

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

Haley moved, Hawkins seconded, THAT WE APPROVE THE MINUTES OF AUGUST 11, 2005, AS PRESENTED.

PUBLIC HEARING

2700: ASSOCIATED SURVEYORS FOR CONVEX LLC: An appeal for a SPECIAL EXCEPTION to construct three driveways: two with buffer impact only and one with buffer impact and three crossings of a seasonal drainage, Tax Map R29, Lot No. 2D, located on Batchelder Hill Road in the Forestry/Rural District.

Johnson – I would like to hand to you a smaller size version of the plan submitted that is slightly different. I will explain the reason for that later. Convex LLC purchased this parcel of land awhile back. The wetlands have been delineated and we overlaid setbacks onto the plan to determine where the buffer areas were. It is somewhat sloped in the front of the lot and the corner in back is steeply sloped. We have identified 3 areas for buildings sites. We looked at some rough lot sizing calculations. We came out with a 3-lot scenario. We looked at the access point off of Batchelder Hill Road and Stan Jackson worked with Public Works in terms of driveway locations. We created a situation where we came up with 3 lots and 3 separate driveways. That was the first plan that was submitted. That meant having three driveways: two with buffer impacts only and one with buffer impacts and three crossings of a seasonal drainage. We felt that in order to get to the buildable site that was a reasonable amount of impact to be considered. The widths of these crossings are very narrow. The Conservation Commission did an on-site review and wrote a letter that came in after the application was submitted. They were not in favor of the application as submitted, primarily because they have a stricter interpretation of one section of the ordinance than I do. The Conservation Commission felt there was an option that had less of an impact that involved creating a common driveway for two lots, which would avoid two crossings, so two of the crossings in the original application have been eliminated. We are asking the Board to accept this as our presentation plan. The summary is that we have a buffer impact for a non-designated wetland and the reason we don't go around it is because the buffer goes off the property. We feel this buffer impact is justified. The other impact is a buffer impact and that is because the buffers overlap there and there is no other way to get to the buildable area. The total wetland impact to the site is 86 sq. ft. This is an extremely minimal wetlands impact. The buffer impacts are minimal in that we have tried to stay as far away from the wetlands as possible. Pisapia (Conservation Commission) – Carl has done a good job and we support this alternative. Hearing closed at 7:25 PM.

2701. ASSOCIATED SURVEYORS FOR ELIZABETH LITTLEFIELD: An appeal for a SPECIAL EXCEPTION to construct a driveway across a non-designated wetland and within 50' of a non-designated wetland, Tax Map S11, Lot No. 24, located on Meredith Neck Road in the Meredith Neck District.

Johnson- This is an existing lot of record on Meredith Neck Road. The question by Mrs. Littlefield was how could this lot be a buildable lot? Ames Associates delineated the wetlands on the property. The wetlands create a situation where there is no access without crossing a wetland. There is no portion of the front part that would be acceptable for a home site and a septic system without asking for a variance or special exception or both. The proposed house and a designed septic system will meet setbacks. The State has approved the driveway location. There are no alternatives. Any alternative would require more filling of a wetland. The crossing will impact approximately 1800 sq. ft of a non-designated wetland. The Conservation Commission has reviewed this application and is in favor. They have requested that the crossing be constructed using best management practices and to have proper sediment and erosion control measures in place prior to construction. Hearing closed at 7:30 PM.

2702: ASSOCIATED SURVEYORS FOR W.F. RICHARDS, INC.: An appeal for a VARIANCE to expand an existing non-conforming use by adding a 22' x 24' office space to an existing office building and expansion of a sand storage building, Tax Map S20, Lot No. 2, located at 150 Parade Road in the Forestry/Rural District.

