

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, July 9, 2008
Wayzata City Hall

1. CALL TO ORDER

Whalen called the meeting to order at 7:05 p.m.

2. ROLL CALL

Members present: Lisa Whalen, Minnetrista; Tom Tanner, Wayzata; Andrew McDermott, Orono; Tom Scanlon, Spring Park; Doug Babcock, Tonka Bay; David Gross, Deephaven; Chris Jewett, Minnetonka; Dennis Klohs, Minnetonka Beach; Jeff Morris, Excelsior; Bill Olson, Victoria; Kelsey Page, Greenwood; Richard Siakel, Shorewood. Also present: Charles LeFevere, LMCD Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; and Emily Herman, Administrative Assistant.

Members absent: Steve Johnson, Mound; Herb Suerth, Woodland.

3. APPROVAL OF AGENDA

MOTION: Jewett moved, McDermott seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Whalen

Whalen reminded the Board that the August meetings would consist of lake inspection tours by boat viewing high profile sites for the Board's education. Further details will be provided at the July 23rd meeting.

**5. APPROVAL OF MINUTES- 06/25/08 LMCD Regular Board Planning/Workshop Session
06/25/08 LMCD Regular Board Meeting**

Whalen stated the June 25th Board Meeting minutes had not been finalized and would be presented for approval at the July 23rd meeting.

MOTION: Tanner moved, Siakel seconded to approve the minutes from the 06/25/08 LMCD Regular Board Planning/Workshop Session as submitted.

VOTE: Ayes (4; Klohs, Siakel, Tanner, and Whalen), Abstained (8); motion carried.

6. APPROVAL OF CONSENT AGENDA

A brief discussion was held confirming the proposed Technical Advisory Committee (TAC) members. Confirmed to serve on the TAC were: 1) Eric Evenson (or designees Dr. Udai Singh or Mike Wyatt) for the MCWD; 2) John Barten for the Three Rivers Park District; 3) Joel Settles (or designee Tony Brough) for

Hennepin County Environmental Services; 4) Jack Gleason for the MN DNR; and 5) Tim Latterner for Dock and Lift Services.

Page requested that agenda item 6E be removed from the consent agenda.

Siakel moved, Jewett seconded to approve the consent agenda as amended, removing agenda item 6E. Motion carried unanimously. Items so approved included: **6A**, Audit of vouchers (7/1/08 – 7/15/08); **6B, WYC (Site 2)**, approval of draft Findings of Fact and Order approving a side setback variance; **6C, WCSC (Site 4)**, approval of draft Findings of Fact and Order approving a side setback variance, **6D, WYC (Site 2) and WCSC (Site 4)**, approval of LMCD bridge application, **6F, Save the Lake Advisory Committee**, approval of 1) draft LMCD Resolution 118- establishing a policy on a reserve balance for the Save the Lake Fund, and 2) Mission Statement, Operating Policy, and Funding Criteria, and **6G, LMCD Environmental Committee**, approval of TAC members.

7. ITEMS REMOVED FROM THE CONSENT AGENDA

6E. LMCD Personnel Committee, approval of: 1) LMCD Compensation Study prepared by Noah and Associates, Inc., and 2) compensation adjustments for Executive Director Greg Nybeck and Administrative Technician Judd Harper, as outlined in 6/27/08 memo.

Page asked if contact had been made with the White Bear Lake Conservation District (WBLCD) to compare the LMCD's salary structure with the WBLCD.

Nybeck stated that contact had not been made with the WBLCD because they have fewer staff members that are only part-time.

MOTION: Siakel moved, McDermott seconded to approve: 1) the LMCD Compensation Study prepared by Noah and Associates, Inc., and 2) compensation adjustments for Executive Director Greg Nybeck and Administrative Technician Judd Harper, as outlined in 6/27/08 memo.

VOTE: Motion carried unanimously.

8. PUBLIC COMMENTS- Persons in attendance, subjects not on the agenda (limited to 5 minutes)

There were no comments from the public on subjects not on the agenda.

9. PUBLIC HEARINGS

There were no public hearings scheduled.

10. OTHER BUSINESS

A. LMCD Code Section 2.07, discussion of temporary structures and water fountains on Lake Minnetonka.

Whalen asked for an update on this agenda item from Nybeck.

