

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

Clark moved, Flanders seconded, THAT WE APPROVE THE MINUTES OF MAY 8, 2008 AS PRESENTED. Voted unanimously.

## PUBLIC HEARINGS

### **Case #: ZO2008-00007 Map Lot: S25-50 Location: 0 WAUKEWAN ST WAUKEWAN ST REALTY CONCEPTS INC. (Rep. Carl Johnson)**

Request a **VARIANCE (AREA)** for portion of the development to be within the required 50' natural or landscaped buffer zone and structure to be within the front setback. (Article V-Section D-5 b)

Johnson –I will proceed with a four member Board. There is a purchase and sale agreement on this property. It is a triangular piece of property with no structures on it. There is a billboard sign on the property. The only physical improvement to the property is an existing well. This property has two fronts and one side. The property is a little over ½ acre. (Showed buildable area of the lot to the Board.) There is a 50' vegetated buffer zone and a 30' setback. In the Business/Industry zone, the way the uses are listed, is problematic. It is Business /Industry on the north side of Waukewan Street and Residential coming up the south side of Waukewan St. until you get to this property. The owner is proposing a permitted use for this property. We are here to locate a reasonably sized business, associated access and parking on this lot. The zone allows 75% lot coverage. The shop will be a 50' x 80' building with a 24' x 20' addition for retail. We are proposing to create an entrance to the east that would have a paved area with associated parking and a larger turnout area for larger vehicles.

We are here because small portions of the shop and retail addition extend into what is the 50' vegetation buffer zone. There is very little vegetation on this property. The 50' buffer zone unfairly encumbers too much of the property, plus there is the 30' setback starting at the end of the buffer. In order to get a building there, we are asking to be both in the buffer and the 30' setback. The retail office will be 31 ½' from the ROW and the shop building is about 33' from the ROW. Because this building is on an angle, and as the building goes back, the setbacks get greater. As part of the Site Plan application to the Planning Board, we will include at least four large trees in this area, one large tree in this area and we will include a landscaping scheme with shrubs in front of the building and a landscaped island. (Pointed to plan) The variance would not injure the public rights of others. This is a permitted use for this lot. We will have about 44% lot coverage. This is less than what is allowed in the zone. This would not be contrary to the public interest. This is a justifiable relief of the buffer and the setback and the use is not contrary to the spirit of the ordinance. Clark – Is there a septic on this property?

Johnson – Municipal sewer. Clark -Has this been to the Planning Board? Johnson – No, we need to have the variance first. Flanders – You would be happy if we approved this

based on the Planning Board approving your landscaping plan. Johnson – Correct. – That is a requirement of the ordinance. Hearing closed at 7:23 PM

**Case #: ZO2008-00008 Map Lot: S19-5 Location: 12 LATCHKEY LN WAYNE ALQUIST:**

Request for a **VARIANCE (AREA)** for construction of a farmer's porch and mudroom with a front setback of 42', 50' required. (Article V-Section D-6 b)

Carl Tearno - I am looking for a setback of 42'. It is zoned commercial but is a residential area. We are attempting to construct a farmers porch and a mudroom. Clark – How deep is the porch. Tearno - 10' off the front. Clark – Have you spoken to the abutter? Tearno – The applicant has and I don't believe there are any issues. Clark – So this is a porch and a mudroom? Tearno – They would like to put a mudroom in the front of the house with closet areas. Clark- Have they considered putting the porch on the other side of the house? Tearno- The way the lot is setup it is like a split level house. The garage doors are on the back side of the house because the lot drops down. Clark – You are putting it on the low side. Tearno – On the cul-de-sac side. Flanders – Your proposed plan shows a bump out in the center. Is that the mudroom? Tearno – Yes. Flanders – The porch can't be 10' and the mudroom be 10' and have a bump out. Tearno – I believe the mudroom is 10' x 14'. Flanders- The building permit says 10' x 16'. Which is it? Thorpe – Bill, if this was a residential zone, the setback would be 30' not 50'? Edney- Latchkey Lane has a ROW that extends off Rte. 3 and then turns into a residential subdivision. This somehow got picked up in the Rte. 3 South/Commercial District and not set aside as a residential zone. Clark – The criteria for us to grant a variance requires that 5 items be satisfied. Do you think we should go thru them Mr. Chairman? Flanders – I would like to know what we are discussing here. Clark – You are not clear on what is being proposed? Flanders – What are we approving? We have different sizes. Clark – Is there an entry way, are there stairs? It is not complete. Pelczar – The length of the house? Tearno – 34' Pelczar – The mudroom is 10' x 16' that will be enclosed with the farmers porch, so it is 20' of farmers porch and a 10' x 16' mudroom. Flanders – It is not our job to make his presentation. Maybe he should continue with more detail. Edney – What you are approving is a dimensional setback, not a floor plan, but a setback from the property line. Clark – I don't like him not showing the correct dimensions. What worries me is with two of us having doubts and we vote against or can't make a decision, it would have to be re-noticed. If continued there are no notices. Thorpe- I am comfortable with this. I know what he wants to do. Pelczar - I am also. Flanders – If we approve it at 42' and he has measured wrong, then that is his problem. Pelczar – Do you want to proceed? Tearno – Yes. Hearing closed at 7:35PM