Johnson – This property is located on a private ROW off Parade Road. We have applied to the Planning Board for site plan review and for architectural design review to create a 22' x 24' addition to the building and to expand the existing sand storage shed by 36' x 46'. This is an existing non-conforming use in the zone. There is the interpretation that the expansion of a building that houses a non-conforming use is an expansion of the non-conforming use. I do not agree with that same opinion. There will be no added employees and no increase to the non-conforming use. They want a separate office area and to have more of the sand inside. We are not expanding the non-conforming use. We are slightly expanding the building that the non-conforming use sits in. Therefore, I think it meets all the criteria for granting a variance. There will be no increase to traffic. (1) No diminishing values of property will be suffered; (2) Not contrary to public interest. This is an existing situation; (3) Denial of the variance would result in unnecessary hardship. This does not cause hardship to anyone else. Use pre-dates zoning; (4) Granting the variance would do substantial justice because Mr. Richards would have a separate office for his building; and (5) The use is not contrary to the spirit and intent of the ordinance. Not expanding the use, just the building. Hearing closed at 7:40 PM.

2703: ASSOCIATED SURVEYORS FOR ROBERT & MARY SCHWAGER: An appeal for a SPECIAL EXCEPTION to expand a non-conforming structure by more than 400 sq. ft and razing of an existing structure, Tax Map U 37, Lot No. 13A, located at 59 Little Road in the Shoreline District.

Johnson- Architect Rob **Wonderlick** is here also. This property is located on Lake Winnepesaukee off Little Road. The property is a 4.3-acre parcel. The access driveway for the property comes off of a private ROW, then across another parcel by benefit of an easement. The outline on the plan that is in black is the existing structure. It is very close to the lake. The limit of existing encroachment is about 12'. They went through different possibilities of what could be done with the structure. There was some history and architectural features that they wanted to preserve. We have the 25' town woodland buffer, the State of New Hampshire 50' setback and Town of Meredith 65' setback. The original hope of the owners was to lift the building up, move it back about six feet, put a foundation under a portion of the bottom of it, set the building back down, move a section of one wing slightly back, tear one section down, rebuild it in a different configuration and try to keep the elements of the horseshoe shape. If they were to do that, we would be asking for at least one variance. The question Bill and I expressed to the owners was why couldn't you move it out of the 25' woodland buffer? So what we are proposing is to pick the structure up and move it out of the 25' woodland buffer. This is a special exception to expand a non-conforming structure by more than 400 sq. ft and razing of an existing structure. The yellow is the shape of what is being proposed. So now, one of the wings will be moved back so almost the entire portion of it is conforming to the 65' setback. The other wing is now being swung, so it won't be closer to the shoreline. Right now the building is so close to the lake that there is space between the back of the building and the 65' setback. You are trading the non-conforming square footage in the front for a greater amount that is being created in the back. This is an improvement in the existing situation in that every portion of the building that is being added on is getting further away from the lake. This will be very similar to what is there now and will be further from the lake and will be more conforming. By moving the building back, we are reducing the non-conforming structure by more than 1/3 as it relates to the Shoreline Protection Act. This is a good trade, even though the square footage is slightly larger. There will be a considerable amount of landscaping that will accompany the relocation and reconstruction of this building. It complies with the Town's regulations in terms of the height. We feel we have met the criteria for granting a special exception. One of the criteria is, will it diminish surrounding property values? I don't believe it will. When the Little family created this subdivision, they created a couple of deed restrictions. There is a line that goes from the westerly portion of the building to the westerly portion of the Little house and northeast of that, there can be no tree cutting, except within 20' of the house. There is a newer septic system for the house. Another restriction is that there can be no shoreline structures 400' from the southerly boundary. Haley - This property is unique.

What year was this built? David Little – It was built in 1912. Haley – This property is up above the water versus sitting on the lake? Johnson - Correct. Haley – How many bedrooms and baths? Wonderlick – 5 bedrooms and two full baths now. We are proposing 4 bedrooms with 4 bathrooms. Little – What is the increase in the peak of the roof when you move it back? Wonderlick – I think it will be going up the bank about 4-6'. They intend to keep the woodland buffer. Johnson –There will be a sedimentation and erosion control plan prepared by an engineer and that will be on file with Bill Edney prior to him issuing a building permit. Little – I think this is a homerun. This is the best outcome that we could hope for. We are very much in favor of this. Hearing closed at 8:15 PM.

2704: STEVE MERRILL: An appeal for a SPECIAL EXCEPTION to construct a perched beach within the 50' protective buffer of a wetland, Tax Map U24, Lot No. 40, located at 59 Spindle Point Road in the Shoreline District.

