

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

Haley moved, Hawkins seconded, THAT WE APPROVE THE MINUTES OF AUGUST 9, 2007, AS CORRECTED. Voted unanimously.

PUBLIC HEARINGS

2806: AUBUCHON HARDWARE FOR MVSb: (Rep. Matt Boucher) An appeal for a VARIANCE to construct a sign 25' in height, 20' allowed, Tax Map U07, Lot No. 109, located at 319 Daniel Webster Highway in the Central Business District.

Boucher – We are here to ask for a variance for the height of the sign. Currently the sign is at 22' and we have problems with visibility from the lights at the corner. We would like to raise it to slightly less than 25' to allow better visibility. People don't realize we are on the backside of the building. (Showed the existing and proposed signs.) We will have the new branding for the sign. Mack – If sight distance is a problem because of elevation, why add a section down lower with a changeable sign? Boucher – We are adding the changeable sign below for traffic coming the other direction. We would not be against removing the changeable if that would be more favorable. Mack- The sign application seems to indicate that it would be internally illuminated and everything you are presenting here is non-illuminated. Boucher – We had first sent in a permit for illuminating the sign and after discussing it with the landlord, we felt it wasn't necessary. I thought we had submitted a new permit but apparently we had not. Haley – How will the letters be changed? Boucher – With a letter pole. . Haley – How often? Boucher – Hopefully overnight. Clark – What is the rule on how close to the curb the sign can be? Mack – They are restricted by the edge of the ROW. B – We are right on the setback. Clark – How much parking do you own? Boucher – We own in between the curb cut. The bank actually owns it. Hearing closed at 7:15 PM

2807: AMES ASSOCIATES FOR 62 VEASEY SHORE ROAD REALTY TRUST-LOUIS D'AURIA: (Rep. David Ames) An appeal for a SPECIAL EXCEPTION to allow construction of an access road and sewer pump line within non-designated wetlands, Tax Map U38, Lot Nos. 10 and 1 located on Veasey Shore Road in the Shoreline District.

Ames - I will read **Criteria 1** - That the use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation from the kind and adverse violation of the character or appearance of the neighborhood.

This proposal is for the construction of a driveway and sewer pump line to traverse wetlands to gain access to a remote sewage disposal system site. The proposed construction will not be visible by abutters and cutting of trees

will be kept to the minimum required to get construction vehicles to the proposed leach bed site. Line of site down the proposed access way is limited by a bend in the drive minimizing being able to see more than 70' into this wooded parcel.

Criteria 2 - That the use will not be injurious, noxious or offensive and thus detrimental to the neighborhood.

The proposed use is to provide a sewage disposal system meeting the current rules of the State of NH. The sewage disposal system proposed will be 90' plus from the wetlands and 310' plus from Veasey Shore Road. The wetlands crossing will meet or exceed the standards of construction as mandated by the NH Wetlands Board. All erosion control measures will be in place prior to the commencement of construction. The proposed sewer pump line is to be sleeved in watertight, heavy-duty plastic pipe where crossing wetlands.

Criteria 3 - That 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.

No traffic increase will occur and the sewage disposal system proposed exceeds all State and Town standards. The access driveway will be "gated" to prevent unauthorized entry. All State & Town requirements have been met or exceeded for the construction of this residential sewage disposal system.

I assume the Board has received a copy of the Meredith Conservation Commissions letter. I feel I should address this. They raised the concern of the resulting mud wave. The Conservation Commission states that they feel the area of impact is severely underestimated. No one I spoke to could give me conclusive calculations to the extent of a mud wave. The New Hampshire Wetlands Bureau has never raised the issue of mud waves on any projects that I have been involved in and those projects are usually this size. We have stabilization fabric to minimize mixing of fill materials with the sediments below the proposed access drive but I must rely on my experience only in saying that I don't believe the impact is underestimated. I am always open for discussions with the Conservation Commission, but I have not been contacted by any of the members outside these meeting. We may have generated a conversation before tonight. The alternatives that were presented by the Conservation Commission are: Alternative #1- Place the entire system on the lake lot. For a system of this capacity, State of New Hampshire requires an increased setback to property lines. With the system on lakefront property, the setback as dictated by the State rule is 150'. The setback from such a leach field to a sideline is 75'. The requirement in the State rules is referred to as a nitrate setback. The setbacks as required by the State are impossible to meet on lakefront lots. Alternative #2 – Is similar to #1 but located further north. It may be possible to put a septic system there but I still run into the same issue as #1 with the nitrate setbacks. I couldn't meet the nitrate setbacks there either. Alternative #3 – Place the system between the wetlands and Veasey Shore Road but further north of this proposal. Part of what is not shown on this plan and I will pass it out, is north of this project is a ROW. In addition, the slopes are steeper. When I can maintain or exceed the minimum setback, I do so.

