

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

Thorpe moved, Flanders seconded, THAT WE APPROVE THE MINUTES OF OCTOBER 8, 2009 AS AMENDED. Voted unanimously.

PUBLIC HEARINGS

2884: HINDS SEPTIC DESIGN SERVICES FOR CHIP DOHERTY & RENE MARTEL:

An appeal for a SPECIAL EXCEPTION (ARTICLE V -SECTION D-9, G-2) for the placement of a 12" CMP and associated fill along a manmade drainage ditch line, Tax Map U26, Lot No. 75, located on Douglas Drive in the Meredith Neck District. (Continued from September 10, 2009)

Hinds - This has been continued for several months. Would you like me to start from the beginning or is everybody up to speed? Thorpe – I'm comfortable skipping. Dever – Just go over the information the Board requested at the last meeting. Hinds – One was to indicate on the plan where the abutter's well is. That has been done. The other was to meet with Mike Faller and I did do that. We walked the property and he had a few suggestions. We are outside of the ROW so these were only suggestions. One was to not tie into the culvert that is in the street. We are going to fall short of it; make a little detention area to hold the water before it goes into the culvert. The other suggestion was to go to a 15" CMP. That was it. He didn't have any true concerns. I believe you should have a letter in your packets. Thorpe -Has anyone been on the site during high peak flows to determine if the 15" pipe can handle the flow? Hinds – I have been there shortly after heavy heavy rains and there is hardly anything sitting in the ditch at all. Honore Bonner – I am in support of this. This will make the lot look better and the abutters lots as well. Hearing closed at 7:10 PM.

2887: EDWARD DESOUSA: An appeal for an AREA VARIANCE (ARTICLE V--D-4 B) to locate an existing shed with a 3' side setback, 20' required, Tax Map R20, Lot No. 11, located at 28 East Shore Drive in the Shoreline District. (Continued from October 8, 2009)

2888: EDWARD DESOUSA: An appeal for an AREA VARIANCE (ARTICLE V--D-4 B) to locate an existing shed with a 54' front setback, 65' required, Tax Map R20, Lot No. 11, located at 28 East Shore Drive in the Shoreline District.

2889: EDWARD DESOUSA: An appeal for a SPECIAL EXCEPTION (ARTICLE V--D-9 G) to locate an existing shed within 50' of a non-designated wetland, Tax Map R20, Lot No. 11, located at 28 East Shore Drive in the Shoreline District. (Continued from October 8, 2009)

DeSousa - This lot is non-conforming. I bought this lot three years ago. There was a rundown shack on it. I rebuilt a new single-family dwelling. There was a shed there at the time and it was supposed to have been moved because that is where the septic system is located. We had obtained all the permits and I was under the impression that my contractor had done everything correctly to move the shed. Unfortunately, he had not obtained the permits to move the shed. He tried to move the shed to a different location and the shed fell apart. He built another shed and it was placed 1' into a neighbor's property. I moved the shed to the only place it can go. I have letters from two abutters that are in support of this project. I contacted the State and they have no problem with this. Hearing closed at 7:13PM.

2890: AMES ASSOCIATES FOR JOAN L. JOHNS: An appeal for an AREA VARIANCE (ARTICLE V--D-2 a) to allow construction of a new single-family dwelling with a front setback of 28', 40' required, Tax Map U26, Lot No.36, located at 65 Old Barn Road in the Meredith Neck District.

David Ames – Presented a blowup of the Johns property showing the existing home and the proposed home.

FACTS SUPPORTING THIS REQUEST:

1. **The proposed use would not diminish surrounding property values because:** The proposed residence will be more conforming than the existing structure it is replacing. The design of the home will be current and be an asset to the neighborhood.
2. **Granting the variance would not be contrary to the public interest because:** The setback of 28' is not uncommon in this neighborhood. The proposed house will be more conforming than the structure it is replacing.
3. **Denial of the variance would result in unnecessary hardship to the owner because:**
 - a. **the following special conditions of the property make an area variance necessary in order to allow the development as designed:** The property is a corner lot with two fronts both requiring a 40' setback. Wetlands traverse the entire length of the westerly sideline making the required setbacks impossible to maintain.
 - b. **the same benefit cannot be achieved by some other reasonably feasible method that would not impose an undue financial burden because:** This lot was created before local zoning and under the current requirements there is no place on this property to construct a home.
4. **Granting the variance would do substantial justice because:** It allows reconstruction of the existing residence to contemporary construction standards while increasing setbacks.

