

PRESENT: Mack, Chairman; Hawkins; Pelczar; Joslin; Edney, Code Enforcement Officer; Tivnan, Clerk

Hawkins moved, Pelczar seconded, THAT WE APPROVE THE MINUTES OF January 11, 2006, AS PRESENTED. Voted unanimously.

### PUBLIC HEARING

**2777: DAVID M. DOLAN, LLS. FOR CHRISTOPHER L. JAQUES:** An appeal for a SPECIAL EXCEPTION to expand a non-conforming structure by more than 400 sq. ft.; an appeal for a SPECIAL EXCEPTION to allow the reconfiguration of existing parking and construction of additional parking within the front setback and an appeal for a SPECIAL EXCEPTION to allow a building addition and parking lot expansion within the 75' protective buffer of a non-designated stream, Tax Map S23, Lot No. 101 located at 182 Daniel Webster Highway in the Central Business District.

Dolan – The property is located at the intersection of Rte. 3 and Parade Road. There is an existing building close to Rte. 3 that is the animal hospital and at the rear of the property is the existing residence. The parking in the front of the building extends from the building, right to the pavement. Parking is not defined. There is a culvert that comes across in front of Mountain Sports and that was recently replaced. The proposal is to expand the building with two additions. The existing building to the north is 5.4' from ROW. The proposed addition will be no closer and at the farthest north corner will be 5.8' away from the ROW. Part of the project involves reconstruction of the lower parking area. The grading is designed to grade away from the brook towards two treatment areas. This is the most recent plan with Lou Caron's recommendations for storm water treatment. The lower parking area will be paved. The upper parking lot will have a retaining wall and paved as well. This will be an improvement to storm water treatment. Tom Kuzina – The proposed location of the dumpster is in a wetland area. That water flows all year long through a pipe, which flows into Lake Waukewan. The waste from the dogs is going to go into the water. My concern is the water flow into Lake Waukewan. My well is located thirty feet from this wetland. Waste Management does not accept any dog waste or any type of animal parts. Dolan – There is a landscape plan with a designated area for the dog waste and a plan for dog waste management. Joslin – Will the walking area be fenced? Dolan – No, they will just be signed. Kuzina – I have a tenant who lives downstairs. Is my tenant going to complain about dogs barking at night? I can hear the dogs that are inside right now. Is the pin right against the property that the State owns? Dolan – The distance from the building to the ROW is 5' with an additional easement that the State has indicated that they would grant to the Jaques. The dog walk area will be 10' x 65'. This is not a kennel. It is an animal hospital. The Jaques are the residents of the building so they are on site all the time. Kuzina – I talked to Waste Management and I asked them about water tight dumpsters. They said there is no

such thing as a water tight dumpster. Mack – The dumpster is a Planning Board issue, not ours. Hearing closed at 7:30 PM

**2778: MAURICE & ROSEMARY GREGOIRE:** An appeal for a VARIANCE to construct a 10' x 15' addition with a 34' rear setback, 40' required, Tax Map No. U11, Lot No. 23, located at 38 Circle Drive in the Residential District.

Gregoire – Does the Board have any questions? Mack - Have you considered putting this in any other place? Gregoire – I don't believe there is any other place. Mack - We need to ask that. We have to look to see if there are any other options that require less of a requirement. Edney – I added some additional material to show you the existing floor plan. Mack – Looking at the floor plan, why aren't you considering filling in between the workshop and the building? Gregoire – That is a good question. We want that area to be a private sitting area. Linda Smith – (33 Circle Drive) - We abut this and I have some concerns. This will be putting a structure closer to mine. I oppose this. Gregoire – I would like to ask where they live. Smith – We are beyond you. Gregoire – We would be 34' from your property line and another 50' to your trailer. Beede – (33 Circle Drive) We don't want this any closer. If we allow one, it will keep on going. Ken Beede (33 Circle Drive) I also oppose this. This is a house with a garage on a .24 acre parcel. Gregoire – We can build it without coming to the ZBA. Mack – When was this built? Gregoire - When we originally ordered the house we wanted one bigger but the builder could not say positively that it would meet the setback and we had a time limit. Hearing closed at 7:40

**2779: LESLIE & FRIEDA HAYNES** An appeal for a VARIANCE to construct a garage/storage shed with a 17' rear setback, 30' required, and a 12' side setback, 20' required, Tax Map No. U02, Lot No. 9, located at 22 Bay Shore Drive in the Shoreline District.

