

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

Jack Dever moved, Fred Hawkins seconded, THAT WE APPROVE THE  
MINUTES OF DECEMBER 9, 2004.

**PUBLIC HEARING**

2660. **TERESA G. WARD:** (Rep. Fred Ward) An appeal for a SPECIAL  
EXCEPTION to construct a garage within a wetland buffer, 50' setback  
required, Tax Map No. U04, Lot No. 17, located at 17 Pollard Shores  
Road in the Shoreline District. CONTINUED FROM DECEMBER 9,  
2004.

*John Mack (Chairman) stepped down. Fred Hawkins is acting Chairman  
for the case.*

Hawkins - I see you have come back with some dimensions. Ward – Yes,  
this is what you required from the last meeting. Dever – You still don't  
think you can move the garage anywhere else? Ward – No. Dever – If  
you moved it here, it would meet the 65' setback from the lake; it would  
meet the rear setback and be less of an impact. Ward – No, but I  
wouldn't meet the 50' setback. Dever – No, you wouldn't be 50', but it  
would be less of an impact. We have to look at the minimum impact.  
Ward – The other thing is, if we moved it there, it would block the view of  
the driveway, would be over the sewer lines and under power lines.  
Pisapia- (Conservation Commission) Were our comments read into the  
record at the last meeting? Hawkins - Yes they were. Hearing closed at  
7:10 PM

2661. **RICHARD G. JUVE:** (Rep. Harry Wood) An appeal for a SPECIAL  
EXCEPTION to repair, replace, reset and extend culverts within the 50'  
buffer of a non-designated wetland and a SPECIAL EXCEPTION to  
upgrade existing roadway adjacent to a wetland, within the 50' buffer,  
and at the outfall of some existing culverts, Tax Map S25, Lot No. 27J,  
located on Wall Street in the Shoreline District.

*John Mack returned as Chairman.*

Wood – Wall Street is off of Waukewan Street and goes into a cul-de-sac  
where it terminates. The private road continues on through the adjacent

property, roughly parallel to Lake Waukewan. Was originally reserved as a possible connection to Winona Forest. That connection has never been made. We reviewed this about a year ago with the Planning Board and the Selectmen. It has been reviewed also by the Highway Department. What we are proposing to do is subdivide Mr. Juve's property (17.8 acre parcel), into three 5-acre lots. They are restricted from further development per covenants in his deed. The wetlands have been mapped on site. We have shown the setbacks in green on this map. In order to accommodate this, there are two abutters using this road to access their driveways. The proposal would require three additional drives on the property and the Planning Board felt that would call for an upgrade of what is currently a private driveway. It varies from 10' – 12' in width. For all practical purposes, it is a one-way road. We requested from the Selectmen reduced standards in the width of the road. They granted us an 18' width, with 1' shoulders and gravel surface. The Planning Board and the Conservation Commission have completed a site walk. Wood described the map drawing to the Board. Orange being what is there now. Blue represents the wetlands. The stonewall and the red lines represent the 50' ROW. The pink portion shows the proposed widening of the road. The yellow represents side slopes from the travel surface. The Selectmen also proposed an easement and a hammerhead turnaround at the end of the road. The three proposed driveways will pass between two wetlands and cross one wetland at a point where the wetland is about 5'-6' wide. All of the improvements that are being proposed will be within the 50' setbacks. The plan is also to repair, replace, reset, and extend culverts. This will require extending culverts on the easterly side of the road. The westerly side of the traveled way will be held to the existing sideline of the present driveway (private). The Town Highway Department has asked that the culverts that are to be replaced be with materials acceptable to the Town. We would also clean up the drainage ditch along the westerly sideline so that water will more readily flow to existing or repaired culverts. We have three areas where we would be in the wetland very slightly. We are requesting permission to proceed as presented. Mack – You said slightly insignificant to the wetlands. What's the impact to the wetlands and the buffer zone? Wood – The exact sq. ft.? Don't know at this time. It is our expectation that DES will review it and that information will have to be available by the time it gets to them. Mack – How can we make a decision on what the impact is, when we don't know the volume? Wood – We tried to do this in a graphic manner so you would get a sense of the approach we are taking to minimize the impacts. Mack - The problem I have, is that I have heard from the Planning Board and it is my understanding that they are asking