5. The use is not contrary to the spirit of the ordinance because: The new home will be more conforming than existing residence it is replacing. Granting the variance allows the owner to replace the deteriorating structure and provide her family a modest energy efficient home. The existing residential use of this property has spanned 50 years.

2891: AMES ASSOCIATES FOR JOAN L. JOHNS: An appeal for a SPECIAL EXCEPTION (ARTICLE V—D 9) to allow construction/replacement of a single- family dwelling 21’ from non-designated wetlands, 50’ required , Tax Map U26, Lot No.36, located at 65 Old Barn Road in the Meredith Neck District.

David Ames - **A SPECIAL EXCEPTION IS REQUESTED FROM:**

Requirement: Subsection 14 - Buffer Requirements (Table 1)

The ordinance states that construction may take place no closer than 50’ to non-designated wetlands.

Request: To allow the construction / replacement of a house 21' from non-designated.

Justification: There is an existing residence presently on the site that is 20.4' from the wetlands. The existing home is in severe disrepair. To provide an energy efficient structure with modern conveniences it has been determined the complete replacement of the home is necessary.

FACTS SUPPORTING THIS REQUEST:

- a. The proposal is consistent with Section C (Purpose and Intent);
- b. Alternative proposals have been considered, and that the submitted proposal represents the minimum amount of reasonable, unavoidable environmental impact to wetlands, streams and/or associated buffer areas;
- c. Environmental impacts to abutting or downstream properties and natural resources have been considered and minimized.

The proposed home has been designed to be longer and more narrow providing greater setback to the wetlands. The new home's design allows the revegetation of 140 square feet of the wetlands buffer that is now part of the existing structure. The footprint of the proposed structure, including decks and porches, continues to be modest in size at 1720 square feet ±. Siltation fencing will be installed prior to commencement of construction, will be in place, and maintained throughout the construction and final phase of landscaping. The small lot size and required setback of 40' from the front lot lines and the location of the sewage disposal system results in a situation where it is not possible to meet any of the required setbacks. This lot was created in 1957 before zoning setback requirements were in place and as most lots in

the "Colony Club", the current setbacks are impossible to meet. The homes shape and size have been designed in consideration of the setback requirements and this proposal has less impact to the buffer than the existing home. The Conservation Commission has submitted a letter recommending approval. (Showed a picture of the existing house and a rendering of the proposed house.) I have some other information because we have an abutter who may speak to the lot line. Ames Associates did a boundary survey of this property, we did a boundary survey up-slope of this property, and we did a boundary survey to the left of this property if we need to go over it. Hampton – Please point out where the existing septic is. Ames- The new one has been lengthened but narrowed. This allowed us to bring the house further from the wetlands. Hampton – Is this going to have a full basement? Ames – No, a crawl space. Maurice Arel (33 Douglas Drive) - We have been here 30+ yrs and have known the Johns for that many years. They are great neighbors and we support this project. However, as Mr. Ames has pointed out, for the record, we do have an issue in terms of a lot line. The original deed has a line at 100'. In 1971, there was a corrected deed that made it 140'. Our deed, (pointed to a lot line) is 145'. We had Ames survey our property and the line became 143.65' and ours went down to 130'. There is an issue of 3.65'. I don't think this affects this proposal but it is an issue that I want on record. We do support this project and the new house looks great. Joyce Arel – We are in favor of the construction. However, we do want to go on record with our concerns with the boundary. Our warranty deed states 145'. Ames – It's pretty common knowledge Douglas Drive was supposed to come down, have a 90 degree angle and come out at Old Barn Road and it didn't. It was constructed in the wrong location. Honore Bonner – I would like to speak in favor of this application. Hearing closed at 7:30 PM

2892: THOMAS R. SELLING, P.E. FOR JOANNE W. PETRILLO: An appeal for a SPECIAL EXCEPTION (ARTICLE VII–B 3) to construct a boathouse, Tax Map U37, Lot No. 3A, located at 24 Little Road in the Shoreline District.