Frieda Haynes – This building would be adjacent to our present parking area. After consulting with the neighbors, this location seemed to be the most feasible. There is a new house that was built in our neighborhood within the last five years and it has about an 8' rear setback. Mack – Why not move it over so you meet the side setback and are only asking for one setback requirement? Haynes – We would like to stay where we have already paved so we don't have to tear it up and do new paving but also there are water and sewer mains on that side. They would have to be moved. Mack – Are you sure of the location? Haynes – Yes Joslin – Are we saying that there could possibly be sewer and water in this area here? (Jan pointed to plan) Haynes – Yes, it is right close to the driveway area there now. Frieda Haynes – I don't know how many pipes are in the ground. Mack – One for sewer and one for water. John Hand (abutter) We see no problem with the setbacks. I would hate to see the garage in the middle of their yard. Edney – I would like to say that there is a new house in that area that was given quite a bit of latitude and a number of small cottages that do have these existing paved plat-

forms. I have spent a fair amount of time working with the Haynes on the best solution. Hearing closed at 7:50 PM

### **DELIBERATIONS**

#### **2777: DAVID M. DOLAN, LLS. FOR CHRISTOPHER L. JAQUES:**

Mack – I think what they are proposing for the parking is an improvement. I think this will help with the pollution of Waukegan. As far as the addition, his encroachment on NH Rte. 3 is not an issue to me.

Hawkins moved, Joslin seconded, In case # 2777, DAVID M. DOLAN, LLS. FOR CHRISTOPHER L. JAQUES, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO EXPAND A NON-CONFORMING STRUCTURE BY MORE THAN 400 SQ. FT. BE APPROVED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 4-0 in favor.

Hawkins moved, Joslin seconded, In case # 2777, DAVID M. DOLAN, LLS. FOR CHRISTOPHER L. JAQUES, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO ALLOW THE RECONFIGURATION OF EXISTING PARKING AND CONSTRUCTION OF ADDITIONAL PARKING WITHIN THE FRONT SETBACK BE APPROVED, AS THE PLANS PRESENTED TONIGHT, AS IT IS AN IMPROVEMENT ON THE PARKING AND DRAINAGE AND IT MEETS ALL THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 4-0 in favor.

Hawkins moved, Joslin seconded, In case # 2777, DAVID M. DOLAN, LLS. FOR CHRISTOPHER L. JAQUES, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO ALLOW A BUILDING ADDITION AND PARKING LOT EXPANSION WITHIN THE 75' PROTECTIVE BUFFER OF A NON-DESIGNATED STREAM BE APPROVED, AS IT MEETS THE SAME CRITERIA FOR THE SPECIAL EXCEPTION. Voted 4-0 in favor.

#### **2778: MAURICE & ROSEMARY GREGOIRE:**

Hawkins – I understand the lots on Circle Drive are small. We look at variances as a minimal need. It appears to me that the applicants in this case do have, although limited, other alternatives. Mack – I have a problem with, I have already built a new house and now I want another 10'. This should have been considered in the beginning. Pelczar –Some of my thoughts are, if you look at your site plan, yes maybe you could slide it, but it looks like he may then encroach in the front. Mack – That is hard to tell. Pelczar- I think it would be an improvement. Mack -From a zoning standpoint, looks aren't important.

Hawkins moved, Joslin seconded, In case # 2778, MAURICE & ROSEMARY GREGOIRE, I MOVE THE APPEAL FOR A VARIANCE TO CONSTRUCT A 10' X

15' ADDITION WITH A 34' REAR SETBACK, 40' REQUIRED BE DENIED, AS IT DOES NOT MEET THE COMPLETE CRITERIA FOR A VARIANCE AND THEY HAVE OTHER OPTIONS THAT THEY CAN USE. Voted 3-1 in favor.

**2779: LESLIE & FRIEDA HAYNES:**

Mack – I do remember the new house. I have some concerns with the encroachment on the side line; but the abutter is in favor of the application, so that relieves some of that concern. I am not concerned with the rear setback because that is typical in the Bay Shore area. Pelzcar - But, is there room to move it? I would hate to mess up their front yard too. How old is the sewer pump? Haynes – It is about 20 years old. Mack – If it is 20 years old, we don't have a definitive location. I don't think it meets the spirit of the ordinance to make them move it over. Hawkins – We have a 12' side setback, which is an 8' difference, and as you stated we have an abutter in favor of it. I think it would be best to leave 20 plus year old water and sewer lines alone.

Hawkins moved, Joslin seconded, In case # 2779, LESLIE & FRIEDA HAYNES, I MOVE THE APPEAL FOR A VARIANCE TO CONSTRUCT A GARAGE/STORAGE SHED WITH A 17' REAR SETBACK, 30' REQUIRED, AND A 12' SIDE SETBACK, 20' REQUIRED BE APPROVED, AS IT MEETS THE CRITERIA FOR A VARIANCE . Voted 4-0 in favor.

**MOTION FOR REHEARING**

**2766: VLL TRUST:** An appeal for a VARIANCE to allow three (3) residential units on a pre-existing non-conforming lot within the existing dwelling, 10,000 sq. ft. net density per unit required, Tax Map U06, Lot No. 4, located at 147 Main Street in the Central/Business. CONTINUED TO MARCH 8, 2007.

Meeting adjourned at 8:15 pm

Respectfully submitted,

Christine Tivnan  
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on \_\_\_\_\_, 2007.

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John Mack, Chairman