Nybeck reviewed his staff memo, dated 6/5/08, which summarized a request from Locust Hills Development regarding LMCD permitting requirements for the placement of water fountains within the lagoon area on the northwest corner of Grays Bay. Feedback provided to Locust Hills Development included: 1) within 100' from shore (amend existing multiple dock license), 2) over 100' to 200' (temporary structure permit), and 3) over 200' (special event permit). Locust Hills has communicated that these water fountains would be over 100' and less than 200', thus there is a need for a temporary structures permit. He reviewed temporary structures that need a permit, that the Executive Director may issue such a permit, and the fact that there was not currently a LMCD temporary structures permit application. He asked the Board the following three questions: First, he questioned whether the Board wanted to permit the request from Locust Hills as a temporary structure through Code Section 2.07. Second, he questioned whether the Board wanted to permit this, and other similar requests, at the staff level or require Board review and approval. He believed that this could be handled at the staff level, provided the Executive Director has the ability to bring the request forward to the Board when deemed appropriate. Third, he questioned whether the Board would like to adopt a resolution setting fees for temporary structures. He entertained questions and comments from the Board.

Mr. Paul Robinson, representing Locust Hills Development, embellished on the specifics of the temporary structure by stating that the structure is a "display aerator" as it not only operates as a fountain, but provides an aeration function as well. The structure's spray would be 20' to 30' high, with a radius of 20' to 45'. The structure is being requested to provide for improved aesthetics in an area that becomes stagnant water, along with providing a buffer to background noise from County Road 101. All agencies involved have been contacted and approval has been provided by the MN DNR. He entertained questions and comments from the Board.

The Board asked various questions in which Robinson responded by further explaining the placement of the structure's area (north of the bridge), that lights are currently being considered, that the structure would be removed in the winter months, and that Locust Hills representatives had an opportunity to discuss the request with local residents.

Siakel expressed concern that the adoption of a fee resolution might create a financial hardship for recreational temporary structures, although he expressed support to permit these structures for public safety purposes.

Tanner suggested that there was a need to categorize various temporary structures.

MOTION: Babcock moved, Siakel seconded to: 1) approve a temporary structures permit for the Locust Hills Development water fountain, north of the bridge, without imposing a fee, and 2) to direct staff to further review possible revisions to LMCD Code Section 2.07 for Board consideration.

VOTE: Motion carried unanimously.

B. WYC (Sites 2-3) & WCSC (Site 4), 2008 new multiple dock and special density license applications.

Whalen asked Nybeck for background on this agenda item.

Nybeck reviewed his staff memo, dated 7/1/08. He provided the Board a summary of the nine applications submitted by the applicants, including the four recommendations made by Harper at the June 25th Board Meeting. He focused his discussion primarily on the new multiple dock and special density license applications for Sites 2, 3, and 4 because action had not been taken on these applications for three reasons. First, a question was raised on whether the WYC and WCSC should qualify for a special density license (public vs. private). Second, some questions were raised on the proposed amenities. Third, some questions were raised about the parking situation at these facilities. He recommended that the Board discussion focus entirely on the new multiple dock and special density license applications because these applications need to be processed in July. Some information has been provided by the applicants to address these three reasons. However, this would not prevent the applicants from signing an indefinite extension to the 60-day rule, if needed, so that these applications could be processed in September. He entertained questions and comments from the Board.

Mr. Bert Foster stated that he was representing both the WYC and the WCSC. He confirmed that he did write the three letters noted in Nybeck's presentation and further addressed the City of Wayzata parking requirements, including a policy established by the WYC in recent years. He commented on efforts made by WYC to comply with this policy, to which he believed that they were successful. He commented on the WYC parking lots, stating that the WYC was available to the public but that the parking lots were not available to the public like a mall. These lots are signed currently to discourage car/trailer parking because of the proximity to the public access on Wayzata Bay. He cited the policy that allows for public parking in the east lot and entertained questions and comments from the Board.

Babcock asked Foster to reconcile the difference in documented parking spaces; from the 292 spaces noted in the letters provided by the applicants to the City of Wayzata conditional use permit (CUP) that provides the applicant 69 parking spaces.

Foster stated that the CUP calls for 69 parking spaces and was approved in 1976. Three or four years ago, the WYC received verbal permission to park more cars on the east end of the lot. He recognized that the CUP most likely needed to be updated and that efforts were on-going.

Tanner stated that the City of Wayzata is not trying to override the LMCD, just as the LMCD is not trying to override the City of Wayzata. The first CUP approved by the City of Wayzata for the WYC was in 1976, with four amendments. The City of Wayzata is requesting that the WYC update its most recent CUP from 1992 with whatever might be approved by this Board. This would allow the City of Wayzata and the WYC to sit down and come to agreement to ensure that both parties are on the same page.

