

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

Clark moved, Pelczar seconded, THAT WE APPROVE THE MINUTES OF JANUARY 10, 2008. Flanders moved, Clark seconded, THAT WE APPROVE THE MINUTES OF FEBRUARY 14, 2008. Flanders moved, Clark seconded, THAT WE APPROVE THE MINUTES OF FEBRUARY 27, 2008. Voted unanimously.

PUBLIC HEARINGS

2839: DONALD JUTTON - 1ST T DEVELOPMENT: An appeal for a SPECIAL EXCEPTION to create a cluster subdivision in a forestry/rural district, Tax Map R04, Lot No. 5, located on Pease Road in the Forestry/Rural District.

2840: DONALD JUTTON - 1ST T DEVELOPMENT: An appeal for a SPECIAL EXCEPTION to construct six wetland crossings within non-designated wetlands for development of a cluster subdivision with a total impact of 15,697 sq. ft., Tax Map R04, Lot No. 5, located on Pease Road in the Forestry/Rural District.

2841: DONALD JUTTON - 1ST T DEVELOPMENT: An appeal for a SPECIAL EXCEPTION to create a cluster subdivision within the protective buffer of a non-designated wetland with a total impact of 92,849 sq. ft., Tax Map R04, Lot No. 5, located on Pease Road in the Forestry/Rural District.

Jack Dever stepped down. David Thorpe sat in.

Jutton – This project is on about an 80 acre parcel. (Provided additional information to the Board.) The property is outlined in red. We have conditional approval from the Planning Board for a 42 unit detached condo project developed in cluster. The two loop roads have been approved by the Board of Selectmen. You have a letter from the Conservation Commission. Jim Gove, the environmental scientist who worked on this project is supposed to be here. If he arrives, he can explain in great detail the environmental issues. The issues in a nut shell are that there is a wetland fill required to come in off of Pease Road and infringements into the wetland buffer. We are requesting three approvals tonight. They are the right to do a cluster, a special exception to allow for filling and a special exception to allow for the encroachment. I will run through the criteria.

- a. 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 is a residential neighborhood. This project is consistent with the neighborhood. The project is more than 600' from Pease Road and will not be visible from Pease Rd. or abutting properties except for the 8th green and the 9th T box on Oak Hill Golf.

Course.

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

The use is strictly residential in nature.

- c. 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.

Since the use is residential in nature, a traffic study was conducted and a roadway design was submitted that satisfied both the Town Planning Board and the NH Department of Transportation. A driveway permit has been issued. Waste disposal systems are regulated by the Town and the State and require design approval and construction inspection.

This project is subject to Site Plan Review by the Meredith Planning Board. The Conservation Commission has asked for and we have agreed, to include in the condo documents the requirement that the field (10 acres) be maintained as a field and design a mitigation wetland area along the back of the field. We are prepared to do that; however, we would ask if you establish that as a condition, you make that condition subject to the approval of DES. Mr. Gove would tell you that DES is not wild about mitigating wetlands in a project of this size, given the amount of open space. Of the 168 acres, 135 acres will be subject to the Conservation easement. Thorpe – Mr. Gove, Mr. Jutton mentioned potential difficulty in getting DES approval. In your experience, is there a good chance they will get it or is it tough to get? Gove – The reason we did the design we did, is because DES is not of an opinion +we should in fact cut down valuable habitat to make a wetland. However, that particular field is 90% wetland right now. The area that I picked is an area that has been disturbed in the past and from what was there, it would be relatively easy to make a wetland. So from the standpoint of DES's regulations, I think we have better than a 50% chance. Thorpe – Can you do this without DES's approval? Gove – They would have to be agreeable to the concept that we would be bringing equipment in and restore our tracks on the way out. Clark – In case of an impasse, any thoughts to using Conservation Commission as an arbitrator? Gove – There are a couple of elements that the Conservation Commission wanted us to bring forth. We would attempt to get a grantor of the conservation easement areas. They did not choose to be an easement holder. They also wanted the creation of a new wetland. Clark – The size of the existing open field is 138 acres? Gove – No. The field itself is 10 acres. Jutton – The field is 10 acres, the total parcel is about 170 acres. Clark - So the size of the field protected by easement is 10 acres. Jutton – Correct.
Hearing closed at 7:25 PM

2845: AMES ASSOCIATES FOR MICHAEL & PAULINE LEVESQUE: (Rep. Dan Ellis) An appeal for a VARIANCE to reconstruct an existing non-conforming

single-family dwelling with a front setback of 34', 65' required, Tax Map U17, Lot. No. 12R , located at 105 Pleasant Street in the Shoreline District.

2846: AMES ASSOCIATES FOR MICHAEL & PAULINE LEVESQUE: (Rep. Dan Ellis): An appeal for a SPECIAL EXCEPTION to reconstruct an existing non-conforming single-family dwelling within the 75' protective buffer to a non-designated brook or stream, Tax Map U17, Lot. No. 12R , located at 105 Pleasant Street in the Shoreline District.

