

PRESENT: Mack, Chairman; Dever, Vice-Chairman; Clark, Flanders, Thorpe, Edney, Code Enforcement Officer; Tivnan, Clerk.

Frank Marino was in attendance.

### PUBLIC HEARINGS

**2831: CRAIG ENGEL:** An appeal for a VARIANCE to enlarge an existing deck with a side setback of 8', 20' required, Tax Map U39. Lot No. 2-18, located at 13 Patrician Shores Circle in the Shoreline District. CONTINUED FROM JANUARY 3, 2007.

Engel-I would like to reference two documents that are in the packet. A little background – We bought our home about four years ago. We have an existing deck that is 13' x 12'. It is a very small deck. We have water access but no view from the deck. We would like to (referenced document in packet) extend the deck out the side of the house by 12' and bring it up 26', just short of the front of the house so we can enjoy a larger deck. The reason we want to come out 12' from the house is because we would eventually like to put a Jacuzzi on the deck. Clark – It's not clear from this drawing where the existing house ends. There is a box that makes it look like the deck. Dever – This is confusing. The way you submitted it; it looks like you could add to the front. Engel – What's in front of the deck is part of the house. Clark – The distance from the deck to the abutter? Engel – We are 20' to the edge of the property. I can't tell you, but I would say within 20' of the boundary line. Dever – Is there an alternate location? Engel – The challenge is that the side, front, and back setbacks are exactly to code. Also, this is the only spot that has an entrance. Clark – Did you consider putting the deck in the back so that it would impinge upon the setback to a smaller degree? Engel – We did consider that but we want to sit out and have a view of the lake, so that is why we went to the side of the house. It's a similar proposal to what other homes have in the neighborhood. It comes down to us trying to have a view of the lake. Clark – It appears there is an addition that was added on, subsequent to the main building? Engel – That was there when we bought it. I believe it was going to be all deck and it was then decided to make it living space with the small deck in the back. Paul Martakos – I directly abut this property to the right. I have some concerns. I was surprised to see a plan with hand drawn sketches. The request is to enlarge the deck and this is a significant expansion to what is there now. I noticed the Jacuzzi. I will not just be looking at a deck but also a Jacuzzi. There is more room going out the back. (Passed pictures showing Engel's proposal from his lot) When you look outside my house, his is raised up, so I am looking at piers of the deck. Whoever is on his deck is looking at a bedroom window, bathroom window and a living room window. (Board reviewed pictures.) Those are my concerns. Thorpe – What is the setback from your house to the adjoining property line? Martakos – I don't know that. Dever –

Are you right on his line? Martakos – No, but I don't know the exact measurement. Hearing closed at 7:25 PM

**2834: ASSOCIATED SURVEYORS FOR PETER LAVIOLETTE :** (Rep. Carl Johnson) An appeal for a VARIANCE to construct a single-family dwelling with a front setback of 50', 65' required, and a rear setback of 17', 30' required, Tax Map U4, Lot No. 13A, located on Pollard Shores Road in the Shoreline District.

**2835: ASSOCIATED SURVEYORS FOR PETER LAVIOLETTE ET AL:** An appeal for a SPECIAL EXCEPTION to construct a single-family dwelling within the protective buffer of a non-designated brook, Tax Map U4, Lot No. 13A , located on Pollard Shores Road in the Shoreline District.