Alternative # 4- Place the system between the wetlands and Veasey Shore Road with the same alignment as the proposed road. For the same reasons, we don't have the room, without filing in this case and impacting the wetlands. Alternate #5 – Place the system and the crossing as proposed, but remove the construction road after installation of the system. Future maintenance of the system, as noted in their letter, could be done by hand, but any major maintenance or reconstruction of the system would mean rebuilding of the access road. Once again, the wetlands would be disturbed. I am not sure environmentally that is the best way to go but we are open to that. Ames explained to Clark how the parcels fit. Clark – What about going north of the wetlands. Ames – You would be impacting the ROW. Mack – We have another letter from the Conservation Commission dated 9/11/2007. Have you seen that? Ames – No. Do we know why I wasn't mailed this. It seems like a rewrite of the first letter. Most of my responses to this would be similar to what I just said. Mack – We just received it today also. Ames – I see they are talking about culverts. The process is still going on. We have received a letter from the Wetlands Board requesting us to respond to the points I did tonight. We need to show this on a plan showing all five alternatives. If we had some discussions before the letters were written, they would have discovered that there are rules that the Septic System Bureau doesn't allow. I think we are doing the best we can. Mack – What puts us in a catch 22 is that you don't have a State permit. Ames - Just because you say we can do it and the Wetlands Board denies the project, we wouldn't do it. There is nothing in that letter that says there is a denial there. They want to make sure all the points by the Conservation Commission have been addressed. The worst they can do is to deny us and then I don't know what the D'Auria family will do. I know Bill has been involved with the D'Auria's because there were some code issues with some of the units. This is a clean up process for not just septic but legal issues. Edney – The current system is being taxed beyond what it should be based on the number of bedrooms. This is being pushed to conclusion. This system is going to go in the ground. Pisapia – (Conservation Commission) - Mr. Edney, based on what you stated, is the system that is in there now the same system that was approved with a building permit for the number of bedrooms? Edney – It appears to be. This goes back sometime and initially there were three renovations to cottages and I believe the initial building permit was issued for two bedrooms in each of those cottages. Somewhere along the line, it increased to 4. There are 4 bedrooms in one, 5 in another, and the 4th unit has 7. Pisapia – So the town approved a building permit for additional bedrooms? Mack – Stop now. You are going way off. That is a legal issue. Pisapia – Since Mr. Edney brought the topic up and he represents the Board, it seems to be relevant. Mack – He stated the current system is inadequate. How or what got on the lot has nothing to do with this hearing. Pisapia - I am confused from the drawing on where the lake is. (Ames showed it on the plan that is on two sheets) Mr. Ames mentioned that alternative #3 would cross a wetland. We are talking about it being next to the road, not a wetland. Anything that crosses a wetland is what we are trying to avoid. Ames – I must have read it wrong. Alternate #3 was to place the system between the wetlands and Veasey Shore Road. Pisapia – (Pointed to the plan to show where the

