

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

Haley moved, Hawkins seconded, THAT THE MINUTES OF MAY 13, 2004, BE APPROVED WITH HALEY BEING PRESENT AND DEVER BEING ABSENT.
Voted unanimously.

PUBLIC HEARING

2611. **MARK AND MARIA YOUNG:** (Dever stepped down, Moyer sitting)
An appeal for a SPECIAL EXCEPTION to construct a single-family dwelling 15' from a non-designated wetland within the wetland buffer, Tax Map No. S11, Lot No. 1A, located on Blueberry Hill Road in the Meredith Neck District. CONTINUED FROM MAY 13, 2004 TO ALLOW FOR SITE INSPECTION.

Mack & Dever independently walked the site. Moyer, Haley and Hawkins visited the site with Bill Edney. Young – This site doesn't have anything of significant value on it. We are constructing a residential home. If the Board feels we should be closer to the street, we are willing to accept that and stay away from the wetlands. Hearing closed at 7:10 p.m.

2617. **PAUL WETMORE, SR.:** (Dever back on Board) (Rep. Carl Johnson)
An appeal for a VARIANCE to construct a single-family residence with a front setback of 10', 20' required and a rear setback of 10', 40' required, and an appeal for a VARIANCE to allow lot coverage of 40%, maximum allowed is 30%, Tax Map No. U05, Lot No. 48A, located on Water Street in the Residential District.

Applicant is in the process of attempting to obtain a boundary line adjustment with the abutter and requests a continuance of this hearing to the next meeting. He will try to provide the Board with additional information reducing his request by 50%.

Haley moved, Dever seconded, THAT THIS CASE BE CONTINUED TO JULY 8, 2004. Voted unanimously.

2618. **CARL JOHNSON OF ASSOCIATED SURVEYORS FOR EDWARD J. McMURRER:** (Rep. Carl Johnson, Jr.)

An appeal for a VARIANCE to replace a single-family residence with a new single-family residence with a front setback from the water of 21', 65' being required, Tax Map No. U23, Lot No. 58, located at 39 Spindle Point Road in the Shoreline District.

This property is located on Spindle Point Road on Lake Winnepesaukee. The property faces to the West and is an unusually shaped piece of property that is a subdivision from many years ago where lots were subdivided from the original Spindle Point Subdivision Plan. Mr. McMurrer's is unusually configured on the South, goes out and contains a ledge peninsula with some vegetation on it. There is an existing dock structure on the property. His existing dwelling is highlighted in red. The McMurrer's upgraded their septic system last year. There are several ledge outcroppings on this lot and the lot does have quite a bit of ledge on it. One of the difficulties they had in the design process is locating the septic tank. When he takes the existing dwelling down and constructs the new structure, the new structure will be conforming on both sideline setbacks. He is non-conforming on the front now and he will be non-conforming to the same extent when he gets through. Applicant proposes to construct a 1,979 sq. ft. footprint building no closer to the lake than he already is and as part of his development plan, he proposes a two-car garage. The new structure will be very similar in shape and form to the existing structure on the lot. It would be a walkout basement and above that a 1 ½ story home. Height will be approximately 32'. As you move back on this lot, you also move up, so if you try to move back, as you are moving back, you would be moving up. The area to be encumbered by the new dwelling that is within the 25' woodland buffer is an area that is already encumbered by the house so there are no trees there. The remainder of the expansion of the house is outside of the 25' buffer. There is virtually no new portion of the structure that's within the 25' woodland buffer that's not already occupied by the old house so there are no trees there to protect. This is why we felt that it is in keeping with the ordinance to also maintain the 21' which is the existing encroachment because the portion of the property that the expansion would be occurring in is already occupied by a flagstone deck. This is a previously existing non-conforming lot of record. Other alternatives have been investigated. This structure will be more compliant than the existing. Hearing closed at 7:20 p.m.