Johnson – I would like to do the special exception first and then the variance. This property is located at the end of Pollard Shores Road. The frontage is on Lake Waukegan. The access is benefited by an easement which comes off of Pollard Shores Road across the abutting property. There is no road frontage. It is now a three-season cottage. The goal is to replace it with a year round dwelling. The lot is about 10,000 sq. ft. There is a drainage way that comes down off of the larger properties located to the southwest. There is a brook that comes down from a culvert and exits into Lake Waukegan. Under the Meredith Zoning Ordinance there is a 75' setback from drainage of this nature. The entire lot is obliterated by the 75' setback. There is no place on the lot to construct a replacement dwelling and be in compliance with the ordinance. Our biggest concern was the drainage way. The existing dwelling is non-conforming in four ways. It is non-conforming to the lake, the brook, the side setback and the rear setback. We hope to provide a structure that is more non-conforming. It would be more conforming to the lake, meet both side setbacks, which it does not do now and violate the rear setback. Almost half the main portion of the structure, is in that conforming box. The great majority of the main structure that is not conforming is violating the rear setback, which is the railroad track, and that does not have an impact on anybody. We are in compliance with the State Shoreline Protection Act. The house is on municipal sewer. We are in compliance with the 30% lot coverage. The use we are proposing is the same as what is there. We have worked hard at this. We have come up with a home that is reasonable in size for this lot. It is a modest structure. It will be two-stories with maybe a basement. The Conservation Commission had no comment. Johnson – Variance request criteria are as follows. 1. The proposed use would not diminish surrounding property values. 2. Granting the variance would not be contrary to the public interest. 3. Denial of the variance would result in unnecessary hardship to the owner. 4. Granting the variance would do substantial justice. 5. The use is not contrary to the spirit of the ordinance. I believe in my application that I submitted I addressed all those items and we have met the criteria for granting a variance and a special exception. Clark- What is the surface of the driveway, dirt or pavement? Johnson – Right now it is dirt. The proposed one will be dirt and/or pavement. Clark – Did you count the driveway in the calculations? Johnson – That is correct. Wenstrup –

(Abutter) We welcome our new neighbors and feel this would be an improvement and would benefit our neighborhood. This plan is a vast improvement over the existing one. This land is very wet. We would suggest that they not have a basement. We think the plan fits the lot and is appealing to the neighborhood. I hope this application proceeds successfully. Johnson -The height will be 26'.  
Hearing closed at 7:50 PM

**2836: TOWN OF MEREDITH:** An appeal for a VARIANCE to allow expansion of an existing non-conforming structure with a front setback of 3' and 4', 30' required, Tax Map U6, Lot No.112, located at 286 Daniel Webster Highway in the Central Business District.

**2837: TOWN OF MEREDITH:** An appeal for a SPECIAL EXCEPTION to allow expansion of an existing non-conforming structure and related site development within the 75' buffer of a non-designated stream, Tax Map U6, Lot No.112, located at 286 Daniel Webster Highway in the Central Business District.

**2838: TOWN OF MEREDITH:** An appeal for a SPECIAL EXCEPTION to allow expansion of an existing non-conforming structure with lot coverage of 68.7%, 65% allowed, Tax Map U6, Lot No.112, located at 286 Daniel Webster Highway in the Central Business District.

Peter Blakeman – I am the civil engineer who has worked on these plans. Chuck Palm, Eric Ralson (Architect), and Carol Granfield (Town Manager) were present. Chief Palm is going to give a summary of how we got to where we are. Palm –This is not an overnight whim. This first went before the CIP back in 1998. In 2002, a new Police Station was being discussed along with a Safety Complex. We spent a fair amount of time looking at the potential for a safety complex. After Town Meeting, the Board of Selectmen set up a Space Needs Committee. The recommendation from the committee was to not use the Public Safety Complex consideration but to go down the path of using two separate buildings. That is what we did. The existing building is approximately 54 years old. In 2006, the Board of Selectmen approved the charge and membership of a Building Advisory Committee. We have now come forward with the plan that we have. The Space Needs Committee, the present Building Advisory Committee and the Architect all came up with close to the same amount of space that would be needed. That amount is about 15,000 sq. ft. There were certain criteria that we looked at. We not only looked at the size but the location. We felt we should be central to the population density and also the building density. Another was the need for it to be central to the responder's homes. We looked at land availability and cost. Here, the land was available. Known physical characteristics of the site is important because several sites we looked at, there were some unknowns relative to the physical characteristic. Accessibility to and by the public is important. We also considered public utility availability; how does it tie in with the neighborhood, what would be the cost for a demo, and location of the land in relationship to the ISO ( Insurance Service Organization) requirements. Palm explained to the

