

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

PUBLIC HEARINGS

2849: 36 TIGER TRAIL TRUST, CHRISTOPHER CHOMA TRUSTEE: (Rep. Doug Hill)
An appeal for a SPECIAL EXCEPTION to construct a boathouse ,Tax Map I13, Lot No. 26, located at 36 Tiger Trail in the Shoreline District.

Hill-Chris Choma owns I13-26 which is the lot before you tonight. He also owns I13 - 23. The subject lot is green and the other lot is in yellow. The Planning Board approved a Boundary Line Adjustment which added 6760 sq. ft. from the yellow lot to the green lot. The lot we are considering tonight is the modified I 13- 26. The reason for adding extra frontage to I13-26 was to get the shore frontage over 300' which is required in the Zoning Ordinance for a boathouse up to 36' wide. Under this application they are going to remove the dwelling and the septic system, both of which are non-conforming and construct a boathouse that has State approval. The lot itself, with the Boundary Line Adjustment is now a conforming lot. What will be there after is a straight pier and the proposed boathouse. The boathouse will be dug in and is only visible across the cove to Choma's other property. There are two sets of conditions under the Zoning Ordinance. The first is the general requirements.

a. The use will not be detrimental to the. The proposed use is as an accessory to the single family residence on I 13-23. The existing dwelling on the subject lot, I 13-26, will be removed along with the septic system. The proposed boathouse will be in character with the lakefront residential uses in the area and will be much less visible than the existing dwelling. Dockage projecting into the lake will not be increased.

b. That the use will not be injurious, noxious or offensive. I think that this is more directed to a commercial type special exception. The boathouse will put boats under cover, and will not be injurious, noxious, or offensive in any manner.

c. That the use will not be contrary to the public health, safety, or welfare by reason of undue traffic congestion of hazards, undue risk to life and property, unsanitary or unhealthful emissions or waste disposal or similar adverse causes of conditions. Again, more directed to a commercial type. The existing dwelling and septic system will be removed. The boathouse will have no plumbing and will be used solely for storage of watercraft and related objects, some previously stored outside. Dwelling density will be reduced, thus reducing traffic.

d. Site plan review by the Planning Board is not required under RSA ch. 674 for this residential accessory use. A site plan has been prepared.

SPECIFIC REQUIREMENTS FOR BOATHOUSE SPECIAL EXCEPTION

- a. Boathouses shall be not greater than 32 feet in height as measured from the mean high water mark. The proposed boat house is 20'.
- b. The maximum overall structure width (along the shore) shall be determined on the basis of lot shoreline frontage. The total structure width, including eaves, is 32'. Total shoreline frontage required for a 36' wide structure is 300'.
- c. Boathouses shall have pitched roofs with a minimum pitch of 5/12. The boathouse has a roof pitch of 8/12.
- 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. The boathouse has no facilities for any use other than boating.
- e. Boathouses shall not encroach on the side yards. The boathouse is to be 70' from the nearest abutter.
- 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. The existing dwelling and septic system will be removed. No violations of setbacks based in revised shoreline will be created.
- g. There shall be no exterior lighting attached to or providing illumination of the boathouse structure which is offensive or disruptive. Exterior lighting shall be downcast and low intensity. The only lighting will be 100 watt exterior surface sconce type fixtures. No area floodlighting is proposed. The Choma's are motivated by that because they are the only ones that will be able to see it.
- h. Requirement of an Erosion Control Plan shall be prepared. The Plan has been prepared by Paul Fluet, PE and has been submitted to the Planning Department and approved by Bill Edney.
- i. Must minimize environmental impacts. The existing dwelling and septic system will be removed. The boathouse has been sited on the lot to minimize impacts. No wetlands are impacted.
- 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. We will do whatever Mr. Edney asks.

Pelczar- You said this was subject to a lot line adjustment. Does the lot line disappear if he gets this permit? Hill – The lot line here disappears. A deed has been prepared and submitted to John Edgar that transfers 6,760 sq. ft. from I13-23 to I13-26, making I13-26 larger and I13-23 smaller. Pelczar – So he could sell this as a lot of record? Hill – Which lot? Pelczar - The lot the boathouse is going on. Hill – John won't let us record the Boundary Line Adjustment plan nor will he let us execute the permit for the boathouse until the deed and plan is recorded and states that this parcel (A) of 7000 sq. ft. is not a separate lot of record. It is to be merged with I13-26 and can't thereafter be conveyed separately. The Planning Board regulations take care of that. Pelczar – Access to the boathouse? Hill – There is a road and he is going to do a golf cart path. Clark- What is upstairs in the boathouse? Hill – Nothing. Clark – Choma is planning to use these two parcels, keeping them separate, but using it as a single parcel for their own use but could later be split off and used separately? Hill – Absolutely Hearing closed at 7:25 PM.

2850: FLANDERS ENTERPRISES LLC FOR RUSSELL AND SHARON THOMAS:
(Rep: Mark Flanders) An appeal for a VARIANCE to construct a single-family dwelling with a front setback of 56', 65' required, Tax Map U19, Lot No. 32B, located at 33 Pinnacle Park Road in the Shoreline District.

Brian Flanders stepped down. Frank Marino sat in.

