

PRESENT: Mack, Chairman; Hawkins, Dever, Haley, Edney, Tivnan, Clerk

Haley moved, Dever seconded, THAT WE APPROVE THE MINUTES OF JUNE 9, 2005.

PUBLIC HEARING

2683: STEPHEN AND JOAN PUSHEE: An appeal for a SPECIAL EXCEPTION to construct a three season room within 35' of a non-designated seasonal brook, 75' required, Tax Map No. U01, Lot No. 16, located at 54 Westbury Road in the Shoreline District.

Pushee-We would like to add a three-season porch on the back of the house so we may enjoy it more. Hearing closed at 7:10PM

2684: MICHAEL CASEY FOR CASEY, CASEY, HOFFMAN DBA/ POLLARD SHORES ASSOCIATES: An appeal for a VARIANCE to construct a storage building with a 28' 5" rear setback, 30' required, Tax Map No. U4, Lot No. 16, located at Pollard Shores Road in the Shoreline District.

John Mack stepped down.

Applicant requested a continuance to August 11, 2005 for the purposes of having a full Board. Motion made to continue. Voted unanimously.

2685: KENT BROWN FOR MEREDITH CRESTWOOD LCC: An appeal for a SPECIAL EXCEPTION to construct a new single-family dwelling with an accessory apartment, Tax Map No.S20, Lot 3-6, located on Maplewood Circle in the Forestry/Rural District.

Brown-The accessory apartment has 690 sq. ft., which is greater than the minimum required of 300 sq. ft. The floor area to the accessory apartment does not exceed the 25% of total floor area and the total house is 2,760 sq. ft. The accessory apartment is located in the primary structure and is not an accessory building. It will have only one bedroom. Off street parking for both the accessory apartment and the primary dwelling have been approved. Hearing closed at 7:15 PM.

2686: COLLEEN M. KELLEY: An appeal for a SPECIAL EXCEPTION to construct a new single-family dwelling, 10' from a non-designated wetland, 50' required, and a SPECIAL EXCEPTION to construct a driveway 5'and a retaining wall 2' from a non-designated wetland, 50' required, Tax Map No. S06, Lot No.

42, located on Stonedam Circle in the Meredith Neck District. Approved 11/14/02. Expired 12/14/02.

NO SHOW

2687: CECILE & ROBERT ANDREWS: An appeal for a SPECIAL EXCEPTION to expand a non-conforming structure by more than 400 sq. ft., Tax Map U36, Lot No. 5A, located at 96 Powers Road in the Shoreline District.

Cecile Andrews-Our house is very close to the water. In order to put this addition on, 154 sq. ft. of the addition will be into the 65' setback. We do have State approval for this project. The existing building has a gambrel roof and in order to tie the rooflines together, we need to go further towards the lake. Mack – Do I understand this plan, that the closest point of this addition is 46.42 ft. from the lake? Andrews- Correct. Mack-And the existing dwelling is 25.1 ft? Andrews – Yes. We feel that this addition will be in character with existing buildings and that it will look as though it is part of the property. It will actually be more conforming in that we will be putting in more drainage areas and moving a shed farther from the lake. Mack – Is that the shed that is shown on this drawing. Andrews. Yes. *Joann Wilson, 94 Powers Road, spoke in a favor of this application.* Hearing closed at 7:22 PM.

2688 ASSOCIATED SURVEYORS FOR PETER AND CAROLYN CROSBY: An appeal for a SPECIAL EXCEPTION to construct a 30' x 22' addition to an existing structure within 50' of a non-designated wetland and 75' of a non-designated brook, Tax Map No. S14, Lot No. 18-2, located at 91 Keyser Road in the Residential and Forestry /Rural District.

Jack Dever stepped down

Johnson – This property is located on Keyser Road. It is more commonly known as the old Dr. J. house. There is a drainage that comes down through the property. Associated with that drainage are some non-designated wetlands, which are adjacent to the drainage. This wetland was delineated. This is an approximate 30' x 18' addition proposed to the back of the existing garage, which is a shop. The alternatives were explored and because it is a shop you don't want it coming off of the front of the house where there is living space. The topography from the road to the top of the bank is very gently sloped. The banking that leads down to the brook is vegetated. From the top of the bank to the dwelling is a mowed lawn area. The encroachment into the 50' setback to non-designated wetlands is 17 sq. ft. The encroachment into the 75' setback to a non-designated brook is only 302 sq. ft. If you turned the building on its side

and ran it parallel; the encroachment would be the same. There will be no impact to the brook channel or to the associated wetlands. We are 45.85' from the non-designated wetlands and slightly into the 75' setback from the brook. We believe this is a use that is compatible with the area and that the criteria set forth in the wetlands overlay district have been met. The Meredith Conservation Commission has no objections to the granting of this application. Hearing closed at 7:29 PM.