**Case #: ZO2008-00009 Map Lot: U12-5 Location: 33 PHILBROOK AV. ALLEN DICKENSON:**

Request a **SPECIAL EXCEPTION** for construction of a buffer zone and a parking lot within 50' of a non designated wetland (Article V Section D-9 G 1a)

Tim Dickinson – The parking lot is for me. I would like to park a camper on it. I have started to put a stonewall there. The rest is for planting trees within the 50' buffer zone for privacy from the junkyard. Clark – There is a junkyard nearby? Dickinson – 270 degrees around the house. (Tim Dickinson showed the Board on the plan where the junkyard is.) Clark – The junkyard surrounds the property on three sides? Don't we normally have a ruling from the Conservation Commission on wetlands? Dickinson – It is a drainage ditch. Clark – Who called it a drainage ditch? Dickinson – When they went for the license for the junkyard, it was an adjacent drainage ditch. Edney – Roadside drainage. Pelczar – Are you into that drainage ditch at all? Dickinson – No. I would like to come up next to it with rocks. Pelczar - Question to Bill. That is a drainage ditch? Should we approve this, what does he need to do? Edney – Stay out of the ditch. Dickinson – It is like a three season brook. Thorpe – Are you trying to get rid of a grade and then place the stones to hold back the earth? Dickinson – (Pointing to the plan he showed where he wants to bring in fill and place gravel to make it one lot.) Clark – What was on the ground before you put the backfill in? Dickinson – Rocks. Clark – It's now going to become gravel? Bill, when we are in buffers we usually have something from the Conservation Commission. Have they seen this? Edney – (Inaudible) Clark - In other words they figured it wasn't worth bothering with. Don Hoyt – I am an abutter on threesides of this property. I was not notified in the right amount of time for this meeting. I had to go to the office and get the slip on Monday. Everyone else had gotten theirs on Wednesday, the week before. All of these rocks he is speaking about were dump truck loads of fill that was brought in last fall. When I went before the Board to get an adjustment, this was a Brook, not a ditch. I had to be 75' away. Why isn't this the same? I also have a fence and now when they raise the elevation of the property, my fence will be below what they are filling in. I would like some setbacks. All along the brook they have put rocks in. There is a driveway back there that was never there. I think someone from the wetlands should come and check it out. Flanders – Where is your fence in proximity to his property? Hoyt – I abut him on three sides. Flanders – The fence goes all the way around? Hoyt – Yes Flanders – How high? Hoyt - Eight feet but now since the fill, it is maybe 5'. They are trying to fill in wetlands. I had to have a 75' setback. Flanders – How long ago did you do this? Hoyt – The fence, about 12 years. They have raised their property up with no silt fencing, no permits, just dump loads of fill. Edney – Mr. Chairman, I think it would be appropriate to continue this. I would like to review Mr. Hoyt's Site Plan and any reference material with regard to the wetlands and setback issues. Clark – I think that is a great idea. I think the Conservation Commission should review this based on what the property was like before the work started. Board voted 4-0 to continue to July 10, 2008. Clark – Do we know why Don was not noticed? Chris Tivnan – The notice did go out but when the certified slips came back, I realized that his did not, so I did a new notice that was going out to him the Monday that Mr. Hoyt showed up. Edney – This will be continued to the next meeting. There will be no notification other than what you have heard tonight. Dickinson – So what do I have to do? Pelczar- Meet with Bill and come back in July. Hearing closed at 7:55 PM

**Case #: ZO2008-00010 Map Lot: R11-5 Location: 10 FOREST POND RD. RICHARD WILLIAMS: ( Rep. Harry Wood)**

Request a **SPECIAL EXCEPTION** for construction of a driveway within the buffer of a prime wetland (Article V - Section D-9)