for a complete drainage study and a plan. This could change the size and location of culverts. This could change the impact on the wetlands. There is nothing defined. Dever- Do you have conditional approval from the Planning Board? Wood – No, not at this time. Dever– Does the Planning Board need more information that could change your proposal tonight? Wood – I don't think so, unless the State decides we need to create a detention area on the upside hill of the road. Dever – What more do you have to do for the Planning Board? Wood-We need approval from the State. Dever-Do you anticipate any changes when you go to the Wetlands Board that may affect what we would approve. If you have other places to go, maybe we should be the last place, when you have a final plan. Wood-The owner went to the Selectmen for a waiver of Engineering plans and it was granted. The reason it was granted was because the road is there and it is a very even grade over its entire length. Juve-This road was built over 22 yrs. ago. There are two major ravines. The culverts are a mosquito haven. This would eliminate the water build up. Wood-Three people have been maintaining this road. The Planning Board indicated that we would need to have a specific maintenance agreement until and if the Town were to consider taking it over. Hearing closed at 7:50PM

2662. **ANTHONY MCLAUGHLIN:** An appeal for a VARIANCE to replace an existing single-family residence with a new residence with a 10' rear setback, 40' required, Tax Map No. U01, Lot No. 28, located at 17 Anntom Road in the Shoreline District.

I was originally going to raise the building, but 80% of it was rotted. There is nothing else I can do. The damage is extensive. I worked all summer to try and repair it. The building will be in the same spot with a full foundation. I will square the building off. Mack-Please explain your dimensions. McLaughlin- From the corner of the building, to the middle of the railroad tracks, is 65'. From the corner of the building, to the end of my lot, is 20'. From the end of the porch, to the end of the lot, is 10'. Dever –The house location is going to stay the same? McLaughlin-Yes. Hearing closed at 8:00PM

2663. **DAVID M. DOLAN ASSOCIATES FOR ANN B. HUTCHINS:** (David Dolan) An appeal for a SPECIAL EXCEPTION to construct a driveway and utilities across a non-designated wetland to access a proposed single-family dwelling, 50' required, Tax Map No. S25, Lot No. 8, located at 25 Winona Road in the Forestry and Rural District.

Property consists of about 26.6 acres, located on Winona Road. The wetlands shown on the plans were crosshatched and delineated by a certified soil scientist. We have gone to the Planning Board for a Subdivision Application and received conditional approval for a three-lot

Subdivision. One of the conditions was to receive a special exception for crossing a wetland for access to a building site on lot 1. Lot 1 is the northern lot and is 5 ½ acres. Lot 2 is just over 5 acres and contains an existing house and barn. Lot 3 is the southerly lot and is almost 16 acres. We have received approval from DOT for a curbed cut for access to lot 1. The blue portion on the map shows the proposed driveway. The wetland impact area will be about 525 sq. ft. The buffer impact area will be about 865 sq. ft. The purple portion shows the alternative driveway location. The wetland impact area would be zero, but the buffer impact would be 1,410 sq. ft. If we used the alternative site, the total disturbed area to the site would be about 6000 sq. ft. to accommodate the driveway, where the proposed location would have a total disturbed area of about 2000 sq. ft. The total width of the crossing is about 12' wide. I know the Conservation Commission has concerns. I think their concerns have been addressed. No environmental impacts to abutting or downstream properties are anticipated due to the minimal nature of the project and the fact that the wetland being affected is hydrologically isolated from other wetlands. The culverts under the driveway will assure that the wetland remains whole and connected from a hydrological standpoint. Pisapia (Conservation Commission)-You mentioned that the alternative driveway would have a greater impact on the buffer than the proposed driveway. Could I have an explanation on how you came up with that? Dolan-I calculated the area of a 12' wide driveway within the buffer going the shortest route across and then turning in the direction of the proposed house. This does not include any side slopes or cuts and fills that may be required. Pisapia-Our concern is taking a single unit of wildlife habitat, that wetland, and dividing it in two. We think there is a reasonable alternative and that is what we are recommending. Dolan-As mentioned in the report by the wetland scientist, the culverts will maintain the hydrological connection between the two units. Pisapia-The impact will not just be that culvert. Once they put the driveway in, there will be an area away from the driveway that is going to be affected for wildlife purposes. If you skirt around the wetland, you will have less of an impact. Dolan-If you look at the overall site, considering the wetlands, buffers, and the total disturbance to the site, it's much less of an impact to any wildlife in the area. The alternative site would affect a lot more area. Hearing closed at 8:20PM.

