

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

Haley moved, Dever seconded, THAT WE APPROVE THE MINUTES OF JULY 8, 2004, AS WRITTEN. Voted unanimously.

PUBLIC HEARINGS

2632. **JOHN E. AND MARY BRACKETT:** (Rep. John Brackett) An appeal for a VARIANCE to construct a 17' 6" x 16' 4" deck with a 24' rear setback, 40' required and a 26' side setback, 30' required, Tax Map No. U26, Lot No. 72, located at 19 Douglas Drive in the Meredith Neck District.

Applicants propose to construct a 17' 6" x 16' 4" deck with a rear setback of 24' and a side setback of 26'. This is in keeping with the other properties in the neighborhood. Size of lot is small and location of house on the lot requires them to obtain a variance for this expansion. Tom Tribuna has no problem with this application. Hearing closed at 7:40 p.m.

2633. **MEREDITH VILLAGE SAVINGS BANK:** (Rep. Fred Mock and Peter Bolton) An appeal for a SPECIAL EXCEPTION to allow site work and building construction within the 150' buffer of a prime wetland, Tax Map No. U07, Lots 113 and 109, located at 10 NH Route 25 in the Central Business District.

Applicants propose to demolish the existing building and construct a 7,000 sq. ft., 3-story administrative services building within the same footprint. The proposed building will be within the 150' setback from a prime wetland. The proposed project consists of a new commercial building and associated parking, lighting, landscaping, stormwater runoff and other elements. The Hawkins Brook Wetland is a large and diverse wetland (approximately 68 acres in size). The wetland is surrounded mostly by developed land and the project is adjacent to the very southern tip of this wetland. In this area the wetland is characterized by very slowly flowing water and a dense growth of aquatic and floating-leaved vegetation. Within the project parcel, the wetland edge vegetation is dominated by the invasive Japanese knotweed, but also includes speckled alder, red maple, white birch and may other species. Wetland functions were assessed for the Prime Wetland Study. The findings were reviewed and combined with field observations and assessments made for the project. There will be no direct impact to the wetland as a result of this project. All work is limited to the prime wetland buffer. Work proposed within the buffer has been designed so as to maintain or improve the quality of the wetland and its

function and values. Presently, the site includes three commercial buildings, along with paved parking areas around these buildings. There is a wetland that borders the site along the northwest portion of the parking lot. The largest of the three buildings on the site is going to remain and the two smaller ones are going to be replaced by a single building. Wetlands were delineated on the site on December 3, 2003, according to the Army Corps of Engineers Wetland Delineation Manual (1987). Currently, water is directed away from the existing building in all four directions. The impervious area under the proposed conditions is slightly less than under the existing conditions which will keep the proposed runoff equal or slightly less than existing and therefore no detention is proposed. The parking lot at the rear of the building will be expanded over the existing grass area between the pavement and the wetland. The new northern and eastern edge of this parking lot will have granite curb so that storm water will be directed towards the northwest corner at the head of the proposed grass treatment swale. The treatment swale is sized to accommodate runoff from the proposed parking lot and 50% of the additional roof area. As part of the construction of the proposed treatment swale, new landscaping is proposed between the pavement edge and the wetland. As part of the landscaping plan, some of the existing dense invasive plant species will be removed. The net result of the proposed site, landscape and site regrading/drainage elements will be to improve the vegetation community and to improve water quality treatment. The project will promote the health, safety and general welfare of the community by improving the natural resources adjacent to and downstream of the project. The project will prevent the degradation of surface water and ground water quality. Currently, there is no treatment of storm water runoff from the site. A grass swale will treat on-site runoff and therefore improve the quality of runoff entering the wetland. In the future, snow will be removed from the site, reducing the discharge of sediment and salt into the brook and lake. The project will preserve the ability of wetlands and areas adjacent to wetlands and streams to provide treatment for water quality purposes. The ability of the buffer to provide water quality treatment will be enhanced by constructing a grass treatment swale in what is currently mowed lawn. The project will prevent the destruction of or significant changes to natural wetlands that provide flood storage. The net change in elevation of the site will be negligible, so the change in flood storage volume will be negligible. The project will prevent the destruction of habitats for rare, unique, threatened or endangered species of flora and fauna. The vegetation along the wetland edge on this property is dominated by invasive species and has not threatened or endangered species. The project will prevent the development of structures and land uses in wetlands and areas adjacent to wetlands and