**Case #: ZO2008-00011 Map Lot: R11-5 Location: 10 FOREST POND RD RICHARD WILLIAMS: ( Rep. Harry Wood)**

Request a **VARIANCE (AREA)** for crossing a prime wetland for driveway & utility access to existing lot of record (Article V –D-9)

Wood - We had prepared a working plan for Mr. Williams back in 2006. The purpose of coming forward is a prior permit granted by the Zoning Board has expired. The approval is good for one year, provided the applicant continues to pursue it. Mr. Williams was in the process of retaining a Soil Scientist and environmental experts to put together an application to the State. He now has State approval and when he went to get his building permit, it was denied because the permit had run out. We are here to ask you to renew the permit. The property is just west of Forest Pond. It fronts on the brook and associated wetlands that run out of Forest Pond. The proposed driveway will come off the cul-de-sac and cross the wetland area at the narrowest area that we can access easily and continue to the camp location. When we first submitted this, we would utilize the camp or a replacement for it. However, the State required that any dwelling construction be out of all the wetland setbacks. The first time we applied, the Conservation Commission had no objection to it. When it was filed with the State, the Conservation Commission objected to the application. They indicated they had asked the applicant, Deb Hines I believe, if there was any other way to get to the property. They never answered the question, so the Conservation Commission said they were against it. I met with the Conservation Commission and explained that this was the only location on the property and still stay in Meredith. We are here with a dual application. The drawing I have supplied is relatively simple in nature. I do have a copy of the plan that was submitted to the State. (Presented Plan to the Board) I will submit this to you and make it part of the record. The impacted area will be 1221 sq. ft. in size. I believe you have a letter from the Conservation Commission stating they have no objections. Hearing closed at 8:05 PM

**Case #: ZO2008-00012: Map Lot: S25-14 Location: 181 WAUKEWAN ST. BLNB LLC (Rep. Carl Johnson, Associated Surveyors)**

Request a **SPECIAL EXCEPTION** for an auto body repair shop. (ARTICLE V-D-5)

Johnson – This is one of several properties that Mr. Leighton owns. This property has been to the Planning Board a number of times. The latest approval is to add onto the building and create two additional bays for two businesses. We are requesting a special exception for an auto body shop. Part of that special exception requires

conditional approval by the Planning Board. We did receive conditional approval. I believe you have a copy of that. It does include several conditions and one is the special exception. The use is not detrimental to the character of the neighborhood because it is consistent with the other types of uses in the area. It has gone through Site Plan review. This is a two man operation that does minor auto body repair and painting. We did have a detailed discussion at the Planning Board about hazardous materials. All the hazardous material is contained within the building. One thing that came up at the Planning Board was what if there was a wreck that was delivered to the site at night and fluids leaked out. At the time, I was not sure if this business handled wrecks coming to the site. We agreed to have an outside pad that drained into a tank with a separator to contain those spills. We found out after the meeting that the person who does this business does not accept wrecks on site. We have left it on the plan. There is no excess noise or fumes. We are under the lot coverage and have more than adequate parking. Pelczar – I would like a stipulation that there be no more than 2 cars on the lot if this were to be approved. I don't want this to become a junk yard. I personally am not sure that this business is the right fit for this spot. You have RJ Moreau development right behind it. Johnson – That did come up at the Planning Board hearing. There are several hundred feet between the actual building itself and RJ Moreau. The hours of operation are Monday-Friday 8:00 - 5:00 and no direct towing of vehicles in an accident, and no impound area on the site. For vehicles that need repair from an accident and cannot be driven, the claim must first go through an insurance company and therefore there are no remaining fluids leaking from the vehicles brought to the site. We would be happy to add any notes or restrictions that this Board would like. Pelczar – You did add no more than two vehicles on site? Johnson – The two car limit is not currently on the plan, but if that is part of the decision, it would be. Flanders – I think two is harsh. They have a certain number of parking spots. Pelczar – What we don't want is 5-6 cars stacked up. You can only work on so many cars with two employees. Flanders – You could be waiting on parts. I understand restricting the number of cars and I agree with the theory, but two sounds very limited. Clark – The applicant doesn't seem to have a problem with this. Johnson – There are two spaces in the building and the game plan is to have all of the vehicles being worked on in the building with the employees. If the outside is restricted to two by plan, that would be fine. Hearing closed at 8:25 PM