2847: AMES ASSOCIATES FOR MICHAEL & PAULINE LEVESQUE: (Rep. Dan Ellis) An appeal for a VARIANCE to reconstruct an existing non-conforming single-family dwelling with a side setback of 5.8', Tax Map U17, Lot. No. 12R , located at 105 Pleasant Street in the Shoreline District.

Ellis – This is located in the Cygnet Shores Association on Pleasant Street. (Showed to the Board the limited common area.) The existing cottage is 34' from the lake, 5 ½ ' at the side and 3' from a stream. This is a non-designated stream. The existing cottage is about 800 sq. ft.. We would like to expand up. The adjacent unit prohibits expansion of the footprint. There is no foundation. The structure is very old. The proposal is to remove it, reconstruct on the same footprint with slightly smaller dimensions. The new structure will be 35' to the lake, 5.8' at the side, and 3' to the stream. The proposed structure will be attractive and energy efficient. As part of the project, there is going to be improvements made to the landscape. We have a State Waiver and the approval of the Condominium Association. The Conservation Commission has stated that they have no objection to the project. The proposal will not diminish surrounding property values because the new building will be more attractive and better suited to the neighborhood. Marino – What is the sq. ft. of the existing structure? Ellis – About 800 sq. ft. Marino – The new? Ellis - I believe it would double. Marino - It looks like you are having a third floor. Ellis- I believe it is 2 ½ stories. James Vermeersch (Contractor) - It is unfinished storage with future expansion. Hearing closed at 7:40PM

2848: ROB & MARY SCHWAGER: (Rep. Carl Johnson) An appeal for a SPECIAL EXCEPTION to construct a boathouse , Tax Map U37, Lot No. 13A, located at 59 Little Road in the Shoreline District.

Johnson – This property is located at the end of Little Road in the shoreline zone. The property is rectangularly shaped with a dogleg to the north. The frontage is about 830 ft. The number of boatslips allowed with this frontage would be nine. There is currently an existing dock to the north which has two boat slips. There are two boatslips being proposed for the boathouse being proposed. We are under the maximum allowed. We did a detailed topographic analysis of the property that is landward of 50432, which is the high water mark of the lake. We have tried to locate the boathouse in an area that would not only minimize the disturbance to the existing topography but also require the minimum amount of dredging that would be necessary to get a safe and clear access to the boathouse

from the lake. The boathouse is located 170' north of the southerly property line. It is not near any abutting properties. We would construct a temporary access road to access the boathouse. Construction of a boathouse is permitted by special exception under the Zoning Ordinance. It also has a special section that is dedicated specifically to the construction of a boathouse. The special exception has three criteria:

- a. *That the use will not be detrimental to the character or enjoyment of the neighborhood.* (Pointed to the Board a map showing surrounding boathouses.) There are 17 in the area.
- b. *That the use will not be injurious, noxious, or offensive.* Boathouses are common in this area. Dugout boathouses have an extremely low profile.
- c. *That the use will not be contrary to the public health, safety, or welfare by reason of undue traffic.* Boathouses do not generate anymore boat traffic than a dock.

SPECIFIC REQUIREMENTS FOR BOATHOUSE SPECIAL EXCEPTION

I will briefly go down the list. The answers are noted in your packet.

- a. Boathouses shall be not greater than 32 feet in height as measured from the mean high water mark.
- b. The maximum overall structure width (along the shore) shall be determined on the basis of lot shoreline frontage.
- c. Boathouses shall have pitched roofs with a minimum pitch of 5/12.
- d. Boathouses shall be designed for the docking of boats or similar craft and shall not be designed or used for any activities usually associated with land.
- e. Boathouses shall not encroach on the side yards.
- f. Alteration of the natural shoreline shall not cause or increase non-conformity regarding setbacks between the altered shoreline and pre-existing structures and/or septic systems. Waterfront setbacks shall be measured from the inward limit of the altered shoreline area.
- g. There shall be no exterior lighting attached to or providing illumination of the boathouse structure which is offensive or disruptive.
- h. Requirement of an Erosion Control Plan shall be prepared.
- i. Must minimize environmental impacts. The boathouse has been sited on the lot to have the least environmental impact.

j. Only one boathouse per lot. The proposed boathouse will be the only boathouse on the lot.

k. Evidence of acceptable surety and site access to guaranty performance associated with site work stabilization shall be required prior to issuance of a Building Permit. This requirement will be satisfied in a manner satisfactory to the Code Officer prior to issuance of the building permit.