Merrill – I am proposing a perched beach. The State has recommended this location. They feel this will have the least environmental impact. I have not received my permit from the State as of yet. I request that this special exception be granted contingent on State approval. The Conservation Commission has no objection to this application. Hearing closed at 7:10 PM.

DELIBERATIVE SESSION

2700: ASSOCIATED SURVEYORS FOR CONVEX LLC:

Mack –I think Carl did a good job in addressing the concerns of the Conservation Commission and coming up with an alternative.

Hawkins moved, Haley seconded, IN CASE # 2700, ASSOCIATED SURVEYORS FOR CONVEX LLC, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT TWO DRIVEWAYS: TWO WITH BUFFER IMPACT ONLY AND ONE WITH BUFFER IMPACT AND ONE CROSSING OF A SEASONAL DRAINAGE, TAX MAP R29, LOT NO. 2D, LOCATED ON BATCHELDER HILL ROAD IN THE FORESTRY/RURAL DISTRICT BE APPROVED WITH NEW PLANS SUBMITTED TODAY, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION AND CERTAINLY SEEMS TO BE THE BEST POSSIBLE ROUTE ON THIS LOT FOR THE DRIVEWAYS. Voted 4-0 in favor.

2701. ASSOCIATED SURVEYORS FOR ELIZABETH LITTLEFIELD:

Haley moved, Hommel seconded, IN CASE # 2701, ASSOCIATED SURVEYORS FOR ELIZABETH LITTLEFIELD, I MOVE AN APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT A DRIVEWAY ACROSS A NON-DESIGNATED WETLAND AND WITHIN 50' OF A NON-DESIGNATED WETLAND, TAX MAP S11, LOT NO. 24, LOCATED ON MEREDITH NECK

ROAD IN THE MEREDITH NECK DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 4-0 in favor.

2702: ASSOCIATED SURVEYORS FOR W.F. RICHARDS, INC.:

Hawkins moved, Haley seconded, IN CASE #2702, ASSOCIATED SURVEYORS FOR W.F. RICHARDS, INC., I MOVE THE APPEAL FOR A VARIANCE TO EXPAND AN EXISTING NON-CONFORMING USE BY ADDING A 22' X 24' OFFICE SPACE TO AN EXISTING OFFICE BUILDING AND EXPANSION OF A SAND STORAGE BUILDING, TAX MAP S20, LOT NO. 2, LOCATED AT 150 PARADE ROAD IN THE FORESTRY/RURAL DISTRICT BE GRANTED, AS THE PROPOSED USE WOULD NOT DIMINISH SURROUNDING PROPERTY VALUES; GRANTING THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST; DENIAL OF THE VARIANCE WOULD RESULT IN UNNECESSARY HARDSHIP TO THE OWNER ; GRANTING THE VARIANCE WILL DO SUBSTANTIAL JUSTICE AND THIS USE IS NOT CONTRARY TO THE SPIRIT AND INTENT OF THE ORDINANCE. Voted 4-0 in favor.

2703: ASSOCIATED SURVEYORS FOR ROBERT & MARY SCHWAGER:

Mack – I would just like to say for the record that they did a great job in moving it out so it protects the 25' undisturbed woodland buffer.

Haley moved, Hommel seconded, IN CASE #2703, ASSOCIATED SURVEYORS FOR ROBERT & MARY SCHWAGER, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO EXPAND A NON-CONFORMING STRUCTURE BY MORE THAN 400 SQ. FT. AND RAZING OF AN EXISTING STRUCTURE, TAX MAP U37, LOT NO. 13A, LOCATED AT 59 LITTLE ROAD IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 4-0 in favor.

2704: STEVE MERRILL:

Haley moved, Hawkins seconded, IN CASE #2704, STEVE MERRILL, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT A PERCHED BEACH WITHIN THE 50' PROTECTIVE BUFFER OF A WETLAND, TAX MAP U24, LOT NO. 40, LOCATED AT 59 SPINDLE POINT ROAD IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR THAT TYPE OF CONSTRUCTION. Voted 4-0 in favor.

