

PRESENT: Mack, Chairman; Joslin; Dever; Hawkins; Edney, Code Enforcement Officer; Harvey, Clerk

Hawkins moved, Dever seconded, THAT THE MINUTES OF FEBRUARY 26, 2004, BE APPROVED AS PRESENTED. Voted unanimously.

PUBLIC HEARINGS

2594. OLD MILL CONSTRUCTION FOR ROGER AND CATHERINE BROWN:

“NO SHOW”.

2597. TOWN OF MEREDITH WATER DEPARTMENT FOR 18 MILE POINT DRIVE REALTY TRUST: (Rep. Paul Bordeau) An appeal for a VARIANCE to construct a 24' x 34' water booster pump station with a rear setback of 34.9', 40' required and an 0.5' front setback, 30' required and an appeal for a SPECIAL EXCEPTION to construct a municipal water booster station within 50' of a wetland buffer, Tax Map No. S17, Lot No. 18, located on Mile Point Drive in the Shoreline District.

At the previous hearing, it was noted that a Special Exception was required to locate the municipal booster station because it impacts areas within 50' buffer of a wetland. No direct impact to the wetland. A variance is necessary two setbacks, one in the rear 34.9' and front setback 0.5' from the road. The Board felt that the building being only a half foot could cause problems and it was the consensus of the Board that a guardrail be provided or some other form of protection due to the proximity of the road.

2600. ASSOCIATED SURVEYORS FOR HAROLD B. AND CAREN L. STEELE: (Rep. Harry Wood) An appeal for a VARIANCE to replace a single-family dwelling of the same dimensions eliminating two setback violations, and an appeal for a SPECIAL EXCEPTION to construct a single-family dwelling within 50' of a wetland, Tax Map No. U39, Lot No. 1-11, located at 4 Brookhurst Lane East in the Shoreline District.

This property is a small lot in the Sands of Brookhurst development which pre-dates zoning. A Special Exception is required for disturbance within 50' of a wetland and a variance is needed to replace the existing house. The wet area is a forested simple wetland area on the neighbor's property and results from a more intense wet area. The corner of the porch will be 22' from the corner of the wetland. A new septic system has been designed and installed and is located as far from the wetland as possible. The existing ground cover and vegetation buffer will be preserved. Applicants

propose to remove the existing structure and replace it with a structure of the same size. The structure will be turned 30 degrees and the only violation impact remaining is the same as it is now. The ones on the side and front will be corrected. The existing house is not on a full foundation. It is not anchored and there are cracks in the walls. The size of the structure is compatible with others in the neighborhood. Letters have been received from each of the four (4) abutters speaking in favor of the application (J. Cavanaugh, Richard Ranger, Tom Miller and Jim and Barbara Hart). Hearing closed at 8:02 p.m.

2601. **JEANNIE FOUREL COOPERMAN:** (Rep. Sheldon Cooperman) An appeal for a SPECIAL EXCEPTION to construct a water storage or impoundment, an agricultural and fire safety pond 50' x 80' at the rear of the "barn" field, Tax Map No. R33, Lot No. 7, located at 124 Carleton Road in the Forestry/Conservation District.

Applicant proposes to construct a pond in the "barn" field which is a horse pasture. The property is seasonally wet so it is classified as wetlands. Application has been made to the State for a minimum impact expedited review and that's in process. The pond will be 50' x 80' and water will flow downhill from the pond. The Fire Chief has been out and will provide for a hydrant on the road. The nearest source of water in this sparsely populated area is a mile away. The Chairman of the Conservation Commission has informally informed applicants that they support this application. The Commission has not been out to look at it. The State Wetlands Inspectors have been out. The plan was written by the Federal Natural Resources Conservation Officer, an employee of the Department of Agriculture. He is the one who promoted this idea and thinks it is important to these 200 acres with about 25 acres of fields and agricultural activities that need to be watered. We don't have sufficient water out there from our wells. The field is 25 acres in size. There is a dug well on the property and an artesian well, but cannot support crops in June and July because of lack of water. They need written comments from the Conservation Commission. Edney – Supports having an impound area to provide support in that area to the Fire Department. Hearing closed at 8:10 p.m.