Conservation Commission proposed the system.) Mack – When the Conservation Commission looks at these alternatives, does anybody look at State regulations? Pisapia - No, we do not look at regulations for septic. However, it was mentioned that we did not contact the applicant. We are a volunteer Board. Normally, paid people who represent applicants, if they have a concern, come to the Conservation Commission. We submitted our letter to the State back in June or July and we heard nothing from the applicant. Mack – What bothers me here is that we have a letter dated in June and Dave should have probably gotten together with you and straightened it out, no matter whose fault it was, it didn't happen. We have all these suggestions of things to be done from the Conservation Commission but no one is taking into account what the State requires to be done for a system. So how can these alternatives be presented when half of them are not feasible to begin with. Pisapia – Does the Board on a regular basis review State regulations? Ames – My frustration is a general frustration. This is what I said “I am always open to discussions and or questions by the Conservation Commission but I have never been contacted by any of the members outside these meetings for this purpose.” My frustration is I will talk to anyone and once the letters are written, they have to be addressed. Pisapia - The Board received our letter on Sept. 11th. The reason for that was because we were not notified previously that this was going to be on the agenda. I questioned Chris about it. She thought the letter was in the file but what was in the file was our letter to the State. This letter is addressed specifically to the Board. We are normally given a month and we try to meet our deadliness. This seems to be an oversight in notifying the Conservation Commission and we tried to correct this, so it would not get bumped to the next meeting. Ames – I provided their letter dated July 3rd to Chris and we used that as evidence. I thought that was a notification. Edney – We normally receive one letter from the Conservation Commission per project, we received that letter, dated July and considered that to be the Conservation Commission's recommendations. We didn't know that a second letter was coming. Pisapia- I want to state our concerns and it has mostly to do with crossing of the wetland. We believe there are alternatives. It does not appear any relief from the State has been received. We think there are alternatives. We do not think it is consistent with the purpose and intent of the ordinance. We don't see how it promotes the health, safety and the general welfare of the community. We don't see how it prevents the ability of the wetlands and areas adjacent to wetlands and streams to provide treatment for water quality purposes to filter pollutants, trap sediments, or retain and absorb chemicals. We don't see how it prevents the destruction of, or significant changes to natural wetlands which provide flood storage. It does not prevent the development of structures and land uses in wetlands and areas adjacent to wetlands and streams which will contribute to the degradation of surface and/or ground water quality by means of including but not limited to wastewater, excessive nutrient release, accelerated runoff, erosion and sedimentation. It does not preserve and enhance the aesthetic and recreational values associated with wetlands and it does not protect fish and wildlife habitat. We don't feel this application is consistent with the requirements of the ordinance. The first two alternatives keep the development on the lake side of Veasey Shore

Road. I haven't heard any convincing arguments on why that can't be done. We are not aware of any mitigation plans. At a minimum, if the Board is going to approve a crossing of the wetland, we think it needs to be a temporary crossing and any permanent structures be prohibited in the wetland. We recommend that you do not approve this. Hawkins – It was probably just a minor misstatement on Ralph's part when he kept referring just generically to it as a wetland. The application is for a non-designated wetland. Pisapia – What do you mean by that? Hawkins – The application is a non-designated wetland. Pisapia- I am not clear on what your point is. A wetland under the ordinance is a wetland whether it is designated or non-designated. The only things in the ordinance that are extra special are prime wetlands. A non-designated wetland only means that there is no name or number given to it. Ames – I did bring the State rules involving nitrate setbacks. I would love to communicate more with the Conservation Commission before the letter goes out. I did not intend for any swipes. I know they put in a lot of time. I appreciate it. Hearing closed at 8:00 PM.

2808: ROGER NIXON: An appeal for a SPECIAL EXCEPTION to allow the construction of a water storage or impoundment, Tax Map S20, Lot. No. 3-16, located at 3 Redwood Circle in the Forestry/Rural District.

Nixon – The Conservation Commission has looked at this. Criteria #1 is the proposal is consistent with Section C. The proposal is fully compliant with Section C. Criteria #2- Alternative proposals have been considered and submitted proposal represents the minimum amount of reasonable unavoidable environmental impact to the wetlands. There are no expected impacts to wetlands, stream or buffer areas. Criteria #3 – Environmental impacts and abutting or downstream properties have been considered and minimized.

PROPOSAL FOR IRRIGATION

Need: Crestwood Estates-is not serviced by Meredith town water. This lot was formerly a farm field, with trees only at the periphery, and thus has a huge lawn (1 acre). To prevent the lawn from dying and causing erosion problems, an irrigation system was installed. However, the well cannot produce sufficient water for the system, and runs dry even with well recovery delays programmed into the irrigation controller.

Solution: Installation of an irrigation pond to capture rainwater runoff and accumulate well water for irrigation purposes.