Tom Selling – The boathouse is 24' wide, 33.4' long, and 18.5' high. I believe I have demonstrated with the letter that was attached with the application, that all the criteria outlined in Article VII-B3 have been met. I will read them into the record.

Boathouses - The criteria for the granting of a Special Exception for "boathouses" shall include the following:

- a. Boathouses shall be not greater than 32 feet in height as measured from the mean high water mark.
- b. The maximum overall structure width (along the shore) shall be determined on the basis of lot shoreline frontage. (See Article VIII for definition of "Shoreline Frontage".) Boathouse structures shall have a minimum of 75' of dedicated shoreline frontage. Said dedicated frontage shall not have been previously allocated to satisfy shoreline frontage requirements for other waterfront structures.

- c. Boathouses shall have pitched roofs with a minimum pitch of 5/12.
- d. Boathouses shall be designed for the docking of boats or similar craft and shall not be designed or used for any activities usually associated with land, i.e., sunbathing, picnicking, bunkhouse, dwelling unit, helipads, etc.
- e. Boathouses shall not encroach upon side yard or watershed protection area setbacks.
- f. Alteration of the natural shoreline shall not cause or increase non-conformity regarding setbacks between the altered shoreline and preexisting structures and/or septic systems. Waterfront setbacks shall be measured from the inward limit of the altered shoreline area.
- g. There shall be no exterior lighting attached to or providing illumination of the boathouse structure which is offensive or otherwise disruptive to the neighborhood by virtue of light intensity or direction.
- h. If the construction of a boathouse necessitates physical alteration and/or dredging of the natural shoreline, an Erosion Control Plan shall be prepared by a Licensed Professional Engineer and approved by the Meredith Planning Board or their duly appointed representative prior to consideration of the Special Exception by the Zoning Board of Adjustment. The cost of the review of the Erosion/Sedimentation Control Plan shall be the responsibility of the applicant.
- i. Boathouse shall be sited so as to minimize environmental impacts.
- j. Only one boathouse per lot or parcel of land shall be permitted.
- k. Evidence of acceptable surety and site access to guarantee performance associated with site work stabilization shall be required prior to issuance of a Building Permit.

This is in Advent Cove. There is a 6' x 48' seasonal dock. The proposal is for an L shaped seasonal dock and boathouse. This is the third boathouse being proposed on this property. One was permitted in 2003 which lapsed and new owners came along and proposed a second boathouse and that one was 20' x 45' and that one lapsed. There is a Dredge and Fill permit on record for that one. The new owners have submitted to the State an application for a 24' x 33.4' boathouse. They are reducing the impacts. In the interim of the last permit, to the current permit process, both the Dredge and Fill and the Shoreline Permit process have gotten much more involved. The current boathouse being proposed requires two permits. One is the Dredge & Fill and the other is the Shoreline Permit. We have secured the Shoreline Permit. We received a letter on the Dredge & Fill permit. There are some minor housekeeping things that need to be addressed. One is with the overhangs. I can't stand here tonight and say I have a Dredge & Fill permit. I understand in your ordinance we need both permits. I expect to

have the Dredge & Fill permit within a week or so. Hampton – You are asking to have an approval subject to the Dredge & Fill permit? Dever – Could you address the Conservation Commission’s letter? Tom – This is the third application for this parcel and I have received the same comments back from the Conservation Commission as well as every other boathouse I have done in this town. This complies with all the rules and regulations from the State of NH. Hearing closed at 7:45 PM.

DELIBERATION

2884: HINDS SEPTIC DESIGN SERVICES FOR CHIP DOHERTY & RENE MARTEL:

Dever- She did what we asked for. She met with Public Works, did some recalculations, and marked the well.

Pelczar moved, Flanders seconded, IN CASE # 2884, HINDS SEPTIC DESIGN SERVICES FOR CHIP DOHERTY & RENE MARTEL, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION (ARTICLE V -SECTION D-9, G-2) FOR THE PLACEMENT OF A 15” CMP AND ASSOCIATED FILL ALONG A MANMADE DRAINAGE DITCH LINE, TAX MAP U26, LOT NO. 75, LOCATED ON DOUGLAS DRIVE IN THE MEREDITH NECK DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

2887: EDWARD DESOUSA:

Dever- Did everyone get to walk this property? What you see is what you get.