2602. **PATRICIA O. SMITH:** An appeal for a VARIANCE to construct a garage with a 9' 6" side setback, 20' required, Tax Map No. U05, Lot No. 37, located at 46 Water Street in the Shoreline District.

This property has a single-level ranch with a lower level behind it that's a walkout basement. The proposed addition is an entryway and a single-car garage. The addition would get dug out for storage underneath.

Joslin – What is the purpose of the entry, do you have a door going to the outside? Smith – Right now where this entry is, there is an open deck. Deck is about 4 ½' wide. Carol Mudgett – Has that boundary been recently surveyed so you know for sure where that boundary is? Smith – It was surveyed last summer and the metal post was placed and tagged. Mudgett – Who surveyed it? Smith – I don't know the name of the person. Mudgett – I live across from this property and is concerned that this garage will block their view of the water. Wayne Mudgett stated that 13 of the lots in this area have been surveyed and do not line up with the lots across the street. Hearing closed at 8:18 p.m.

2603. **PAUL S. AND JOAN REES:** An appeal for a VARIANCE to construct a garage and breezeway with a 15' side setback, Tax Map No. S19, Lot No. 39, located at 52 Needle Eye Road in the Shoreline District.

This was noted as a SPECIAL EXCEPTION in the posted agenda. All abutters were notices properly that it is a VARIANCE. It has been legally noticed to all abutters and It is a legal hearing.

Applicant proposes to construct a new garage with a breezeway attaching it to the house. A two-story garage is proposed. Joslin – Is the length of the garage from front to back is that 32'? Rees – Yes and 26' wide. Mack – Did you consider making the garage a little shorter and moving it a little closer to the road to increase the setback dimension? Rees – I guess I was concerned about the overhead wires from the pole to the house. If I moved it closer to the street, I would have to disconnect from the house and reattach to the garage. I would have to speak to an electrician about that, but I'm sure it could be done. Joslin – I guess I'm talking about the length of the garage in general. If you shortened up on the back, you'd get a little more distance from that 15' setback. Rees – You mean, instead of making it 32', I could do that say make it 28'. Edney – For the sake of 5', there may be a way. It's difficult to see based on this drawing what the actual dimensions could be. I feel there would be a way to work that so that we're not in a variance mode and I would be happy to work with him. There is an alternative here where you could reconfigure the garage and meet the ordinance without necessitating a variance. Hearing closed at 8:27 p.m.

2604. **38 MAIN LLC:** (Rep. Carl Johnson, Jr.) An appeal for a SPECIAL EXCEPTION to widen and improve existing roadway and install new force main sewer line and replace existing water line within protective buffers of non-designated wetlands, Tax Map No. U03, Lot No. 23-1, located at Mass Avenue Extension in the Residential District.

