

PRESENT: Dever, Chairman; Pelczar, Vice- Chairman; Clark, Thorpe, Hampton, Tivnan, Clerk

Thorpe moved, Clark seconded, THAT WE APPROVE THE MINUTES OF JULY 10, 2008 AS PRESENTED. Voted unanimously.

### PUBLIC HEARINGS

**Case #: ZO2008-00015: At Map Lot: R02-26 location: 17 Blackey Rd. Jenkerson, William & Catherine:** Request for a SPECIAL EXCEPTION to construct a shed approximately 120' from a prime wetland and 40' from a seasonal runoff. (Article V - Section D-9) in the Forestry/Rural District.

Jenkerson - We would like a special exception for a shed that has been put up. Dever - This building has already been built and the permit was issued in error? Jenkerson - Yes. Dever - There is no other place for this on the lot without being in violation of the wetland ordinance? This is a house keeping issue. This location would have the least amount of impact. Clark - After you got the permit, it was determined that it violated setback requirements? Jenkerson - Yes. Clark - There was sand brought in? Jenkerson - Yes. Clark - Has anybody from the Conservation Commission reviewed this? Jenkerson - No. Hearing closed at 7:05 PM

**Case #: ZO2008-00018: At Map Lot: U31-27-1 located at, 16 Rockey Brook Rd owned by: Sorbera, John & Karen: (Rep. Dave Dolan)** Request for a VARIANCE (AREA) for construction of a non-conforming dwelling with a side setback of 9' 1", 20' required. (Article V-Section D-4 a) in the Shoreline District.

**Case #: ZO2008-00019: At Map Lot: U31-27-1 located at, 16 Rockey Brook Rd owned by: Sorbera, John & Karen: (Rep. Dave Dolan)** Request for a VARIANCE (AREA) for construction of an addition to an existing non-conforming dwelling by extending the building plane by 122%, 50% allowed. (Article IV Section 7 c (2) (b)) in the Shoreline District.

**Case #: ZO2008-00020: At Map Lot: U31-27-1 located at, 16 Rockey Brook Rd owned by: Sorbera, John & Karen : (Rep. Dave Dolan)** Request for a SPECIAL EXCEPTION for expansion of a non-conforming single-family dwelling by more than 400 sq. ft. (Article IV section 7 c 2) in the Shoreline District.

Dolan - This is an existing developed lot. The property has about 100' of frontage on Lake Winnepesaukee. It is about 100' deep on the side property line. There is an existing two-bedroom residence located about 38 ½' from the shoreline. There is a woodshed that encroaches into the side setback. (Pointed on the plan to the existing septic system) They are proposing to expand the structure by adding a wing to the

property which will include a garage. (Showed existing dwelling and what is being proposed) There is no increase in the number of bedrooms. We have a request for a VARIANCE (AREA) for expanding the building plane by 122%, 50% allowed. We are not going any closer to the lake then we already are and it won't be any closer to the road side setback. We are also requesting a variance to the side setback to be reduced to 9'1" to the eaves. The shed will be relocated to a conforming location or removed entirely. The special exception we are requesting is to the expansion of a non-conforming single-family dwelling by more than 400 sq. ft. The total expansion is 668 sq. ft. This is similar to what has taken place in this neighborhood and have been approved. This addition is replacing a significant amount of gravel driveway area. We have a State Waiver for this proposal. This lot is very shallow with limited area within the building setbacks for expansion. The septic system is located off to the east and is about the only spot on the lot that a septic system could be placed or reconstructed. Granting the variance would allow the owners to use their property similar to what others have done in this area. We don't believe it is contrary to the spirit of the ordinance. They want to use this as a year-round residence. (Passed elevation views to the Board- subject to some modification) Thorpe – Is the existing garage going to remain? Dolan – Yes. Clark – What is the overall cost of this project? Dolan – I don't know. Dever – Is it going to continue to be used as a garage? Dolan – That is my understanding. Dolan- I believe there are a couple of email letters from abutters. Haley - I am an abutter and in favor of this application. Costa – I am also an abutter and in favor of this application. Clerk read letters for the record. Hearing closed at 7:25 PM

Zoning Board of Adjustment  
Town of Meredith  
41 Main Street  
Meredith, NH 03253-5861

Ref: case # Z02008-00019

Dear Mr. Chairman:

We, Paul & Ardyce Pelton, owners of property at 22 Rockey Brook Road (U31/27/2) that abuts the Sorbera property are fully aware of the Sorbera's proposed addition to their house and have no objection. In addition we feel for the following reasons that it would be an injustice if the Sorbera's were not allowed to make the proposed changes.

1. The Sorberas built the existing house in 1978 and since then have spent most weekends (even in the Winter) and holidays and of coarse summer vacations there. We bought our house in the fall of '78 and starting in the mid 90's the Peltons and the Sorberas talked about changes we would like to make to our houses, when we could afford to do so, to make them comfortable as year round homes when we retire and move to Meredith.