Lot characteristics (see below): This is a 1.9 acre lot which slopes gently to the SE (approximately 18' elevation drop over 400' lot depth). The eastern edge of the lot is bounded by a granite ledge; the grading is such that a flat area approximately 60' x 200' exists between the ledge and the raised areas which have the house and leach field.

Location and size of proposed irrigation pond: the flat area referenced in C above is ideal for locating an approximate 40' x 90' pond with an

average depth of -3.5'. Approximately 80% of the lot's rainfall drains to this area.

Wetlands and drainage: this area is not a wetland, and is the natural drainage path for the lot, so the current water runoff path would not be-changed by adding the pond.

Construction details for pond: 'a full ¼" thick non-woven underlayment; 45 mil EPDM rubber pond liner; 2' deep by 4' wide outflow filled with rocks and gravel; surrounding construction area hydroseeded with meadow grass and NE wildflower mix.

Haley – This is an after the fact? The pond is there? Nixon- It has stopped. I didn't know I needed a permit. Haley - If this was to be a swimming pool, would it be fenced? Edney – That would be my suggestion to the Board. Nixon – It is deeper than 3' in some points. Mack – Are you going to fence this pond? Nixon – If that is required, yes. Should it be a chain link? Mack – Whatever a swimming pool requires. We are not going to define the fence itself. Hearing closed at 8:15 PM

2809: ASSOCIATED SURVEYORS FOR PORCH TRUST: (Rep Carl Johnson)

An appeal for a SPECIAL EXCEPTION to allow expansion of an existing non-conforming structure within the protective buffer of a designated wetland, Tax Map U15, Lot. No. 23, located at 18 Pleasant Street in the Residential District.

Johnson – This property is located on Pleasant Street. It is a long and narrow lot. There is an existing dwelling in the front portion of the lot and the rear portion is encumbered by a designated wetland. Previously the applicants applied for a special exception to expand the dwelling in the back portion. That was granted by the Board with a 39' setback from the wetland. The addition was constructed. The applicants plan to make this their permanent home. It currently is a single-family dwelling with an accessory apartment. They plan to reconfigure the inside of the house. They will do away with the accessory apartment. The proposal is to construct an addition with a garage on the lower level and living space on the upper portion. There will be a reconfiguration of bedrooms but no net gain. There are three there now and three with this proposal. We originally submitted this application to the Conservation Commission. It was to construct an addition that was 18' x 31'. One thing that the Conservation Commission said in their letter was that no mitigation plan had been submitted. No mitigation plan is required. Mitigation plans are for fill in a wetland as part of lot development. This is not that. The back of the lot is encumbered by the wetland itself. The 100' setback is the setback from a designated wetland. The town ordinance does treat wetlands differently. There are four different categories for wetlands and the setbacks and the requirements are different for each one. This designated wetland is between Rte. 25 and Pleasant Street. The entire existing dwelling is within the 100' setback to the wetland. This wetland setback encumbers already developed property. After reading the Conservation Commissions suggestions, they recommend that the ZBA deny this special exception because it doesn't comply

with the ordinance and would diminish the value and function of the wetland and no alternative has been shown. We looked at that and tried to come up with a scenario which would allow a reasonable expansion within the buffer, meet the desire of the applicants and be consistent with the purpose and intent of the ordinance. We moved the structure forward, so it now coincides with the front edge of the house. We made the back portion of the building parallel with the limits of the designated wetland and we come up with a setback of 33' versus 27'. We notified the Conservation Commission of that change and they submitted a second letter. This letter does not go into detail and basically just says the Conservation Commission is certain that the Board will consider all the input before rendering a final decision. The buffer totally encumbers this lot. There is no alternative solution to expansion of this structure that would not be in the buffer or that would be reasonable. (Carl passed out photos of the property.) In the printed analysis, The Wetlands of Meredith, this wetland is ranked low because it is in between highly developed areas. Mrs. Ricciuti did write a letter to the Conservation Commission detailing what her desires and concerns are. They are not over the 30% lot coverage. I do think the strict enforcement of the buffer zone was never intended to be such, that a person could not do anything in that zone. In fact, the ordinance clearly says that you can do anything in that zone if you can demonstrate that it is consistent with the purpose and intent of the ordinance. Clark – What is the parking plan? A new driveway? Johnson – There will be no driveway access to the rear part of the lot. Clark – So the cars will park in front? Johnson – Correct Hearing closed at 8:30 PM

2810: JEFFREY & DEBORAH MANNING: (Rep. Harry Wood) An appeal for a VARIANCE to construct a single-family dwelling and garage with a front setback of 32', 65' required, 8' and 15'7" side setbacks, 20' required, Tax Map U28, Lot No. 22B, located at 36 Dale Road in the Shoreline District.

