

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

Clark moved, Flanders seconded, THAT WE APPROVE THE MINUTES OF JUNE 12, 2008 AS PRESENTED. Voted unanimously.

PUBLIC HEARINGS

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

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) Central Business District.

Dickinson – At the last meeting it was decided to have the Conservation Commission check the land. They have done that and I believe everyone has a copy of what they said. At the meeting with the Conservation Commission, it was discussed that we stake the property with no gravel beyond that. After it was staked, I called the Code Officer and he inspected it. I have since started to remove junk the Conservation Commission asked that we remove. It is not all out, but some is. I need to have a backhoe pull the rocks back. That will be in a couple of weeks. I don't have a problem with any of this. There is no drainage to the other property. I will do whatever the Conservation Commission wants me to do. Thorpe – Bill, are you aware of where the Conservation Commission wants the stakes and the rocks pulled to? Edney – Yes. I was on site with them. Dever– Do we have an erosion and sedimentation plan? Edney – He has not but will. Hearing closed at 7:10 PM

Case #: ZO2008-00015 Map Lot: R02-26 Location: 17 BLACKKEY RD WILLIAM & CATHERINE JENKENS ON:

Request a SPECIAL EXCEPTION to construct a shed approximately 120' from a prime wetland and 40' from a seasonal runoff. (Article V - Section D-9) Forestry/Rural District. CONTINUED TO AUGUST 14, 2008 (Applicant did not show)

Edney – There was a permit issued on this. There was a misunderstanding about the distance that the shed was in, at the rear, from a prime wetland. The shed had been placed on piers and not a foundation, so there is no impact in that fashion. This has been driven by me as a housekeeping issue for setbacks. There was some confusion about where the buffer from the prime started and stopped because of a seasonal runoff. It was my interpretation at the time it was non-designated, when in fact it was part of the prime setback. Dever – I have a problem with you presenting this for them. They are the owners and they need to be here. Clark- Is it appropriate to continue this till next month. Dever – I am just explaining how I feel. Edney – They were asked to be

here. Dever – I would be in favor of a motion to continue. Clark moved, Thorpe seconded to continue this to August 14, 2008. Hearing closed at 7:15 PM

Case #: ZO2008-00016 Map Lot: S11-4B Location: 30 BLUEBERRY HILL RD PAUL & MARY ELLEN MONICO: (Rep. Peter Russell)

Request a SPECIAL EXCEPTION for an accessory apartment over the Carriage House. (Article V- Section D-2 A) Meredith Neck District

Peter Russell – This carriage house with living quarters was built in 2005. We are here tonight for the approval to convert it to an accessory apartment which would be the addition of a stove. The property is 13 ½ acres with a driveway about ¼ mile. The conditions required in the Zoning Ordinance were met when they did the carriage house. The Monico's are looking to retire next January and hopefully travel. With the distance from Blueberry Hill Road and the wooded area, they would like to have an accessory apartment so they could have someone on site. This is pretty straight forward. Hearing closed at 7:20 PM

Case #: ZO2008-00017 Map Lot: R14-12 Location: 41 WICWOOD SHORES RD BILL & LINDA MACKIE:

Request a VARIANCE (AREA) to expand a non-conforming structure by more than 400 sq. ft. (Article V- Section D-4) Shoreline District.

David Thorpe stepped down.

Dever – You are down to a four man Board. Do you wish to continue? Mackie- Yes.

Bill Mackie – We have been at this location for 22 years. We have worked with Dave Dolan, David Ames, and Chris Williams. The addition will be no more non-conforming than the existing structure. We have a State Waiver for the addition. The existing house is 21'.7" from the lake and the addition maintains this distance. The proposed addition is within the 25' buffer. The addition will be an increase of 778 sq. ft. I believe you have a plan that shows the addition. This is the only buildable area. (Discussed vegetation that will be planted.) The existing entrance in the backside will be covered for a pantry area. The addition is within the required setbacks and does not interfere with our abutters view of the lake or the use of the lake. We would like to expand the area to give us more livable space. We believe this will enhance the neighborhood relative to the look of the house and the view from the lake. Clark – What is it about other areas on the property which would make it impossible to put the addition there? Mackie – The property is slanted very significantly from the road to the lake. (Pointed to location of septic system, which would prevent the addition there.) Clark – What is on the other side of the house from the proposed addition? Mackie – There is a culvert there where water from the hill comes down. Clark – One chart shows the addition being square to the house and the other chart shows it at an angle. Mackie – Dave Dolan was trying to maintain the 21'7" from the water, so he angled the addition. In conversations with the State and Chris Williams we maintained the same distance from

the lake, which is the overriding criteria, and accomplished that by angling the corner of the addition. Marge Thorpe – I would like to speak in favor of this application because it will improve the neighborhood. Hearing closed at 7:30 PM

DELIBERATIONS

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

Clark – I had some serious concerns with this but the Code Officer, the Conservation Commission, and the property owner have come to a solution that satisfies everyone. Pelczar – This is the start to help clean things up. They have agreed to remove the rocks and junk coming out of that area. Dever – I have been to this property a number of times. This will be a major improvement. Edney – In the motion we need to make sure that we get all the Conservation Commission's recommendations.

Clark moved, Flanders seconded, In Case #: ZO2008-00009 Map Lot: U12-5 Location: 33 PHILBROOK AV., ALLEN DICKENSON, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION FOR CONSTRUCTION OF A BUFFER ZONE AND A PARKING LOT WITHIN 50' OF A NON DESIGNATED WETLAND BE GRANTED, WITH THE CONDITION THAT ALL POINTS BROUGHT UP IN THE LETTER BY THE MEREDITH CONSERVATION COMMISSION DATED JULY 2, 2008 ARE SATISFIED TO THE SATISFACTION OF THE CODE ENFORCEMENT OFFICER PRIOR TO THE COMPLETION OF THE JOB. Voted 5-0 in favor.

