

PRESENT: Mack, Chairman; Hawkins, Dever, Hommel, Joslin, Tivnan, Clerk

Fred Hawkins moved, Jack Dever seconded THAT WE APPROVE THE MINUTES OF MARCH 11, 2004 AS PRESENTED.

PUBLIC HEARING

2594. OLD MILL CONSTRUCTION FOR ROGER AND CATHERINE BROWN:

An appeal for a VARIANCE to create a second dwelling unit within the footprint of an existing attached barn (to be removed) on a 7,405 sq. ft. lot, 10,000 sq. ft. per unit required, Tax Map No. U06, Lot No. 29, located at 6 Waukewan Avenue in the Residential District.

Applicant Butch Keniston of Old Mill Construction proposes to create a 2nd dwelling unit within the footprint of an existing attached barn that is going to be removed. They are requesting a variance from the density requirements. The requirement in the zone is for 10,000 sq. ft. and this lot is 7,405 sq. ft. The property is able to support the proper amount of parking. The extended family is requesting a place to live. The proposed living space is less sq. footage and fewer footprint than the existing building. The driveway on the right hand side of the building will be removed and returned to grass. The new building will be a two-story building.

Hommel: This drawing looks backwards.

Mack- Do you have anything that shows the entire property and how this all fits on it.

Butch- The other portions of the property are not being disturbed. The two lot lines that we are approaching are the back lot line and the side lot line. On the Smith side, we are actually bringing it into conformity. It will exceed the side setback. The rear lot line is (not finished)

Mack- I don't have anything showing this.

Butch- It's only about 3 to 5 feet from the back of the building.

Dever- You are going to completely remove the barn?

Butch-Yes

Dever- You need a variance

Butch- That is what I am here for.

Dever- You also need a variance in order to remove the barn and replace it in the same location because you are violating the rear setbacks.

Butch- That is what I am here for.

Dever- I don't see anything about a setback. I don't see anything about setback relief. It is asking for relief from the 10,000 sq. ft. You need two variances.

Butch- If we are going back in a footprint smaller than the existing building?

Dever- You still need a variance. You can't voluntarily remove a building and put it back in the same location, or reduce it, unless you reduce it down to the setback requirements.

Butch-When I filed for the application, I originally filed for a variance and a special exception for the setbacks and I was told I didn't need a special exception for the setbacks.

Dever- You don't get a special exception for setbacks, you need a variance.

Butch- The existing barn is still there. We have not removed it.

Dever-Right, but you are going to.

Butch- Right, if we have a building permit for a new building. If we don't, then we are not going to remove it.

Mack-In order to get the building permit to replace it with a new building you have to have a variance to just do that, because it violates the setback rules.

Butch- I believe the ordinance allows that building to be replaced in a smaller size, same configuration by a building permit.

Dever- You have to show that to me, because I don't know where that is.

Butch- Well, the application in front of the Board is a density variance, so if we have to come back, we will have to come back.

Dever- You would have to come back, if you get your density variance. You can create a second dwelling unit there within the framework of the ordinance without any action from the Zoning Board. Is that correct?

Butch- How?

Dever -An accessory apartment.

Butch-We can meet the requirement of an accessory apartment.

Dever-You want to build a second dwelling that exceeds the requirements.

Butch- Actually it doesn't.

Dever- Will, we don't know that. We don't have anything showing that.

Butch- The sq. footage does not exceed the 25% of the main building. I was told to come and get a variance for the density requirements.

Mack- There is no density requirements on an accessory apartment.

Butch- We can't meet the setbacks anyway. So if that is an issue we would have to come back to the Board.

Mack, Dever- That is an issue.

Dever- What I would suggest, is that you do not go forward with this hearing and go back to the town and see what you are looking for. This is not clear.

Butch-Can I make the request to continue?

Mack- Yes and what I would like to see when you come back is to have a property sketch so we know where the location of the buildings are.

Butch- Sure. I will get a surveyed plot plan.

Dever moved, Fred seconded IN CASE # 2594 THAT WE CONTINUE TO THE NEXT HEARING ON MAY 13TH. Voted 5-0 in favor. Hearing closed at 7:50 PM

2605. **WILLIAM AND SUSAN BODWELL:** An appeal for a SPECIAL EXCEPTION to expand a non-conforming structure by constructing a new

foundation and raising the house more than 2 feet, Tax Map No. U01, Lot No. 26, located at 23 Anntom Road in the Shoreline District.