Wood- Adam Morton, of Old Cove Design is here. He has been working on the building plans and Matthew Wood of New Hampshire Environmental Consultants has been working on the shore front stabilization. We have two hearings before you this evening. The first is the construction of a residential home. This is a variance request because there is a structure there now. We will be replacing this structure with one with similar footprints, maintaining the setbacks that were there, while increasing the lake setback slightly. The structure is a camp that does not have details that you would have today.

Wood - Facts supporting this request:

1. The proposed use would not diminish the surrounding property values because:

The proposed structure replaces a circa 1964 camp style ranch to current standards and code. The design and construction, which takes place mostly inside the current building area, have been carefully laid out not impede views of surrounding properties. The proposal is in keeping

with the area neighborhood, which has seen several seasonal camps upgraded to year-round homes.

2. Granting the variance would not be contrary to the public interest because:

The proposed building has been issued a Shoreland Protection Waiver from NH DES for a design and landscape plan that significantly improves the protection of the public waterbody. Included in this design is the addition of new vegetation, an upgraded sewage disposal system, and control of surface water runoff from the new building's design. The proposed home's net reduction in coverage forward of the 65' setback will result in larger viewing angles from neighboring properties.

3. Denial of the variance would result in unnecessary hardship to the owner because:

- a. the following special conditions of the property make an area variance necessary in order to allow the development as designed

Due to very small lot sizes along Dale Road many structures on the road are also unable to meet current required setbacks. Denial of the variance would result in the continued use of a non-code, non-conforming structure.

- b. the same benefit cannot be achieved by some other reasonably feasible method *that* would not impose an undue financial burden because

The proposed structure is located in the only buildable area on the lot, as the lot tapers inward as it moves away from Lake Winnepesaukee towards Dale Road. It is not possible to move the existing footprint further away from the waterbody than is proposed, as the footprint would become more non-conforming to side setback regulations.

4. Granting of the variance would do substantial justice because:

It would allow the owner to upgrade a circa 1964 non-conforming camp-style ranch with an aging septic tank to a year-round residence that meets modern code regulations and helps to further protect the public waterbody.

5. The use is not contrary to the spirit of the ordinance because:

The proposal is in keeping with the character of the neighborhood of residential lakefront homes. The spirit of the ordinance allows for the reasonable expansion of non-conforming structures and when the proposal does not interfere with the property rights of others. This proposal is utilizing the current existing side setback encroachments (as would be required by the expansion of an existing nonconforming structure), and moves the structure to a more nearly conforming front setback distance from the lake.

We have state approval for shorefront stabilization and a waiver for the structure. We also have a new septic approval relocated approximately twice as far from the lake as it is now. The new structure is shown on the maps that are in your packet. The lots in this area are very narrow. (Passed to the Board the Tax Map for that

area.) Lot in question is shaded in pink. There have been a number of variances granted in that area. The building has changed shape in front. (Passed diagrams to the Board.) The new dwelling has a curved front which helps with the abutting properties view. The dashed line outside the green is the old structure. Only a portion of the new deck will have a covering on it. The garage area in the back of the home replaces the old garage and sticks back slightly further. We are removing more than what we are putting on the non-conforming areas. We have looked at this from shore to road and tried to fit everything the best we could.

2811: JEFFREY & DEBORAH MANNING: (Rep. Harry Wood) An appeal for a VARIANCE to expand a non-conforming lot with 48.33% lot coverage, 30% allowed, Tax Map U28, Lot No. 22B, located at 36 Dale Road in the Shoreline District.

