

PRESENT: Mack, Chairman; Hawkins; Dever; Pelczar; Haley; Josin; Edney,
Code Enforcement Officer; Tivnan, Clerk

Hawkins moved, Dever seconded, THAT WE APPROVE THE MINUTES OF
APRIL 13, 2006, AS PRESENTED.

PUBLIC HEARING

2735: RICHARD G. JUVE:(Rep. Harry Wood) An appeal for VARIANCE to widen an existing roadway, allow three driveways to 5+ acres and create a turnaround within 50' of a non-designated wetland and a SPECIAL EXCEPTION to upgrade existing roadway, create three driveways and a turnaround within 50' of a non -designated wetland, Tax Map No. S25, Lot No. 27J, located on Wall Street in the Shoreline District.

Juve – I would like to say that the land we are talking about is nearly 18 acres and each parcel I wish to create is less than 6 acres.

Wood – Placed on the board is an overall picture of this project. This is located at Wall Street extension. Wall Street itself is a Town road that goes off of Waukegan Street and then goes into a cul-de-sac that is located at the beginning of this property. The road continues as a private drive and services 4 existing lots. One lot is everything Mr. Juve owns. The other lots are on the opposite side of Wall Street extension. This application has nothing to do with the subdivision. This has to do with upgrading the road. This property has been under consideration for 2 years for subdivision purposes. We have been before the Planning Board, the Selectman, the Conservation Commission and have submitted an application to the State of New Hampshire Wetlands Board for the same purpose for what you are considering this evening. Wood referenced details on page 3 of the set of plans. The blue color represents the wetlands themselves. There are 4 major locations. The lots themselves are affecting no portions of the wetlands, only the roadway. This roadway has been in existence since the 1970's. When originally constructed, they did not do a very good job. The portion we refer to as the extension is nothing more than a driveway at the present time. However, it happens to service 4 lots. The road was not fully constructed to Town standards, the ditches were not properly constructed, the drainage did not run properly and there was no attempt made to control runoff at all. We are proposing to correct those deficiencies. In order to satisfy the requirements of the subdivision we have appeared before the Selectmen and have talked to them about the intensity of use on this road. They agreed and granted us a set of reduced standards, which call for an 18" wide surface, 1' shoulders on each side of the road and then regular side slopes. There are about 8 culverts at the present time under this road. At least 4 of them are nothing more than a piece of 4" PVC. They do not work. There is quite a bit of run-off on this property and the ones above it. This road does not

have decent ditches. What happens here, especially in the wintertime, water backs up until it over flows onto the road. You then end up with ice across the road. The people who live in this area have maintained this road at their own expense. If you grant what we are asking, which is for construction in wetland setbacks and also to affect a couple of the wetlands directly with the replacement of culverts, then this road will be brought up to standards that are acceptable to the Selectmen and the Town of Meredith. The drainage will be corrected. We will also construct a water impound area, which will act as a detention pond and a treatment swale. The green areas are the buffers and the yellow are additional buffering required for septic systems. On page 3 of the set of plans, Wood showed the details of the areas being impacted and the culverts being replaced and removed. The culverts that are corrugated metal will be replaced with PVC pipe. The other objective of the project is to provide a turnaround for the roadway, which will be on private property. It will be a hammerhead cul-de-sac near the end of the improved portion. There is a 50' sq. box off the side of the roadway that allows the trucks to push snow off in that area and turn around. Paul Fluet prepared the plans before you. We are waiting for State approval. If you were to grant approval for affecting the buffer areas with the improvements, to affect the wetlands directly and allow the construction of the turnaround, the Planning Board will treat the approval from the State of New Hampshire as a condition. The impacts to the property are given on the right hand side of the plan. This addresses the aspects of this application. The Conservation Commission has sent a letter of approval for this application. Hearing closed at 7:25PM

2736: LEONARD ZAICHKOWSKY (Rep. Butch Keniston) An appeal for a VARIANCE to construct a garage addition with a rear setback of 1', 30' required, Tax Map No. U17, Lot No. 16, located at 93 Pleasant Street in the Shoreline District.

Mike Pelczar stepped down.

Keniston – For the record, why is Mike stepping down? Is there a conflict?
Pelczar – No. Keniston - The Board is familiar with this property. It has been before the Board before. A variance was granted for setback requirements on the lake side and on the street side. During construction, we encountered some ledge, which changed the elevation of the house, which in turn changed the elevation of the garage to the road. So what we originally anticipated to do with that was not possible. When the garage was in it's original location the garage was used as a garage and cars were parked at a right angle to Pleasant Street. One of our goals was to improve the parking. There is a letter from Mike Faller stating that he feels this is a reasonable joint effort as far as solving the parking adjacent to the Town's ROW. On the diagram I gave you, there is a crosshatched area that is designated as proposed roof area. That is outside of the Town's ROW and that is the area that was available for parking but would have had to have been accessed from the road. So even though the parking would not be in the Town's ROW, access would be. The Maksy – Kelly property next door has similar