The Board discussed whether it should approve the new multiple dock and special density license applications based on the concerns raised by the City of Wayzata. Some of the discussion included:

- Whether the CUP should be amended first.
- Whether it was appropriate for the LMCD to be enforcing City of Wayzata ordinance requirements.
- Are there common area of concerns between the LMCD and the City of Wayzata.
- Whether the Board could approve the applications this evening, subject to securing requisite permits from the City of Wayzata and all other governmental agencies.

LeFevere stated that the City of Wayzata has requested the LMCD impose a condition on the applicant's license to have the applicant finalize an amended CUP. If WYC does not get an amended CUP, this would not comply with a license condition imposed by the LMCD. In effect, the LMCD would be placed in a position to enforce the City of Wayzata's concerns. Approving the licenses requested does not excuse the applicant from following through with the City of Wayzata's request. Therefore, not placing the CUP requirement on the license does not place the LMCD in a position to enforce the license under that manner. Both the LMCD and the City of Wayzata appear to have an interest in parking, although the interest might be different. The LMCD does have language in the Code to deal with adequate parking for public amenities. Should there be a concern to the extent that the approval of the license is affecting the Board's ability to make an informed decision under LMCD Code, then it is appropriate to look into the question.

Tanner stated the CUP limits the number of slips and mooring buoys that the applicant may use.

LeFevere stated that if the applicant cannot legally provide a level of parking required by the CUP, than the Board could conclude that there was not enough adequate parking available to approve the licenses.

Tanner stated that he believed parking in the WYC east lot will be reduced in 2009 when construction occurs on County Road 101.

Foster stated that he had attended County Road 101 construction meetings. With the current plans, he believed that WYC could pick up an additional 50 parking spaces, to which he provided more details. He asked the Board to apply the same parking standards for public amenity purposes for past special density licenses approved by the LMCD.

Babcock stated that one distinct difference with these special density license applications compared to past special density license applications is that a member city has expressed concerns about parking in writing. He asked Foster if the applicants would be willing to sign an indefinite waiver to the 60-day rule, if needed, to sort through some issues.

Foster stated that he would be troubled to be requested to sign an indefinite waiver to the 60-day rule.

Whalen stated that if the Board requests an indefinite extension to the 60-day rule, it needs to be clear on the reasons for the time extension. Two examples she referenced were parking and public amenities. She suggested that it might make more sense to combine all of these sites into one.

Foster stated that four separate properties have been purchased over time by the WYC, to which he commented on the challenges of licensing them as one for a City of Wayzata CUP.

Morris expressed support for the proposed new multiple dock license and special density license applications.

Klohs asked Tanner whether he believed that the City of Wayzata would approve the proposals.

Tanner stated that he could not speak for the City of Wayzata on whether the proposal would be approved. However, he clearly understood the need for the WYC and the WCSC to sit down with the City of Wayzata staff to discuss CUP requirements for the number of boats to be increased, 85, and parking requirements.

Page concurred with the comments made by Morris, adding that enforcement of the CUP needed to be done by the City of Wayzata. He believed that the Board should focus on whether the applications meet the criteria of LMCD Code, in particular parking and public amenities.

Tanner stated that the City of Wayzata does not believe that it's the responsibility of the LMCD to enforce CUP requirements.

Jewett concurred with Morris and Page on the need to vote on the pending applications. The proposed increase in 85 BSUs are generally slides for smaller boats that would not compete for parking on Thursday evening and other busy use days for the WYC.

MOTION: Siakel moved, Jewett seconded to direct LeFevere to prepare draft Findings of Fact and Order approving the WYC (Sites 2-3) & WCSC (Site 4) special density license and new multiple dock license applications, subject to providing the public amenities as proposed by the applicants.

Jewett proposed two friendly amendments. First, the amount of useable shoreline at Site 2 shall be reduced to 457'. Second, the storage of unrestricted watercraft at all three sites shall be limited to one for each 15' of shoreline, subject to these unrestricted watercraft being used for exclusive purposes and are under the control of the educational organization, either the WYC or the WCSC. Siakel accepted the friendly amendment.

Tanner proposed a friendly amendment that would require the WYC, upon approval, to meet with the City of Wayzata to discuss amending their existing CUP.