**Case #: ZO2008-00013: At Map Lot: R07-49A Location: 215 Meredith Center Rd: Hitt, Gerald, & Jennifer**

Request a **SPECIAL EXCEPTION** for the reconstruction of an existing non-conforming single-family dwelling within 100' of a designated brook. (ARTICLE V-SECTION D-9)

**Case #: ZO2008-00014: At Map Lot: R07-49A location: 215 Meredith Center Rd : Hitt, Gerald & Jennifer**

Request a **SPECIAL EXCEPTION** for the reconstruction of a non-conforming single-family dwelling within 150' of a designated prime wetland. (ARTICLE V-SECTION D-9)

Hitt – We have a non-conforming structure and we want to replace the existing one with one bigger. We will maintain the pre-existing limits of encroachment. We will not get any closer to the brook and the wetlands. We are requesting a special exception to increase the footprint by an additional 376' beyond the 400' allowable increase. Clark – Why is this not a variance instead of a special exception? Edney - The special exception is for a buffer impact. Clark – So, this is for the buffer impact and not because it is over 400' sq. ft. Thorpe – What setbacks are required and what is on the plan. Edney – On the larger plan there is a prime wetland to the north and west and then there is Collins Brook. The setbacks required are 75' from Collins Brook and 150' from prime. The existing structure sits 27.7' from the prime and 52.8' from Collins Brook. Flanders – Bill, what is your take on this? Edney – There is no additional impact to either wetland buffer. Hearing closed at 8:35 PM

### DELIBERATIONS

**Case #: ZO2008-00007 Map Lot: S25-50 Location: 0 WAUKEWAN ST WAUKEWAN ST REALTY CONCEPTS INC.**

Clark – It appears to me that Mr. Johnson's presentation has covered all five points for a variance. Flanders – I think this is the one where we talked about them getting an approved landscape plan from the Planning Board.

Clark moved, Flanders seconded, In Case #: ZO2008-00007 Map Lot: S25-50 Location: 0 WAUKEWAN ST. WAUKEWAN ST REALTY CONCEPTS INC., I MOVE THE APPEAL FOR A VARIANCE (AREA) FOR PORTION OF THE DEVELOPMENT TO BE WITHIN THE REQUIRED 50' NATURAL OR LANDSCAPED BUFFER ZONE AND STRUCTURE TO BE WITHIN THE FRONT SETBACK BE GRANTED, AS IT MEETS ALL THE CRITERIA FOR A VARIANCE. Voted 4-0 in favor.

**Case #: ZO2008-00008 Map Lot: S19-5 Location: 12 LATCHKEY LN WAYNE ALQUIST:**

Clark – Mr. Chairman, your comments earlier satisfied my concerns relative to the lack of detail with the plan. Pelczar – I was glad to see Bill jump in and help clarify this. Clark – The magic number is 42'. Edney – The application we are reviewing is for a reduced setback, not for how the porch is being configured or the floor plan. Flanders- It doesn't matter if it is a porch or enclosed living space? Edney – No. Clark – We could choose about how the property is being used and use that as part of our decision making process. I'm not suggesting in this case we do that but we could. Edney – You could ask for that for informational purposes but the true application is for relief from a setback. Clark – Which requires a hardship and the spirit of the Zoning Ordinance.

Flanders moved, Thorpe seconded, In Case #: ZO2008-00008 Map Lot: S19-5 Location: 12 LATCHKEY LN. , WAYNE ALQUIST, I MOVE THE APPEAL FOR A **VARIANCE (AREA)** FOR CONSTRUCTION OF A FARMER'S PORCH AND MUDROOM WITH A FRONT SETBACK OF 42', 50' REQUIRED BE GRANTED, AS IT MEETS THE CRITERIA FOR A VARIANCE. Voted 4-0 in favor.

**Case #: ZO2008-00010 Map Lot: R11-5 Location: 10 FOREST POND RD. RICHARD WILLIAMS:**

Pelczar- We will discuss both together but vote on separately. Clark – The Conservation Commission has decided this is the best alternative and that means a lot to me. Flanders – This is mostly a housekeeping issue. We are just extending a prior approval.

Thorpe moved, Clark seconded, In Case #: ZO2008-00010 Map Lot: R11-5 Location: 10 FOREST POND RD., ASSOCIATED SURVEYORS FOR RICHARD WILLIAMS, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION FOR CONSTRUCTION OF A DRIVEWAY WITHIN THE BUFFER OF A PRIME WETLAND BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION . Voted 4-0 in favor.