curbing to what we are proposing on this plan. The curbing prevents someone from parking along the edge of the ROW and extending out into the street. We are proposing to take the area that's available for existing parking on this lot, make it accessible from the driveway only, abandon the access from Pleasant Street and then add a lean-to type roof to it. We have looked at different scenarios as far as access to the upstairs storage in the building. The best solution was to not have them accessing anyplace to put vehicles other than from the driveway. I talked to Bill today to see if staff had any concerns and other than the concerns from Mike, he pointed out some discrepancies from the existing previous approval and what we are proposing. I went back and looked at the Notice of Decision. It was 12.2'. When we did the presentation, the diagram that we submitted said 14' but when it was approved, it was 12.2'. The distance from the garage as it sits today and the ROW is 11.6'. So it is less than 12.2'. The reason for the difference is that we weren't as accurate as we should have been. We have three sets of plans and the boundary line shows differently on all three plans. The plan you have with the blue area shows the original garage going over the line to the ROW and that was a diagram produced for some zoning action and that line is probably the roof overhang. The wall there now replaced the stone retaining wall that was there where the sill of the garage sat. The discrepancy is actually in the plans produced and not with the actual construction on site. We are representing that the wall that is there does not come any closer than a foot from the common line, which is the property line and the Town's ROW. The pavement cut that exists there now is to facilitate placement of the curb. If the person is parking down below the road grade this will also protect the car. Based upon discussion with the Public Works Director, the customer and looking at the existing situation, we feel this is a win win situation for the Town and the property owner. This way we can produce parking without having that one space accessed from Pleasant Street. Haley - (Inaudible) From the wall, how far to the pavement? Kenison - I think it is probably 6'-7', maybe 8'. Haley - How far to the ROW? Keniston - Within 1'. The saw cut that is in the asphalt there now is to facilitate the curbing. Haley - So there would be no way a citizen could park there now without hanging out into the road? Keniston - Same as on the Maksy property. Haley - You would be digging under what? Keniston - Nothing is being dug in addition to what is there. Dever - (Inaudible) You have pushed everything closer to the road? Kenison - It pushed it from 12.2' to 11.6' It appeared we were meeting the setback. We were 8" - 9" off. Dever - There will be parking for 3 cars at the driveway level? Keniston - Three to four. One in the current garage, one in the space proposed, one that's available in front of each one of the parking spaces and a car stacked at road level in the driveway. So a maximum of 5 cars. Dever (Inaudible) Keniston - Absolutely not. Mack - At the last meeting you said you were moving the garage back. Now you want to move it forward. I just want you to comment on that. Keniston - The way that the garage was positioned originally and the way it is positioned today would be to put two cars side by side at a right angle to Pleasant Street and they would be off the Town's ROW. That parking could still be accomplished. It wouldn't be good for the Town or look good. The Town doesn't want to see right angle parking on Pleasant Street. I am not trying to put anything

over on the Board. When we moved the garage we didn't move it as far as we had originally represented. We have done as good a job as we possibly could. You see examples of the same type of situation and the results at the Sullivan and Halsey place. Based upon what we started with and what we have represented to the Board, we have done all right. At both of those locations you back out onto Pleasant Street. Mack - For the record, I was not accusing you of pulling something over on the Board. I am just stating facts. Hearing closed at 7:50PM

2737: ASSOCIATED SURVEYORS FOR RICHARD & GAIL FREEMAN: (Rep. Carl Johnson) An appeal for a SPECIAL EXCEPTION to allow a multi-family dwelling in a Residential District, Tax Map No. U03, Lot No. 8, located at Mass Ave. and Hillrise Lane in the Residential District.

Mike Pelzcar returned to the Board.

Johnson – I have handed you a reduction that shows a slight change of the parking situation on the property. The Planning Board has granted conditional approval on this property. This property is over an acre in the residential zone. It is surrounded by properties that range from 10,000 sq. ft. to 15,000 sq. ft. This lot is about 4 times bigger than the surrounding properties. The density in the residential district is one unit is allowed for each 10,000 sq. ft. of land area. This property can support 4 units. Currently on the property is a single family home. It meets all of the setbacks with regards to property lines. We have had some wetlands delineated on the property. The property falls in the Waukegan Watershed Overlay District. The Planning Board on Tuesday did determine that this property does meet the exemption because the surface water that drains from this property does not drain into Lake Waukegan. It drains into Lake Winnepesaukee. Because the property is so large, we investigated a subdivision on the property. If you were to subdivide 40,000+ sq. ft. into two 20,000 sq. ft. lots as a matter of right, you could construct two duplexes on the property. This would meet the density and you would not have to come before the ZBA. A two-family home is a permitted use in a Residential District. We looked at the configurations that would result from that and it would probably mean the existing structure would have to be removed and come up with a situation where you were building two dwellings that would be closer to Mass Ave. than the existing home. The other possibility would be a multi-family unit and that is the route we are taking. The form of ownership will be a condominium as opposed to rental. This needed Site Plan Review, Architectural Design Review and Subdivision approval. A Special Exception for this project requires us to have those conditional approvals. We have had several lengthy discussions with the Planning Board, mostly regarding the Site Plan Review. The land is going to stay the same. The lot size as it stands is 46,000+ sq. ft. and that remains. We feel the condominium form of ownership presents a benefit to the Town, to the people who are buying into the property and the abutters. This is because, generally speaking, people who own a piece of property take better care of it. For a condominium situation, there has to be a