Mr. Bodwell would like to raise his house approximately 4 ft. Jack Dever visited this site about a month ago. This is an existing structure and the way it sits on the property they do not have much room for expansion. The only way they can really expand is to raise it up. Due to the slope of the land, it would be necessary to raise it up about 4 ft. in the back. This is a one-story home. Hearing closed at 7:55 PM

2606. **TIMOTHY PAGE FOR DAVID AND KATHLEEN WINSOR:** An appeal for a SPECIAL EXCEPTION to allow construction of a driveway across non-designated wetlands and a non-designated stream, Tax Map No. R25, Lot No. 14, located on Roxbury Road in the Forestry/Conservation District.

Tim Page proposes to construct a driveway across non-designated wetlands and a non-designated stream. Hearing closed at 8:00 PM

2607. **CHARLES W. KELLER FOR NANCY LITZ, TRUSTEE OF WINDJAMMER REAL ESTATE TRUST:** An appeal for a SPECIAL EXCEPTION to expand a non-conforming structure by 441 sq. ft. to include a woodland buffer, Tax Map No. U19, Lot No. 28, located at 51 Pinnacle Park Road in the Shoreline District.

2608. **BILL AND MARY JO STAIB, STAIB NOMINEE TRUST:** An appeal for a VARIANCE to expand a non-conforming structure by constructing an addition to the existing structure with a side setback of 11' 4" from the proposed addition and 8' 10" from the proposed entry porch, 20' required and an appeal for a SPECIAL EXCEPTION to expand a non-conforming structure by more than 400 sq. ft., Tax Map No. U29, Lot No. 2A, located at 46 Dale Road in the Shoreline District.

Mr. Bodwell proposes to expand a non-conforming structure by 441 sq. ft. They share a common driveway with 5 lots. Six houses are on those lots. The house is a one-story ranch. The structure to the right of them is a two-story structure. Believes cottage was built back in the 1960's. Most of the properties in his area are non-conforming. One neighbor has a 6'6" setback from the side lot. Another neighbor has a 15' setback, with 30' being required. Their desire is to expand it a little, so that they may move here and become full time residents. They initially started to look at what their neighbors did and that was to put a full second floor on within the same footprint that exists underneath. They decided against that approach for 3 reasons. One, it would be detrimental to our neighbors because their living room is on the second floor.

From their living room they look over our house. If we went up, their view of the lake would be blocked considerably. Second, we wanted to keep the expansion as far from the shoreline as possible. Third, aesthetically that type of structure was not a traditional lakefront structure. We have identified an area that is approximately 5' wide by 27' long that is on the north side of the property where we could expand the footprint without encroaching any further than we are. Our property was once part of a single parcel of land that had two houses on it. We share a leach field with our neighbors on the north side of us. We both have septic tanks and our neighbor's septic tank is on our land, the leach field is common. Although there is room on the north side, it would have a significant detrimental impact on both my property and that of my neighbors as it would require a new septic design and leach field, which may or may not be feasible. So we took the same footprint and moved it to the other side of the property. By doing that, it results in the setback of 11' 4" from the lot line to the eave line of the roof to our neighbors to the south and 8' 10" to the porch. The new foundation would not encroach any more than the existing bulk head bump out on the same south side. We will be moving out 5 feet, this will not change the traffic flow down the stairs into the existing entrance into the building. The expansion is directed toward our neighbor to the south whose house is oriented 180 degrees from our addition. In my opinion, this is a much better all around solution, although it is 23% smaller than if we kept the existing footprint and put a second floor on top. All abutters have no concerns with this expansion.

Dever- What does this do to your lot coverage? You can only cover 30% of your property with impervious material. I question if you are not already over that. This should have come up.

Bodwell- This did not come up, so I don't know the answer to that question.

Dever- What you have to do is figure out what your lot coverage is now. So if this in fact increases that coverage violation, you would have to reduce some of your lot coverage before this could be approved.

Bodwell- What I would request is if you could rule on my request assuming that we can address the 30% requirement.

Dever- If you came in and said, I understand that this 133 sq. ft. is going to put me 133 sq. ft. more in violation, but I will remove 133 sq. ft. of deck or something, then we could, if we are so minded, grant that variance and not create another violation at the same time.

Bodwell; If I make my request contingent upon, that if it is over the 30%, then I will take 30% away.

Dever- I think you can continue and recalculate with the same request.

Morton (Chris Williams Arch.) - So what you are saying is if we remove material from the site to get back to the existing condition, that is an O.K. situation.

Mack- We can't say it is O.K. yet. It is a suggestion.

Carl Johnson- Mr. Chairman, I do not have specific lot coverage calculations in relation to the proposed expansion but I think it is appropriate for the Board to consider the variance on it's merits and condition the variance that either the lot coverage will be met or that an equal amount of coverage will be removed and returned to impervious surface, such that the existing conditions are not exceeded. I will provide Mr. Edney with the proper calculations.