This property is located off the corner of Mass Avenue and Westview Drive. There currently is a private roadway which comes down into the bulk of the property. This particular roadway does continue past this property. There are a couple other properties beyond it to the West. This proposed plan has been discussed conceptually before the Planning Board. Applicant proposes to subdivide this property into five (5) lots. There are a couple of crossings existing on the existing roadway as well as a couple of small wetland areas. The property is entirely wooded and vacant with the exception of an existing dwelling. There is an existing water line which services this property. The water line was investigated by the Water Department and determined to be insufficient for future development without replacement. Applicants propose to upgrade the water line so it would be consistent with the requirements of the Meredith Water Department. There is a sewer system which services Westview Drive and Mass Avenue. The elevation of that manhole and sewer system is higher than the properties being proposed on the subdivision. A force main sewer system is also to be constructed as part of the subdivision. Dwellings would have ejector pumps and the material would be ground and forced up to the manhole and connected to the existing sewer system. That process has also been reviewed by the Water and Sewer Department. The system will be designed by a registered professional engineer as well as reviewed by the Town's consulting engineer. The roadway surface is substandard as it is now and is essentially a glorified driveway and currently maintained by the individual who resides at this property. It is a private roadway. There are boundary issues with the property, not subject to review at this time. This property was conveyed out with the benefit of a 50' strip inclusive of the property which extends up to and connects to Mass Avenue and Westview Drive. The owners of this property have fee interest in title to the property as well as the 50' neck that comes up to the drive. It is not known whether or not other rights to the roadway are out there. We are here for a Special Exception to locate a water line and a sewer line and an upgrade of the existing roadway to the specifications as determined by the Board of Selectmen as part of the subdivision process reviewed by the Planning Board. Lots meet the density requirements of 10,000 sq. ft. per unit. There is a possibility of a duplex on a 20,000 sq. ft. lot. The existing house will be retained with the possibility of renovation. The 50' buffer zone surrounds the wetland and there are other wet areas existing under 3,000 sq. ft. We have tried to construct our driveways and buildable envelopes such that we are minimizing the impact to the buffer areas. We have met with Mike Faller, Director of Public Works, applicant is trying to relocate the access entrance so it blends better with Mass Avenue. The existing culvert will have be removed and upgraded because of insufficient size and length. We are not creating a crossing where one does not exist. There is an

approximate 840 s.f. impact to a low-grade wet area. That's a situation that in the upgrade of this road is unavoidable because of the limit of the property to the North being such that we cannot extend the roadway any further in that direction. Met with Mike Faller on this situation, he has no problems with what is being proposed here. We met with the Conservation Commission on site. We reviewed the entrance way, we reviewed this crossing and a letter has been received from the Commission and they have no problem with granting the Special Exceptions. The intent here is to create a subdivision and by providing sufficiently sized building envelopes, there should be no further granting of special exceptions or variances for wetland issues. House footprints are based typically on houses in the neighborhood. The Town has requested through the Public Works Department a hammerhead turnaround because when the road gets upgraded, although the roadway continues and eventually comes out in other places, it is intended that all of the parties impacted by this subdivision will be turning right and going out this way. The option of the drive-thru would be available for emergency services. Application for subdivision before the Planning Board will require at least two (2) public hearings. At that time a drainage analysis, erosion and sedimentation controls and details of crossings will be provided and reviewed by the Town's consulting engineer. Application has been made to the State for the two wetland crossings. The driveway and house sites for Lots 3-5 remain outside the protective wetland buffer. The house site for Lot 2 is to remain outside the protective buffer. Whatever the protective buffers, the house sites will be outside of it. There is an existing driveway to the existing house and the proposed driveway to this buildable area is already within the protective buffer zone and it will be getting further away as you proceed to the building area of Lot 2. Richard Roman – In relation to these houses that are going in, I know the property very well. If you look at the existing houses, don't you think that's shoe horning in a bunch of houses into a small area. Isn't it going to put the neighborhood out of scale and cause overcrowding? Right place, wrong Board. Planning issue. John McEwan – There is an existing stonewall that has not been mentioned. Stonewall will not be impacted. Doug Marr – How will this affect my water supply? Off-site wetlands that are down the hill in front of the railroad tracks and there's a year-round brook that runs down into the wetlands, will the development of all the houses on this property affect the water supply that brook receives in order to supply the wetlands that are across the street from Lake Waukewan? Johnson – As part of a subdivision application and development of a utility plan by the engineer, there will be a construction sequence plan developed which will determine when and how the new water line gets constructed and when and how it connects to the existing