declaration made and covenants and restrictions that deal with the maintenance and the function of the condominium. This gives an element of control over the situation that would not be benefited by a rental situation. The criteria generally for a Special Exception are such that you have to demonstrate what you are doing is in harmony with what the Zoning Ordinance wants you to do. There is, by Special Exception allowance, multi-family in the Residential Zone. We are not asking for as many units as we could. We could be asking for a 4-unit apartment or a 4-unit condominium. We are proposing a 3-unit building. We are trying to not change the physical property of what is there other than what is being shown in the dark. We are not changing the driveway. We are not adding significant amounts of pavement. Johnson showed the Board the Architectural Design. From a density standpoint, I did a mock up of two Meredith Bay Village units and put them on this property. As you can see, they fit nicely on a 10,000 sq. ft. area. This is just to give you an idea of what the density allows. What we are proposing is much more desirable than what the density does permit. A duplex is a permitted use in this zone. The owners also looked at what type of use is generated by a two-bedroom condominium. Generally speaking, those types of owners are not people who have lots of kids. They are generally professional people or older who are looking to downsize. We have provided 6 parking spaces. There will be 3 inside and 3 outside. There was a lot of discussion at the Planning Board level as to whether that was appropriate. The motion that was made and conditionally approved was to approve the plan of 3 inside and 3 outside. There was a motion made to amend and seconded to provide a minimum of 5 spaces that were 10' x 20'. That was defeated and the originally motion was approved. These are small garage spaces. In the granting of a Special Exception, it has to be demonstrated that what you are proposing is not considerably different than what the other permitted uses are. Permitted uses are two-family dwellings but also permitted without benefit of a Zoning Board approval are Rental Cottages, Bed & Breakfast, Home Occupations, Essential Services, Public and Private Schools and Mobile Home Subdivision. By Special Exception some of the things that are permitted you would expect to be less intensive than what we are proposing are:

- | | |
|--------------------------------|--|
| 1. Nursing & Convalescent Home | 7. Grocery Stores |
| 2. Hospitals and Clinics | 8. Private Ambulance service |
| 3. Churches | 9. Group Homes |
| 4. Mobile Home Parks | 10. Personal and Professional; Offices |
| 5. Theaters and Playhouses | 11. Commercial Child care Facility |
| 6. Funeral Homes | |

The property values in an area are not usually affected by the use being residential. I would like to end by saying that there has been a need for multi-family housing in Meredith. I think we have done an adequate job analyzing what the uses would be and what the potential uses could be. I think this proposal is harmonious with the neighborhood and with what the Board has approved in the past. Dever - Do you have the parking issue resolved? Johnson – The parking issue is resolved as a matter of the approval that they granted. The approval

says, " as permitted." We do need to come back to the Planning Board for a Compliance Hearing and it will certainly be resolved by then. Mack – Read letter for the record.

Zoning Board of Adjustment
Town of Meredith, New Hampshire
41 Main St.
Meredith, NH 03253

4/7/06



Peter J. Foster
9 Massachusetts Ave.
Meredith, NH 03253

RE: The Proposed Freeman Property Subdivision Tax Map U03, Lot # 8

Dear Board,

To my surprise I received two certified letters on March 31 and April 1 regarding the proposed subdivision of the Freeman Property (Map U03, Lot 8) into multi-family condominiums. Unfortunately I was previously scheduled to be out of State on a business trip during the week of April 10th, therefore I am unable to attend either the April 11th Planning Board Hearing or the April 13th Zoning Board Hearing. Due to the extremely short notice of this proposed modification of the zoning ordinance I am unable to properly research and become familiar with this proposed project. Without the opportunity to participate in a public hearing I must express my deep opposition to this project.

I purchased my home three years ago with the understanding that I was moving into a residential area of single-family homes. The density level proposed for the Freeman Property is exceptionally uncharacteristic for this neighborhood. The increased traffic, parking and population would have a significant modification to the general 'feel' of this neighborhood. Just imagine if on a summer evening each of the families living in these proposed condominiums had guests over; the road could quickly become overwhelmed with parked cars creating a serious safety hazard and impendance to emergency vehicles and other residences.

I would certainly hope that with such a drastic proposed modification of the zoning that members of both the Planning and Zoning Boards would visit the site to see first hand that this proposed project does not fit the general character of this single-family dwelling neighborhood. Furthermore I would hope that the Town would allow an abutting landowner (me) sufficient time (more than 5 business days) to schedule participation in such and important public discussion process.

The precedence this project could set seems extremely uncharacteristic for this neighborhood and the Town in general. In my opinion (and as I understand the general sentiment in the neighborhood) creating an 'island' of condominiums in the center of single-family homes is a particularly poor plan.