Flanders – Passed pictures to the Board. The first set is existing conditions of the property. The primary structure, with porch, is 1230 sq. ft. and in the 65' setback. The existing shed is approximately 140 sq. ft. and 40 sq. ft. of that is within the setback. The existing cottage is 12' x 20' and is 42' from the stream and about 23' from the road setback. We are proposing to remove the existing residence and shed and then construct a new house. Of that new house, we are proposing to encroach approximately 40' including overhangs. The new structure will be .bout 30' further back from the existing structure. The net loss of encroachment within the setback is 970 sq. ft. The Board granted a special exception to be within the 75' stream buffer. We are currently 53' from the stream. We are also proposing to reconstruct the cottage and add 120 sq. ft. to it. The requirements for a variance are:

1.The proposed use would not diminish surrounding property values because: (Showed the Board a rendering of the project.) The value of the subject property will be substantially increased which will increase the value of surrounding properties. The subject property will also become more aesthetically pleasing. We are not encroaching on anyone's view.

2. Granting the variance would not be contrary to the public interest because: the proposed residence will be less non-conforming than the existing residence and will be consistent with the size and style of other homes in the shoreline district. Please refer to the pictures that we call streetscape. I took pictures from the subject property up the street. We are trying to keep the project so that it remains fairly screened by trees at the

street side. I walked on the ice and took pictures of properties that go up the street from the proposed dwelling. Not one of these properties comes close to the 65' setback.

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 because of the odd shape of the property and the brook. The buildable area does not allow for reasonable development of the property, similar to other properties in the same neighborhood. Also, any expansion of the existing nonconforming structure would also require relief from the Zoning Board and would be less conforming than the current proposal. The lot has conditions that create the hardship.

b. the same benefit cannot be achieved by some other reasonably feasible method that would not impose an undue financial burden because there is no other location on the property where a residence can be constructed that would be any less non-conforming and achieve the desired results. We considered some alternate proposals which were. 1. If we did not do this project at all, we would be allowed by right to add 400 sq. ft. to this building. This would create a bad structure. 2. We considered swinging the garage to the side to narrow the footprint. The problem that created was it made the structure longer which makes us closer to the stream. We don't think it is a good alternative. It also alters the location of the driveway which means we would have to take down more trees and makes it difficult to exit the driveway. We feel our proposal is the best alternative.

4. Granting the variance would do substantial justice because: it would allow substantial improvement to the property by increasing the lake setback of a non-conforming structure from approximately 22' to 56', as well as bringing residence up to date on all current building codes and standards while maintaining the character and appearance of the surrounding neighborhood. The new structure would also be more energy efficient and aesthetically pleasing.

5. The use is not contrary to the spirit of the ordinance because: the current proposal is a substantial improvement from the existing structure as the project has been designed as nearly conforming as possible and more than doubles the setback from the lake. As such, the new residence will not detract from the water quality or the privacy and tranquility of residents in the area.

We will have an erosion control plan in place. Thorpe – When you were here last, what was the shoreline setback? Flanders- 50' Thorpe- So you have increased it by 6'. Flanders – Yes. What drove the 50' was the well. We were trying to save that. It was the consensus of the Board at the last meeting that the well could be replaced. We are now going to replace that.

DELIBERATIONS**2849: 36 TIGER TRAIL TRUST, CHRISTOPHER CHOMA TRUSTEE:**

Clark moved, Flanders seconded, In case # 2849, 36 TIGER TRAIL TRUST, CHRISTOPHER CHOMA TRUSTEE, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT A BOATHOUSE, TAX MAP I13, LOT NO. 26, LOCATED AT 36 TIGER TRAIL IN THE SHORELINE DISTRICT BE GRANTED, SUBJECT TO RECORDING OF THE BOUNDARY LINE ADJUSTMENT AS APPROVED BY THE PLANNING BOARD ON MARCH 11, 2008. Voted 5-0 in favor.

2850: FLANDERS ENTERPRISES LLC FOR RUSSELL AND SHARON THOMAS:

Clark – Prior to the meeting I cut out an image of the house and tried to position it on the property, such that, it would fit within the setback limits. I straightened out the garage and moved it towards the stream a bit. I am not an architect. I had the impression during the presentation that the presenter was trying to rationalize getting the property as close to the water as possible. I don't believe the hardships they presented when they reviewed their alternatives. I believe there are alternatives that do not present significant hardships. Encroaching slightly more on the stream buffer is not as severe as it is allowed by special exception. I think there are alternatives that would be reasonable, could be worked around, and would fit within the setbacks for essentially the same size house they are proposing. Pelczar – I was not at the other meeting. I have seen a lot of tight lots. I looked at this design. I am more worried about the waterfront. He has trees close to the road; he has the stream to the right. I think they have done a good job. Thorpe – I visited this lot. There are large pine trees on this lot that offer some nice screening. I would hate to lose those trees by moving the footprint. Pelczar – You have to give and take on these projects. They have made an attempt to save the trees. Clark – Our Zoning Ordinance talks about boundary lines and setbacks, not about saving trees. Just straighten the house out and they would be there. Thorpe – Bill, what do you think? Edney – These folks have put a great deal of time and effort into the proposal that they have come up with. They have taken into consideration the issues that were raised at the last hearing. I feel this is a fair compromise. They are considerably less non-conforming then when they first came in. Dever – As we discussed before, we shouldn't try to design people's houses. I think they have tried to comply with what the Board wants.

Marino moved, Pelczar seconded, In case # 2850, FLANDERS ENTERPRISES LLC FOR RUSSELL AND SHARON THOMAS, I MOVE THE APPEAL FOR A VARIANCE TO CONSTRUCT A SINGLE-FAMILY DWELLING WITH A FRONT SETBACK OF 56', 65' REQUIRED, TAX MAP U19, LOT NO. 32B, LOCATED AT 33 PINNACLE PARK ROAD IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS THE REQUIREMENTS FOR A VARIANCE. Voted 4-1 in favor.

Meeting adjourned at 8:00 PM

Respectfully submitted,

Christine Tivnan
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on _____, 2008.

Jack Dever, Vice-Chairman