LeFevere stated that a better approach, which could be included in the draft Findings, would be that granting of these applications does not excuse the WYC from securing all other governmental permits. Tanner agreed to this language for his friendly amendment, although Jewett did not agree to this.

Babcock stated that a better approach might be to prohibit construction of any of the structure until WYC amends their existing CUP with the City of Wayzata.

VOTE: Ayes (10), Nays (2; Babcock and Tanner); motion carried.

C. Seahorse Condominium Association, staff update on 2008 reconfiguration of a non-conforming multiple dock license application.

Whalen asked Nybeck for background on this agenda item.

Nybeck reviewed his staff memo, dated 7/3/08, via a PowerPoint presentation that summarized an application from Seahorse Condominium Association to reconfigure their non-conforming multiple dock

facility. A summary of his comments are detailed below:

- He reviewed features of this site and stated that the purpose for this application was to contest the 23,820 cumulative square feet for the 67 overnight Boat Storage Units (BSUs) approved by the Board in 2007.
- He reviewed the presentation made by Steve Carlson on behalf of the applicant at the May 28th Board meeting. At this meeting, the applicant stated that: 1) the approved 1984 site plan was to-scale (one inch equals 100'), 2) pictorial evidence supports that some of the dock widths on the South Dock were wider than 12.5', and 3) LMCD staff has recognized that the length of the slips at the "Big 10" Docks were 40'. LMCD staff communicated at this meeting that: 1) they did not believe that the 1984 site plan was to-scale, and 2) they recommended that the Board rely on pictorial evidence.
- Board direction at this meeting was as follows: 1) cumulative square footage for the 67 overnight BSUs in 1984 was 26,800 (each BSU was 12.5' x 32'), 2) cumulative square footage for the 10 transient BSUs in 1984 was 2,400 (each BSU was 10' x 24'), and 3) LMCD staff was directed to work with Seahorse on a revised plan that complies with these cumulative square footage parameters for consideration by the Board in June.
- LMCD staff met with Mr. Carlson on June 9th. At this meeting, Carlson expressed concern about the Board parameters and questioned whether there was any flexibility. Staff informed Carlson that we did not have any flexibility and that Seahorse should submit a revised site plan for Board consideration on June 25th or at this meeting.
- A revised site plan has not been submitted by Seahorse. Instead, they have requested that the Board increase the cumulative square feet for the 67 overnight BSUs from 26,800 to 30,760. Supporting documentation for this proposal has been submitted, dated 7/1/08, as well as a request for approval of four additional requests.
- At the May 28th Board meeting, there was discussion of whether to use site plans versus aerial photos to make a decision. LeFevere advised the primary concern for the Board to address was what existed on May 3, 1978, with further expansion prohibited. There was discussion of whether an as-built survey existed when the buildings were originally constructed. At this meeting, staff communicated that an as-built survey did not exist.
- Further review of historical files revealed that a to-scale drawing existed in 1972, prepared by Povlika Logan Designers, with a scale of one inch equals 50'. 1972 was the first year that this site was approved for 67 overnight BSUs, with a cumulative square footage of 22,300. This further breaks down to: 1) 8,400 square feet at the South Dock (28 BSUs that were 12.5' x 24'), 2) 5,500 square feet at the "Big 10" Dock (11 BSUs that were 12.5' x 40'), and 3) 8,400 square feet at the North Dock (28 BSUs that were 12.5' x 24'). None of the current transient BSUs were approved in 1972.
- Prior to the approved 1984 site plan, the following changes were made: 1) South Dock- BSUs increased from 28 to 30 (29 overnight storage and one transient), the width of the dock increased slightly to the east, and the slip lengths remained at 24'; 2) "Big 10" Dock- overnight BSUs decreased from 11 to 10, a new transient BSU was added, and the slip sizes remained the same; 3) North Dock- BSUs increased from 28 to 30 (28 overnight storage and two transient), the width of the dock increased slightly to the east, and the slip lengths remained at 24'; and 4) Transient Docks- an additional six BSUs were approved in 1981 north of the "Big 10" Dock, which were straight docks and appeared to be rather short in length.
- He reviewed the sequence of Board approval from 1972 though 1984 at Seahorse. He reviewed the proposal in 1972 to increase overnight BSUs from 41 to 67. This included a change

