

PRESENT: Mack, Chairman; Hawkins, Dever, Haley, Moyer, Edney, Tivnan,  
Clerk

Ken Haley moved, Jack Dever seconded THAT WE APPROVE THE MINUTES  
OF OCTOBER 14, 2004 AS AMENDED.

### **PUBLIC HEARING**

2657. **AMES ASSOCIATES FOR PAUL AND CHRISTINA FORTIER: (Rep. David Ames)** An appeal for a SPECIAL EXCEPTION to construct a driveway across a non-designated wetland, 50' required, Tax Map No. R25, Lot No. 3A, located on Roxbury Road in the Forestry/Conservation District.

**Fred Hawkins stepped down.**

This is a 10-acre plus parcel on Roxbury Road. There is frontage on both Roxbury and Camp Waldron Road. We had a wetland scientist do wetland mapping and we discovered that most of the front of this lot has huge wetlands and drainage ways that do not allow setback for a house or a leachfield anywhere on the front of the property. The only place that we can get far enough away from wetlands with leachfields and houses is actually with a 600' plus driveway from Roxbury Road back to the site. In the process, we have two wetland crossings. The proposed driveway route is such that the total impact is minimized and a New Hampshire Department of Environmental Services Wetlands Permit has been filed. The Conservation Commission believes this application should be approved.

Poire-Why come through the buffer zone, when they said they would not do that? Ames – I don't know anything about that. Niles – When was it determined that those two pieces of wetlands wouldn't be affected? What time of year? Ames – In the last few months. We have tried to cross the wetlands with the least impact. Hearing closed at 7:15PM

2658. **ASSOCIATED SURVEYORS FOR DENNIS AND MICHELLE LAMPER:(Rep. Carl Johnson)** An appeal for a SPECIAL EXCEPTION to create an attached accessory apartment to an existing single family dwelling, Tax Map U17, Lot No. 5A-2, located at 77 Barnard Ridge Road in the Residential District.

This parcel of land is located at the intersection of Barnard Ridge Road and Oakwood Road. The proposal is to create an accessory apartment. This is for Michelle Lampers parents to move into. This is attached to the existing dwelling. A Special Exception allows an accessory apartment in this zone. This is a small addition, 23' x 26', with a kitchen, two bedrooms and a living area. The criteria for granting a Special Exception for "accessory apartments" shall include the following.

1. The accessory apartment shall have a minimum of 300 sq. ft. of net floor area and shall not exceed 25% of the sum of the net floor area of both the finished primary dwelling and the accessory apartment. – This apartment has a sq. footage of 795' and is at 18%.
2. Accessory apartment shall not be permitted in accessory structures. This structure is attached to the primary dwelling.
3. Accessory apartment shall include no more than two (2) bedrooms. There are no more than two-bedrooms.
4. Accessory apartment may be created either through the internal conversion of an existing housing unit or through the creation of a new principal dwelling accessory apartment structure. This is what we are doing here.
5. The owner of the property shall occupy either the principal dwelling unit or the accessory apartment. Dennis and Michelle will continue to live here.
6. Shall not be detrimental to the neighborhood. We believe it is not.
7. Means of egress shall meet all applicable codes. Bill Edney will be reviewing these plans.
8. (A.) Off street parking requires three spaces be available. We have two inside the garage and two outside the garage. (B.) Parking must be surfaced in a manner consistent with the neighborhood. This is a paved parking lot and both of these parking spots are paved. (C.) Parking spaces shall not be constructed within the front setback required. As you can see, there is none.
9. Adequate provision for sewage disposal, water, waste and drainage. There is no septic system involved.
10. No exterior changes shall be made which in the judgment of the Board do not conform to the single-family character of the neighborhood. We do not believe it does.

Moyer – What is the distance between the new apartment and Oakwood Road? Johnson-30' 6". Moyer- From the apartment to the edge of the road? Johnson – Yes. Moyer - I did go out and check the property. When I looked at it, I assumed it would be on the other side of the building because you would have a nice large second lot. Johnson – There are a couple of reasons why it isn't. One is that the parents will be able to park in the garage and immediately access the house. There is

also a topographic difference in grade. It functions much better for both the existing dwelling and the proposed accessory apartment. Dever – So the gable end of the house will face Oakwood Road? There will be no overhang? Johnson – There will be a 6” overhang. Dever – Will that go into the setback? Johnson – No it will not. Associated Surveyors did an instrument survey, so I know precisely where the limits of the house are. We can be on the setback line and be very accurate with that. Dever – So there shouldn’t be any objection to them relocating that shed. Johnson – This shed? Dever – Yes, because I remember the building permit on that shed and they said it meets the thirty feet. Obviously it doesn’t, so it’s in violation. Johnson- I would say that is a separate issue. Bill can address that. Dever – I just want to call attention to the fact that it is in violation. It’s moveable. Johnson- Duly noted. They were confused about the ROW width and how to measure the setback. Oakwood Road is not a 50’ ROW. They were starting from the wrong place and therefore ending up in the wrong place. Dever- If they had asked, they would have been told to not use the road, use your property line. Johnson – That is what I told them and that is why I am here. Hearing closed at 7:25PM