We, the Peltons, started the process in '05, received a waiver from the state in February '07 and a building permit from the town in June '07. We were granted a VARIANCE (area) for CONSTRUCTION OF A NON-CONFORMING DELLING with a side setback of less than 20' similar to the variance the Sorbera's are requesting. We were granted a SPECIAL EXCEPTION for EXPANSION OF A NON-CONFORMING SINGLE-

FAMILY DWELLING BY MORE THAN 400 SQ.FT. as is being requested by the Sorberas. Lastly we were granted a VARIANCE (area) for CONSTRUCTION OF AN ADDITION TO AN EXISTING NON-CONFORMING DWELLING BY EXTENDING THE BUILDING PLANE by more than 50% as the Sorbera's are requesting.

3. Most of the lots around Tommy's Cove are "non-conforming" and in recent years many have been significantly altered. The Bowman property (Bowman Realty trust II U31/18) has been changed in major ways three times. A new house was completed last year on the Coleman property (U31/16). The Gallant property (U31/20) formally the Abbott property has a relatively new house on it. The Adams property (U31/30) has changed significantly from what was the Greenlaw property and lastly the Hyman property (U31/30/B) has a new house on it.

Trusting that the board will take these points into consideration during their deliberations we are,

Paul a. & Ardyce W. Pelton

Good Evening, Mr. Chairman and Members of the Meredith Zoning Board,

Tonight, you are deliberating on the 12th property of the 19 properties that comprise Tommys Cove, where the Board has seen the change from summer cottages to seasonable homes to now, residential homes.

Karen & John Sorbera are now contemplating having 16 Rockey Brook Road as their legal residence. The requests before you are basically the same as you granted to Pelton at 18 Rockey Brook in 2007 and Haley at 17 Rockey Brook Road in 1987. The Board has acted on the other 9 parcels, some several times, over the past two decades.

The Sorberas, like the Peltons, a year ago, have undergone the time, expense, and compliance now required of • non-conforming properties to gain approvals from the State before submitting their requests to the Meredith ZBA.

Several of you have heard my pleas, on behalf of Tommyscove owners, over the past two decades, so I won't make the Chairman read that part of the script. Suffice it to say, in the Sorbera's requests, they have their neighbors involvement in plans, had Mr. Edney's council, and now, the neighborhood respectfully asks for your favorable approval of the above listed cases, #'s 18, 19, & 20.

Cordially,

Ken Haley  
17 Rockey Brook Road

**Case #: ZO2008-00021: At Map Lot : R36-3 located at, Checkerberry Ln. owned by: Levesque, Raymond & Rebecca: (Rep. Nicol Roseberry- Ames Associates)** Request for a SPECIAL EXCEPTION for construction of a wetland crossing for driveway access within a non-designated wetland or non-designated brook or stream (Article V section G-1 (a) & 3 (a)) in the Forestry/Conservation District.

Roseberry – This property is about 28 acres with 21 acres lying beyond the wetland. The driveway will provide access to 21 acres of the total 28 acres maintained by the property. (Presented to the Board a general site overview of the property.) There are two stream systems. One is a perennial and the other is intermittent. We are utilizing an existing woods road that has been there from prior logging history. This is a single-family residential property. They are looking for access to reach the back portion of their property. We have State approval. Dever – This is a Class VI road? Roseberry – Correct. Thorpe – There is no possible access from the east? Roseberry – Correct. (Showed the Board the location of property on a map) Dever – This was submitted to the Conservation Commission? Roseberry Yes. Their response was no comment. Hearing closed at 7:30 PM

**Case #: ZO2008-00022: At Map Lot: U29-1a-3 located at, 54 Dale Rd. owned by: Gaynor, Raymond & Donna:** Request for a SPECIAL EXCEPTION for construction of a non-conforming single-family dwelling by more than 400 sq. ft. (Article IV Section 7-c-2) in the Shoreline District.

Raymond Gaynor - This is a threeseason cottage and we would like to retire here. I have taken the steps to make it a year- round home. We have an approved State Waiver. In the drawing submitted to you, the shaded part of the building is the part that exists We would like to lift it up 5' and put a cellar under it to have a furnace, laundry room, and make this a year-round home. We would like to add a breezeway and a garage. The garage would be located where we park the cars now. This is a wooded lot and we want to keep it that way as much as we can. None of my neighbors had any negative comments at all. In recent years, there have been several projects granted in this neighborhood. Patricia Roshia – I am at 56 Dale Road and approve of this plan. Carl Johnson – I own property at 42 Dale Rd. and I think this type of development is what the Board should encourage. I speak in favor of this. Hearing closed at 7:35 PM

**Case #: ZO2008-00023: At Map Lot: U01-23 located at, 32 Anntom Rd .owned by: Garvey, James & Owen-Garvey, Bernice:** Request for a VARIANCE (AREA) for construction of a shed with a rear setback of 5', 40' required (Article V Section D-4) in the Shoreline District.