Wood – As you know, 30% is allowed in this zone. The existing coverage before this project starts is 65.69% which is a little over two times the coverage. This is primarily because of the shape of the lot; the driveway comes from the road to the front. This is a shared driveway. The majority of the driveway in the beginning is on the Manning lot. The shorefront wall has been reconstructed and re-graded behind it. We will be eliminating the walkway around the left hand side; the walkway on the right side is being reduced in width. The areas in the front will be less than what is there prior to the beginning of construction of the shoreline wall. We will then end up with 48.33% coverage. It doesn't meet the requirements but it is a substantial reduction. We felt this was within the spirit and intent of the ordinance. We do not think it is detrimental to the neighbors. For that reason I will not read our comments on this request. As we do in all cases, is to make some improvement on the site, accomplish a new septic system, continued fair access, stabilization of the shorefront, and a reasonable request for that property. Haley – Current building has how many sq. ft.? Morton – The existing building is Haley – I will pre-guess that it is in the area of 1600-1800 sq. ft. What's the new one? Morton – The new one is 2400 sq. ft. Clark – Where is the septic system? Wood – Pointed to the plan. Clark – Is there any further reduction to be made to get it closer to the 30%? Wood – No Carl Johnson – I am co-owner of 42 Dale Road. My family just celebrated their 50th summer at this location on Dale Road. We have a similar lot. There have been many changes in this area. I speak in favor of this application because change is necessary. There are not many options for this lot to make it into a 2007 livable year round dwelling. In terms of lot coverage, it is a small lot. The 30% lot coverage on a tiny lot is a tiny amount of area. Hearing closed at 9:05 PM

2812: ROBERT & DIANE HARDING AND ROBERT & ELIZABETH MOREIRA: (Rep. Robert Harding) An appeal for a VARIANCE to construct a deck 9' from the water reference line, 21' established, 50' allowed, Tax Map U29, Lot No. 24A, located at 7 Quimby Road in the Shoreline District.

Harding- I am here to construct an open deck off an existing non-conforming structure.

Application for an Area Variance

A variance is requested from Article IV Section 7 D2 of the zoning Ordinance to permit the construction of an open deck within 9' of the water reference line 21' required.

Facts supporting this request:

I. The Proposed use would not diminish surrounding property values because:

It will not be detrimental to the character, appearance, use or enjoyment of the abutters in the neighborhood. It will not interfere with the required 20' side set backs to the abutters. It will not block or interfere with the neighbors views of the lake or the use of their property. The proposed may increase the abutter's property value as the proposed will increase the appearance and use of our property.

2 Granting the variance would not be contrary to the public interest because:

It does not have a diminishing effect to the surrounding homes **and** will have no negative impact to the public wetlands. The State Wetlands Bureau allows this type of construction under Chapter RSA 483 B 11.

3 Denial of the variance would result in unnecessary hardship to the owner because:

a. The following special conditions of the property make an area variance necessary in order to allow the development as designed:

The existing slope of the property from the existing non conforming structure to the water reference line is too steep to make reasonable use of the area. The side set backs are also sloped and too close to the required set backs to make level use of the area.

The same benefit cannot be achieved by some other reasonably feasible method that would not impose an undue financial burden because:

The slope of the land and location of the primary structure does not allow for a level area from the structure to the waters reference line. Removing the earth from the slope to create a level area to the water would cause instability to the primary structure and could have a negative impact on the wetlands,

4 Granting the variance would do substantial justice because:

It will allow reasonable improvement and use to an existing non conforming lot and structure. It will keep with in the character of the neighborhood and make better use of the property. It will allow the owners to supervise outdoor water activities while enjoying a level sitting area as well as a view of the lake.

5 The use is not contrary to the spirit of the ordinance because.

It does not interfere with the abutters use or enjoyment of their property. It does not encroach on the required side set backs or the abutters view of the water. It also will have no detrimental impact to the wetlands and in no way be injurious, noxious or offensive to the neighborhood.