2619. RICHARD AND MARJORIE RANGER: (Rep. Richard Ranger)

An appeal for a VARIANCE to construct an 8' x 12' storage building with a 4' side setback, 20' required and a 4' rear setback, 40' required, Tax Map No. U39, Lot No. 1-10, located at 6 Brookhurst Lane East in the Shoreline District.

Storage building will be located at the rear of the property. On the plot plan where we noted the seasonal wetland area is really located closer to the dwelling and with the septic system to the rear of the house are the reasons why we are asking for setbacks that are only 4' in that corner. We feel that's the only place we can place that building. The wetland area diminishes significantly the amount of usable space on this small lot. Dever – There's no other place on the property that you can place this shed? Ranger – That's the place that we felt was the best. Richard Ranger – You could put it closer in the rear, but brings it more onto the leachfield and that's what we're concerned about. Marjorie Ranger – We have many sizeable trees that are in other areas that we don't want to have to cut down and on the side of the house, the property slopes downward towards to the wetland area, so we didn't want to disturb that either. James Cavanaugh submitted a letter in favor of the application as long as the proposed shed will be bordering both Mr. Luneau's lot line and his lot line. Hearing closed at 7:28 p.m.

2620. WINNI-CONSTRUCTION, INC. FOR JEFF C. WOODS: (Rep. Debbie Phelps)

An appeal for a VARIANCE to replace an existing single-family residence with a new residence within the same footprint with an additional 4' encroachment on the Water Street (rear) setback, Tax Map No. U06, Lot No. 70, located at 22 Water Street in the Shoreline District.

Applicants propose to replace the existing structure on this lot. The dashed lines on the plan are where the existing building is located and the solid lines are where the proposed building will be. The front deck on the water side will be removed increasing the setback from the water by about 4 feet. The additions to the footprint are pretty minor, there's a couple feet over by where the proposed deck is located; there is a piece 12' x 5' off the corner of the building and another 1' x 12' on the road side. The survey plan shows the orientation of the house as it exists. Dever – He says in his application that he could achieve his goal without asking for a variance. Phelps – I may be misunderstanding that, but it was recommended that we apply for the variance. Dever – He did say in his application that within the existing ordinance he can achieve the same goal as tearing the house down. He doesn't have to tear the house down,

he can rebuild it, remodel it and put the extension on that he wants to without requesting a variance. I'm sure Bill told him, yes, you could apply for a variance, but anybody can apply for a variance for anything. That doesn't mean that it's going to be granted. Phelps – Right, the difference would be you mean as far as remodeling it as opposed to demolition and rebuilding. Woods – Initially, the plan was to remodel, but every time I got somebody to look at the foundation the cost went up and I got tired of hearing that and I finally asked what a new foundation would cost and it sounded a lot better to me. The word to “demolish” the house is kind of harsh. We're really not going to do that, we are going to dismantle the house. The house was built in 1783, it's got beautiful beams and timbers in it and great planking. We are going to take it apart and reuse it, we're going to rebuild it with the same materials. As it is, it's just expensive to try to do it. Phelps – If you just raised up what you've got and put a foundation underneath it..? Woods – It's not structurally sound, it's really haphazardly thrown together. It was built as a barn and then remodeled about 50 times over a couple hundred years. Phelps – There was an asbestos survey done and there was asbestos siding and the siding has all been stripped and properly disposed of. Woods – The statement says we are encroaching on the water further, we are actually encroaching on the water less, we are coming back 4' from the water. Haley – That was the problem I'm having and I looked at your prints, you're coming back. Woods – Yes, we're coming back away from the water by 4'. Haley – All of those lots on that side of Water Street don't have a lot to play with. As I see this, you are demolishing the deck that is the closest to the water and putting in a new one that's tighter to the house. Woods – We are trying to reconfigure so we will have more yard space. We really don't have much lot to work with there. Haley – Is this going to be a one story or two story? Woods – It's going to be a two story. Haley – But you're maintaining the same height as the current building? Woods – Actually, we'll have to go up probably 4' or maybe, I haven't calculated it, we're going to try and raise the lot a little bit too because of the drainage under the house and so if I can go up more than that, the second story is going to be a full story and right now it is a $\frac{3}{4}$ story. Haley – If I remember, that's pretty much like the new buildings up the street. It is within the 38' height restriction. Haley – You'll be under the 38'? Dever – I guess I would like you to come up here and put your finger on where the encroachment is because these things you've got here are pretty confusing. Woods – This is the canal, this is the cove, the street and that's the town. Coming forward from the canal this existing deck is going away and we are building a smaller deck which is actually 4' smaller. The existing and the new line on the lake side are the same, the existing and proposed lines are the same on