**Case #: ZO2008-00011 Map Lot: R11-5 Location: 10 FOREST POND RD RICHARD WILLIAMS:**

Flanders moved, Thorpe seconded, In Case #: ZO2008-00011 Map Lot: R11-5 Location: 10 FOREST POND RD, ASSOCIATED SURVEYORS FOR RICHARD WILLIAMS, I MOVE THE APPEAL FOR A VARIANCE (AREA) FOR CROSSING A PRIME WETLAND FOR DRIVEWAY & UTILITY ACCESS TO EXISTING LOT OF RECORD BE GRANTED, AS IT MEETS THE CRITERIA FOR A VARIANCE. Voted 4-0 in favor.

**Case #: ZO2008-00012: Map Lot: S25-14 Location: 181 WAUKEWAN ST. BLNB LLC**

Clark – This has been reviewed by the Planning Board for health, safety, and appearance. The applicant has met the requirements for a special exception and no one here opposed this project. Pelczar – I have a problem with housing being in the back. I would like to add into the motion, if we move forward on this, that no more than two cars be stored outside the building. I don't feel this is the right use for this building.

Clark moved, Thorpe seconded, In Case #: ZO2008-00012: MAP LOT: S25-14 LOCATION: 181 WAUKEWAN ST., BLNB LLC, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION FOR AN AUTO BODY REPAIR SHOP BE GRANTED, PROVIDED THEY AGREE TO ADD A CONSTRAINT ON THE SITE PLAN THAT NO MORE THAN TWO VEHICLES WILL BE AWAITING SERVICE OUTSIDE THE FACILITY. Voted 3-1 in favor.

**Case #: ZO2008-00013: At Map Lot: R07-49A Location: 215 Meredith Center Rd: Hitt, Gerald, & Jennifer**

Thorpe – This is fairly sensitive land. It is close to a river and wetlands. Construction should be done so that ground water run-off is mitigated. Bill, this is something that you will watch for? Edney – Yes. Pelzcar – The driveway is in.

Clark moved, Flanders seconded, IN CASE #: ZO2008-00013: AT MAP LOT: R07-49A LOCATION: 215 MEREDITH CENTER RD: HITT, GERALD, & JENNIFER, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION FOR THE RECONSTRUCTION OF AN EXISTING NON-CONFORMING SINGLE-FAMILY DWELLING WITHIN 100' OF A DESIGNATED BROOK BE GRANTED, AS IT MEETS ALL THE REQUIREMENTS FOR A SPECIAL EXCEPTION. Voted 4-0 in favor.

**Case #: ZO2008-00014: At Map Lot: R07-49A Location: 215 Meredith Center Rd: Hitt, Gerald, & Jennifer**

Clark moved, Flanders seconded, IN CASE #: ZO2008-00014: AT MAP LOT: R07-49A LOCATION: 215 MEREDITH CENTER RD: HITT, GERALD, & JENNIFER, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION FOR THE RECONSTRUCTION OF A NON-CONFORMING SINGLE-FAMILY DWELLING WITHIN 150' OF A DESIGNATED PRIME WETLAND BE GRANTED, AS IT MEETS ALL THE REQUIREMENTS FOR A SPECIAL EXCEPTION. Voted 4-0 in favor.

## **NEW BUSINESS**

Clark – Since going to ZBA trainings I have been concerned that it might be time for our Rules and Procedures to be updated. I am not sure how to go about this but I have taken the liberty of drafting what I would like to see as the final set. I am going to give copies to each member of the Board, including a copy to the clerk, who would make it available to the public and that we look this over and perhaps at the next meeting we can take some time to discuss this. Some of us might not want to touch the existing; we might want to go through one area at a time. I think at some point we are going to have to run this by the Town's Attorney but I would like to get this out on the table as a point of discussion. I would like to note that it is not my intention necessarily to change anything the Board is doing or the way we do things but after attending the session sponsored by the State, I got the impression that it is very important that we have rules and procedures and follow them very carefully. So what I have tried to do is in cases where there are minor deviations from the rules from what we have written down so far or doing things that are not covered in the rules, perhaps we might want to adjust our rules to conform to our current practices. I would ask the members of the Board to look this over.

Meeting adjourned at 9:00 PM

Respectfully submitted,

Christine Tivnan  
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on \_\_\_\_\_, 2008.

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Jack Dever, Chairman