Pelczar - This is going to remain open? Harding - Yes. I believe some abutters have sent letters in favor of this application. Mack - We have two letters for the record. Hearing closed at 9:15 PM

DELIBERATIONS

2806: AUBUCHON HARDWARE FOR MVSb:

Haley moved, Hawkins seconded In case # 2806, AUBUCHON HARDWARE FOR MVSb, I MOVE THE APPEAL FOR A VARIANCE TO CONSTRUCT A SIGN 25' IN HEIGHT, 20' ALLOWED BE GRANTED, AS THAT WILL ALLOW CLEARANCE FOR A LINE OF SIGHT, ESPECIALLY THE SOUTHERLY DIRECTION AND THAT IT MEETS THE OTHER CRITERIA FOR OUR SIGN ORDINANCE. Voted 4-1 in favor.

Haley - I have one suggestion that they locate the sign up at the height they are asking for and not show the post which has no eye appeal. Hawkins – I will second with a suggestion that the sign is not to be illuminated. Haley – I think they may be short sighted. In the winter months some of their hours of operation will be in the dark. Hawkins – That's fine. I will scratch my addition. Mack – I agree with Fred. Haley – Is it illuminated now? Mack – No, you are giving them a higher sign plus allowing it to be illuminated. Are you sticking with your original motion? Haley – Yes. Clark- If they don't have permission to internally illuminate, can they externally illuminate it? It gets dark at 4:30. I don't think there is an advantage to say that it can't be externally illuminated. I don't think there should be a restriction. Haley – Make a restriction that when they are open for business they can have the light on. Mack – I think we should vote on your first motion. Clark – Does the first motion preclude them from having the posts? Haley – That was only a suggestion, not part of the motion.

2807: AMES ASSOCIATES FOR 62 VEASEY SHORE ROAD REALTY TRUST-LOUIS D'AURIA:

Mack- I think we have reviewed all the information. My personal opinion is that some of the Conservations Commission options don't meet state requirements. I believe the design per David is eliminating the impact as much as possible and reasonable. I think this is an improvement over what is there now. Hawkins – I would agree.

Hawkins moved, Pelczar seconded, In case #2807, **AMES ASSOCIATES FOR 62 VEASEY SHORE ROAD REALTY TRUST-LOUIS D'AURIA**, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO ALLOW CONSTRUCTION OF AN ACCESS ROAD AND SEWER PUMP LINE WITHIN NON-DESIGNATED WETLANDS BE GRANTED AS PRESENTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION AND THIS APPROVAL IS CONDI TONAL UPON DES APPROVAL. Voted 3-2 in favor.

Clark – I agree with what you said about there not being alternatives but I believe that even if there wasn't an alternative, that doesn't mean that we should accept this as being in compliance with the spirit of the ordinance. The spirit of the ordinance is trying to protect the wetlands. I don't know the history of why they need more septic, but I think the wetlands should trump that. If they have too many bedrooms, then they should have fewer ones. If the Board is going to approve this, I think we should give serious consideration to requiring the roadway that is cutting across the wetland be dismantled after the construction as requested by the Conservation Commission and the applicant said that they didn't think that would be a problem. Hawkins – This is replacing an existing system that is closer to the lake, correct? Mack – Correct. Hawkins - This is an improvement over what they have now. As far as dismantling roads, when you take the road out you do better for the wetland, but in my mind building a road you are doing damage , if you don't take it back out, you are saving some damage. I would leave my motion as it stands. Haley – Everyone was doing their job but there was something wrong with the timing on this and it doesn't come out to everyone's satisfaction.

2808: ROGER NIXON:

Mack – I don't have a problem with this, except I do agree that it should be fenced in.

Hawkins moved, Clark seconded, In case # 2808, **ROGER NIXON**, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO ALLOW THE CONSTRUCTION OF A WATER STORAGE OR IMPOUNDMENT BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION AND THE POND NEEDS TO BE FENCED AT A MINIMUM OF 4'. Voted 4-1 in favor.

Haley – Can I add a 6’ chain link which can be either standard or green ribbed?
 Hawkins – So moved. Mack – The only question I have is a 6’ fence a requirement? Hawkins - Bill just mentioned that the requirement for a pool fence is 4’. Ken, do you want to change that. Haley – The cost of 4’ versus 6’ is not that great. He has a liability and we are doing him a favor. Hawkins – OK Clark - I would move that the motion be amended to say that it be fenced as if it were a swimming pool. Mack – I would make it a minimum of the swimming pool requirements. Clark – Sure Hawkins – I would like to correct my motion to say fenced at a minimum of a 4’ height chain link. Clark - I would like the Board to vote on the motion that I suggested, which is, as if it was a swimming pool. I don’t want to tell them to put a chain link or something else. Does a swimming pool require a chain link fence? Bill – No Hawkins – OK - Minimum 4’. Clark – I second that motion.