This project does have State of New Hampshire approval. I believe we have met the general criteria for a special exception but also the specific requirements for a boathouse in the Zoning Ordinance. Hearing closed at 8:00 PM

DELIBERATIONS

2839: DONALD JUTTON - 1ST T DEVELOPMENT:

Pelczar- My feeling is the Planning Board has run through this and they have all their information intact. Clark – I tend to agree with you. I think these are things that have been discussed at great length at the Planning Board. Once we deal with the constraints suggested by the Conservation Commission on the next two special exceptions, I am currently looking at this favorably.

Clark moved, Flanders seconded, In case # 2839, DONALD JUTTON - 1ST T DEVELOPMENT, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO CREATE A CLUSTER SUBDIVISION IN A FORESTRY/RURAL DISTRICT, TAX MAP R04, LOT NO. 5, LOCATED ON PEASE ROAD IN THE FORESTRY/RURAL DISTRICT BE APPROVED, AS THE APPLICANT HAS DEMONSTRATED THAT THEY MEET ALL THE REQUIREMENTS FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

2840: DONALD JUTTON - 1ST T DEVELOPMENT:

Clark moved, In case # 2840, DONALD JUTTON - 1ST T DEVELOPMENT, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT SIX WETLAND CROSSINGS WITHIN NON-DESIGNATED WETLANDS FOR DEVELOPMENT OF A CLUSTER SUBDIVISION WITH A TOTAL IMPACT OF 15,697 SQ. FT., TAX MAP R04, LOT NO. 5, LOCATED ON PEASE ROAD IN THE FORESTRY/RURAL DISTRICT BE APPROVED, WITH TWO CONSTRAINTS. (1) THAT WE REQUIRE THAT THE EXISTING OPEN FIELD BE MAINTAINED IN THEIR PRESENT STATE THROUGHOUT THE LIFE OF THE EASEMENT AS EXISTING FIELDS HAVE AN AREA OF APPROXIMATELY 138 ACRES. (2) THAT THEY AGREE TO CONSTRUCT A NEW WETLAND COVERING AN EXCESS OF 20,000 SQ. FT. PROVIDED THAT THIS NEW WETLAND IS ACCEPTABLE TO DES. Flanders – The open fields is not 138 acres. It is 10 acres. The conserved area is 138 acres. Clark – I accept that. Marino- I am concerned that we are not giving them an incentive to really try that hard for DES approval. Maybe would could put wording in there that says they have to make an attempt that's satisfactory to the Conservation Commission. Edney – These folks have made ever effort; in fact, during the course of this development process there have been a number of redesigns because of wetland impacts. It is staff's responsibility to make sure they follow through. Flanders – I think there are

two issues, one being the open fields; which have nothing to do with DES. The second is going to DES to create a wetland behind the field. I would take Bill's advice. Clark – I agree with Frank but I am willing to trust that our Code Enforcement Officer will keep them honest.

Clark moved, Marino seconded, In case # 2840, DONALD JUTTON - 1ST T DEVELOPMENT, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT SIX WETLAND CROSSINGS WITHIN NON-DESIGNATED WETLANDS FOR DEVELOPMENT OF A CLUSTER SUBDIVISION WITH A TOTAL IMPACT OF 15,697 SQ. FT., TAX MAP R04, LOT NO. 5, LOCATED ON PEASE ROAD IN THE FORESTRY/RURAL DISTRICT BE APPROVED, WITH TWO CONSTRAINTS. (1) THAT WE REQUIRE THAT THE EXISTING OPEN FIELD BE MAINTAINED IN THEIR PRESENT STATE THROUGHOUT THE LIFE OF THE EASEMENT. EXISTING FIELDS HAVE AN AREA OF 10 ACRES. (2) THAT THEY AGREE TO CONSTRUCT A NEW WETLAND COVERING AN EXCESS OF 20,000 SQ. FT. PROVIDED THAT THIS NEW WETLAND IS ACCEPTABLE TO DES. Voted 5-0 in favor.

2841: DONALD JUTTON - 1ST T DEVELOPMENT:

Clark moved, In case # 2841, DONALD JUTTON - 1ST T DEVELOPMENT, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO CREATE A CLUSTER SUBDIVISION WITHIN THE PROTECTIVE BUFFER OF A NON-DESIGNATED WETLAND WITH A TOTAL IMPACT OF 92,849 SQ. FT., TAX MAP R04, LOT NO. 5, LOCATED ON PEASE ROAD IN THE FORESTRY/RURAL DISTRICT BE APPROVED, WITH TWO CONSTRAINTS (1) THAT THE OPEN FIELDS BE MAINTAINED IN THEIR PRESENT STATE THROUGHOUT THE LIFE OF THE EASEMENT (2) THEY WILL CREATE A 20,000 SQ. FT. WETLAND PROVIDED THIS IS NOT PREVENTED BY DES. Edney – If you read the Conservation Commissions letter, they have tied the 20,000 sq. ft. mitigation project to case # 2840. Clark – Fine, I will remove the constraints from the motion.