### **DELIBERATIVE SESSION**

#### **2657. AMES ASSOCIATES FOR PAUL AND CHRISTINA FORTIER:**

Dever moved, Haley seconded, IN CASE # 2657, I MOVE TO GRANT AN APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT A DRIVEWAY ACROSS A NON-DESIGNATED WETLAND, 50’ REQUIRED, TAX MAP NO. R25, LOT NO. 3A, LOCATED ON ROXBURY ROAD IN THE FORESTRY/CONSERVATION DISTRICT, IN THAT IT MEETS THE REQUIREMENTS FOR THE SPECIAL EXCEPTION AND THEY HAVE DONE EVERYTHING THEY CAN TO MINIMIZE THE IMPACT TO THE WETLANDS. Voted 4-0 in favor.

#### **2658. ASSOCIATED SURVEYORS FOR DENNIS AND MICHELLE LAMPER:**

Mack – I understand what you are saying about the shed. I think Bill should look into that.

Haley moved, Dever seconded, IN CASE # 2658, ASSOCIATED SURVEYORS FOR DENNIS AND MICHELLE LAMPER, I MOVE TO

GRANT AN APPEAL FOR A SPECIAL EXCEPTION TO CREATE AN ATTACHED ACCESSORY APARTMENT TO AN EXISTING SINGLE FAMILY DWELLING, TAX MAP U17, LOT NO. 5A-2, LOCATED AT 77 BARNARD RIDGE ROAD IN THE RESIDENTIAL DISTRICT AS IT MEETS ALL THE CRITERIA. Voted 5-0 in favor.

### **REQUEST FOR REHEARING**

#### **2614. HORATIO MELO:**

Dever - The statue is pretty clear. We do not have the authority to grant a rehearing after the 30-day appeal period has expired. This is nothing that we did. This is not our issue. Mack- The Spindle Point Association secretary was notified. Anything from that point on is beyond our jurisdiction. Haley-If we send a notification to the Association and they don't carry forth, it is not our problem. Mack-This is more of a civil matter at this stage.

Hawkins moved, Dever seconded, IN CASE # 2614, I MOVE THE APPEAL FOR A REHEARING BE DENIED, AS THERE HAS BEEN NO NEW EVIDENCE, IT IS WELL PAST THE 30 DAY APPEAL PERIOD, AND THE BOARD DID NOT MAKE ANY TECHNICAL ERRORS IN ITS DECISION. Voted 5-0 denied.

#### **2650. BARLO SIGNS FOR LANDMARK TRUST: (Rep. Donald Reed)**

Dever-They say our ordinance is unconstitutional because it doesn't say what they want it to say. Mack- I don't believe we erred in any judgment on this. They are very lopsided when they go into descriptions of animated signs and what was given somewhere else. Dever-This is not the first time that we have had this issue with this company, right Bill? They have talked about this before. There has been ample opportunity for them to approach the Planning Board during the time period when they are working on zoning changes, as they are now. They haven't approached them about the sign ordinance. I don't believe they deserve a rehearing. Haley- Coming up from Tilton junction, I noticed several of these signs and they fall under #3 "Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Illumination shall be focused upon or from within the sign itself." This sign will go at a major junction with multiple traffic lights. You can't call it anything but a distraction. Moyer. There is one of these signs out on Rte. 106. The

gentleman who made the presentation said that it would change every 5 seconds. Well it doesn't just change in a block letter. It will come up like a reverse waterfall and then it forms the letters, or it comes sliding in off the side and then forms the letters. The object is to attract attention but it takes your eyes off of the highway. This is a little bit different than the explanation he gave us. There are different variations on how the letters are formed in that 5 seconds. Dever-That is why I asked if they installed the sign at Thurston's Marina. It's a beautiful sign, but all of a sudden there is the American Flag. Who is not going to look at that? It doesn't just change; it goes through a series of motions. Haley-So let them run their course. We did not do anything wrong and there is no new information.

Hawkins moved, Dever seconded, IN CASE # 2650, I MOVE THE APPEAL FOR A REHEARING BE DENIED, AS THE BOARD MADE NO TECHNICAL ERRORS IN ITS DECISION AND NO NEW EVIDENCE HAVE COME FORWARD. Voted 5-0 denied.

Meeting adjourned at 7:45 P.M.

Respectfully submitted,

Christine Tivnan  
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on \_\_\_\_\_, 2004.

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John Mack, Chairman