James Garvey – We are looking for a variance on the rear setback. The property is 90' by 100'. We would like to put a shed in the back yard, 5' from the lot line. The property owners to the rear are family, the property to the right is Long Ridge Farm, and the property to the left is owned by the neighbor across the street. We have tried to center it on the lot to have minimum impact to all neighbors. Thorpe – With the house behind you, that shed is directly in their eyesight. The lot is not treed. Why not one side or the

other to avoid that direct look? Garvey – It is the back of the house. We didn't want to be in the corner of Long Ridge Farm with that being conservation and trying to stay away from the other neighbor. My family is fully supportive of it being there.  
Hearing closed at 7:40 PM

**Case #: ZO2008-00024: At Map Lot: S18-9 located at, 105 Neal Shore Rd owned by: Barra, Kenney: (Rep. Albert Bell – Ideal Homes)** Request for a SPECIAL EXCEPTION for replacement of an existing non-conforming single-family dwelling by more than 400 sq. ft. (Article IV section 7 c-2) in the Shoreline District.

Bell – There is an existing cottage that is 15' back from the lake. We do have State approval. We are proposing to tear down the house and build a new one. The current foundation is collapsing. We intend to stay in the same footprint and go up one story. Runoff from the roof will go into gutters and then into a dry well. We are repairing and putting in new retaining walls. Clark – What is the overall height of the structure? Bell – Approximately 37'. Clark – How does that compare to the house next door? As you look from the road out to the lake, the house to the right is not that tall but close to it. . There is no one behind the Barra's. Kevin Newman – I am at 101 Neal Shore Road and we support this. Hearing closed at 7:45 PM

**Case #: ZO2008-00025: At Map Lot: U23-54 located at, 45 Spindle Point Rd owned by: Morton, Donald, & Jill Revoc. Tr. Morton, Donald & Jill Trustees: (Rep. Robert Stevens):** Request for a SPECIAL EXCEPTION for expansion of a non-conforming single-family dwelling by more than 400 sq. ft. (Article IV Section 7-c 2) in the Shoreline District.

Stevens – The basic plan was to create a master bathroom but where we wanted to put it Mr. Edney said we would need a State Waiver. We were right in the time zone when things were in transition. The chances of getting the waiver were non-existent. It was Bill's recommendation that we consider going up. We filed an application for a permit to establish the footprint and put the foundation in. We made a re-design and that is what you have in front of you. That has increased the overall non-conforming condition by 285 sq. ft. We have talked to DES and their email is part of your packet. Because we are not disturbing anything that is already grandfathered, no waiver is required. Thorpe – In our packet could you explain what the single and double cross hatched areas are? Stevens – The hatched is the second floor addition. Thorpe – The addition for that is already there? Stevens – Correct. Thorpe - What about the single-cross hatched area? Stevens – That is the portion for which the building permit was issued. Our purpose for being here is for the second story portion. Dever – This is just an expansion going up. Russell Cooper – We are in favor of this. Hearing closed at 7:50PM

**Case #: ZO2008-00026: At Map Lot: S19-36 located at, 0 Needle Eye Rd. owned by: B & F Meredith LLC c/o Franks, Bill:** Request for a SPECIAL EXCEPTION for construction of a retail shopping mall with associated parking and utilities within non-designated wetlands and a protective buffer with total wetland impact of 4283 sq. ft. and

associated buffer impact (Article V- Section D-9,1a, G1a, G -2 G-4) in the Commercial /Rte. 3 South District.

Franks – I feel the best use of this land would be for a retail strip mall. We think we have a good plan. We have gone through a considerable amount of thinking for this plan. It will be a 12,000 sq. ft strip mall that would be economically feasible. We think this would be a win win situation for the town and me. I have Carl Johnson who is the surveyor and has done the wetland mark offs. I also have Randy Shuey who is the environmentalist. Johnson – This property has been before several Boards in the past. The property is comprised of three tax maps and lots. Each lot is about 1 ½ acre. It is zoned Commercial/Rte 3 South. In the 1990's a group attempted to develop the property as a commercial development. We delineated the wetlands at that time and went to the ZBA for some variances. Back then, the disturbing of a wetland required a variance. The approvals are a little different but essentially we are asking for the same things we did back then. We are trying to keep all of the development outside of the 50' buffer and towards the westerly side of the property. There are some small wetlands that have to be filled. There were several disturbances of the site and wetlands prior to gaining any approvals. The original owner intended to flatten the lot from Needle Eye Road to the town line and sell vendor space during Motorcycle week. That's the history. The proposal now and the proposal then were to connect to the sewer in Laconia. Mr. Franks has received approval from the City of Laconia. (Showed plan of current situation of the wetlands to the Board) In terms of alternative analysis, it has been analyzed from both the residential aspect and also from the commercial aspect. (Showed plan representing the mall and the architectural design of the building) Two wetlands fall under the category of non-designated exempt wetlands so the review of the Conservation Commission and the review at this level does not include those wetlands. Shuey - We have labeled the wetlands 1-6. The project will impact 4 wetlands. These wetlands have been previously disturbed and degraded. Wetlands 3 and 4 have significant amount of sediment in them. The impacts to the buffers are in areas that have already been cleared with the exception of the buffer on Wetland 5 and a small portion of the buffer on Wetland 1. Wetland 1, 2, and 3 are all scrub-shrub. Wetland 2 is mainly a ditch. Wetland 3 is similar and the smallest on site. Wetland 4 is a forested wetland. It still maintains its functions and values. They do provide some flood storage. Wetland 6 is the largest wetland on site and actually connects offsite across Rte. 3. Wetland 5 is a finger of Wetland 6. This is a deciduous wetland. The back side of Wetland 6 is also a forested area with no wetlands. (Showed the Board a color coded plan) When you look at this site you quickly realize that you are not going to develop a commercial or residential development on this site and not have impacts to wetlands. We looked at the layout and tried to minimize the impact to the overall system. Wetland 6 has some wildlife habitat value to it. It is a connection corridor. It turns into an unnamed stream that discharges to Maiden Cove on Lake Winnepesaukee. Dever – I didn't see any flagging out there. How could anybody tell where the wetlands are? Shuey – Carl, when did we flag this last, two years ago? Johnson – The first recent flagging was done in 2006 and additional ones in 2007, prior to last winter. Dever – If you go there today, you can't tell that. Johnson – Correct. Dever – It is very hard for any Board member to go out there and determine what they are looking at.

