

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

Clark moved, Thorpe seconded, THAT WE APPROVE THE MINUTES OF MARCH 12, 2009 AS AMENDED. Voted unanimously.

PUBLIC HEARINGS

2870: BARBARA & DICK SERRANO: An appeal for an AREA VARIANCE (ARTICLE V- SECTION D-2) to construct a garage w/breezeway with a side setback of 20', 30' required, Tax Map U22, Lot. No. 55, located at 193 Pinnacle Park in the Meredith Neck District. Continued from March 12, 2009

Johnson – The Serrano's were at the last meeting for a proposal to add a two-car garage with an attached breezeway. I was in the audience for the presentation so I am familiar with some of the questions the Board had and the issues of what was submitted. I am here to more adequately address the Boards needs, some of the alternatives that the Boards thought might be available, and to provide some hard data on the actual dimensions of what is being proposed. (Passed to the Board some additional photos) The original proposal was to attach a garage to the existing dwelling with a breezeway. It was represented that the distance from the corner of the house to the corner of the garage would be 32'. The dimension on the original plan said the width of the garage would be 30'. We took survey measurements. The garage structure has been reduced to a 24' x 28' with a 6" overhang. The breezeway has been reduced to a width of 6'10". There is a required setback from the septic tank. That disallowed us to move it further. (Passed photos to the Board illustrating the topography of the site.) Attaching the structure from a structural standpoint is not very accommodating. There is one window on the side of the house that is in the kitchen. If you put the garage flush to the house, you would be blocking the light in that vicinity. The breezeway allows for a safe manner of egress and access to the house. It also cuts down on dirt and cold coming into the dwelling. The garage protects the surrounding area because the vehicles are inside. Based on the original information presented, we have produced a plan with dimensions that the board was looking for, in terms of exactly what the dimensions of the garage and breezeway are. We meet the front and rear setback. The use would not diminish surrounding property values. I think Mr. Serrano made a good argument in his original presentation. It is not contrary to the public interest because it is consistent with the way the Board has granted variances in the past. The public is not harmed or injured in any manner by the addition of this garage. Denial of this variance would result in unnecessary hardship because of the following special conditions of the property which make an area variance necessary to allow a development as designed. I think we have gone over that. There are not many options. To the left, looking down at the property is the only one with sufficient size. The size of this garage is the normal size for a two-car garage. The benefit cannot be achieved by some other reasonably feasible method that would not impose an undue financial

burden because of the topography of the lot. This would do substantial justice because it would allow the Serrano's to upgrade their property that is consistent with the neighborhood. It is not contrary to the spirit of the ordinance because the public is not harmed, injured, or affected. The abutters are still protected by a significant amount of vegetation and there will be no drainage issues by the construction of the garage with relations to the property to the east. Clark – What room do the skylights illuminate? Johnson – I would have to have the Serrano's answer that. Serrano - That would be the kitchen. Clark – So your statement that the window on the side is the only light into the kitchen was a misstatement. Johnson – That's probably true. Clark – Any thought of putting the garage up against the existing dwelling and have the porch go out into the back of the yard and than across and in. Johnson- In terms of the back, there can be no structure within 5 ft. of the septic tank. Pelczar – Should it be shoved up tight, where is the window on the side of the second floor? Is that a second egress out of the bedroom? Johnson – Serrano's would have to answer that. Serrano's – That is a bedroom window on the second floor. Pelczar – That is a means of egress. If this garage got pushed tight, it would stand a chance that the window may get lost or shortened. Serrano – We would like to save the kitchen and bedroom window. Clark –. Are there any other windows in that bedroom? Serrano – There are two in the back. Dan Williams – I own the property that abuts the side of the proposed garage. I spoke with Mr. Serrano very briefly about this. He explained some things that put me at ease. He said he had to bring more paper work to this meeting. He told me he would get a foot plan to me so I could look at it. This seems to be my only forum to get information. How high is this going to be? There will be a room over the garage? Johnson – Correct. Williams – When I spoke to Mr. Serrano, he assured me there was not going to be a room. Serrano – This is just for storage. Pelczar – What he chooses to do with it is up to him. Flanders – The only way to access that space would be through the garage. Williams – When we spoke after the meeting he said he had devised a way to shorten the breezeway and make it 8' instead of 10'. Serrano – I just received this plan myself tonight. I have been working with Mr. Johnson. Johnson – When Mr. Serrano contacted me to do the presentation I told him the only way I would be comfortable was to take the measurements so we would know exactly what the distances were. The reality of the original application had that been true; he would have only been 17.74' from the line, requesting a variance to the 20'. At the time he thought we could shorten the breezeway and gain on the 20'. When we took the measurements, the building was closer to the line than what they thought. Williams – One of the reasons we bought in Meredith was because of the country look. When the distances between the houses get less and less, we will start to look like Brockton, Ma. If I had received some information before now, I might not have to have been here. Serrano – Again, I just received this myself. Williams – The association that we belong to, Mr. Serrano is the treasurer. I have a fax machine, email, etc. I could have received it that way. Thorpe – Carl, on the plot plan the breezeway looks like 6'10' and the floor plan it looks 5'4". Johnson- I did not prepare the floor plan. I think the Board can go with what we have presented in terms of the setback. Flanders – The neighbor has addressed concerns. I would like the neighbor to speak on whether he is for or against this application. Williams – Having just glanced at the plans. The garage is as tall as the house. My garage roof- line is significantly lower than the roofline of my house. If it was going to be somewhat uniform