the street and also on the Town side. There are really no changes in actual encroachments on any side of the building except for the canal which is actually improving by 4'. Hearing closed at 7:42 p.m.

2621. **ASSOCIATED SURVEYORS FOR CONRAD REALTY TRUST:** An appeal for a SPECIAL EXCEPTION to construct a driveway and utility crossing through a non-designated wetland and an appeal for a SPECIAL EXCEPTION to construct multi-family housing, parking areas and driveway within 50' of a non-designated wetland, Tax Map No. U15A, Lot No. 7, located on NH Route 25 in the Residential District.

This property is located on NH Route 25 across from Inter-Lakes High School and is bordered on the southwest by residences. This property was subdivided into two (2) lots. At that time there were no controls over wetlands and wetland buffers. This property has reverted back into a single parcel of land. A drainage system comes down through and dumps onto this lot. There may be uplands in the area. This whole lot is a marginal lot. Wetlands have been delineated by a Wetlands Scientist. Applicant's agent did a site inspection of the property with the Conservation Commission. Most of the water comes off the side of the hill. This is one of the last undeveloped lots on the road. The property is large enough to support four (4) units. The lot is serviced by municipal sewer and a private well will be drilled on this property. This type of housing is needed in Town. Applicant is proposing multi-family housing which will minimize impact by creating only one driveway crossing as shown on the plans. The Conservation Commission is concerned that this is an over development of the site and is not the least impacting alternative for this site. Applicant is trying to protect and preserve as much of the wetland as possible. No disturbance to all of the land which is 25' northward of that line. A great majority of the wetlands and wetland buffers would be protected on 80% of the lot. The possibility of an easement to come in on Hill's property was looked into, but the applicant was unable to obtain an easement. A driveway permit is required from the NHDOT. The vegetation on this site is very dense. Dever asked Johnson if he felt he had met the requirements of Section B. Johnson – Nothing can be done that would reduce the impact. The four units will be contained in two buildings 30' x 60' in size. They are not large units. A single-family home could be the same size. There is an existing pond straddling the lot lines of this lot. Dever does not agree that because four (4) units are allowed, that doesn't mean it can be done.

2622. **TOWNSEND D. THORNDIKE:** An appeal for a VARIANCE to establish an auto repair service in a Business & Light Industry zone, Tax Map No. S25, Lot No. 10A, located at Winona Road in the Business & Industry District.

Applicant proposes to change the use of the property to allow for auto repairs. Past uses have been truck repairs for Wickes. No difference between repair of a car and a truck. Hearing closed at 8:27 p.m.

2623. **TOWNSEND D. THORNDIKE:** An appeal for a VARIANCE to establish an upholstery and marine canvas business in a Business & Light Industry zone, Tax Map No. S25, Lot No. 10A, located at 3 Winona Road in the Business & Industry District.

Applicant proposes to create an upholstery and marine canvas business which is also a change of use of this property. Board members asked how many parking spaces are on the site for the entire building. Thorndike – There are 14 designated spots and 2/3 are being used. The building is empty right now. He anticipates that 3/5 of the building will be occupied. There are no approved uses for anybody to use it. The rules and regulations are very strict. Thorndike indicated there would be two (2) boats outside and one employee space. Tenant has not requested more parking. The Board was concerned with the total number of businesses that might eventually be proposed in this building and how many parking spaces are being allotted to this use. B. Wilton – Each of the bays in this building will hold four (4) boats. The proposed tenant is interested in the center bay. Hearing closed at 8:34 p.m.