The ordinance does say that it must be flagged. Johnson – If the Board wishes, we can reflag where the Board has concerns. Clark – What are your comments to the Conservation Commission letter? Shuey – I can go over some of those as we answer the questions for the special exception request.

**1. To promote the health, safety and general welfare of the community**

The proposed project will not have an impact on health safety and general welfare. The Planning Board process will take care of traffic. Those are not the issues before us tonight. The project will connect to municipal sewer and meet all building codes.

Clark – In the letter from the Conservation Commission they suggest that any approval that this Board might grant be subject to four conditions and I wonder how the applicant feels about those? Shuey –

1) That the three lots of record are consolidated into one lot and that a statement be made to the Town in the form of a deed restriction or other legally binding document that there will be no further developments on the site. That is part of the process. These lots have to be combined to make this a development. We will make a commitment to not develop the rear portion.

2). The capacity of the underground detention basin will be of sufficient size to assure that no storm water will overflow any of the project berms or slopes. This is part of the review process with the Planning Board and the engineer. We expect to have this review as part of the conditions.

3.) That the applicant be required to submit to the Town, a maintenance plan for the underground detention basin. These are pretty standard operating procedures. I think this is a good idea. The catch basins need to be cleaned out on a regular basis. The amount of time depends on the uses on the site. That will be part of the approval process.

4). That all of the applicants statements to prevent the degradation of surface water and ground water quality and to provide treatment for water quality purposes, to filter pollutants, trap sediments, or retain and absorb chemicals and nutrients including the plantings of shrubs and slope stabilization as described in the Wetland Impact Analysis dated June 16, 2008 be incorporated in any authorization issued by the Town.

That is exactly what we have agreed to. Clark – So in summary, no problem with what they are asking. Shuey – Right. To get back to the purpose and intent.

**2. To prevent the degradation of surface water and ground water quality**

The project is designed to connect to the Laconia sewer system. This will help prevent any impacts to surface or ground water quality.

The site will include catch basins, an underground detention system, vegetated treatment swales and level spreaders all designed to trap sediments and other pollutants and provide water quality renovation of storm water prior to discharging to wetlands and associated 50-foot buffers.

**3. To preserve the ability of wetlands and areas adjacent to wetlands and streams to provide treatment for water quality purposes, to filter pollutants, trap sediments, or retain and absorb chemicals and nutrients; and**

The site has been designed with an underground storm water system discharging to vegetated treatment swale and level spreader that will provide water quality renovation. This treatment swale and level spreader will also be located outside the 50-foot buffer.

We have added mitigation for the impacts by providing additional vegetated treatment swales along Route 3 and Needle Eye Road to treat storm water from the roads. All of this will help to preserve and improve the water quality within the wetland.

**4. To prevent the destruction of or significant changes to natural wetlands, which provide flood storage**

The site will be designed with an underground storm water detention basin. This basin will be designed to reduce the rate of discharge from the proposed development that is a normal consequence of the development. The design of this basin will ensure that downstream properties are not adversely affected by the development on this site.

**5. To prevent the destruction of habitats for rare, unique, threatened or endangered species of flora and fauna;**

According to the NH Department of Resources and Economic Development – Natural Heritage Bureau, there are no rare, threatened, or endangered species located near this site. Further, there are no known exemplary communities in the area.