Joslin- That sounds good. You would be willing to conform?

Bodwell- Yes

Mack- It shows that you have two bedrooms on the first floor and adding a master bedroom on the second floor, or are there three bedrooms on the first floor?

Bodwell- There are three bedrooms on the first floor. We are going to eliminate one bedroom and replace the small third bedroom on the first floor with a bedroom on the second floor. When we are done, there will be two on the first floor and one on the second floor. Hearing closed at 8:30 PM

2609. **CARL JOHNSON, JR. FOR MARK AND ROBIN BRADY:** An appeal for a SPECIAL EXCEPTION to create a cluster subdivision in the Forestry/Rural zone, Tax Map No. R01, Lot No. 8, located on Hatch Corner Road in the Forestry/Rural District.

Carl Johnson is representing Mark & Robin Brady. The property is about a 37-acre parcel of land that fronts on both Winona Road and Hatch Corner Road. A brook that runs into the Hatch prime wetlands bisects the property. What is being proposed is to create a cluster sub-division. Essentially this would be a lot where the Brady's dwelling is on Winona Road as one lot and the portion

of the property enhanced on the inset of the plan would be the cluster sub-division. The components of the sub-division would be three lots, each slightly over an acre in size, surrounded by an 11-acre common area. None of the lots will be encroaching on either the wetlands or the buffer zone. Ames Associates conducted some test pitting.

The concept of a cluster sub-division is to take the density of the area that you are talking about and creating an area where by the houses, driveways, septic systems and associated yards will be located in a concentrated portion of the property, with the intent of preserving the open space. With this cluster sub-division being in excess of 10 acres in this zone, a 50' perimeter buffer would be surrounded with no setback from the interior dimension of the lot lines.

The property located to the southeast of this proposed cluster sub-division is subject to a conservation easement that is currently held by the Meredith Conservation Commission.

The Brady's are very interested in granting the same type of conservation easement on these 11 acres to the Town. It is also possible, that by easement, there would be a greater amount of area added into the conservation easement in addition to whatever would be a part of the common area, common to the cluster sub-division.

The net density is 4.81 acres per unit. In a forestry/rural zone the density is one lot per every three acres. The density is in excess of what is being required.

We believe this cluster sub-division meets the intention of what the cluster sub-division is intended to be. Hearing closed at 8:40 PM

DELIBERATIVE SESSION

2594. OLD MILL CONSTRUCTION FOR ROGER AND CATHERINE BROWN:

Dever moved, Fred seconded IN CASE # 2594 THAT WE CONTINUE TO THE NEXT HEARING ON MAY 13TH. Voted 5-0 in favor of the motion.

2605. WILLIAM AND SUSAN BODWELL:

Dever moved, Hommel seconded, IN CASE # 2605, WILLIAM AND SUSAN BODWELL I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO EXPAND A NON-CONFORMING STRUCTURE BY CONSTRUCTING A NEW FOUNDATION AND RAISING THE HOUSE MORE THAN 2 FEET, TAX MAP U01, LOT NO. 26 LOCATED AT 23 ANNTOM ROAD IN THE SHORELINE DISTRICT, BE GRANTED, AS IT MEETS THE REQUIRMENTS FOR A SEPCIAL EXCEPTION. Voted 5-0 in favor of the motion.

2606. TIMOTHY PAGE FOR DAVID AND KATHLEEN WINSOR:

Joslin moved, Hommel seconded, IN CASE # 2606, TIMOTHY PAGE FOR DAVID AND KATHLEEN WINSOR, AN APPEAL FOR A SPECIAL EXCEPTION TO ALLOW CONSTRUCTION OF A DRIVEWAY ACROSS NON-DESIGNATED WETLANDS AND A NON-DESIGNATED STREAM, TAX MAP NO. R25, LOT NO. 14, I MOVE THAT WE APPROVE THE SPECIAL EXCEPTION AS IT MEETS THE CRITERIA AND ON THE RECOMENDATION OF MR. FALLER, IT IS A NECESSITY TO PUT A DRIVEWAY IN. Voted 5-0 in favor of the motion.

2607. BILL AND MARY JO STAIB, STAIB NOMINEE TRUST:

Dever moved, Hawkins seconded, IN CASE # 2608, BILL & MARY JO STAIB, AN APPEAL FOR A VARIANCE TO EXPAND A NON-CONFORMING STRUCTURE BY CONSTRUCTING AN ADDITION TO THE EXISTING STRUCTURE WITH A SIDE SETBACK OF 11' 4" FROM THE PROPOSED ADDITION AND 8' 10" FROM THE PROPOSED ENTRY PORCH, 20' REQUIRED, I MOVE THAT WE GRANT THE VARIANCE AS I BELIEVE IT MEETS ALL THE REQUIREMENTS AND DOES NOT VIOLATE THE SPIRIT AND INTENT OF THE ORDINANCE AS LONG AS THE LOT COVERAGE IS ADDRESSED AND THERE IS NO INCREASE IN LOT COVERAGE. Voted 5-0 in favor of the motion.