Case #: ZO2008-00016 Map Lot: S11-4B Location: 30 BLUEBERRY HILL RD PAUL & MARY ELLEN MONICO: (Rep. Peter Russell)

Pelczar - This is what the new ordinance allows. They are going from guest quarters to an accessory apartment.

Pelczar moved, Thorpe seconded, In Case #: ZO2008-00016 MAP LOT: S11-4B LOCATION: 30 BLUEBERRY HILL RD., PAUL & MARY ELLEN MONICO, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION FOR AN ACCESSORY APARTMENT OVER THE CARRIAGE HOUSE BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

Case #: ZO2008-00017 Map Lot: R14-12 Location: 41 WICWOOD SHORES RD BILL & LINDA MACKIE:

Pelczar – This is a very challenging lot. The drop is considerable. They face many challenges I think they are doing a great job and have considered other alternatives. Flanders – I am for this as well. Dever – Let's go through the criteria.

- No diminution in value of surrounding properties would be suffered.
- Granting the permit will not be contrary to the public interest.
- Denial of the permit would result in unnecessary hardship to the owner seeking it.
- Granting the permit substantial justice would be done.
- The use must not be contrary to the spirit of the ordinance.

Dever – I think everyone agrees that there will be no diminution in value of surrounding properties. I think it is in the public interest to maintain the property. We all know there are special conditions on this property. This is a very steep lot. Flanders - This is somebody upgrading an older property on the water. Board agreed that this was in the spirit of the ordinance.

Flanders moved, Pelczar seconded, In Case #: ZO2008-00017 MAP LOT: R14-12 LOCATION: 41 WICWOOD SHORES RD., BILL & LINDA MACKIE, I MOVE THE APPEAL FOR A VARIANCE (AREA) TO EXPAND A NON-CONFORMING STRUCTURE BY MORE THAN 400 SQ. FT. BE GRANTED, AS IT MEETS THE CRITERIA FOR A VARIANCE. Voted 4-0 in favor.

NEW BUSINESS

Dever – Warren has submitted proposed changes to our rules. Would you like to address them? Clark- At the last meeting, I handed out a draft of rules and procedures. I am trying to make sure what we are doing, is what is written down. I would like to get some comments from other members of the ZBA. We need to get some discussion going. Any thoughts? Thorpe – I have not taken the time to look back at our present by-laws and therefore see how much you are trying to change. This draft looks good. Clark – I started with our existing by-laws but after attending a work session the State sponsored, I just felt the draft from the State seemed to fit better with what we are doing. I don't think there are any major changes. I think we would need to get legal rulings on changes. According to the current rules, most of us would not be eligible to serve as Vice-Chairman. If one of us is filling in the three year term of someone who left the Board, we would not be eligible. Dever – We may be limited by the statutes. I would have to look that up. Clark – Another change is the order of business. In our current by-laws, there is no provision to do something like what we are doing now, such as new business, etc. I think we should have a provision for site visits. Coming into the Board, this was confusing to me. Had I had a document that I could read and see, I would then know the rules for a site visit. I would like to see our application have a check box that gives permission for Board members to visit the site with identification. The part of this document I wrote that I like the least is the one about deliberation/decision. What happens when there is a 4- member Board and someone motions to deny the application and we vote 2-2? I don't think it is dead at that point. On the other hand, if the motion was to affirm the application, I believe at that point it is dead unless a member were to submit a following motion that would approve it with conditions that three people might vote on. Listening at the seminar it was pointed out if

this were in the by-laws, it could be cited. Another point was the 5 criteria for a variance. Some Boards rule that the Board must approve each one individually. Other Boards have rules if one member disagrees with one and another disagrees with another one and I disagree with a third one, then we vote no. I asked at the seminar what do we do about that and I was told it should be in your rules and procedures. The differences are highlighted in red. These are my thoughts and concerns. Dever- Dave, do you want a chance to review the present ones to these? Thorpe – I didn't read anything in here that I have an objection to; it's just that I don't know how much we are changing. I would feel more comfortable to take the time to pull out the old by-laws and compare. Clark – I think that is a great idea. Edney – One thing you should understand about the lawyer end of it, rules and procedures that you adopt, you do on your own. You don't need selectmen approval. They are decided by you. Clark – But we do want to run them by the Town's attorney? Edney – We have had opportunities to have attorney's review proposals but the comments I have received back are, at the end of the day, you folks decide rules and procedures. Those rules and procedures don't necessarily translate into lawsuits. You are following a state guideline for the most part. Keep in mind they are only guide lines. Clark – I think we should come up the rules and procedures we think we should have and then reviewed by Town Counsel. Edney – There is no dramatic difference between what is there now and what you are proposing. In some ways, the less you say the better. Dever – That is my comment. More rules you have in writing, the more they can bite you. We worked on these rules with town counsel last time. The Town of Meredith has a policy that all changes on Boards will go after town meeting. Flanders – I do agree with the theory that the more rules you have, the more chance you have to screw them up. I would like some identification when I go to visit the sites and know what I can and cannot discuss outside of the meetings. Edney – The ID portion of that is not policy/ procedure. We can decide when a ZBA member is accepted they get an ID. Dever – That is a good idea. Clark – I would like to have a check box on the application and have that done as soon as possible. Flanders – We could beat this to death all night. Clark – I would like every member to go through this and compare to the existing and mark it up. It was decided that both by-laws would be emailed to the members.

Meeting adjourned at 8:15 PM

Respectfully submitted,

Christine Tivnan
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on _____, 2008.

Jack Dever, Chairman