maybe just saying solid docks that block transferred water was enough. Brad suggested also dropping 'crib' and John agreed, adding to also drop the list of materials. Tiffany suggested they could also get at that with the definition of a solid dock. Examples could be included.

Tiffany described the images and information. Looking at the chart in 2.i.i 'and' was what should be crossed out, with the rest reinstated or remaining. The group looked at and discussed some pictures and sketches including partially open docks, effects of docks and floating docks.

Floating dock removal was discussed. Tiffany pointed to 3.d on pg. 5. She showed a picture of a floating dock with damage. Sue L and Mary S mentioned in spring some floating docks go down the river and get caught at the bridge or jammed up on other people's property. Tiffany reported conflicting recommendations on whether or not to require the docks to be taken out. She had received calls from people who wanted to walk the shore in the winter, and these docks were out there. Sue L mentioned the ice skaters on the lake also, who have to skate way out around them. Dragging them up and down the shore twice a year could cause shoreline damage, but it seems worse when they broke loose in the spring and either jammed up or bashed into someone else's property and docks, or got caught at the bridge, where the fire department and search and rescue were down there trying to get it off the bridge. She didn't know how to enforce it, but it didn't really get done.

Tiffany said people might not know. They could do something through the Swan Lakers and try to get the word out, or maybe do some mailings. Where the floating docks needed to go hadn't been talked about. If removal was required, she wanted to add information on where they go. She read from 3.d on pg. 5. Steve asked if they should be positioned with the walkers and skaters in mind. Mary S noted there was private property. Sue L added when the water was low, that wasn't talking about private property. John asked about the rules for public access on a lake. Sue L thought it was the high water mark. She thought perhaps the docks could be put more parallel to the shoreline. People would either take the docks out carefully, or they wouldn't take them out at all. Tiffany said most people did put them parallel to the shore on the gravel beach if they had one. Christi recalled the gravel beach was below high water mark. Shoreline vegetation was at the high water mark. Tiffany thought she was right. She was saying as far from the water as possible. Christi didn't want the docks dragged through the riparian vegetation. Tiffany said that sometimes with dock permits, she asked what their winter removal plans were. Steve knew of someone on Lake Mary Ronan who decided pulling it out and putting it in was more work than rebuilding the dock. They let it fall apart in the ice, gather as many pieces as they can back together in the spring and add new lumber. It might be an issue of education if dock removal would be required for winter on those lakes.

John thought the wording was fine. The problem seemed to be enforcement. Sue L checked there would be a section that would be standards for docks on Swan Lake, covering dock length, water depth, removal and so forth. Tiffany clarified that a permit was needed for a removable dock the first time, but you didn't need a permit every year to take it in or out. If you changed

the configuration or got a new dock, then the need for a permit would kick in. Christi suggested placing the last sentence of 3.d, which was an overarching umbrella, as the third sentence in 3.d, before “Docks shall be removed and anchored...”. She asked if people needed an Army Corp permit to put in wood skids on the lakebed. Steve said the skids were attached to the dock. Tiffany didn’t know, but her sense was if they put planks down to ease out the dock, it would be temporary.

Christi notes on section 4 on pg. 5 that the definitions of gravel would come into play here again. Steve asked if the words that could be found in the definitions section would be italicized or colored or somehow distinct in the final form of the regulations. Tiffany suggested that a distinction be limited to the first appearance of a word in a section, since some words, like ‘dock’ appeared frequently.

Lakeshore regulations update review would continue at the Wednesday, October 13 Planning Board meeting.

OTHER BUSINESS

None.

Adjournment by general acclaim. Meeting adjourned at 8:25 pm.