Dever moved, Hawkins seconded, IN CASE # 2608, BILL & MARY JO STAIB, AN APPEAL FOR A SPECIAL EXCEPTION TO EXPAND A NON-CONFORMING STRUCTURE BY MORE THAN 400 SQ. FT., I MOVE THAT WE GRANT THE SPECIAL EXCEPTION AS IT MEETS THE REQUIREMENTS FOR A SPECIAL EXCEPTION. Voted 5-0 in favor of the motion.

2609. **CARL JOHNSON, JR. FOR MARK AND ROBIN BRADY:**

Hawkins moved, Dever seconded, IN CASE # 2609, CARL JOHNSON FOR MARK AND ROBIN BRADY, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO CREATE A CLUSTER SUBDIVISION IN THE FORESTRY/RURAL ZONE BE APPROVED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION AND IT WILL CERTAINLY HELP TO PROTECT THE WETLANDS. Voted 5-0 in favor of the motion.

2574. **CHRISTOPHER KROCHINA:** MOTION FOR REHEARING ON THE PETITION TO APPEAL THE TOWN OF MEREDITH BOARD OF SELECTMEN'S DECISION TO DENY THE PETITIONERS APPEAL OF THE CODE ENFORCEMENT OFFICER'S ADMINISTRATIVE DECISION TO ISSUE SPECIAL PERMIT #60-03 AND TO NOT ENFORCE THE TAYLORS TO COMPLY WITH ALL APPLICABLE TOWN AND STATE CODES, ORDINANCES, APPROVALS, ETC., Tax Map No. U32, Lot No. 7, located at 9 Evergreen Lane in the Shoreline District.

Hawkins moved, Joslin seconded, MR. CHAIRMAN, IN CASE # 2574, CHRISTOPHER KROCHINA I MOVE THE MOTION FOR A REHEARING ON THE PETITION TO APPEAL THE TOWN OF MEREDITH BOARD OF SELECTMEN'S DECISION TO DENY THE PETITIONERS APPEAL OF THE CODE ENFORCEMENT OFFICER'S ADMINISTRATIVE DECISION TO ISSUE SPECIAL PERMIT NUMBER 60-03 BE DENIED AS THERE HAS BEEN NO NEW EVIDENCE BROUGHT FORWARD AND THE BOARD MADE NO ERRORS IN THE ORIGINAL DECISION. Voted 5-0 in favor of the motion.

2596. **CHRISTOPHER KROCHINA:** MOTION FOR REHEARING ON AN APPEAL FROM AN ADMINISTRATIVE DECISION OF THE CODE ENFORCEMENT OFFICER TO ISSUE A FINAL CERTIFICATE OF USE AND OCCUPANCY TO PAUL AND ELAINE TAYLOR ALLOWING THEM TO OCCUPY AN EXISTING SINGLE-FAMILY DWELLING, Tax Map No U32, Lot No. 7, located at 9 Evergreen Lane in the Shoreline District.

Hawkins moved, Hommel seconded, MR. CHAIRMAN, IN CASE #2596, CHRISTOPHER KROCHINA, I MOVE THE MOTION FOR A REHEARING ON AN APPEAL FROM AN ADMINISTRATIVE DECISION OF THE CODE ENFORCEMENT OFFICER TO ISSUE A FINAL CERTIFICATE OF USE AND OCCUPANCY TO PAUL AND ELAINE TAYLOR ALLOWING THEM TO OCCUPY AN EXISTING SINGLE-FAMILY DWELLING, TAX MAP NO U32, LOT NO. 7, LOCATED AT 9 EVERGREEN LANE IN THE SHORELINE DISTRICT BE DENIED, AS THERE HAS BEEN NO NEW EVIDENCE

BROUGHT FORWARD AND THE BOARD MADE NO ERRORS IN THE ORIGINAL DECISION. Voted 5-0 in favor of the motion.

ELECTION OF OFFICERS

Dever moved, Hommel seconded, to leave officers, as is, John Mack for Chairman, Fred Hawkins for Vice Chairman. Voted unanimously.

Meeting adjourned at 9:00 P.M.

Respectfully submitted,

Christine Tivnan
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on _____, 2004.

John Mack, Chairman