MOTION FOR REHEARING

2698: ASSOCIATED SURVEYORS FOR ALBERT & DONNA DUCHARME:

An appeal for a SPECIAL EXCEPTION to construct a roadway and common driveway crossing of a non-designated wetland and within 50' of a non-designated wetland and a SPECIAL EXCEPTION to create a cluster subdivision in a Forestry/Conservation District, Tax Map R 30, Lot No. 3 & 4, located on New Road.

The following people submitted requests for rehearing:

John Rogers, Esq.
William & Linda Lee
Mary Lou Higgins Lavelle
Coreen Navoy
John & Olga Robinson
Neighborhood petition opposing
Cluster Subdivision

James & Ann Freeman
Ronald Abear
Sharon Dugan
Ronald & Jacqueline Kiesel
Scott Higgins

Haley – The criteria for a rehearing is, did we make a technical error or is there testimony received that was not received at the August 11, 2005, meeting. I think you could debate both criteria. Mack – Debate which way? First, let me make a few comments. I was quoted several times in here. Basically, when I said the roads were a non-issue, they are non-issues in the purview of the Board of Adjustment, not in the purview of the Town of Meredith. It comes under the Planning Department and the Highway Department. I did not mean that we did not care. As far as making decisions without all the information, I have been on this Board for 12 years and we have routinely done the same thing in every single case. We do not require people to do a complete engineering plan, when the Planning Board requires the complete engineering plans. The Planning Board decides the exact number and configuration of the lots. My statements were not because of any personal viewpoint. They brought up some legitimate points on the roadway and the maintenance but again, even if that is new evidence, it has nothing to do with the case so we couldn't accept it. I don't think we made a mistake or that there is new evidence and I have read through it all. Haley – On page 55, we have Article VII that was referred to in several of the documents. Basically, I am following Mr. Roger's request. We have always spoken to Special Exception having 3 criteria. They keep referring to 5 criteria. On page 55, I see a possible four, one of which involves the Planning Board. Edney – Five is for a variance. Haley - There is the fourth that we are supposed to have something come over from the Planning Board. We have always argued who is first and that's the plan they reference that will go in the file and we will never see it. A lot of the other three criteria are in the eyes of the beholder. Other than having an open sewer that someone leaves, what is noxious to the

neighborhood? I don't think there is any greater distance between the new fire station and its equipment than the existing fire station downtown and the end of Meredith Neck. As far as, gee whiz, if a fire started today with or without a 30,000-gallon tank, it could jump from property to property with 5-6 acres in between. Come on down to Meredith Neck, some of our buildings are eave to eave. The bottom line, on most of the testimony I heard that night was, we like it the way it is. So I guess I have a question for Mr. Johnson. I see 210 acres, am I correct? Johnson – Just under. Haley – So being literal, you could put 20 houses on that with 10 acres? Mack – If it meets the requirements. Johnson – If it meets the subdivision requirements. Haley – If 5 acres are under water, but I still have room for a septic system and a house, do the 10 acres count? Johnson – There are two standards in the Town of Meredith. There is density and soils based lot sizing. The calculations of the density, everything counts. The soils and slopes for lot sizing, you deduct all wetlands, all non-designated and all areas of exposed ledge and those that are not suitable for a septic system. That is the Planning Board standard. Then they say, “contrary to this Board’s approval, none of the proposed lots will come into existence as configured”, but it is still possible to have 20 lots. Mack – What everybody misses and maybe its part of public education that we have to get out there is, the Zoning Board only gave their approval at the last meeting for a cluster subdivision on that piece of property. Carl presented it as 14 lots. If he goes before the Planning Board and goes through all the soils and slopes and everything comes to only 10 lots, that is all he can put in. We did not approve 14 lots; we approved the concept and the right for them to go before the Planning Board for a cluster subdivision. Haley - They kept returning to the concept of did the Town Meeting know what they approved back when they approved cluster subdivisions in that zone? Be that as it may, it happened. It has not been changed. I don't think we can do any more. Although it may be a very unpopular thing and I am sure it won't end here, I would move that we not hold a rehearing.

Haley moved, Hawkins seconded, IN CASE #2698, I MOVE THE APPEAL FOR A REHEARING BE DENIED. Voted 4-0 denied.

Meeting adjourned at 9:00 P.M.

Respectfully submitted,

Christine Tivnan
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on _____, 2005.

John Mack, Chairman