DELIBERATIONS

2611. **MARK AND MARIA YOUNG:**

Hawkins – They have a lot of options. No doubt it is a very difficult lot, but as you just said moving the little cardboard thing around, there's options in siting, there's options in variations of the favorite design for the homeowner and I feel they could come up with something that would please them, but fit this difficult lot. Mack – We all know the Board's history is not to shut people down, especially infringements into wetland buffers if that's the only option they have. I just think this is taking the wrong design... You picked out the design of the house before the lot and now you are trying to make it fit together. I don't think that fits within the spirit and intent of the way the ordinance reads or the granting of variances.

Haley moved, Hommel seconded, IN CASE #2611, MARK AND MARIA YOUNG, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT A SINGLE-FAMILY DWELLING 15' FROM THE NON-DESIGNATED WETLAND WITHIN THE WETLAND BUFFER BE DENIED AND I BELIEVE EVERYBODY ON THE BOARD IS IN AGREEMENT THAT IT IS A DIFFICULT LOT, BUT THEY DO NOT MEET THE SPECIFIC CRITERIA FOR A SPECIAL EXCEPTION AND THEY DO HAVE A VARIETY OF OTHER ALTERNATIVES. Voted 5-0 in favor of the motion.

2620. WINNI-CONSTRUCTION, INC. FOR JEFF C. WOODS:

Mack – I don't have any problem with this. They are just doing it the right way. Hawkins – We are gaining 4' on the water side. Mack – They can remodel this and go through a set of procedures and meet all the requirements and do this without having to come to us, but in order to do everything at one time, tear it down and rebuild it, that's a variance. It's not really drastically changing the size of the house or the footprint.

Haley moved, Dever seconded, IN CASE #2620, WINNI-CONSTRUCTION, INC. FOR JEFF C. WOODS, PROPOSING AND ASKING FOR AN APPEAL FOR A VARIANCE TO REPLACE AN EXISTING SINGLE-FAMILY RESIDENCE WITH A NEW RESIDENCE WITHIN THE SAME FOOTPRINT, LOCATED ON WATER STREET, #22, IN THE SHORELINE DISTRICT, I MOVE THAT WE GRANT THE VARIANCE AS THE NEIGHBORHOOD WILL GAIN A BETTER LOOKING PRODUCT ON A VERY LIMITED SIZE LOT AND WE WILL BE GAINING 4' BACK FROM THE EXISTING WATERFRONT AND THE PROPOSAL NOT DEVIATE FROM THE RENDERING THAT IS IN THE FILE AND PRESENTED TONIGHT. Voted 5-0 in favor of the motion.

Dever – The footprint that was provided to us has to include overhangs. Foundation certification is required.

2621. ASSOCIATED SURVEYORS FOR CONRAD REALTY TRUST:

The Board has concerns with four (4) units being constructed on this lot. This type of development is too intensive for this lot. Mack – The way this is set up it's like he's saying we can put (4) units on there so we are going to infringe as much as we have to in order to put (4) units on the lot which I don't think that's the intent. I don't really think the other intent is to say you can only put one little 1,000 sq. ft. house on that lot either. There is a happy medium between the two. It's going to the extreme of him drawing

the 100-acre thing and saying you've got to put your house over here is not in the best interest of the Town or in keeping with the spirit and intent of the ordinance, but this isn't either. Dever – That's what I'm getting at with alternative proposals and he's saying this is it because the ordinance allows it. Mack – Let's face it, everybody knows it's driven by the number of units you get drives up the value of the property. Dever – Four units is going to be economical, one unit is not. Mack – Something in between might work that requires less infringement. The other basic problem I have with this is all roughed out, they go to the Planning Board and meet all plot plan requirements and meet everything else, how much more are they going to be infringing. No one has defined exact dimensions on these plans either, so we can't limit it to exact dimensions without saying they have to come back with a plot plan before we'll even vote on it. Dever - If we approve it, they have to come back anyway, right? But that doesn't mean we have to approve it so we can get it back. Edney – This is really just to get a reading from the Board before going to the Planning Board and spending thousands of dollars. Mack – And I agree with that, but this is too intensive a development for the parcel of land for us to make a judgment based on the information we have. Dever – The Conservation Commission has some alternative proposals the applicant should look at. Haley – Even if everything is perfect in the presentation, we still should have a site review on this property.