Thank you for your time and careful consideration of my comments.

Sincerely,


Peter J. Foster

CC: Meredith Planning Board

Mack – Carl do you want to respond at all? Johnson – I know Mr. Foster is in the audience and he was at the Planning Board hearing. I responded to a lot of his comments. The density is not excessive. It is within what the Zoning Ordinance allows. Foster – Carl has addressed a lot of my concerns. There is still concern within the neighborhood. We are kind of stuck as far as having the condo's put there. It is a better option then having a mulit-family. I am surprised it is a permitted use to begin with. Most people who live there think they are living in a single-family residential area. I think 5 business days is too short of a notice. Right now it is a rental and it is a mess. Unfortunately, it is the best plan. I am not in favor or against this. Hearing closed at 8:20PM

2739: WINDOVER REAL ESTATE INVESTMENTS FOR ROY L. ATTEBERRY REVOCABLE TRUST, LEIGHTON C. ATTEBERRY & GAIL FUSCO: (Rep. Mike Garrepy)An appeal for a SPECIAL EXCEPTION to construct a wetland crossing for a driveway access within designated wetlands and a protective buffer, total wetland impact of 1,200 sq. ft. and associated buffer impact of 1,550 sq. ft. and an appeal for a SPECIAL EXCEPTION to construct a wetland crossing for driveway access within a protective buffer, total buffer impact of 3,000 sq. ft. Tax Map No. S06, Lot No. 22, located on Meredith Neck Road and Powers Road in the Shoreline District.

Garrepy – I am here for what was to be for two Special Exceptions. It is now going to be for only one. We noticed for a buffer impact crossing a second driveway. We are formally withdrawing request # 2. The existing dwelling is off of Meredith Neck. There are 77 acres with frontage off of Meredith Neck and Powers Road with water frontage on Lake Winnepesaukee. The Planning Board has given this subdivision conditional approval. One of those conditions is this Special Exception for a wetland crossing to access two lots, lots #3 & #6. The area highlighted in blue is for this Special Exception. This is 1,200 sq. ft. of direct wetland impact. The narrowest point is a third tier wetland, which has no principle function. It is a very low value wetland system. We are avoiding the larger and higher value wetlands. This is the only impact area on the site. I do stand to correct myself in that the proposed buffer impact is 3950sq. ft. I have gone through the requirements for granting a Special Exception in my narrative. It is Section D-9 H-5. Sub- section: a

1. This project will not impact the public health, safety or welfare of the community because it meets local regulations for driveway location.
2. This project will not degrade surface or groundwater because best management practices include the installation of a silt fence that will be utilized during driveway construction.
3. The wetland will continue to provide water quality renovation functions upon completion of the project.
4. The flood storage function of the wetland will be preserved by the utilization of an equalizing culvert for the driveway.

5. No rare, unique or threatened species habitat exists at the driveway crossing.
6. The relatively flat topography at this location limits the treat to water quality impacts from erosion and/or increased storm water run-off. Septic systems for these lots will be located away from any wetland resource areas.
7. The wetland to be crossed provides limited aesthetic and recreational value.
8. There is no fish habitat in this wetland and its location close to Meredith Neck Road and its lack of aquatic habitat and very poorly drained soils limit its wildlife habitat and ecological value.

No alternative proposal is feasible that does not result in a greater wetland and buffer impact because this crossing is located at the narrowest point in the wetland. The proposed crossing utilizes a 15" culvert located at a drainage divide for this minor non-designated wetland system. The proposed culvert is designated to equalize and maintain the existing drainage pattern and velocity on the subject property. Dever – You got a copy of the Conservation 's letter? Garrepy – I don't have a letter to the ZBA. I have the letter to the Planning Board. I know one of their suggestions to the Planning Board was that we look at alternative routes, one being at the Atteberry homestead. We did not want to consider that from an aesthetic standpoint but more so from an environmental standpoint. We felt this was more of an impact to construct a 1000'+driveway rather than a smaller amount. Dever –(Inaudible) Garrepy -They recommended that we provide access from the proposed driveway to lots #1 and #2 of the proposed subdivision. All the driveways will be gravel. This will minimize the width. Edney – There have been a number of proposals on this property and a number of those proposals were trying to access the uplands down below and had significantly more impact to the wetlands than this. I think the alternatives have been examined thoroughly. Dever - Are the house locations cast in stone? Garrepy – It is cast in stone with respect to the 50' buffer line to the wetland system. It will be noted on the plan and deed restricted to that extent. We have also agreed to no further wetland or buffer impacts. These lots will not be coming back to this Board for a setback encroachment to the buffer to build an addition to the house, etc. Hearing closed at 8:40PM

2740: RICHARD & PATRICIA LONG WILLIAMS: (Rep. Harry Wood) An appeal for a VARIANCE to place 2880 sq. ft. of fill in a wetland to construct a driveway and an appeal for a SPECIAL EXCEPTION to allow construction of a driveway within the buffer zone of a prime wetland, Tax Map R11, Lot No. 5, located on Forest Pond Road in the Forestry/Rural District.