- application submitted in April, as well as the amended approved site plan to relocate 14 BSUs from the north part of the throat of the lagoon (11 BSUs were moved to the "Big 10" Dock, two BSUs were moved to the North Dock, and one BSU was moved to the South Dock. From 1973-1976, this site was approved through renewal, without change, applications submitted by Seahorse. In 1977, a temporary dock was approved for the "Big 10" Dock due to shallow water. In 1978, the Board approved a change application submitted by Seahorse to extend the "Big 10" Dock an additional 24' in length. In 1979 and 1980, this site was approved through renewal, without change, applications submitted by Seahorse. 10 transient BSUs were approved through a change application submitted by Seahorse in 1981. From 1982-1984, this site was approved through renewal, without change, applications submitted by Seahorse. However, a site plan was submitted in 1984, which is the approved site plan, with what appears to reflect the North and South Dock expanding slightly to the east. Periodic site plans for renewal, without change, applications were submitted and documented on a yearly basis by LMCD staff. He could not explain this because changes cannot be made through renewal, without change, applications.
- He made three recommendations. First, he recommended that the Board deny the request to increase cumulative square footage for the 67 overnight BSUs from 26,800 to 30,760, with a possible outcome to use the 26,800 square feet because of the uncertainty of how much wider the North and South Docks were from 1972. The Board might want to consider reducing the cumulative square footage based on the new evidence or possibly grandfather the existing docks. Second, documentation of square footage for the 10 transient BSUs is difficult and he recommended continuing with the 2,400 square feet. Third, he recommended that the Board direct Seahorse to submit a revised, to-scale site plan within cumulative square footage parameters established by the Board for the July 23rd meeting. The remaining questions posed by Seahorse would be better addressed at that time.
 - If Seahorse does not want to, or cannot, comply with the Board direction for July 23rd, there are two options for the Board to consider. These include: 1) to direct LeFevere to prepare Findings of Fact and Order to deny the application for review at the July 23rd Board meeting, and 2) to have Seahorse sign a definite extension (45 or 60 days) to the 60-day rule.
 - He entertained questions and comments from the Board.

Whalen asked for the cumulative square footage of the existing dock for the 67 overnight BSUs.

Nybeck estimated that between 24,000 and 25,000 square feet. He reminded the Board of the following: 1) 2007 approval- 23,820 square feet, 2) May Board direction- 26,800 square feet, and 3) 1972 evidence moving forward to 1984- 22,300 square feet. He believed that the Board decision last fall was consistent with the new evidence and that there was no justification to increase cumulative square footage for the 67 overnight BSUs to 30,760.

Morris questioned why this multiple dock facility was first brought to the Board's attention.

Nybeck stated that Harper noticed transient BSUs, during an annual inspection, that were not consistent with the approved site plan. One of the challenges in the application process for this facility is the need to establish a cumulative square footage of the approved site plan. He reviewed options for the Board to address this, which did not include increasing the cumulative square footage to 30,760.

Page questioned why this was back for discussion when the Board approved the cumulative square

footage for the 67 overnight BSUs at 26,800 on May 28th.

Nybeck clarified that the 26,800 square footage figure was Board direction rather than Board approval.

Mr. Steve Carlson, 5450 Three Points Blvd., spoke on behalf of the applicant. A summary of his comments are detailed below:

- Although he believed that the information provided by Nybeck from 1972 to 1984 was interesting history, he did not believe that it was accurate and pertinent. He believed that there was extensive discussion at the May 28th Board meeting and the consensus was that the site plans submitted in 1977, 1979, 1980, and 1981 had a documented scale on them. He questioned the relevance of bringing up an approved site plan from 1972.
- He reviewed a spreadsheet that summarized what he believed to be cumulative square footage calculations in 1977, 1979, 1980, 1981, and 1984 based on these site plans (ranging from a high of 32,160 in 1980 compared to a low of 30,760 in 1984). The reason for this slight variation in square footage was due to minor changes.
- Because of the late hour at the May 28th Board meeting, he believed that the Board made some mistakes in its decision on the cumulative square footage for the overnight BSUs. He commented on BSUs that were wider than 12.5' that were not given proper square footage calculations. He believed that this was important because Seahorse is essentially an old apartment building that would have decreased values if it were not on Lake Minnetonka and did not have a marina.
- He requested that Seahorse should be allowed to maintain what it was approved for in 1977, which was approved in advance of May 3, 1978.
- The cumulative square footage of the BSUs at the "Big 10" Dock has been reduced in size to slips that are 12.5' x 32', consistent with the Board direction on May 28th. The 30,760 square feet being proposed is based on the approved 1984 site plan. He did not believe that there was distortion in the copying of the site plans because each site plan from 1977 through 1981 had a scale of one inch equals 100'.
- He reviewed a spreadsheet that summarized the shortfalls of the May 28th Board direction. This included a 3,960 reduction in cumulative square feet and to remove 124' of walkway at the North, South, and "Big 10" Docks.
- He believed that it would be inappropriate and set a bad precedent for the Board to reduce the approved square footage for Seahorse when there are approved site plans on file for the late 1970's and early 1980's.
- A short meeting was conducted with LMCD staff when Nybeck communicated to him that staff does not have the authority to deviate from the Board's direction. However, there seemed to be some agreement on the transient docks and the cumulative square footage.
- He provided a summary of what he believed was the position of LMCD staff at the 9/12/07, 5/28/08, and 7/9/08 Board meetings.
- He asked the Board to approve what he believed was approved by previous LMCD Board's from 1977 to 1984. He requested that the Board approve the five motions outlined in the supporting documentation, dated 7/1/08.
- He entertained questions and comments from the Board.