Dever moved, Haley seconded, I MOVE, IN CASE #2621, ASSOCIATED SURVEYORS FOR CONRAD REALTY TRUST, THAT THE SPECIAL EXCEPTION BE DENIED BECAUSE I FEEL THEY HAVE NOT MET THE REQUIREMENTS OF SECTION 5B AND REQUIREMENTS FOR GRANTING A SPECIAL EXCEPTION. Voted 5-0 in favor of the motion.

2622. **TOWNSEND D. THORNDIKE:**

2623. **TOWNSEND D. THORNDIKE:**

Mack – Case #2622 and #2623 we will discuss together and vote on them separately if no one has a problem with this. I do have a problem with the use, parking availability, exterior storage and also the amount of traffic coming in and out of the site. Dever – It's not only that, but the criteria they have to meet is the one that bothers me is the spirit and intent of the ordinance. I mean there's been a lot of work over a number of years on deciding what uses can be used in different zones. We tried to balance them out equally and if an applicant feels strong enough that we should have automotive repair facilities in this zone, petition Town Meeting and let the people vote on it. These uses have been voted on by the people in the Town of Meredith and it's our obligation to go by this

ordinance and that's the spirit and intent of the ordinance. I don't think it meets that criteria. Haley – The request on this property was 2 years ago? We had the same problem then which is the density of the lot, the size of the building and then trying to put vehicle egress in and out of the building. It seems to be a property that needs to have tenants having a limited number of vehicle trips each day and also the suggested uses I think are going to be high traffic adding to an existing problem. Dever – That's why they weren't listed in the zone to begin with. We were not looking for high traffic businesses.

Hawkins moved, Haley seconded, IN CASE #2622, TOWNSEND THORNDIKE, I MOVE THE APPEAL FOR A VARIANCE TO ESTABLISH AN AUTO REPAIR BUSINESS IN THE BUSINESS & LIGHT INDUSTRY ZONE BE DENIED AS IT DOES NOT MEET THE VARIANCE CRITERIA IN THAT ZONE. Voted 5-0 in favor of the motion.

Hawkins moved, Haley seconded, MR. CHAIRMAN, IN CASE #2623, TOWNSEND THORNDIKE, I MOVE THE APPEAL FOR A VARIANCE TO ESTABLISH AN UPHOLSTERY AND MARINE CANVAS BUSINESS IN A BUSINESS & LIGHT INDUSTRY ZONE BE DENIED AS IT DOES NOT MEET THE CRITERIA FOR A VARIANCE IN THAT ZONE. Voted 5-0 in favor of the motion.

Townsend Thorndike – Would you accept any discussion at all, sir? Mack – No, it's been denied. Thorndike – I have to remind you that conditions of coming to this meeting is if I have any problem with a person on the Board that I should speak in the beginning. I don't have an attorney, but I do have a problem with Jack Dever, John. He should recuse himself from this meeting. Mack – It's over. You have a 30-day appeal period. If you have a problem with what happened here, you appeal it and we will discuss it at that point. Right now, we won't. Thorndike – Please give me your attorney's name? The Board's attorney's name, please. I would like to consider rehearing this in front of this Board without Jack Dever. Mack – Call Town Hall tomorrow morning and they'll give you all the information you need on what you have to do and who you have to contact. Thorndike – Being rude is not an option. Thank you.