services. This water line right now is shaky at best. It was substandard when it was installed, the Town of Meredith wants absolutely nothing to do with that water line. This is going to be a general upgrade to the water line as it exists right now. A fire hydrant will be put down in this area which would mandate that the size of the water line be considerable down to that point. The size of the existing water line is probably going to be larger than it is right now without question. There will probably be a point in time where if you are wanting to disconnect from the old and connect to the new, there will be a temporary break in your water service, but it will not be a result of anything that's done as part of the construction of the water line. One of the things that the engineer does is a drainage analysis. They look at the impacts of these houses, driveways, yards and so forth and they develop a post drainage analysis and they have to deal with the difference between the two which is a sediment and erosion control plan. If any drainage created on these lots that impact downstream properties, they have to effectively treat it prior to it going off the site. That's done by several methods, the most common of which is called the detention pond or detention area. The water quality exiting the property post development is equal to or better than when you started. Doug Marr – What about water volume? Laurie Brothers – What is the elevation difference between the top of the road where it hits Mass Avenue and down by the Adams. Johnson – The upgrade of this road is not necessarily a function of the number of lots being proposed here. If this person decided they wanted to have a two-lot subdivision, the Planning Board may require the same substantive changes to the roadway that they would require for a five or six lot subdivision. We have developed a roadway surface which would meet or exceed the Town specifications if they were to take this over as a Town road. It may be during the planning process that the town reviews this and based on the vertical and horizontal alignment, they decide on a smaller roadway surface. If that happens, impact to the wetlands may be less, but since it's a lesser impact alternative based on input from the Planning Board, the Special Exception if granted would still be valid. Aglaia Rouvalis – I'm not quite sure what the length of the roadway is. Would it extend all the way to Hillrise Lane Extension. The road will be upgraded to the proposed hammerhead turnaround. The issue of whether the roadway is paved or not is a function of the Planning Board and the Board of Selectmen and not the applicant. I can say there are no further wetland impacts than the ones shown on this plan and the reason is the proposed improvement to the existing roadway ends right here. Jack Rideout – Carl, you said the dark lines show the proposed road is that correct? Yes. Where's the existing road? Johnson - It falls almost entirely within that dark line. Rideout – My property is across the street from the existing structure so I'm questioning how that new roadway affects my property.

Johnson - This issue will be addressed at the Planning Board but I can address that issue. There were incorrect deed issues for some properties in this area, not the least of which is Mr. Adams. His concern as expressed to us is he has a fence in front of his yard and your driveway essentially lines up with the edge of the roadway and that fence. The intent is to keep the roadway this side of that so there would be no encroachment further towards your property or his. Tina Rouvalis asked how the new line would affect her as far as the water. Mack - I would think you would have more volume and more pressure. Rouvalis - Are we partially paying for that water replacement and upgrade. Edney - That's a Planning Board issue. Reggie Mazzarole - That land comes up to my road. He can't stop me from going out that way can he? Johnson - In a normal situation if the roadway doesn't continue, this would be the end of the road. We are constructing a hammerhead turnaround for our benefit and supposedly and hopefully it will not affect anybody else adversely. Mazzarole - How wide is that circle going to be? Half the cars are going to wind up in my driveway. It's not a circle, it's like a three-point turnaround. John McEwan - Where the hammerhead is located, it seems to me is a low point and you've approved the two existing culverts, is there any possibility of getting a culvert to drain that low point? Are these folks restricted from handling surface water in a better manner than it is now. Mack - This is really a planning issue, but basically there will be a drainage analysis done and that's when that's addressed and properly addressed so the drainage goes in the right direction and the drainage is treated if it is increased. Hearing closed at 9:07 p.m.

DELIBERATIONS

2605. **PATRICIA O. SMITH:**

Dever moved, Hawkins, MR. CHAIRMAN, I MOVE IN CASE #2602, PATRICIA O. SMITH, AN APPEAL FOR A VARIANCE TO CONSTRUCT A GARAGE WITH A 9'6" SIDE SETBACK, 20' BEING REQUIRED, LOCATED AT 46 WATER STREET IN THE SHORELINE DISTRICT, AND THAT WE GRANT THE VARIANCE AS IT IS IN KEEPING WITH THE NEIGHBORHOOD, IT'S A MINIMUM VARIANCE TO ACHIEVE THE GOAL FOR A GARAGE WHICH CERTAINLY IS NOT AN EXTRAVAGANT REQUEST AND I BELIEVE IT DOES NOT VIOLATE THE SPIRIT AND INTENT OF THE ORDINANCE. Voted 4-0 in favor of the motion.