to the surrounding properties I don't think that it is. Based on that, I would like to go on record as opposed. Clark – Does the neighbor feel that this project would diminish the value of his? Williams -That's a tough question without looking at what's before you. Is this going to block sunlight into my yard? It's tough to tell. This looks like a commercial zoned type garage. If I had time to look at this, I might not oppose it. Flanders – Do you have a rough idea how far your line is from the neighbors? Williams – I don't. Johnson - When I was out there, Mr. Williams' house is significantly off of the setback line. It is a wooded area between the houses. I would guess it is in excess of 30'. Pelczar – Mr. Williams, once you have been noticed as an abutter, the information on that application is available at Town Hall. Williams – I realize that, but when I spoke with my neighbor he told me he as going to forward a foot plan. So, all you have before you now, was on file at the town hall? That happened today? Pelczar – No, that was submitted before today. Williams – I was told he just got this plan today. Pelzcar – The plans were submitted to the town. Williams – That clears it up. For the record I would be opposed. Johnson – It's difficult to tell from the photo the height of Mr. Williams' garage. If you look at some of the other photos, most of them are actually higher and have significant space above them. If I was to guess, I would say that the edge of Serrano's proposed garage to the edge of Mr. Williams' house is about 60'. Williams – What Mr. Johnson said about the other garages, my house is within the same sightline of Serrano's. That is my concern. Clark –How short can a garage be and effectively fit a car? Is 28' a pretty good length for a garage? Edney – That is pretty standard. Johnson- In regards to the 28', there is a stairway inside of the garage to access the storage and that stairway is within that 28'. This is within the height requirement of the Zoning Ordinance. Hearing closed at 7:40PM.

2874: DAVID & NANCY SMITH: An appeal for a Special Exception (ARTICLE V-D-3) to allow a multi-family dwelling in a Residential District, Tax Map U06, Lot No. 30, located at 10 Waukewan Ave. in the Residential District.

David Smith – This is the third hearing in regards to this project. It went to the Planning Board for site plan approval, Zoning Board for density, and now back to the Zoning Board for multi- family. I think the board is familiar with this so I will save all the background on it. This project has been favorable all along. We are now at the stage to finish it off. This is not detrimental to the neighborhood. This neighborhood character is multi-family homes. We are bordered by public land that is heavily forested. We have town water and sewer. It is not contrary to public health or safety standards. There is off street parking and only a family member will be living there. This will not affect the value of any of the houses in the area. It fits in well with the neighborhood. I believe denial of this would be a hardship to my parents. They have invested over \$600.00 in just permit fees. Substantial justice would be done by allowing this. We have been honest and upfront from the beginning of this project. It is not contrary to the spirit of the ordinance. Hearing closed at 7:45 PM.

DELIBERATION**2870: BARBARA & DICK SERRANO:**

Pelczar – I believe a two-car garage is important to have. Architecturally it is hard to attach a garage. The connector helps to make it look better. This is a modest size home. When they built this home they had the intention to someday have a garage. When you add stairs inside, you need to have a garage that size for two cars. Flanders – I don't have an issue with this either. My only issue and it's really not an issue. One plan says the breezeway is 5'4' and the site plan says 6'10". Edney –What they are asking for in the application is a setback of 20'. Working the garage and breezeway to meet that setback request will be up to the builder. Eaves and overhangs count in meeting that 20' setback. Clark – Someone feels the value of his property might diminish. I think they may be able to minimize it more. I have some concerns with this. Flanders – I am not concerned on the height. It seems it's more of; it can't be bigger than mine. He did come back with a better plan. Hampton – If I lived in the neighborhood I would think this would add value. I'm in favor of this. Pelczar – This may actually give the neighbor more sunlight and also act as a buffer. Thorpe – I thought at the last meeting he had some alternatives but after Carl's presentation tonight, I'm pretty comfortable with this plan. It looks reasonable to me. Clark – It seems that the abutter was just upset that he didn't get a copy of the plan in a timely manner. As far as diminution of value, I think it would be extremely minor. I think I will be ok with this. Pelczar – Should we go over the 5 criteria? Clark – I think they have been covered.

Clark moved, Flanders seconded, IN CASE # 2870 BARBARA & DICK SERRANO, I MOVE THE APPEAL FOR AN AREA VARIANCE (ARTICLE V- SECTION D-2) TO CONSTRUCT A GARAGE W/BREEZEWAY WITH A SIDE SETBACK OF 20', 30' REQUIRED, TAX MAP U22, LOT. NO. 55, LOCATED AT 193 PINNACLE PARK IN THE MEREDITH NECK DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR AN AREA VARIANCE. Voted 5-0 in favor.

2874: DAVID & NANCY SMITH:

Pelczar – This project started in the Town Planners office. There were numerous conversations with John & Bill. They received ZBA approval for the density. The Planning Board approved it.

Flanders moved, Thorpe seconded, IN CASE # 2870, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION (ARTICLE V-D-3) TO ALLOW A MULTI-FAMILY DWELLING IN A RESIDENTIAL DISTRICT, TAX MAP U06, LOT NO. 30, LOCATED AT 10 WAUKEWAN AVE. IN THE RESIDENTIAL DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

ELECTION OF OFFICERS

Clark moved, Pelczar seconded to elect Jack Dever as Chairman. Voted unanimously.
Flanders moved, Clark seconded to elect Mike Pelczar as Vice- Chairman. Voted unanimously.

Meeting adjourned at 8:00 PM

Respectfully submitted,

Christine Tivnan
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on _____, 2009.

Mike Pelczar, Vice- Chairman