2618. **CARL JOHNSON OF ASSOCIATED SURVEYORS FOR EDWARD J. McMURRER:**

Haley – I guess there's really nothing different about this lot. It probably has it's share of rock that the others do, downhill terrain and so forth and somebody's trying to improve the situation and get in a decent, I assume

the new septic system is now in, right Bill? Bill – It's in. Haley – So now we are fitting the house to kind of what's left which isn't a heck of a lot. Bill – There might be 3' or 4' of leeway before you bump into that tank.

Haley moved, Dever seconded, MR. CHAIRMAN, IN THE CASE OF #2618, EDWARD J. McMURRER, ON THE PROPERTY LOCATED AT 39 SPINDLE POINT ROAD, ASKING FOR AN APPEAL FOR A VARIANCE TO REPLACE A SINGLE-FAMILY RESIDENCE WITH A NEW SINGLE-FAMILY RESIDENCE WITH A FRONT SETBACK FROM THE WATER OF 21', 65' BEING REQUIRED, BE APPROVED AS TO THE FOOTPRINT, SUBJECT TO THE APPROVAL BY THE CODE ENFORCEMENT OFFICER OF THE ACTUAL BUILDING PLANS, AS IT DOES MEET THE SPIRIT AND INTENT OF THE ORDINANCE, ESPECIALLY AS IT APPLIES TO IMPROVING THE CURRENT SITUATION ON A MARGINAL WATERFRONT LOT. Voted 5-0 in favor of the motion.

2619. RICHARD AND MARJORIE RANGER:

Haley – This is the one I didn't get to look at. It's a tight neighborhood. There must be a better location for an 8' x 12' and it could be 8' x 8', it doesn't have to be 8' x 12'. I don't think they really understood that it's not what they really want, it's what we allow. Haley – We are supposed to go to minimum, I don't call this minimum. Mack – Nobody identified how big the leachbed is and all that stuff. I don't know about you, but I know a lot of sheds around leachbeds that unless you plan on parking a car in it... Haley – Is there something about this lot, hillside, rocks, trees? Edney – I think you hit the nail on the head right off the bat. You know the neighborhood, they are all postage stamp lots and when you start accumulating some of the difficulties, some of the natural phenomena into a postage size lot, you run out of choices. Maybe it gets attached to the side of the house or there may be another location on the lot. Haley – That is a garage at this end, right on the Brookhurst Lane side. Hommel – On the side of the house, attached to the house. Haley – It shows an addition to the existing dwelling. Edney – That was a deck. Hommel – I thought it was interesting that the neighbor had written a letter saying they don't mind where the placement of the shed was proposed. Dever – As long as it wasn't anywhere else. Hommel – I just thought it was interesting that they should write a letter saying it's OK to put it there. Edney – He just wanted to make sure that it was even steven. Mack – I think the thing we have to remember in all of these as a Board, it is a postage stamp lot but basically these people buy a postage stamp lot and if they want out-buildings and barns and sheds, they had better buy a bigger lot. Basically,

that's the one, it's not our problem to fit everything they might want to put on a postage size lot. We ought to keep that in our mind when we look at things like this.

Haley moved, Dever seconded, IN CASE #2619, RICHARD AND MARJORIE RANGER, ON A HOUSE LOCATED AT 6 BROOKHURST LANE EAST AND REQUESTING A VARIANCE TO CONSTRUCT AN 8' X 12' STORAGE BUILDING WITH A 4' SIDE SETBACK AND A 4' REAR SETBACK, 20' AND 40' BEING REQUIRED. THIS IS TOO CLOSE TO THE LOT LINE AND THERE ARE OTHER ALTERNATIVES SO I MOVE IT BE DENIED. Voted 5-0 in favor of the motion.

Meeting adjourned at 9:28 p.m.

Respectfully submitted,

Mary Lee Harvey
Administrative Assistant
Planning/Zoning Department

The above minutes were reviewed and approved at a regular meeting of the Meredith Zoning Board of Adjustment on _____.

John Mack, Chairman