Board the criteria they use to rate a town. The current site stood far and above in fitting in all the criteria. Pelson (Architect) – (Presented new design) Several considerations were considered on how it was laid out on the site. One important one was that we wanted to provide continuous operation of the existing fire station while the construction went on. The business side of the fire station is towards Rte. 3 and the public side is off Oak Street. The height from the lowest grade is 37'. Blakeman - The existing building is about 4100 sq. ft. with a setback of 14' from Oak Street and 13' from the Rte 3. ROW. The total lot size is about 1/2 acre. There is no fluff in the footprint. It is as tight as it can be. The addition and site improvements will extend within the 75' buffer from Corliss Brook. The maximum lot coverage will exceed the 65%. The existing is 56%; the proposed will be 67.8%. While the lot coverage will increase, the reduction in paved surfaces will reduce the potential volume of pollutants that might migrate to the brook. The proposed structure has a footprint of about 10,580 sq. ft. We are showing 24 new parking spots; thirteen along Oak Street and 12 along Rte. 3. The water surface is being upgraded to a 6" line to allow the building to have sprinklers. That is the overview of the site. We are in the process of meeting with NHDOT to discuss the access permit. Board was comfortable not having the criteria read. Flanders – Did the property owner behind the station have any comments? Kloetz - Bud Larrabee (property owner) was a member of the committee and has helped to develop these plans. He is happy with the way the architects have treated the Oak Street side of the structure. Mack – Looking at the site plan and applications, I don't see any application for a special exception for parking within the setback. Is there a reason for that? (In Central Business District, special exception required for rear and side setbacks.) Hearing closed at 8:30 PM

## **DELIBERATIONS**

### **2831: CRAIG ENGEL:**

Mack – This seems like a big deck to me. Clark – I went to this site. Putting a deck on the side close to the neighbor would make that area extremely crowded. I think it would be unfair to the abutter and detract from property values. I don't think this is a hardship. This house already has a deck. We have a side setback so things don't get crowded. Flanders – He already has a useable deck. Dever – I believe it violates the spirit and intent of the ordinance.

Clark moved, Dever seconded, In case # 2831, CRAIG ENGEL, I MOVE THE APPEAL FOR A VARIANCE TO ENLARGE AN EXISTING DECK WITH A SIDE SETBACK OF 8', 20' REQUIRED, TAX MAP U39, LOT NO. 2-18, LOCATED AT 13 PATRICIAN SHORES CIRCLE IN THE SHORELINE DISTRICT BE DENIED, BECAUSE IT WOULD VERY LIKELY AFFECT THE PROPERTY VALUE OF AT LEAST ONE ABUTTER, IT IS CONTRARY TO THE PUBLIC INTEREST BECAUSE IT WOULD CAUSE THIS PORTION OF THE NEIGHBORHOOD TO

BE CROWDED AND UNSIGHTLY, HE HAS FAILED TO SHOW A HARDSHIP GIVEN THE FACT THAT HE ALREADY HAS A DECK AND PREVIOUSLY ON THIS PROPERTY HAD A DECK THAT WAS CONVERTED INTO LIVING SPACE AND THE USE IS CONTRARY TO THE SPIRIT OF THE ORDINANCE BECAUSE THIS IS THE TYPE OF ACTIVITY THAT THE ORDINANCE WAS WRITTEN TO PREVENT. Voted 5-0 in favor.