Wood - This property was a portion of the New Hampton Associates subdivision, which was predominately located in New Hampton. This was done and finished in 1973. The entirety of the road is in New Hampton. Mr. Williams property abuts the road at the turnaround and is wholly in Meredith. His lot is affected by a prime wetland designation. Forest Pond, the brook out of it, the adjacent wetlands and

a wetland on the property are all a portion of the prime wetland. I have outlined the lot for you. It is 10.9 acres but the blue outlines are the wetlands. The solid blue line is the limit of the wetlands. Forest Pond itself, the drainage out of it and the adjacent wetlands are pretty close to the southeasterly edge of the lot. Secondary drainage in from the northwest runs across Mr. Williams's property and takes up a significant portion along the northwesterly boundary. In order for Mr. Williams to access his property, he cannot reasonably do so without crossing the wetland itself. It happens that in the vicinity of the cul-de-sac, the wetland itself is 125' wide, which is possibly the narrowest part of it on his entire property. There is one slightly narrower but he would have to travel a long ways in the buffer of the adjacent wetland, over rough ground with a lot of ledge and then he would still have to cross the wetland. What we are proposing is that he come off the cul-de-sac which is a Town road in New Hampton, onto his property, go down approximately 80' to the edge of the wetland and then cross the wetland. This would be the least amount of disturbance to the wetland. There is a cottage on the property at the present time and that is within a setback area. The yellow on the plan is the only buildable area on the lot without benefit of a variance or special exception. We have dug test pits on the property. He can construct a leachfield and meet the setbacks with what he is doing but he cannot get to the lot without passing through a buffer or crossing the wetland itself. We feel this is a reasonable request. The Conservation Commission has reviewed this and they have no objection to it. Edney - How is the cottage accessed? Wood - Probably when they built it, they crossed the water in the wintertime. There is no other direct route. Edney - From Old Stage Road? Wood - I'm not sure. I think they would have come in Forest Pond Road and drove across the wetland in the wintertime. Otherwise, it was foot travel and even now it is not a solid crossing. You can't walk across it. Edney - This is a high functioning wetland. Did you do a functional values? Wood - Wetlands were delineated but we did not do an extensive evaluation. Edney - What is the length of the proposed driveway? Wood - I'm guessing it be 550'. Hearing closed at 8:55PM

2742: PLATINUM REAL ESTATE INVESTMENTS, LLC: (Rep Steven Stabile)
 An APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS from Article V, Section D-2, to permit reduced side setbacks, Tax Map R16, Lot No. 26b, located at 25 Weed Road in the Forestry/Rural District.

Stabile -I don't know how this happened. I think I am the only person in Town who has a 5-acre parcel of land and is asking for a Boundary Line Adjustment on one side and an Equitable Waiver on the other. This was mostly from a lack of experience. This is only my third piece of property that I am constructing. I relied on a septic design and my excavator to get it right. I thought it was right. It was discovered when we were going for an amended septic design that we were within the setbacks and the well was drilled on someone else's property. Bill said I had two options. One was a Boundary Line Adjustment and the other an Equitable Waiver. I decided to go for the Boundary Line Adjustment. We ended up with an agreement but one party was in foreclosure and could not get a mortgage release.

So, we withdrew that portion of the Boundary Line Adjustment and that's why I am here for the Equitable Waiver. The structure is 80% complete. This was not done out of ignorance but inexperience. This does not create a public nuisance. I have exhausted all of my options at this point. We are looking at roughly around 8' into the setback. The property is 163' away from the neighbor. This was a very expensive lesson to learn. I will definitely be hiring a surveyor from now on. I am just asking for some help here. Hearing closed at 9:05PM

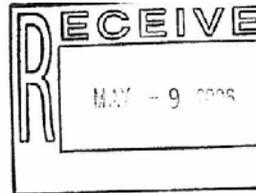
2743: TERESA G. WARD: (Rep. Teresa Ward) An appeal for a VARIANCE to construct an attached accessory apartment with a maximum net floor area of more than 25%, 25% allowed, Tax Map U04, Lot No. 17, located at 17 Pollard Shores Road in the Shoreline District.

John Mack stepped down.