2597. **MEREDITH WATER DEPARTMENT FOR 18 MILE POINT DRIVE REALTY TRUST:**

Mack – It allows us an opportunity to get some kind of protection for that building installed as part of the approval process. Edney – They didn't show a guardrail system anywhere near that thing and you know that close to the road is insane. Mack – A plow could come up there and take the corner of the building right off. Edney – I think it's reasonable to condition that approval on installation of a guardrail system. Mack – And we specifically asked their representative and he said he didn't have a problem with that being a part of their approval. Edney – As a practical matter, I think we would look for that anyway.

Hawkins moved, Dever seconded, MR. CHAIRMAN, IN CASE #2597, TOWN OF MEREDITH WATER DEPARTMENT FOR 18 MILE POINT DRIVE REALTY TRUST, I MOVE THE APPEAL FOR A VARIANCE TO CONSTRUCT A 24' X 34' WATER BOOSTER PUMP STATION WITH A REAR SETBACK OF 34.9' AND A FRONT SETBACK OF ½ FOOT, BE APPROVED WITH THE CONDITION THAT THERE BE A GUARDRAIL ON THE FRONT SETBACK OR SOME OTHER PROTECTION DUE TO THE PROXIMITY TO THE ROAD. Voted 4-0 in favor of the motion.

Hawkins moved, Dever seconded, MR. CHAIRMAN, CONTINUING IN CASE #2597, TOWN OF MEREDITH WATER DEPARTMENT FOR 18 MILE POINT DRIVE REALTY TRUST, I MOVE THE SPECIAL EXCEPTION TO CONSTRUCT A MUNICIPAL WATER BOOSTER STATION WITHIN 50' OF A WETLAND BUFFER BE APPROVED AS IT IS A SUBSTANTIAL IMPROVEMENT AND IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 4-0 in favor of the motion.

2600. **ASSOCIATED SURVEYORS FOR HAROLD B. AND CAREN L. STEELE:**

Dever – This one here I don't think it's, we all know the area in which this is all very small lots... Mack – I'd say we are gaining a little bit from the standpoint of getting rid of 3 encroachments down to 1.

Dever moved, Hawkins seconded, IN CASE #2600, ASSOCIATED SURVEYORS FOR HAROLD B. AND CAREN L. STEELE, AN APPEAL FOR A VARIANCE TO REPLACE A SINGLE-FAMILY DWELLING OF THE SAME DIMENSIONS ELIMINATING TWO SETBACK VIOLATIONS, I MOVE THAT THE VARIANCE BE GRANTED, I DO NOT FEEL THAT THE PROPOSED USE WILL DIMINISH SURROUNDING PROPERTY VALUES, GRANTING THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST, DENIAL OF THE VARIANCE WOULD RESULT IN

UNNECESSARY HARDSHIP BECAUSE OF THE SIZE OF THE LOTS IN THAT WHOLE AREA AND THE USE IS NOT CONTRARY TO THE SPIRIT OF THE ORDINANCE. Voted 4-0 in favor of the motion.

Dever moved, Hawkins seconded, ALSO IN CASE #2600, AN APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT A SINGLE-FAMILY DWELLING WITHIN 50' OF THE WETLAND, I BELIEVE THEY HAVE MET THE REQUIREMENTS FOR A SPECIAL EXCEPTION BECAUSE THEIR PROPOSAL IS CONSISTENT WITH SECTION C., PURPOSE AND INTENT, ALTERNATIVE PROPOSALS HAVE BEEN CONSIDERED AND THEY ARE JUST NOT VIABLE AND THE ENVIRONMENTAL IMPACTS HAVE BEEN TAKEN INTO CONSIDERATION. Voted 4-0 in favor of the motion.