**6. To prevent the development of structures and land uses in wetlands and areas adjacent to wetlands and streams which will contribute to the degradation of surface and/or ground water quality by means including but not limited to wastewater, toxic substances, excessive nutrient release, accelerated runoff, erosion and sedimentation;**

- There will be no impact to water quality from wastewater because the site will be connected to the Laconia municipal sewer.
- The site is being developed as a small retail development and it is unlikely that this type of facility would generate or have hazardous waste on site.

- A good maintenance plans deals with some of those concerns.

As part of this development, a detailed erosion and sediment control plan will be developed. With proper implementation, the measures developed in this plan will prevent any degradation of water quality from excessive erosion and sediment.

On this site, for years, I have worked with the Conservation Commission on what to do for mitigation on this site. It has been an issue since the first set of plans. The rest of this site is a mature forest. It doesn't make sense to go in there to make a wetland.

Thorpe – The area of Wetland 1, did you consider less than a square flat parking lot with the idea of an island or open areas that would allow some of Wetland 1 to be retained? Shuey – We tried for islands, we tried shifting this around to lessen the impacts, but we need 59 parking spaces. The travel lane around the back of the building is smaller than what everybody would like but it is sufficient to get a fire vehicle up to the side and pull a hose around the back. You are never going to get a fire truck around back.

Pelczar – Why not shrink the building and that would shrink the parking? Shuey – You may get out of the wetland buffer more but we did meet with the State. They wanted us to pull back and get it out of Wetland 4. By shrinking this down to 10,000 sq. ft. with the grading, you are still going to be in that wetland. The economics do matter.

Pelczar – How is the traffic going to adversely affect the residence on Needle eye Road? Johnson – The access to the site is dealt with more at the Planning Board level and we will have a traffic engineer looking at that issue. We have had discussions with the residents of Needle Eye Road and they are not in favor of any access off of Needle Eye Road. They want the access to be off Rte. 3.

Karob Properties LLC – We are the abutters just to the other side of the Town line. What assurances would we have that the water is not going to create a problem for us, as we are downhill from there? Shuey- Everything from this site drains into their property. Again this would be part of the engineering process at the Planning Board and the reason for the detention basin. The basin will be designed so the post development runoff will be less than pre-development.

Karob Properties LLC - That is an interesting theory but would we have any assurances from the owner of that property that we would have some recourse should , for example, the system not be maintained properly.

Franks – I have been before Laconia twice and they are familiar with my reputation. My developer has done many of these commercial projects.

Karob Properties – We have experience with another property that we own next to a High School. DES gave all the approvals, the systems were put in and we still have runoff onto our property. What I want to know is what assurances.

Frank – What are you looking for when you say assurances? Karob Properties LLC – I don't know, but I want something.

Dever – This is a conversation that takes place between both of you.

Karob Properties LLC – What is the means of access to the Laconia sewer system? Franks – Rte 3. Karob Properties LLC - Directly from your property to Rte 3? Franks – That is correct.

Karob Properties LLC – You are not proposing to cross our property at all. Franks – No, you are on the other side of the street. Karob Properties LLC – No we are not. Franks - Then I am not sure where you are. Right beside us is the Candle Factory. You are the furniture store? Karob Properties – Yes. Franks – We have talked to the furniture store. Karob Properties LLC –Unless you talked to me or her, you didn't talk to the furniture store.

Franks – Our engineer had talked to them and they knew what we were doing as far as coming down there for sewage. They said they had no problem. What we were going to do is give them an extra hookup there so when the time comes if they want to hook up, they can. Karob Properties LLC – So, the answer to the question is that you are not planning on coming across my property to access the sewer. Franks – Correct. To my knowledge. Karob Properties LLC - Are you planning on accessing our property to do any work on your site? Shuey – The sewer has been engineered to keep it in the ROW. Johnson- In summary, we believe in the presentation that we are in compliance with the Zoning Ordinance in terms of meeting the elements of granting a special exception. Karob Properties LLC – Unless we can receive some sort of assurance that we would have recourse should this system fail, we would have to be against this. Hearing closed at 8:55 PM

Clark – I would like to restate my opposition to this as not being in accordance with the intent of the Zoning Ordinance.

### DELIBERATIONS

**Case #: ZO2008-00015: At Map Lot: R02-26 location: 17 Blackey Rd. Jenkerson, William & Catherine:**

Clark – I visited this site yesterday and I am concerned about the sand that had been brought in which appears to me to be eroding out towards the wetlands that are supposed to be protected. There might be no problem but I do think this should be looked at by someone who knows more about it than I do. There might need to be some erosion control mitigation. At the present time, unless I hear something from another member of the Board or unless continued pending some kind of assessment by the Conservation Commission or other appropriated body, I would be reluctant to approve this. It appears to me that it is detrimental to the neighborhood, meaning the environment. Dever – Warren, would you consider, if the motion was approved, that it be subject to an erosion and sediment control plan approved by the appropriate parties and the Conservation Commission sign off on it? Clark – I would but there is no real hurry so it might be better to continue it. I will go with what other members of the Board think. Pelczar – I agree with Warren's concerns. I don't think the sand was intentional but I do think we should have this looked at. I think we should approve this with conditions. Clark – On the other hand, if the approval is not granted, there is incentive to get it done expeditiously. Maybe we could put a 30 day time limit on the erosion control plan. We should also note that the erosion control plan, if it's not a problem, don't do anything. Thorpe – I favor an approval with conditions.