Ward – On February 10th we were granted a building permit for guest quarters over an already existing two-car garage. During the construction we noticed in the news a need for rentals. We then decided to make it an accessory apartment not only for the lack of long-term rentals but also for taking care of elderly parents. In order for us to do this, we will have to meet all the criteria for an accessory apartment except for the 25% rule. The 25% rule reads as follows: “The accessory apartment shall have a minimum of 300 sq. ft. of net floor area and shall not exceed twenty-five percent (25%) of the sum of the net floor area of both the finished primary dwelling unit and the finished accessory apartment.” So our figures are as follows. The primary structure is 925 sq. ft. The addition is 270 sq. ft., which will connect the primary home and the apartment. The existing guest quarters are 560 sq. ft. and this gives us a total of 1755 sq. ft. So, if you divide that by 25%, that gives us a total of 438 sq. ft. You then subtract that from the 560 sq. ft. We are lacking 122 sq. ft. in order to meet the criteria for the 25% rule. If we had to meet that 25% rule we would have to build onto our primary residence another 488 sq. ft. We feel that this would make a large impact to our land because we are in the Shoreline District. We feel that one should not be persecuted for the fact that their primary home is not a large one. If you own an 8000 sq. ft home you could have a 2000 sq. ft. accessory apartment. That seems to encourage people to build larger and larger homes. The guest quarters are already connected to Town Sewer so the accessory apartment will be connected as well. We are using a local contractor who uses the best material and has excellent craftsmanship. The siding will be the same type and style of our home. We believe in our hearts that not granting this variance due to a difference of 122 sq. ft. would be unreasonable. Haley – How much water frontage? Ward – We have 284'. Haley – Would they have the right to use frontage for a boat? Ward – There is an existing dock there, so that would be negotiable. . Michael Casey – I am an abutter and I am in favor of this. The garage is already built with the guest quarters. Francis Remillard - I am an abutter. The garage now is already against the lot line. I was originally told this was going to be a garage. It has guest quarters and now they want it to be an accessory apartment. Being in the

apartment business for 27 years, I don't want an apartment next door. John Mack - I live at 11 Pollard Shores. I know Fred & Teresa and I know their intentions are good but one thing is that this is the Shoreline District and they could be doing it for long term rental but there is nothing in the Zoning Ordinance that states any length of time it can be rented, meaning it could become a summer rental if they ever sold their house. The variance goes with the house, so now it becomes additional seasonal rentals in a Residential District. There are already seven seasonal rentals there that are non-conforming but they were grandfathered. I am speaking against this application. Letter from Pat Mack against application read into the record.

Patricia M. Mack
11 Pollard Shores Road
Meredith, NH 03253
(603)279-4710



May 8, 2006

Chairman
Zoning Board of Adjustment
Town of Meredith
21 Main Street
Meredith, NH 03253

Re: Appeal application #2743

Dear Board Members,

Unfortunately due to a prior commitment, I cannot attend tonight's Zoning meeting.

As a resident of Pollard Shores Road, I respectfully ask that this letter be read and become part of the meeting records. I am opposed to appeal #2743 before you to allow an accessory apartment in this residential area.

When we purchased our home in 1999 one of the attractions was that it was located on a residential quiet, dead end dirt road. We were aware of the seasonal cottages that were grandfathered; however, they comprise a small portion of this road which is primarily single family, owner occupied homes.

It concerns me that if this application is approved it may spark a trend in which other homeowners may come before you looking for similar approvals as an income producing option to offset rising property taxes.

This would have an adverse affect to the neighborhood's overall character.

I ask that you look at the big picture and uphold the intent of the ordinance to stop the spread of non-conforming uses in this residential area.

Thank you for your consideration.

Sincerely,
Pat M. Mack
Patricia M. Mack

Ward – I can't stand here and say we will never sell our home but I can say that that is not in our plans. If it were to become a long-term rental, we will be there. We are here year round. We would be very selective in who we rent to.

Fred Ward – Currently, there are rental cottages and next to John there is an existing duplex that was there when we purchased the house. It is not per-se a single-family community. Hearing closed at 9:25PM

2744: FRED & JUDY WILLIAMSON (Rep. Carl Johnson) An appeal for a VARIANCE to establish a commercial retail sales in the Forestry/Rural District, Tax Map S02, Lot No. 18, located at 274 NH Route 25 in the Forestry/Rural District.

John Mack rejoined the Board. Jan Joslin stepped down.

Johnson – I know a few of you are familiar with this site. You have acted on several applications that have come before you for this property. For 30 years it has been used on and off as a commercial piece of property. It was a gas station, then a gas station and a convenience store owned by CN Brown. Different owners operated it as a convenience store and delicatessen. The business was sold and then stopped being in business. The property was not utilized for over a year. CN Brown found a new tenant and they came before the Board to regenerate the previous existing convenience store gas station and delicatessen. That application was denied. The Board felt that yes it had been used commercially and it probably will be used in the future commercially but that the convenience store, delicatessen and gas station had expired and that it was to intense of a use. The structure is small with limited parking. In 2003 an application came before the Board to regenerate the Commercial use of the property for a delicatessen and convenience store without the gas station. The gas tanks and canopy were removed. It was discussed at that hearing that this property does lend itself towards some commercial use. There are several non-residential uses that surround this property. There is a residence that abuts this property to the east. That proposal was granted in July 2003 but never did it. That sat dormant so that variance has expired. We are applying for a new variance. We are asking to establish retail sales of fireworks. This business would be somewhat seasonal. The property would remain unchanged in terms of the physical structure. The access to the property closest to the residential use would be eliminated. The hours of operation would be less than the delicatessen and convenience store. They would be open from May 1st to June 15th open daily 10:00AM to 7:00PM with the exception of being closed on Tuesdays and Wednesdays. From June 16th to June 30th, open daily from 9:00AM to 9:00 PM and from July 1st to July 4th, open daily 9:00AM to 11:00 PM. After that, Sunday and Monday 10:00AM to 5:00PM, closed Tuesdays and Wednesdays, Thursday 10:00 AM – 6:00 PM, Friday and Saturday 10:00AM – 7:00PM. Any variance granted by the Board tonight would be conditional upon Site Plan approval. There would be no changes to the utilities. The Fire Chief is currently reviewing this proposal. There would be