2689: DONALD R. JUTTON SR.: An appeal for a SPECIAL EXCEPTION to construct a duplex, Tax Map S02, Lot No. 23, located at 235 N.H. Route 25 in the Forestry/Rural District.

Jack Dever stepped down

Jutton-This property is located on Quarry Rd and Rte. 25, adjacent to Moulton Farm. This is the site of Pretty Petunias Green House and Garden Center. *Presented Site Plan that was approved by the Town.* I bought the property in 1996. At the time, there was an old farmhouse on the property. When I submitted the site plan, I had indicated to the Planning Board that it was my intention to rehab the farmhouse and to use it as a duplex. My intention was better than the condition of the house. As a result, the house was been torn down. We tried a number of different ways to salvage it. This will be a modular home and the largest it will be is 68' x 28'. More likely it will be 64' x 24'. At this point, I am trying to see how the design will fit. This will not be visible from Rt. 25. The second floors will not be finished. This will be two one-bedroom units and will stay as one-bedroom units as long as the garden center continues to operate. I am not interested in having children on the site. I believe the use is consistent with the area and will have no adverse impact on the property values in the area.

A letter from John Moulton opposed to the application was read into the record. Jutton - Moulton Farm has commercial activity, but it also has residential use on it. Just down the street and across the road there are commercial properties. I don't see this as having an adverse impact to the neighborhood. The septic has been designed and installed to accommodate 8 bedrooms. Fred Galietta- I oppose this. My concern is that when he bought the property he was suppose to live on the property. No one has ever lived on that property. Prior to him buying this place, it was never a commercial property. I never saw any attempt to try to salvage the old building. He has two buildings on there now on less than 3 acres of land and now wants to add another building that is larger than the one torn down. I don't think this fits into the neighborhood. Jutton - There was never any representation that I would live on the site. Mr. Galietta runs a business out of his home across the street. This is no less consistent than Mr. Galietta running a business out of his house and Mr. Moulton operating his business across the

street from his house. I have quotes that I can produce for the Board for rehabbing the house in place. The problem was that the house sat in the designated right of way that has not been taken by the State. The State will not do the taking until they deal with the widening of the road. The house could not be lifted and re-located because of the rot. There was an effort made to look at it. Galietta-The way the zoning reads, in order to run a business out of there, you need to be a resident. Moulton lives in his, I live in mine. The two other businesses's that he spoke of pre date zoning. The house he is proposing is double or more of what was there. I think he is getting away with a lot. Jutton – There is nothing in the zoning that I have seen that requires residence on the property. The footprint is probably no more than 10% larger, if that. Galietta-The old house was probably 30' x 30' at the most. Haley – In observing this property in the time that you (Jutton) have had it, I would have to say that you have improved the property. The highway is going to get expanded one way or the other. The duplex will now be behind the barn as I see it. I do remember something about occupancy on the property at the time of your hearing. Is anyone in this duplex going to have anything to do with this business? Jutton – In the near term, my youngest son will live there and he is currently involved in the business. Edney- This has been a mixed-use property. Although it is existing, non-conforming, the initial uses were two residential and one business use. In my opinion, he is not doing anything that is not grandfathered. Hearing closed at 7:49 PM

2690: KEVIN JOHNSON: An appeal for a SPECIAL EXCEPTION to expand a non-conforming structure by more than 400 sq. ft., Tax Map U06, Lot. No. 6, located at 137 Main Street in the Residential District.