Clark moved, Pelczar seconded, IN CASE #: ZO2008-00015: AT MAP LOT: R02-26 LOCATION: 17 BLACKKEY RD. JENKERSON, WILLIAM & CATHERINE, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT A SHED APPROXIMATELY 120' FROM A PRIME WETLAND AND 40' FROM A SEASONAL RUNOFF BE GRANTED, WITH THE CONDITION THAT WITHIN 60 DAYS THEY HAVE THIS

EVALUATED AND REVIEWED BY A MEMBER OF THE MEREDITH CONSERVATION COMMISSION OR A LIKE PERSON APPROVED BY THE CODE ENFORCEMENT OFFICER, THAT THE SITE BE EVALUATED FOR POSSIBLE EROSION PROBLEMS OF THE SAND AND IF NECESSARY AN EROSION CONTROL BE DEVELOPED AND IMPLEMENTED .

Dever – For further discussions, according to the ordinance erosion-sedimentation control plans are approved by the Code Enforcement Officer, so he could be the proper person. Clark – I request that my motion be amended to say that the erosion control plan, if necessary, be approved by the Code Enforcement Officer.

Clark moved, Thorpe seconded, IN CASE #: ZO2008-00015: AT MAP LOT: R02-26 LOCATION: 17 BLACKKEY RD. JENKERSON, WILLIAM & CATHERINE, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT A SHED APPROXIMATELY 120' FROM A PRIME WETLAND AND 40' FROM A SEASONAL RUNOFF BE GRANTED, WITH THE CONDITION THAT WITHIN 60 DAYS THEY HAVE THIS EVALUATED AND REVIEWED BY THE CODE ENFORCEMENT OFFICER, THAT THE SITE BE EVALUATED FOR POSSIBLE EROSION PROBLEMS OF THE SAND AND IF NECESSARY AN EROSION CONTROL PLAN BE DEVELOPED AND IMPLEMENTED. Voted 5-0 in favor.

**Case #: ZO2008-00018: At Map Lot: U31-27-1 located at, 16 Rockey Brook Rd, Sorbera, John & Karen:**

Dever – One thing the Board members have to keep in mind is every decision we make is specific to a certain site. Even though there have been other variances granted in an area, those don't count. You need to look at each site on its own merits. Clark – There are three things that need approval on this site. This to me sets up a red flag that maybe this site is being over developed or improperly developed. This bothers me greatly. Thorpe – My concern is the existing garage remaining and adding a new one. Dever – The Zoning Ordinance in this zone allows for 30% lot coverage and they are at 25.29%. Clark – The first item is a variance for a side setback of 9'1", where 20' is required. It is difficult for me to justify a hardship in not keeping within the 20'. Yes, the addition would be a little bit smaller but I haven't seen other options. That is why I asked the overall cost. If it was necessary to move the septic system, the cost of moving it would be considered a hardship depending on the overall cost of the project. I also believe it is not within the intent of the Zoning Ordinance to allow the side setback to be as impacted as this is. Dever – There is a reason they call this Rocky Brook Rd. I imagine moving that septic system would be an expensive proposition and that is why they have kept the same amount of bedrooms. Clark – I would agree with that. I still think it is hard to justify a hardship because they did not show us a plan that would have made the house smaller and fit within the 20' setback. Dever – We can go through the criteria.

1. No diminution in value of surrounding properties would be suffered.

Clark – I believe the crowding of this property so close to the street could have the affect of diminishing values of an adjacent property. Thorpe – If the 10' long porch was not there they could meet the 20' side setback. I don't believe there would be a reduction of value of the adjacent property. Dever – I don't think it is going to hurt the value of the surrounding property. (Hampton, Thorpe, Pelczar, agreed with Dever) Clark – Mr. Chairman, you have convinced me that by putting a much more expensive house on here, it would not diminish surrounding properties. So I am in agreement with you.

2. Granting the permit will not be contrary to the public interest.

Thorpe – I agree it is not contrary to the public interest. ( Board all agreed)

3. Denial of the permit would result in unnecessary hardship to the owner seeking it.

Clark – I don't believe other alternatives have been explored on this one. Pelczar – They could take off the breezeway but sometimes how it makes a connection could make a hardship on roof lines coming together. I don't see which other direction they could go. Looking at this plan, I don't see other options. Do you? Clark – Yes. In the past, when I have suggested them, I have been told that I shouldn't be designing the property. I think there are a number of other options that could have been presented and none were. Thorpe – I agree with Warren. They may not be able to achieve the 20' setback but I think you could achieve a lot more than what is being proposed here. Hampton – This is a small lot and I don't think there are a lot of options available. Dever – Dave, you agree with Warren? Thorpe Yes. Dever – Dolan did point out that the septic system was on the right hand side. I agree there could be other options that could be looked at that would be less of a financial burden.