**2834: ASSOCIATED SURVEYORS FOR PETER LAVIOLETTE ET AL:**

Mack – I think they have done a good job and I don't think they have over built on this lot. Dever – This is certainly an upgrade to what is there now. Clark-1 take issue with this. The applicant stated that they tried to stay within the setback requirements but it looks like they tried to stay in the 50' but not the 75' requirement. The porch could be smaller. People want to build a new house on the property but they didn't buy property that is large enough for the house they want to build. A completely reasonable house could be built; if not totally meeting the 75' setback, it could greatly reduce the amount of impingement upon the 75' setback. Mack –Warren, you say 75', we have 65'. Clark – I stand corrected. I should have said 65'.

Dever moved, Flanders seconded, In case # 2834, ASSOCIATED SURVEYORS FOR PETER LAVIOLETTE ET AL, I MOVE THE APPEAL FOR A VARIANCE TO CONSTRUCT A SINGLE-FAMILY DWELLING WITH A FRONT SETBACK OF 50', 65' REQUIRED, AND A REAR SETBACK OF 17', 30' REQUIRED BE GRANTED, AS I FEEL IT MEETS THE REQUIREMENTS AND TO FURTHER REDUCE THE SIZE OF THE STRUCTURE WOULD NOT CREATE AN ADEQUATE PROPERTY FOR FULL TIME USE AND IT DOES NOT VIOLATE THE SPIRIT AND INTENT OF THE ORDINANCE. Voted 4-1 in favor.

**2835: ASSOCIATED SURVEYORS FOR PETER LAVIOLETTE ET AL:**

Dever moved, Flanders seconded, In case # 2835, ASSOCIATED SURVEYORS FOR PETER LAVIOLETTE ET AL, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT A SINGLE-FAMILY DWELLING WITHIN THE PROTECTIVE BUFFER OF A NON-DESIGNATED BROOK, TAX MAP U4, LOT NO. 13A , LOCATED ON POLLARD SHORES ROAD IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS ALL THE REQUIREMENTS FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

**2836: TOWN OF MEREDITH:**

Dever – This has been a long time coming. A lot of people have looked this over and I feel this is a good proposal.

Dever moved, Thorpe seconded, In case # 2836, TOWN OF MEREDITH, I MOVE THE APPEAL FOR A VARIANCE TO ALLOW EXPANSION OF AN EXISTING NON-CONFORMING STRUCTURE WITH A FRONT SETBACK OF 3' AND 4', 30' REQUIRED, TAX MAP U6, LOT NO.112, LOCATED AT 286 DANIEL WEBSTER HIGHWAY IN THE CENTRAL BUSINESS DISTRICT BE GRANTED, AS IT MEETS THE REQUIREMENTS FOR A VARIANCE. Voted 5-0 in favor.

Clark – This is one case where the applicant has done an excellent job proving a hardship.

**2837: TOWN OF MEREDITH:**

Dever moved, Clark seconded, In case # 2837, TOWN OF MEREDITH, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO ALLOW EXPANSION OF AN EXISTING NON-CONFORMING STRUCTURE AND RELATED SITE DEVELOPMENT WITHIN THE 75' BUFFER OF A NON-DESIGNATED STREAM, TAX MAP U6, LOT NO.112, LOCATED AT 286 DANIEL WEBSTER HIGHWAY IN THE CENTRAL BUSINESS DISTRICT BE GRANTED, AS IT MEETS THE REQUIREMENTS FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

**2838: TOWN OF MEREDITH:**

Dever moved, Flanders seconded, In case # 2838, TOWN OF MEREDITH, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO ALLOW EXPANSION OF AN EXISTING NON-CONFORMING STRUCTURE WITH LOT COVERAGE OF 68.7%, 65% ALLOWED, TAX MAP U6, LOT NO.112, LOCATED AT 286 DANIEL WEBSTER HIGHWAY IN THE CENTRAL BUSINESS DISTRICT BE GRANTED, AS IT MEETS THE REQUIREMENTS FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

Meeting adjourned at 9:00 PM

Respectfully submitted,

Christine Tivnan  
Planning/Zoning Clerk

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

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John Mack, Chairman