I understand we are one member short. If there is anything that you might need me to add to what I have submitted I will withdraw for now and wait for a full Board. Mack – Do you want to go on or not? I don't understand that comment. Johnson – You have the only copy of the site plan. This is something I need for my business. I am a custom upholsterer by trade. I am in my 11th year now of doing business in Meredith. What I have presented is not as big as what I would like, but it fits within all the setbacks. I believe that what I have drawn up fits within the rules for an expansion for over 400 sq. ft. as far as not going over 50% of the original structure. The neighborhood is growing towards being more commercial. I want a home occupation. I am not trying to change it to commercial. My work is mainly an inside thing. The gravel driveway would be for storage of boats that are in progress that could be there for two days or two weeks. It depends on the job. I know that if I get approval from this Board, I need to go in front of the Planning Board next. Haley – You have not been doing any work at your residence up to this point in time? Johnson – Correct. Haley – There are four garages down in back? Johnson – Yes. They existed

when I bought the property. Haley – At any given point in time, how many boats would be work in progress on this lot? Johnson – I would like to limit that to three. I have one person working for me. I could have a couple of cars; three boats and that would be enough. Haley – Where do you get 14 parking spaces? Johnson - I have included the four garages as four spaces. Haley – How many vehicles do you have at your house just to live there? Johnson - Right now we have three. Haley – So, out of your public parking, you dilute three of the fourteen? Johnson – Yes. Dever - How much of your property is covered by impervious surface? Johnson – Impervious surface? Dever – Like gravel driveway, driveways, buildings, all that stuff. You are only allowed to cover 30% of your property. How much is covered? Have you done the coverage calculation? Johnson - I had done one with removing three of the garages and putting on a 30' x 40 ' structure and that came in at 22%, but no, I have not done those calculations. Mack - It looks like you are up to about 50% in coverage. Dever – You are beyond what is allowed. You would need a variance to go beyond the lot coverage regulations. Every property in the Town of Meredith has a maximum coverage requirement. Yours is 30%. We need that before we can make a decision. We are not here to look at what kind of business you are doing. We are here to look at the expansion of the building. You don't meet the lot coverage. Dever moved to continue until we get the proper information, Haley seconded. Voted unanimously. Hearing closed at 8:10 PM

2691: RCC ATLANTIC INC. FOR NORTHVIEW DRIVE TRUST OF 1995: An appeal for a SPECIAL EXCEPTION to co-locate on the existing communications facility, Tax Map S17, Lot No.17E, located at 15 Northview Drive in the Commercial Route 3 South District.

Chad – We are here to co-locate on the existing communications facility. The proposed installation would consist of attaching antennas to the existing lattice just beneath T-Mobile's antennas. The existing compound will need to be expanded slightly to accommodate RCC's associated equipment shelter and back-up emergency power equipment. There will be no proposed increase in the existing height of the facility and there will be no significant increase in the flow of traffic. We do have conditional site plan approval. The use will not be detrimental to the character or enjoyment of the neighborhood. This is an existing communication facility. The use will not be injurious, noxious or offensive. Traffic and noise will not be increased. The use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life and property, unsanitary or unhealthful emissions or waste disposal or similar adverse causes or conditions. Again, there will be no significant increase in traffic. There is a fence around the compound with a lock on it. The site does not produce any unsanitary or unhealthful emissions or waste disposal. John asked us to nail down a height and we are working with

Chief Palm on that. The Town is going to have two antennas at 100' and two antennas at 70'. We have agreed to that. Edney – They have agreed to revise this plan to reflect this. Haley – The only thing I am going to see is four more panels? Chad – Correct. Hearing closed at 8:15PM.

2692: ASSOCIATED SURVEYORS FOR WALTER AND SHIRLEY SICKOREZ:

An appeal for a VARIANCE to construct an addition to an existing structure with a side setback of 16.91', 20 required and construction of a deck with a rear setback of 29.75', 40 required, Tap Map U39, Lot No. 2-43 located at 12 Marinello Road in the Shoreline District.

Johnson – This is an existing home in the Patrician Shores subdivision. If you take a look at the 40' rear setback, 20' side setback and the 30' front setback there is only one very small corner of the house that is not conforming. The rest of the structure is conforming. They are proposing to square in the area that is between the garage and the house in the back. The result of that is to have 8 sq. ft. be non-conforming. They would also like to put a deck on the back. The deck is going to be 29.75' from the rear setback. With a deck expansion, sometimes the Board likes to restrict it to be a permanent deck so it cannot be converted into a structure and remain open to the sky. We would be more than willing to put that restriction on. We are hoping the Zoning Board would entertain the variance as the house in all other aspects is conforming and the lot coverage is under 20%. Dever – My only comment would be on restrictions to remain open to the sky. I am not open to that restriction because people do like screened porches. Haley – There will be egress from the deck to the back end? Johnson – Yes there will be. Hearing closed at 8:20 PM.