seasonal traffic flow and it would not be as busy as other business's in the zone. Because of that, the general use there will not be injurious, noxious or offensive and thus not detrimental to the neighborhood. The hardship clause has changed from the previous variance that was denied. You no longer have to demonstrate that because you can have other permitted uses on the property, . there is no hardship involved in granting the variance. The Supreme Court of the State of New Hampshire has revised that. Now the element that you have to demonstrate is what you are proposing is a reasonable use and occasionally demonstrate that the use is an historic use of the property and not out of character to some of the uses that are already in the neighborhood. Granting the variance will do substantial justice. It will allow a business on the site. The site has supported a business on and off for over 30 years. What we are proposing is a reasonable use and it is not out of character. It is not contrary to the spirit of the ordinance because the ordinance allows for relief in instances such as this wherethere has been a history of non-conforming use. There are retail sales next door. Haley – (Inaudible) Is this strictly going to be fireworks? Shawn Cross (Atlas Fireworks) – Yes it will. They will only be New Hampshire approved fireworks. Haley - I hope the Fire Chief remembers there was a major gas leak under that property. You would need a permit? Cross – That is correct. For the fourth of July display that goes on in the harbor there is a 15-day prior that you have to apply for, versus the consumer fireworks you can get in 24 hrs. That would be posted. Haley - What are Sunday's hours? Cross – Sundays are 10:00AM – 5:00PM. Haley - Could it be 12:00PM - 5:00PM because it is so close to the Catholic Church? Cross – That would be a reasonable request. Dever – Are you purchasing the property? Cross – No. Dever – So if the fireworks don't work out (inaudible) Cross- I could not tell you. Dever - We grant a variance to the property (inaudible) Johnson – I can address that. That is true, it would remain commercial subject to Certificate of Occupancy and if the product that was to be changed... Dever – Carl, I know the ordinance (inaudible). Johnson – it might not necessarily be able to be generated for anything. I would like to say one other thing, not specifically on this project. One important element of the presentation of the Freeman property and during your deliberative session I believe I could give you a quick point of information if you would allow me to do that at that time. Mack - Two minutes is all you get. Johnson – Thank-you. Hearing closed at 9:45PM

DELIBERATIONS

2735: RICHARD G. JUVE:

Hawkins – We have better information now than we did before. I understand the wetland issues but what they are doing is going to improve drainage and help the wetlands.

Hawkins moved, Dever seconded, IN CASE 2735, RICHARD G. JUVE, I MOVE AN APPEAL AN APPEAL FOR VARIANCE TO WIDEN AN EXISTING

ROADWAY, ALLOW THREE DRIVEWAYS TO 5+ ACRES AND CREATE A TURNAROUND WITHIN 50' OF A NON-DESIGNATED WETLAND BE APPROVED, AS IT MEETS THE CRITERIA FOR A VARIANCE AND PER PRINT C-O DATED 12/22/05. Voted 5-0 in favor.

Hawkins moved, Dever seconded, IN CASE 2735, RICHARD G. JUVE, I MOVE AN APPEAL FOR A SPECIAL EXCEPTION TO UPGRADE EXISTING ROADWAY, CREATE THREE DRIVEWAYS AND A TURNAROUND WITHIN 50' OF A NON -DESIGNATED WETLAND BE APPROVED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

2736: LEONARD ZAICHKOWSKY:

Jan Joslin has joined the Board for deliberations.

Mack – I have a hard time with this one. I understand what everyone is trying to accomplish and it is probably for the best, but the fact is, what we granted before was based on them moving the garage back. Now, they are putting the garage back where it was. I understand Mike's concerns and what they are trying to do for traffic flow. If they had come with this whole proposal in the beginning would we have granted it? Who knows? Haley – Butch has had a long haul on this property. As he has now explained it with the promise that at least on this property the parking will be down below and it is a house that has a lot of company on weekends, the latest picture makes it look more realistic.

Hawkins moved, Dever seconded, IN CASE 2736 LEONARD ZAICHKOWSKY, I MOVE AN APPEAL FOR A VARIANCE TO CONSTRUCT A GARAGE ADDITION WITH A REAR SETBACK OF 1', 30' REQUIRED BE APPROVED. Voted 5-0 in favor.