2809: ASSOCIATED SURVEYORS FOR PORCH TRUST:

Mack – Looking at the site and what they are doing, I can’t see how this is having anymore adverse impact to the wetlands. This allows better use of the property.

Hawkins moved, Clark seconded, In case # 2809, **ASSOCIATED SURVEYORS FOR PORCH TRUST**, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO ALLOW EXPANSION OF AN EXISTING NON-CONFORMING STRUCTURE WITHIN THE PROTECTIVE BUFFER OF A DESIGNATED WETLAND BE GRANTED, AS IT MEETS THE SPIRIT AND INTENT OF THE ORDINANCE. Voted 5-0 in favor.

2810: JEFFREY & DEBORAH MANNING:

Mack – When I first read this, I was wondering what they were trying to do. I have changed my mind. By the time they get done with everything they are doing, this will improve the whole situation. Hawkins –This is a vast improvement over what is there now.

Haley moved, Hawkins seconded, In case # 2810, **JEFFREY & DEBORAH MANNING**, I MOVE THE APPEAL FOR A VARIANCE TO CONSTRUCT A SINGLE-FAMILY DWELLING AND GARAGE WITH A FRONT SETBACK OF 32’, 65’ REQUIRED, 8’ AND 15’7” SIDE SETBACKS, 20’ REQUIRED BE GRANTED AS PRESENTED, AS THEY HAVE DONE AN ADMIRAL JOB OF TRYING TO FIT SOMETHING ON A PROPERTY THAT WAS CARVED UP YEARS AGO FOR ANOTHER PURPOSE. Voted 5-0 in favor.

Clark - I think the key question here is whether there is a hardship? I have been concerned with this and have studied this. I think this is one case where there clearly is a hardship as presented by the shape and size of their property. I would approve this.

2811: JEFFREY & DEBORAH MANNING:

Haley moved, Hawkins seconded, In case # 2811, **JEFFREY & DEBORAH MANNING**, I MOVE THE APPEAL FOR A VARIANCE TO EXPAND A NON-CONFORMING LOT WITH 48.33% LOT COVERAGE, 30% ALLOWED BE GRANTED AS THE LOT IS NONCONFORMING IN MANY WAYS AND THE DRIVEWAY AND TURN AROUND SITUATION IS DIFFICULT AT BEST BECAUSE OF THE ABUTTER SHARING PARTS OF IT. IT WOULD BE DIFFICULT TO KNOW EXACTLY WHERE YOU ARE PARKING. I DON'T THINK THEY CAN CHANGE THE LOT COVERAGE FROM WHAT THEY HAVE PROPOSED. Voted 5-0 in favor.

2812: ROBERT & DIANE HARDING AND ROBERT & ELIZABETH MOREIRA:

Mack – I personally have a problem with this. We have gone through this many times. We have tried to establish a 25' buffer zone as much as we could contain. Allowing somebody to expand a deck within 9' of the lake goes against me. It's a deck, but it is still a structure. Haley – This is a stinky lot. It is in a cove with no view. There is elevation, it doesn't have good access to the lake itself and how many feet from the water is it right now. Clark – I agree with John. It is up to us to protect the lake. By all agreeing to stay back 65', we preserve the lake and property values.

Clark moved, Hawkins seconded, In case # 2812, **ROBERT & DIANE HARDING AND ROBERT & ELIZABETH MOREIRA**, I MOVE THE APPEAL FOR A VARIANCE TO CONSTRUCT A DECK 9' FROM THE WATER REFERENCE LINE, 21' ESTABLISHED, 50' ALLOWED BE DENIED. Voted 3-2 in favor.

Meeting adjourned at 9:50 PM

Respectfully submitted,

Christine Tivnan
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on _____, 2007.

John Mack, Chairman