streams that will contribute to the degradation of surface and/or ground water quality, because the runoff treatment measures and snow removal should improve rather than contribute to the degradation of water quality. The project will preserve and enhance the aesthetic and recreational values associated with wetlands. More attractive species to improve the aesthetic appearance of the wetland edge will be planted while maintaining a visual screen. The access to snowmobile trails will be closed off, but accommodated elsewhere. The project will protect fish and wildlife habitat, maintain ecological balances and enhance the ecological values. The impervious now is greater than after construction, now 85% and after construction 83%. The maximum height of the building will be between 44' and 45'. Val Gerdes questioned the use of chemicals to remove the vegetation. Excavation of the vegetation would impact the wetland more than the chemicals. Hearing closed at 8:45 p.m.

2633. **WILLIAM L. GALE:** (Rep. Harry Wood) An appeal for a VARIANCE to replace a single-family non-conforming residence with a new single-family residence within existing encroachments, Tax Map No. U33, Lot No. 7C, located at 94 Cattle Landing Road in the Shoreline District.

This property is located just beyond the Cattle Landing facility owned by the Town and fronts on Lake Winnepesaukee. The lot is narrow and was created a number of years ago. The existing structure is 31 ½' wide and somewhat shorter than the proposal. The green on the map outlines the existing structures, both on the adjacent properties and on the Gale property. You can see that the placement of that is such that the Gale property is actually situated somewhat to the rear of the adjacent properties on the sides. This proposal has no impact on the abutters' views. The proposed structure is shown in purple on the plan and is 1 ½' narrower than the existing one, it's 29' wide. This change was necessitated during the layout of the structure. The two lot lines are slightly ding-toed and as they go away from the lake they get a little bit closer together and we found that although the present structure does fit within the lines, because we are squaring it off, it wouldn't fit. It was originally designed at 30'. The other thing we had to accommodate was at the front of the existing structure, the ridge pole runs from side-to-side and there's essentially no overhang on the ends of the building. Water tends to run down the side of the building and we wanted to have a little bit more overhang. The main difference between the present structure and the one proposed is the placement of a garage 24' square on the back of the building and that fits totally within the existing setback lines and is well beyond the 65' setback line from the water. On the plan that we've submitted, you can see the existing setback lines shown in a light blue

color, one is the porch and the other is the main structure which is the principle structure and we made sure that the structure we are placing stayed behind that, the deck was maintained at the same size, it's 8' x 24' I believe. There has been a septic system design for the new structure to replace the one that's on the property at the present time and that essentially describes what we propose to do. This structure appears to be 3 stories, however, the bottom is a walkout basement underneath the deck. The upper level is contained somewhat within the roof line of the building. The original design was 12/12 pitch on the roof and we found when we evaluated that it was just over 32' in height so that was changed to a 10/12 pitch and I've got it down to 30' 7 1/2" from the very lowest point. The property comes in almost dead flat from the road and then there's a pretty even grade all the way down through to 4' from the water's edge and then it drops off. Septic system is on the upper plateau. Newcomb has no objections to this application.

2635. **WILLIAM AND JANET MILLER:** (Rep. William Miller) An appeal for a SPECIAL EXCEPTION to expand a non-conforming structure by raising the existing structure a maximum of 5' to create living area in the basement, Tax Map No. U15, Lot No. 48B-5, located at 43 Pleasant Street (Aqua Terrace Condominiums) in the Shoreline District.