2737: ASSOCIATED SURVEYORS FOR RICHARD & GAIL FREEMAN:

Dever – I know some residents in that neighborhood are not happy with this situation here. I think people need to go to the Town Hall and look to see what can happen in their zone. This is what the voters voted on in the ordinance. Mack – OK Carl, two minutes. Johnson – We did agree as part of the Planning Board approval to restrict it permanently to three units. Dever – We read that Carl. Mack – I agree with Jack.

Dever moved, Haley seconded, IN CASE # 2737 ASSOCIATED SURVEYORS FOR RICHARD & GAIL FREEMAN, I MOVE AN APPEAL FOR A SPECIAL EXCEPTION TO ALLOW A MULTI-FAMILY DWELLING IN A RESIDENTIAL DISTRICT BE APPROVED, AS IT MEETS THE REQUIREMENTS FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

2739: WINDOVER REAL ESTATE INVESTMENTS FOR ROY L. ATTEBERRY REVOCABLE TRUST, LEIGHTON C. ATTEBERRY & GAIL FUSCO:

Mack – We are dealing with only one crossing. They did away with the other one. Dever-They did go along with the recommendation of the Conservation Commission.

Haley moved, Dever seconded, IN CASE # 2739, WINDOVER REAL ESTATE INVESTMENTS FOR ROY L. ATTEBERRY REVOCABLE TRUST, LEIGHTON C. ATTEBERRY & GAIL FUSCO, I MOVE TO GRANT AN APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT A WETLAND CROSSING FOR A DRIVEWAY ACCESS WITHIN DESIGNATED WETLANDS AND A PROTECTIVE BUFFER, TOTAL WETLAND IMPACT OF 1220 SQ. FT. AND ASSOCIATED BUFFER IMPACT OF 3950 SQ. FT. AS EXPLAINED ON PRINT # C-1 DATE STAMPED 3/6/06 SHOWING ACCESS OFF OF MEREDITH NECK ROAD TO LOT # 3 AND LOT #6 AND NO OTHER WETLAND CROSSINGS. Voted 5-0 in favor.

2740: RICHARD & PATRICIA LONG WILLIAMS:

Haley – Isn't there a deal now where you cannot leave somebody without access to his or her lot. Mack – Yes, but he is not landlocked. It is wetlands.

Hawkins moved, seconded, IN CASE # 2740, RICHARD & PATRICIA LONG WILLIAMS, I MOVE AN APPEAL FOR A VARIANCE TO PLACE 2880 SQ. FT. OF FILL IN A WETLAND TO CONSTRUCT A DRIVEWAY BE APPROVED, AS IT MEETS THE CRITERIA FOR A VARIANCE. Voted 5-0 in favor.

Hawkins moved, Dever seconded, IN CASE # 2740, RICHARD & PATRICIA LONG WILLIAMS, I MOVE AN APPEAL FOR A SPECIAL EXCEPTION TO ALLOW CONSTRUCTION OF A DRIVEWAY WITHIN THE BUFFER ZONE OF A PRIME WETLAND BE APPROVED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

2742: PLATINUM REAL ESTATE INVESTMENTS, LLC:

Haley moved, Hawkins seconded, IN CASE # 2742, PLATINUM REAL ESTATE INVESTMENTS, LLC, I MOVE AN APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS, HAVING BEEN ASSURED BY THE PLAINTIFF THAT HE HAS LEARNED HIS LESSON, BE APPROVED ON THE PROPERTY LOCATED AT 23 WEED ROAD. Voted 5-0 in favor.

2743: TERESA G. WARD:

Jan Joslin has joined the Board for deliberations.

Dever - I have a problem with this case. I don't think the Zoning Ordinance persecutes anybody. We worked for a number of years to come up with an equitable situation for accessory apartments. This is why we came up with the 25%. I think the 25% is a good figure. I feel by granting a variance this would violate the spirit and intent of the ordinance.

Dever moved, Haley seconded, IN CASE #2743, TERESA WARD, I MOVE AN APPEAL FOR A VARIANCE BE DENIED AS IT VIOLATES THE SPIRIT AND INTENT OF THE ORDINANCE. Voted 5-0 in favor.

2744: FRED & JUDY WILLIAMSON:

Dever – Although Carl was very eloquent like he usually is; the Town of Meredith has tried for a long time to keep our corridors coming into Town as Commercial free as possible. I don't deny that there are commercial uses out there but those commercial uses, except for the one next door to them, are allowed by the ordinance. They went through the drill. The property is not going to be purchased. CN Brown has not been a good neighbor out there. They have let the property deteriorate and I don't think we should grant a variance because the property has deteriorated. I am not in favor of granting a variance for that property.

Dever moved, Haley seconded, IN CASE # 2744, FRED & JUDY WILLIAMSON, I MOVE AN APPEAL FOR A VARIANCE TO ESTABLISH COMMERCIAL RETAIL SALES IN THE FORESTRY/RURAL DISTRICT BE DENIED BECAUSE IT VIOLATES THE SPIRIT AND INTENT OF THE ORDINANCE. Voted 5-0 in favor.

Meeting adjourned at 10:30 pm

Respectfully submitted,

Christine Tivnan
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on _____, 2006.

John Mack, Chairman