4. Granting the permit, substantial justice would be done.

Clark – I don't have a feeling on this point with this case. I think there are arguments on both sides that cancel each other out.

5. The use must not be contrary to the spirit of the ordinance.

Clark – I believe this is contrary to the spirit of the Zoning Ordinance. This is a fairly large addition on the side of the house and one could argue if this would create hardship if they couldn't put such a big addition on. I believe the Zoning Ordinance is there for a reason and they could put on a very livable house without including the 20' setback. I believe someone who supports the approval should make the motion. Dever – If this motion fails, the other two are null and void.

Thorpe moved, seconded, IN CASE #: ZO2008-00018: AT MAP LOT: U31-27-1 LOCATED AT, 16 ROCKEY BROOK RD , SORBERA, JOHN & KAREN, I MOVE THE APPEAL FOR A VARIANCE (AREA) FOR CONSTRUCTION OF A NON-CONFORMING DWELLING WITH A SIDE SETBACK OF 9' 1", 20' REQUIRED BE DENIED AS A RESULT OF REASONABLE ALTERNATIVES NOT BEING PROPOSED.

Clark – I would like to amend that. I would like to add they have not met the spirit of the Zoning Ordinance as a reason also for the denial. Thorpe – I accept the amendment.

Thorpe moved, Clark seconded, IN CASE #: ZO2008-00018: AT MAP LOT: U31-27-1 LOCATED AT 16 ROCKEY BROOK RD, SORBERA, JOHN & KAREN, I MOVE THE

APPEAL FOR A VARIANCE (AREA) FOR CONSTRUCTION OF A NON-CONFORMING DWELLING WITH A SIDE SETBACK OF 9' 1", 20' REQUIRED BE DENIED AS A RESULT OF REASONABLE ALTERNATIVES NOT BEING PROPOSED AND IT DOES NOT MEET THE SPIRIT OF THE ZONING ORDINANCE. Voted 2-3 in favor.

Clark moved, Thorpe seconded, IN CASE #: ZO2008-00018: AT MAP LOT: U31-27-1 LOCATED AT 16 ROCKEY BROOK RD, SORBERA, JOHN & KAREN, I MOVE THE APPEAL FOR A VARIANCE (AREA) FOR CONSTRUCTION OF A NON-CONFORMING DWELLING WITH A SIDE SETBACK OF 9' 1", 20' REQUIRED BE GRANTED. Voted 3-2 in favor.

**Case #: ZO2008-00019: At Map Lot: U31-27-1 located at, 16 Rockey Brook Rd., Sorbera, John & Karen:**

Thorpe moved, Hampton seconded, IN CASE #: ZO2008-00019: AT MAP LOT: U31-27-1 LOCATED AT 16 ROCKEY BROOK RD., SORBERA, JOHN & KAREN, I MOVE THE APPEAL FOR A VARIANCE (AREA) FOR CONSTRUCTION OF AN ADDITION TO AN EXISTING NON-CONFORMING DWELLING BY EXTENDING THE BUILDING PLANE BY 122%, 50% ALLOWED BE GRANTED, AS IT MEETS THE CRITERIA FOR A VARIANCE. Voted 4-1 in favor.

**Case #: ZO2008-00020: At Map Lot: U31-27-1 located at, 16 Rockey Brook Rd., Sorbera, John & Karen:**

Clark moved, Thorpe seconded, IN CASE #: ZO2008-00020: AT MAP LOT: U31-27-1 LOCATED AT 16 ROCKEY BROOK RD., SORBERA, JOHN & KAREN, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION FOR EXPANSION OF A NON-CONFORMING SINGLE-FAMILY DWELLING BY MORE THAN 400 SQ. FT. BE GRANTED. Voted 5-0 in favor.

**Case #: ZO2008-00021: At Map Lot : R36-3 located at, Checkerberry Ln. Levesque, Raymond & Rebecca:**

Pelczar moved, Clark seconded, IN CASE #: ZO2008-00021: AT MAP LOT: R36-3 LOCATED AT, CHECKERBERRY LN. , LEVESQUE, RAYMOND & REBECCA, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION FOR CONSTRUCTION OF A WETLAND CROSSING FOR DRIVEWAY ACCESS WITHIN A NON-DESIGNATED WETLAND OR NON-DESIGNATED BROOK OR STREAM BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 5-0 in favor

**Case #: ZO2008-00022: At Map Lot: U29-1a-3 located at, 54 Dale Rd., Gaynor, Raymond & Donna:**

Clark – I look at this plan and they have done a good job staying within the setbacks.  
Dever – You feel there would be no diminution of value in the area. Clark – No, I do not.  
Dever – Anyone feel it would be contrary to the public interest? (Board said No) Dever  
– Do you feel there are special conditions on this property that make an area variance  
necessary to allow the development as designed? (Board said yes) Dever – Same  
benefit cannot be achieved by some other reasonable feasible method that would not  
impose an undue financial burden? Like you said Don, they have tried to keep it at a  
minimum. By granting this variance substantial justice will be done. (Agreed) The use  
contemplated by the petitioner, Warren has already answered this, as a result of  
obtaining this variance would not be contrary to the spirit of the ordinance.