Applicants are requesting a Special Exception to raise the existing structure 4-5' to allow for a full basement and expansion of living quarters. Current height of structure is less than 20', finished structure will be less than 25'. A letter from the Board of Directors was provided indicating they had approved the plan. Mr. Miller had received letters from Mr. Guild (a direct abutter) and Mr. Slomchek in support of the project. The Millers were very concerned with water views and felt that adding a second floor would be more invasive. Construction will begin in late October after the conclusion of the summer season. Hearing closed at 8:01 p.m.

DELIBERATIONS

2632. **JOHN E. AND MARY BRACKETT:**

Haley moved, Dever seconded, IN CASE #2632, JOHN AND MARY BRACKETT, ASKING FOR A VARIANCE TO CONSTRUCT A 17' 6" X 16' 4" DECK WITH A 24' REAR SETBACK, 40' REQUIRED, AND A 26' SIDE SETBACK, 30' REQUIRED, I MOVE IT BE APPROVED AS IT WILL BE COMMENSURATE WITH THE OTHER HOMES IN THE IMMEDIATE AREA. Voted 5-0 in favor of the motion.

2633. MEREDITH VILLAGE SAVINGS BANK:

Hawkins moved, Moyer seconded, MR. CHAIRMAN, IN CASE #2633, MEREDITH VILLAGE SAVINGS BANK, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO ALLOW SITE WORK AND BUILDING CONSTRUCTION WITHIN THE 150' BUFFER OF THE PRIME WETLAND BE APPROVED AS IT MEETS THE CRITERIA FOR THE SPECIAL EXCEPTION. Voted 4-1 in favor of the motion.

2634. WILLIAM L. GALE:

Dever moved, Hawkins seconded, IN CASE #2634, WILLIAM L. GALE, AN APPEAL FOR A VARIANCE TO REPLACE A SINGLE-FAMILY, NON-CONFORMING RESIDENCE WITH A NEW SINGLE-FAMILY RESIDENCE WITHIN THE EXISTING ENCROACHMENTS, I MOVE THAT IT BE APPROVED AS THE STRICT ENFORCEMENT OF THE ORDINANCE IN THIS CASE WOULD CERTAINLY SERVE NO USEFUL PURPOSE. Voted 5-0 in favor of the motion.

2635. WILLIAM AND JANET MILLER:

Haley moved, Dever seconded, I WOULD MOVE IN CASE #2635, WILLIAM AND JANET MILLER, THAT WE GRANT THE APPEAL FOR A SPECIAL EXCEPTION TO EXPAND A NON-CONFORMING STRUCTURE BY RAISING THE EXISTING STRUCTURE A MAXIMUM OF 5 FEET TO CREATE LIVING AREA IN THE BASEMENT, LOCATED AT 43 PLEASANT STREET (AQUA TERRACE) AS IT MEETS THE CRITERIA FOR GRANTING A SPECIAL EXCEPTION. Voted 5-0 in favor of the motion.

MOTION FOR REHEARING

2611. MARK AND MARIA YOUNG: 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.

Mack – I have not seen anything here that was not here before. The biggest issue was the garage. If they limited the size of the 3-car garage, I think it would fit on the lot. The proposal has not been changed since the original hearing. The problem is not the house, it's the garage. We all agree it is a nice house and should go there. Applicant was adamant about not making any changes at all.

Haley moved, Dever seconded, IN CASE #2611, ASKING FOR AN APPEAL FOR REHEARING ON THE SPECIAL EXCEPTION FOR THE PROPERTY LOCATED AT TAX MAP NO. S11, LOT 1A, LOCATED ON BLUEBERRY HILL ROAD IN THE MEREDITH NECK DISTRICT, SINCE THERE HAS BEEN NO NEW PERTINENT INFORMATION PROVIDED THIS EVENING THAT RELATES TO THIS SPECIAL EXCEPTION AND THE BOARD DOES NOT SEEM TO HAVE MADE ANY TECHNICAL ERRORS, I MOVE THE APPEAL FOR REHEARING BE DENIED. Voted unanimously.

Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Mary Lee Harvey
Administrative Assistant
Planning/Zoning Department

The above minutes were reviewed and approved at regular meeting of the Board held on _____.

John Mack, Chairman