2693: ASSOCIATED SURVEYORS FOR LINDSEY LU, INC.: An appeal for a SPECIAL EXCEPTION to allow a cluster development in a residential district, Tax Map R09, Lot No. 19 & 21. located on Corliss Hill Road in the Residential District.

Johnson – This property is located on Corliss Hill Road. The existing dwelling is the former Blake home. Route 104 is to the north of the property. There was a subdivision done a while ago to subdivide a 5-acre field and a 13-acre remainder parcel. The subdivision was done to create an additional lot in the 5-acre field. When this plan ultimately goes before the Planning Board, this will void that subdivision and incorporate that into the cluster property. We have delineated the wetlands on site. There is a designated brook. We have a completed site-specific soils map. This is so we can get a handle on the soil base lot sizing. Based on the delineation of the wetlands and incorporating setbacks etc. we have come up with 8 residential units based on soils and slopes. A property to the south is currently under a development scheme. One possibility is to do a

boundary line adjustment. If that was not done, one of the units in this configuration might have to come out. We are asking for a special exception to create a cluster subdivision in a residential zone. Density in the residential zone is one unit per 10,000 sq. ft. when you have water & sewer. If you don't, the density is the same, but the lot size is based on soils and slopes. Density is not an issue. We have tried to lay it out so the homes will be clustered, and then preserve large amounts of open space not subject to individual type of uses that people can do. The road design meets all the requirements of the Town of Meredith's roadway construction. We are probably going to ask the Selectmen for a waiver for the standards of width. With a cluster subdivision, you are required to have a minimum of 50% of the property remain green. The result of the way we have configured the lots and reserved the green area, we actually end up with 75% of the property being green. That is the benefit of a cluster subdivision. Unit number 4 is the existing house that is there now. Another benefit is that we will be tying into the Municipal Water line so the well radius will go away. There is one other cluster subdivision in the vicinity. There are no impacts to the wetlands or to the buffer zone. We would be willing to make the representation that it is designed in such a way where no one developing anyone of these units would have to come to the Zoning Board to ask for relief. Most of the lots are ½ acre. The preliminary discussion with the Planning Board was well received. Waldron - I live on Corliss Hill Road. My major concern with this is making it look like you are building on an acre. The statement that you have more green area than a conventional subdivision is not necessarily true. In that 100' setback, there is a lot you can't do. There is land you are paying taxes on that you can't do anything with. I am not as familiar with the zoning ordinance as I use to be. Would it be too much to ask what the 5 criteria are for a special exception? Johnson – What I would like to mention is that Mr. Waldron is correct in not being able to build within the buffers of a wetland, but one thing you can do is cut all the trees down. There is no restriction on tree cutting. Under a restriction, that would be incorporated in the Planning Board's approval. So the green area would be green, in that there would trees. Haley – Are you going to go over the criteria for the special exception? Johnson – If you like? That the use will not be detrimental to the character or enjoyment of the neighborhood. This is zoned residential. The density is similar to the character of the neighborhood. The use will not be injurious, noxious or offensive. This is residential use. The use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life and property, unsanitary or unhealthful emissions or waste disposal or similar adverse causes or conditions. Again, we are talking about residential use here. We are not subject to site plan review but we are subject to subdivision approval from the Planning Board. Waldron – Does the number of bedrooms come under the ordinance? Johnson - It does not come under the ordinance. It comes under lot loading. Hearing closed at 8:45 PM.

DELIBERATIVE SESSION

2683: STEPHAN AND JOAN PUSHEE:

Haley moved, Dever seconded, IN CASE # 2683, STEPHEN AND JOAN PUSHEE, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT A THREE SEASON ROOM WITHIN 35' OF A NON-DESIGNATED SEASONAL BROOK, 75' REQUIRED, TAX MAP NO. U01, LOT NO. 16, LOCATED AT 45 WESTBURY ROAD IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 4-0 in favor.

2685: KENT BROWN FOR MEREDITH CRESTWOOD LCC:

Haley moved, Dever seconded, IN CASE # 2685, KENT BROWN FOR MEREDITH CRESTWOOD LCC, I MOVE AN APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT A NEW SINGLE-FAMILY DWELLING WITH AN ACCESSORY APARTMENT, TAX MAP NO. S20, LOT 3-6, LOCATED ON MAPLEWOOD CIRCLE IN THE FORESTRY/RURAL DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 4-0 in favor.