Clark moved, Flanders seconded, In case # 2841, DONALD JUTTON - 1ST T DEVELOPMENT, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO CREATE A CLUSTER SUBDIVISION WITHIN THE PROTECTIVE BUFFER OF A NON-DESIGNATED WETLAND WITH A TOTAL IMPACT OF 92,849 SQ. FT., TAX MAP R04, LOT NO. 5, LOCATED ON PEASE ROAD IN THE FORESTRY/RURAL DISTRICT BE APPROVED, AS THE APPLICANT HAS DEMONSTRATED CONFORMANCE WITH THE REQUIREMENTS FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

2845: AMES ASSOCIATES FOR MICHAEL & PAULINE LEVESQUE:

Clark – I think this property is a very small parcel. In order for them to have a reasonable building on the property, the size of the property creates a hardship. I think they have done whatever they can to stay within the constraints of the property line. They seem not to be expanding the property at all. It's not going to be any worse than what is already standing. Marino – I am concerned about the height. I know they are under but this building looks like a skyscraper to what is there now. This is a three story building. If all those properties in that development started building three story buildings we would have very limited view of the lake. I would be happy with a two-story. Clark – I agree with Frank.

Pelczar – They are not exceeding the height allowance. Marino- I know that but they are seeking a special exception to build a non-conforming structure. Edney – 38’ is the height that is allowed in that district. Clark – However, the height restriction within 65’ of the water is zero feet. We talk about the degree of non-conformity to the Zoning Ordinance. The Zoning Ordinance says you are not to build within 65’ of the water and these people are 35’ from the water. Flanders – I think there are other houses in this area that are similar and have been built recently. I am leery about telling someone how high their house can be because now we are getting into design. Clark- There is a three window dormer coming out of the third story. Flanders – That doesn’t make it any taller. Dever – I agree with Brian. We should not be getting into design features on houses. There is a height limit in the zone and they have not exceeded the height limit.

Pelczar moved, Flanders seconded, In case # 2845, AMES ASSOCIATES FOR MICHAEL & PAULINE LEVESQUE, I MOVE THE APPEAL FOR A VARIANCE TO RECONSTRUCT AN EXISTING NON-CONFORMING SINGLE-FAMILY DWELLING WITH A FRONT SETBACK OF 34’, 65’ REQUIRED, TAX MAP U17, LOT. NO. 12R , LOCATED AT 105 PLEASANT STREET IN THE SHORELINE DISTRICT BE APPROVED, AS IT MEETS THE CRITERIA FOR A VARIANCE. Voted 3-2 in favor.

2846: AMES ASSOCIATES FOR MICHAEL & PAULINE LEVESQUE:

Pelczar moved, Flanders seconded, In case # 2846, AMES ASSOCIATES FOR MICHAEL & PAULINE LEVESQUE, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO RECONSTRUCT AN EXISTING NON-CONFORMING SINGLE-FAMILY DWELLING WITHIN THE 75’ PROTECTIVE BUFFER TO A NON-DESIGNATED BROOK OR STREAM, TAX MAP U17, LOT. NO. 12R , LOCATED AT 105 PLEASANT STREET IN THE SHORELINE DISTRICT BE APPROVED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 4-1 in favor.

2847: AMES ASSOCIATES FOR MICHAEL & PAULINE LEVESQUE:

Flanders moved, Pelczar seconded, In case # 2847 AMES ASSOCIATES FOR MICHAEL & PAULINE LEVESQUE, I MOVE THE APPEAL FOR A VARIANCE TO RECONSTRUCT AN EXISTING NON-CONFORMING SINGLE-FAMILY DWELLING WITH A SIDE SETBACK OF 5.8’, TAX MAP U17, LOT. NO. 12R , LOCATED AT 105 PLEASANT STREET IN THE SHORELINE DISTRICT BE APPROVED, AS IT MEETS THE REQUIREMENTS FOR A VARIANCE. Voted 4-1 in favor.

2848: ROB & MARY SCHWAGER:

Clark moved, Pelczar seconded, In case #2848, ROB & MARY SCHWAGER, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT A BOATHOUSE , TAX MAP U37, LOT NO. 13A, LOCATED AT 59 LITTLE ROAD IN THE SHORELINE DISTRICT BE APPROVED, BECAUSE THE APPLICANT HAS SHOWN THEY HAVE MET THE GENERAL REQUIREMENTS FOR A SPECIAL EXCEPTION AS WELL AS

ALL OF THE SPECIFIC REQUIRMENTS FOR A SPECIAL EXCEPTION THAT REGARD BOATHOUSES. Voted 5-0 in favor.

Meeting adjourned at 8:50 PM

Respectfully submitted,

Christine Tivnan
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on _____, 2008.

Jack Dever, Vice-Chairman