2664. **WAYNE BREDVIK FOR JOHN WADE:** (Rep. Wayne Bredvik) An appeal for a VARIANCE to locate a leachbed 39' from Lake Winnepesaukee, 75' required, Tax Map No. U30, Lot No. 27, located at 33 Loch Eden Shores in the Shoreline District.

This lot averages 90' on each side. It is a very small lot of 8100 sq. ft. There is an existing house on it. The shore of Lake Winnepesaukee is at the front and rear. It is not possible to design a septic system, which meets town and state setbacks. This is a very old system. The proposed system will be raised above the water table and the distance to the lake will be increased. The existing one is approximately 25' +/- from the shoreline. The new location will be 39'. The proposed septic system utilizes the latest wastewater treatment technologies with pretreatment of the sewage by use of the "Clean-Solution" before entering an Enviro-Septic leachbed. Bredvik – Read a letter from Ames Associates into the record. There was a variance granted for a new leachbed 40' from the lake in May 2001 for an adjacent property to Mr. Wade's. Mack-A letter from Jane Feldman (abutter) was read into the record. It is her suggestion that the variance not be granted until her well can be located and that Mr. Wade should pay the cost to locate it. Wade-They are under the impression that I have a holding tank. I don't have a holding tank. I have what we think is a dry well with a regular septic tank. I thought this was cleared up at the last meeting. Edney-Do you have State approval? David Ames thought he would have it in time for this meeting. Bredvik-It is in for approval. Edney-I suggest approval be subject to State approval. Hearing closed at 8:35PM

2665. **DEREK MAKSY & RICHARD KELLY FOR ROBERTS RECREATIONAL REALTY LLC:** (Harry Wood) An appeal for a VARIANCE to create a non-conforming buildable lot with Municipal Sewer, 10,000 sq. ft. in size, 40,000 sq. ft. required, 66' lake frontage, 150' required, 6' and 10' side setbacks, 20' required, 62.4' street frontage, 50' required, 75' average width, 150' average width required, 39' front setback, 65' required, Tax Map U17, Lot No. 15, located at 95 Pleasant Street in the Shoreline District.

2666. **DEREK MAKSY & RICHARD KELLY FOR ROBERTS RECREATIONAL REALTY LLC:** (Rep. Harry Wood) An appeal for a VARIANCE to create a non-conforming buildable lot with Municipal Sewer, 8,490 sq. ft. in size, 40,000 sq. ft. required, 66' lake frontage, 150' required, 3' and 10' side setbacks, 20' required, 62.4' street frontage, 50' required, 58.4' average width, 150' average width required, 13' front setback, 65' required, Tax Map U17, Lot No. 15, located at 95 Pleasant Street in the Shoreline District.

This property is located on Pleasant Street in the Shoreline District. It is a little unusually because it has municipal utilities. This is currently known as the Chieftain Motor Inn. The proposal is to consider subdividing the lot into two residential parcels. At the present time, the use on this property is commercial. There are 11 bedrooms. Prior to this, though never executed, this property was approved for a 6-unit condominium. The other side of the street and the rest of the neighborhood are residential. The buildings already exist on the property. We will be reducing the amount of the building, the density, and the coverage. The total property is 136.8' on the front and 132.67' on the waterfront. We will divide the street frontage and the lake frontage evenly. We will be removing the roof and enough of the structure that connects the two buildings along with pavement. By doing that, we can meet the coverage requirement, which is 30%. Lot 1 is going to be 10,000 sq. ft. Although that is insufficient for that zone, it is not insufficient in other zones; where there are municipal utilities available, such as we have here. The other lot will get everything that is left. Based on a prior survey, it will come out to about 8,490 sq. ft. Clark-This is going to be two single-family dwellings, not condo's? Wood-Single-family residential use is what we are proposing. Zaichkowsky-Is the building closest to me staying? Wood-All of the discussion I have had to date indicates that that structure will be used as a residence, and we are not asking for any changes to it as far as this application. Zaichkowsky-How far is the building going up? Mack-We are discussing existing structures on existing land. Donaldson (Century 21) There are a total of 11 units, 14 bedrooms and 5 kitchens. We would be going from 5 kitchens to 2. Hearing closed at 9:05PM.