Thorpe moved, Pelczar seconded, IN CASE # 2887: EDWARD DESOUSA, I MOVE THE APPEAL FOR AN AREA VARIANCE (ARTICLE V--D-4 B) TO LOCATE AN EXISTING SHED WITH A 3’ SIDE SETBACK, 20’ REQUIRED, TAX MAP R20, LOT NO. 11, LOCATED AT 28 EAST SHORE DRIVE IN THE SHORELINE DISTRICT, BE GRANTED, AS IT MEETS THE CRITERIA FOR THE AREA VARIANCE. Voted 5-0 in favor.

2888: EDWARD DESOUSA:

Thorpe moved, Pelczar seconded , IN CASE #2888, EDWARD DESOUSA, I MOVE THE APPEAL FOR AN AREA VARIANCE (ARTICLE V--D-4 B) TO LOCATE AN EXISTING SHED WITH A 54’ FRONT SETBACK, 65’ REQUIRED, TAX MAP R20, LOT NO. 11, LOCATED AT 28 EAST SHORE DRIVE IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR THE AREA VARIANCE. Voted 5-0 in favor.

2889: EDWARD DESOUSA:

Thorpe moved, Pelczar seconded, IN CASE # 2889, EDWARD DESOUSA, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION (ARTICLE V-- D-9 G) TO LOCATE AN EXISTING SHED WITHIN 50’ OF A NON-DESIGNATED WETLAND, TAX MAP

R20, LOT NO. 11, LOCATED AT 28 EAST SHORE DRIVE IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR THE SPECIAL EXCEPTION. Voted 5-0 in favor

2890: AMES ASSOCIATES FOR JOAN L. JOHNS:

Thorpe – I think they have made an attempt to make the best of a bad situation.
Dever – They have done the best they can do.

Pelczar moved, Thorpe seconded, IN CASE #2890, AMES ASSOCIATES FOR JOAN L. JOHNS, I MOVE THE APPEAL FOR AN AREA VARIANCE (ARTICLE V--D-2 A) TO ALLOW CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING WITH A FRONT SETBACK OF 28', 40' REQUIRED, TAX MAP U26, LOT NO.36, LOCATED AT 65 OLD BARN ROAD IN THE MEREDITH NECK DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR THE AREA VARIANCE. Voted 5-0 in favor.

2891: AMES ASSOCIATES FOR JOAN L. JOHNS:

Pelczar moved, Thorpe seconded, IN CAS# 2891, AMES ASSOCIATES FOR JOAN L. JOHNS, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION (ARTICLE V—D 9) TO ALLOW CONSTRUCTION/REPLACEMENT OF A SINGLE- FAMILY DWELLING 21' FROM NON-DESIGNATED WETLANDS, 50' REQUIRED , TAX MAP U26, LOT NO. 36, LOCATED AT 65 OLD BARN ROAD IN THE MEREDITH NECK DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION . Voted 5-0 in favor.

2892: THOMAS R. SELLING, P.E. FOR JOANNE W. PETRILLO

Dever – My only comment even though they received a negative response from the Conservation Commission (inaudible) Flanders – It is a special exception and as long as they meet the criteria that's all we can ask them to do.

Flanders moved, Hampton seconded, IN CASE # 2892, THOMAS R. SELLING, P.E. FOR JOANNE W. PETRILLO, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION (ARTICLE VII–B 3) TO CONSTRUCT A BOATHOUSE, TAX MAP U37, LOT NO. 3A, LOCATED AT 24 LITTLE ROAD IN THE SHORELINE DISTRICT, BE GRANTED SUBJECT TO RECEIVING A DREDGE & FILL PERMIT AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION . Voted 5-0 in favor.

Meeting adjourned at 8:10 PM

Respectfully submitted,

Christine Tivnan

Planning/Zoning Clerk

Approved by the Meredith Zoning Board on _____, 2009.

Jack Dever - Chairman