A summary of the Board discussion is detailed below:

- There was discussion about whether an exception to the four-foot overhang rule should be allowed when Seahorse could resolve this because it is self-imposed.
- There was some discussion that it appeared that the site plans from 1977 to 1984 were using the same architectural base sheet.
- There was discussion of the approved site plan from 1972 compared to the 1984 approved site plan, and whether each site plan was to-scale.
- There was discussion as to what the proper slip widths might have been based on the historical site plans.
- There was discussion of which site plan(s) was the best basis for making a decision, adding that it was never the intent of the LMCD to take anything away.
- There was further discussion of compromise by the LMCD. Two possibilities include: 1) 27,782 square feet (67 BSUs @ 13' x 32'), and 2) 28,745 square feet (about halfway between the previous Board direction and what Seahorse has requested). Discussion was raised whether: 1) Seahorse was willing to compromise, and 2) whether a vote should be taken at this meeting if Seahorse was not willing to compromise.
- There was discussion of the pending application and the need to comply with the 60-day rule. Two options the Board discussed were: 1) to have the applicant sign a definite extension to the 60 day-rule, such as 60 days, and 2) to direct LeFevere to prepare Findings of Fact and Order to deny the application.

Carlson stated that he was unwilling at this time to compromise from the proposed 30,760 cumulative square feet because of the five approved site plans from 1977 through 1984.

MOTION: Page moved, Babcock seconded to direct LeFevere to prepare draft Findings of Fact and Order to deny the Seahorse Condominium Association 2008 reconfiguration of a non-conforming multiple dock license application.

VOTE: Ayes (4; Babcock, Jewett, Page, and Scanlon), Nays (5), Abstained (1, Gross); motion failed.

Nybeck stated that one additional option the Board may consider would be to grandfather what exists today, which would be less than the 26,800 square feet.

LeFevere stated that the Board needs to act on the application, even though a to-scale site plan has not been submitted. State law requires the Board to process an application within the 60-day rule, otherwise it is automatically deemed approved. However, a question remains on what would be approved since a site plan has not been submitted by the applicant. Based on the discussion, he believed that the two options for the Board to consider include: 1) to deny the application, or 2) to approve the application at the square footage proposed by the applicants, subject to signing an extension to the 60-day rule. One possible ground to deny the application is because it is incomplete because a to-scale site plan has not been submitted.

MOTION: Gross moved, Babcock seconded to direct LeFevere to prepare draft Findings of Fact and Order to deny the Seahorse Condominium Association 2008 application since it is incomplete.

Whalen asked Carlson whether he would be willing to reconsider compromising the position of Seahorse at this meeting and to sign a 60-day extension to the 60-day rule to allow him to talk to his members. She believed that there might be some consensus of the Board to increase the square footage to 27,782.

Siakel stated that he would change his vote based on the advice of LeFevere. Additionally, he believed that there was a need to submit a revised, to-scale survey based on whatever is approved.

Carlson stated that he would agree to sign a 60-day extension to the 60-day rule. Based on this, Gross and Babcock withdrew their motion.

The meeting was recessed at 10:20 p.m. and reconvened at 10:27 p.m. During this time, Carlson signed a 60-day extension to the 60-day rule.

11. EXECUTIVE DIRECTOR REPORT

There was no Executive Director Report.

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:29 p.m.

Lisa Whalen, Madam Chair

Andrew McDermott, III, Secretary