2687: CECILE & ROBERT ANDREWS:

Hawkins moved, Haley seconded, IN CASE # 2687, CECILE & ROBERT ANDREWS, I MOVE AN APPEAL FOR A SPECIAL EXCEPTION TO EXPAND A NON-CONFORMING STRUCTURE BY MORE THAN 400 SQ. FT., TAX MAP U36, LOT NO. 5A, LOCATED AT 96 POWERS ROAD IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 4-0 in favor.

2688: ASSOCIATED SURVEYORS FOR PETER AND CAROLYN CROSBY:

Haley moved, Hawkins seconded, IN CASE # 2688, ASSOCIATED SURVEYORS FOR PETER AND CAROLYN CROSBY, I MOVE AN APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT A 30' X 22' ADDITION TO AN EXISTING STRUCTURE WITHIN 50' OF A NON-DESIGNATED WETLAND AND 75' OF A NON-DESIGNATED BROOK, TAX MAP NO. S14, LOT NO. 18-2, LOCATED AT 91 KEYSER ROAD IN THE RESIDENTIAL AND FORESTRY /RURAL DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 3-0 in favor.

2689: DONALD R. JUTTON SR.:

Haley moved, Hawkins seconded, IN CASE # 2689, DONALD R. JUTTON SR, I MOVE AN APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT A DUPLEX, TAX MAP S02, LOT NO. 23, LOCATED AT 235 N.H. ROUTE 25 IN THE FORESTRY/RURAL DISTRICT BE GRANTED, AS THIS DOES NOT ADD ANYTHING THAT IS GOING AGAINST THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 3-0 in favor.

2691: RCC ATLANTIC INC. FOR NORTHVIEW DRIVE TRUST OF 1995:

Dever moved, Hawkins seconded, IN CASE # 2691, RCC ATLANTIC INC. FOR NORTHVIEW DRIVE TRUST OF 1995, I MOVE AN APPEAL FOR A SPECIAL EXCEPTION TO CO-LOCATE ON THE EXISTING COMMUNICATIONS FACILITY, TAX MAP S17, LOT NO.17E, LOCATED AT 15 NORTHVIEW DRIVE IN THE COMMERCIAL ROUTE 3 SOUTH DISTRICT BE GRANTED, AS IT MEETS THE REQUIREMENTS FOR A SPECIAL EXCEPTION AS OUTLINED IN THE ZONING ORDINANCE. Voted 4-0 in favor.

2692: ASSOCIATED SURVEYORS FOR WALTER AND SHIRLEY SICKOREZ:

Haley moved, Hawkins seconded, IN CASE # 2692, ASSOCIATED SURVEYORS FOR WALTER AND SHIRLEY SICKOREZ, I MOVE AN APPEAL FOR A VARIANCE TO CONSTRUCT AN ADDITION TO AN EXISTING STRUCTURE WITH A SIDE SETBACK OF 16.91', 20 REQUIRED AND CONSTRUCTION OF A DECK WITH A REAR SETBACK OF 29.75', 40 REQUIRED, TAP MAP U39, LOT NO. 2-43 LOCATED AT 12 MARINELLO ROAD IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A VARIANCE WITH THE PROVISION THAT AS LONG AS THE DECK IS CURRENTLY OPEN, IT HAS THE RECOMMENDED SAFETY RAILS AND BALUSTERS. Voted 4-0 in favor.

2693: ASSOCIATED SURVEYORS FOR LINDSEY LU, INC.:

Hawkins moved, Dever seconded, IN CASE # 2693, ASSOCIATED SURVEYORS FOR LINDSEY LU, INC, I MOVE AN APPEAL FOR A SPECIAL EXCEPTION TO ALLOW A CLUSTER DEVELOPMENT IN A RESIDENTIAL DISTRICT, TAX MAP R09, LOT NO. 19 & 21. LOCATED ON CORLISS HILL ROAD IN THE RESIDENTIAL DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 4-0 in favor.

MEREDITH ZONING BOARD

JULY 14, 2005

Meeting adjourned at 9:15 P.M.

Respectfully submitted,

Christine Tivnan
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on _____, 2005.

John Mack, Chairman