### DELIBERATIVE SESSION

**2660. TERESA G. WARD:**

Dever – They did submit more information. If he did move the garage like I suggested, he would meet the setbacks, but he would be under the power lines and on the sewer lines.

Dever moved, Joslin seconded, IN CASE # 2660, TERESA G. WARD, I MOVE AN APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT A GARAGE WITHIN A WETLAND BUFFER, 50' SETBACK REQUIRED, 18 ' PROPOSED, BE GRANTED, AS IT MEETS THE REQUIREMENTS FOR A SPECIAL EXCEPTION. Voted 4-0 in favor.

**2661. RICHARD G. JUVE:**

Mack – I think there needs to be more work in regards to drainage. I have a hard time approving something that is not defined enough. Dever – I would be more comfortable if they had conditional approval. Mack – It's not defined enough to identify how much has really changed. Joslin- What more could they do? Dever – They still have more that they have to do for the Planning Board in relation to this whole road situation. This may change what their application is to us. Joslin – So this is out of order? They should still be at the Planning Board stage? Dever – Usually they have conditional approval when they get to this point, so we know that there are not going to be substantial changes. Should we continue it? Mack – Harry, when are you going to the Planning Board next? Wood – We won't return to the Planning Board until we have the State Wetlands Board approval. That is a guess on how long that will take. I would say we would accept a continuance but agree to notify the abutters. Dever- We could continue it until you receive conditional approval, with the stipulation that the abutters would be re-notified.

Dever moved, Hawkins seconded, IN CASE # 2661, RICHARD G. JUVE AN APPEAL FOR A SPECIAL EXCEPTION TO REPAIR, REPLACE, RESET AND EXTEND CULVERTS WITHIN THE 50' BUFFER OF A NON-DESIGNATED WETLAND AND A SPECIAL EXCEPTION TO UPGRADE EXISTING ROADWAY ADJACENT TO A WETLAND, WITHIN THE 50' BUFFER, I MOVE THAT WE CONTINUE UNTIL CONDITIONAL APPROVAL FROM THE PLANNING BOARD IS RECEIVED AND WITH THE STIPULATION THAT THERE WILL BE RE-NOTIFICATION OF ABUTTERS. Voted 5-0 in favor.

**2662. ANTHONY MCLAUGHLIN:**

Mack – I don't think what he is asking for is unreasonable. Dever – No. If the house is failing down, he needs to do something. Joslin – He's squaring it off. Makes a lot of sense.

Hawkins moved, Dever seconded, IN CASE # 2662, ANTHONY MCLAUGHLIN, I MOVE AN APPEAL FOR A VARIANCE TO REPLACE AN EXISTING SINGLE-FAMILY RESIDENCE WITH A NEW RESIDENCE WITH A 10 ' REAR SETBACK, 40' REQUIRED, BE APPROVED, AS IT MEETS THE CRITERIA FOR A VARIANCE. Voted 5-0 in favor.

**2663. DAVID M. DOLAN ASSOCIATES FOR ANN B. HUTCHINS:**

Mack – I understand value of wetlands, but I am not quite sure what the value of disturbing that much land in order to avoid an impact of 500 sq. ft. on the wetlands. Joslin – I agree. I have more of a problem disturbing all of the animals. I have more of a concern for that. Dever –It’s isolated wetlands. It is hydrologically isolated. I think the alternative would be worse.