Thorpe moved, seconded, IN CASE #: ZO2008-00022: AT MAP LOT: U29-1A-3  
LOCATED AT, 54 DALE RD., GAYNOR, RAYMOND & DONNA, I MOVE THE APPEAL  
FOR A SPECIAL EXCEPTION FOR CONSTRUCTION OF A NON-CONFORMING  
SINGLE-FAMILY DWELLING BY MORE THAN 400 SQ. FT. BE GRANTED, AS IT  
MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 5-0 in favor

**Case #: ZO2008-00023: At Map Lot: U01-23 located at, 32 Anntom Rd., Garvey, James & Owen-Garvey, Bernice:**

Dever – This is a very small lot. I think this is the best location for this. Let's go through  
the criteria.

1. No diminution in value of surrounding properties would be suffered.

Clark – I feel there would be diminution in value to the property behind them.

2. Granting the permit will not be contrary to the public interest. (Board agreed it would not)
3. Denial of the permit would result in unnecessary hardship to the owner seeking it. (Board agreed it would)
4. Granting the permit substantial justice would be done. ( Board agreed it would)
5. The use must not be contrary to the spirit of the ordinance. (Board agreed it would not be contrary)

Pelczar moved, Clark seconded, IN CASE #: ZO2008-00023: AT MAP LOT: U01-23  
LOCATED AT, 32 ANNTOM RD., GARVEY, JAMES & OWEN-GARVEY, BERNICE, I  
MOVE THE APPEAL FOR A VARIANCE (AREA) FOR CONSTRUCTION OF A SHED  
WITH A REAR SETBACK OF 5', 40' REQUIRED BE GRANTED, AS IT MEETS THE  
CRITERIA FOR A VARIANCE. Voted 5-0 in favor.

**Case #: ZO2008-00024: At Map Lot: S18-9 located at, 105 Neal Shore Rd., Barra, Kenney:**

Thorpe - This is one tough lot. It is steep off the road next to the railroad tracks. I don't see any alternatives to this.

Clark moved, Thorpe seconded, IN CASE #: ZO2008-00024: AT MAP LOT: S18-9 LOCATED AT, 105 NEAL SHORE RD., BARRA, KENNEY, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION FOR REPLACEMENT OF AN EXISTING NON-CONFORMING SINGLE-FAMILY DWELLING BY MORE THAN 400 SQ. FT. BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

**Case #: ZO2008-00025: At Map Lot: U23-54 located at, 45 Spindle Point Rd., Morton, Donald, & Jill Revoc. Tr. Morton, Donald & Jill Trustees:**

Clark – I think they have done an exceptional job in dealing with this. They have not come any closer to the lake or the side, yet still expand their house. I feel they meet all the criteria for a special exception.

Hampton moved, Pelczar seconded, IN CASE #: ZO2008-00025: AT MAP LOT: U23-54 LOCATED AT, 45 SPINDLE POINT RD., MORTON, DONALD, & JILL REVOC. TR. MORTON, DONALD & JILL TRUSTEES, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION FOR EXPANSION OF A NON-CONFORMING SINGLE-FAMILY DWELLING BY MORE THAN 400 SQ. FT. BE GRANTED, AS IT MEETS ALL THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

**Case #: ZO2008-00026: At Map Lot: S19-36 located at, Needle Eye Rd. owned by: B & F Meredith LLC c/o Franks, Bill:**

Dever – I am familiar with that lot. The wetlands are not flagged and they are supposed to be according to the ordinance. Our ordinance also says you need to have a mitigation plan. The Conservation Commission has a problem with them not having a mitigation plan and we respect the Conservation Commission's judgment on these things. They need to get on board with the Conservation Commission and flag the wetlands. We can deny this because it doesn't meet the requirements of the ordinance or we can continue it. Clark – I think continuing is preferable because then it would not require re-noticing of abutters. Thorpe – I agree. The Conservation Commission was clearly not supportive of this plan. Pelczar – I agree to continue it also.

Clark moved, Thorpe seconded, In CASE #: ZO2008-00026: AT MAP LOT: S19-36 LOCATED AT, NEEDLE EYE RD. OWNED BY: B & F MEREDITH LLC C/O FRANKS, BILL, I MOVE THE REQUEST FOR A SPECIAL EXCEPTION BE CONTINUED TO OCTOBER 9, 2008. Voted 5-0 in favor.

Meeting adjourned at 10:15 PM

Respectfully submitted,

Christine Tivnan  
Planning/Zoning Clerk

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

\_\_\_\_\_  
Jack Dever, Chairman