2601. **JEANNIE FOUREL COOPERMAN:**

Dever – They don't meet the requirements, I mean they don't have a letter from the Conservation Commission which they are supposed to have. It's pretty clearly stated here and I suppose we could approve it subject to the letter from the Conservation Commission. Joslin – It sounds like they've had everybody appropriate look at the property. I don't know whether we should penalize them for the Commission not... Edney – I think it's an oversight on the Conservation Commission's part. We could make it subject to Conservation Commission's letter. Mack – The Conservation Commission has all the information, correct? It's a matter of a formality the fact that maybe they overlooked telling the Commission to write a letter to the Zoning Board so they could get their Special Exception.

Dever moved, Joslin seconded, MR. CHAIRMAN, IN CASE #2601, JEANNIE FOUREL COOPERMAN, AN APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT A WATER STORAGE OR IMPOUNDMENT, AN AGRICULTURAL AND FIRE SAFETY POND 50' X 80' AT THE REAR OF THE "BARN FIELD", LOCATED AT 124 CARLETON ROAD IN THE FORESTRY/CONSERVATION DISTRICT, I MOVE WE APPROVE THIS APPLICATION WITH THE STIPULATION THAT IN ACCORDANCE WITH SECTION 2. OF THE REQUIREMENTS FOR SPECIAL EXCEPTION, THAT THEY DO OBTAIN A WRITTEN REPORT FROM THE CONSERVATION COMMISSION. Voted 4-0 in favor of the motion.

2604. 38 MAIN LLC:

Mack – I think that the issue of what they are doing out there as far as this Special Exception for the widening of the road is nothing out of the ordinary. I think all the other impacts that were brought up during the conversations will be addressed by the Planning Board as necessary. The only issue I have on anything is we've got to make sure that we can figure out a way to get those kinds of things on the approved subdivision plan to say that they did state they are not going to be coming back for variances. Edney – John will get a copy of these minutes so he'll know. Mack – This is one of the things that I want to stop this stuff from people coming in here and getting approvals for subdivisions and then coming back at a later date for every single lot to get another variance or special exception. Edney – If you didn't ask that question, I was going to ask that question. Dever – The fact that they are on town sewer, so they are not restricted by septic systems. Edney – Lot 3 is the most heavily impacted by the buffer zone, but then it's a question of driveway. Those were not depicted on the plan. Fran Cahill – The existing house lot with the existing house, that will need some kind of I guess because if we tear that down, you don't want to have... Mack – You are welcome to come here and listen, but don't speak unless we ask you to.

Hawkins moved, Dever seconded, MR. CHAIRMAN, IN CASE # 2604, 38 MAIN LLC, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO WIDEN AND IMPROVE THE EXISTING ROADWAY AND INSTALL NEW FORCE MAIN SEWER LINE AND REPLACE EXISTING WATER LINE WITHIN PROTECTIVE BUFFERS OF THE NON-DESIGNATED WETLANDS, BE APPROVED AS IT MEETS ALL CRITERIA FOR A SPECIAL EXCEPTION AND THESE ARE NECESSARY IMPROVEMENTS. Voted 4-0 in favor of the motion.

2602. PAUL S. AND JOAN REES:

Dever moved, Hawkins seconded, MR. CHAIRMAN, IN CASE #2602, PAUL S. AND JOAN REES, I MOVE THAT WE DENY THE VARIANCE AS REQUESTED BECAUSE THE APPLICANT HAS MADE THE STATEMENT TO THIS BOARD THAT HE FEELS HE COULD RECONFIGURE HIS GARAGE AND BREEZEWAY AND MEET THE SIDE SETBACK WITHOUT ANY PROBLEM. Voted 4-0 in favor of the motion.

Meeting adjourned at 9:47 p.m.

MEREDITH ZONING BOARD

MARCH 11, 2004

Respectfully submitted,

Mary Lee Harvey
Adm. Assistant, Planning & Zoning

Approved by the Meredith Zoning Board on APRIL 8, 2004, 2004.

John Mack, Chairman