Dever moved, Joslin seconded, IN CASE # 2663, DAVID M. DOLAN ASSOCIATES FOR ANN B. HUTCHINS, AN APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT A DRIVEWAY AND UTILITIES ACROSS A NON-DESIGNATED WETLAND TO ACCESS A PROPOSED SINGLE-FAMILY DWELLING, 50’ REQUIRED, I MOVE THE SPECIAL EXCEPTION BE GRANTED, AS IT MEETS THE REQUIREMENTS FOR A SPECIAL EXCEPTION. THE ALTERNATIVE WOULD DISTURB MORE AREA THAN WHAT THE PROPOSAL IS. Voted 5-0 in favor.

**2664. WAYNE BREDVIK FOR JOHN WADE:**

Dever – I have seen one of these “ Clean Solutions “, and it was a lot closer than this one to a lake. The discharge from that system was cleaner than the ground water going into the lake, and this one is going into a leachbed.

Hawkins moved, Dever seconded, IN CASE # 2664, WAYNE BREDVIK FOR JOHN WADE, I MOVE THE APPEAL FOR A VARIANCE TO LOCATE A LEACHBED 39’ FROM LAKE WINNIPESAUKEE, 75’ REQUIRED, BE APPROVED, AS IT MEETS THE CRITERIA FOR A VARIANCE, THEY HAVE A STATE OF THE ART SEPTIC SYSTEM AND THEY HAVE DONE THE VERY BEST THEY CAN WITH AN EXTREMELY SMALL LOT. Voted 5-0 in favor.

**2665. DEREK MAKSY & RICHARD KELLY FOR ROBERTS RECREATIONAL REALTY LLC:**

Mack – As strange as it might sound, I don’t think it is that bad of an idea for this piece of property. Jolin – I agree. Considering what is there now. Dever – I am just hung up on the spirit and intent of the ordinance with this lot. It does not even meet the initial 40,000 sq. ft. I know it’s preexisting, but you have to look at the spirit and intent of the ordinance. Mack – I understand what you’re saying. The other side is you have to look at the over crowding that you have with 11-14 bedrooms. This would

reduce the impact to the lake and the shorefront, which is what the spirit and intent of the ordinance is about. This would not be contrary.

Moyer moved, Hawkins seconded, IN CASE # 2665, DEREK MAKSY & RICHARD KELLY FOR ROBERTS RECREATIONAL REALTY LLC, I MOVE THE APPEAL FOR A VARIANCE TO CREATE A NON-CONFORMING BUILDABLE LOT WITH MUNICIPAL SEWER, 10,000 SQ. FT. IN SIZE, 40,000 SQ. FT. REQUIRED, 66' LAKE FRONTAGE, 150' REQUIRED, 6' AND 10' SIDE SETBACKS, 20' REQUIRED, 62.4' STREET FRONTAGE, 50' REQUIRED, 75' AVERAGE WIDTH, 150' AVERAGE WIDTH REQUIRED, 39' FRONT SETBACK, 65' REQUIRED, BE APPROVED, AS IT MEETS THE CRITERIA FOR A VARIANCE. Voted 5-0 in favor.

**2666. DEREK MAKSY & RICHARD KELLY FOR ROBERTS RECREATIONAL REALTY LLC:**

Mack Moved, Joslin seconded, IN CASE # 2666, DEREK MAKSY & RICHARD KELLY FOR ROBERTS RECREATIONAL, I MOVE THE APPEAL FOR A VARIANCE TO CREATE A NON-CONFORMING BUILDABLE LOT WITH MUNICIPAL SEWER, 8,490 SQ. FT. IN SIZE, 40,000 SQ. FT. REQUIRED, 66' LAKE FRONTAGE, 150' REQUIRED, 3' AND 10' SIDE SETBACKS, 20' REQUIRED, 62.4' STREET FRONTAGE, 50' REQUIRED, 58.4' AVERAGE WIDTH, 150' AVERAGE WIDTH REQUIRED, 13' FRONT SETBACK, 65' REQUIRED, BE APPROVED, AS IT MEETS THE CRITERIA FOR A VARIANCE. Voted 5-0 in favor.

Meeting adjourned at 9:30 P.M.

Respectfully submitted,

Christine Tivnan  
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on \_\_\_\_\_, 2005.

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John Mack, Chairman