

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

Clark moved, Thorpe seconded, THAT WE APPROVE THE MINUTES OF APRIL 8, 2010. Voted unanimously.

PUBLIC HEARING

2904: CHARLES YOUNG: An appeal for an VARIANCE (ARTICLE IV SECTION 6 D-2) to expand a non-conforming structure within the 25' natural woodland buffer, Tax Map I01, Lot 3, located at 49 Pine Island in the Shoreline District.

2905: CHARLES YOUNG: An appeal for an SPECIAL EXCEPTION (ARTICLE IV SECTION 6 C-2) to expand a non-conforming structure by more than 400 sq. ft, Tax Map I01, Lot 3, located at 49 Pine Island in the Shoreline District.

Dave Dolan (Dolan Associates) – This parcel is about 3 acres with 300' of frontage. There is an existing one story seasonal dwelling on this property. (Pointed out to the Board where the 25' woodland buffer was on the plan.) A portion of the existing deck and about 16 sq.ft of the dwelling are located in that setback. There is a new septic system under construction that is nearly complete. This property is heavily wooded with the exception of where the existing dwelling is. They have a State permit that was granted in 2008 and with that he was also granted a waiver to completely remove the existing dwelling and rebuild in the same footprint with two small additions to the rear of the property. (Passed pictures to the Board showing the house). In the application to the State, we had to do a tree inventory of the entire property within 100' of the shoreline. I do have that plan if you would like to see it. It shows the property is heavily wooded along the frontage and the hope is to keep it that way. This would not diminish the value of neighboring properties. This will now become a year round useable home which will enhance the value of the property and surrounding ones. It will be in the public interest because a new septic system is being installed. There was some mitigation that was required by the State that will help enhance the shorefront. We have shown two alternate locations for a building but both locations would result in the removal of a number of trees. We feel this location is in the best interest and meets the spirit and intent of the ordinance. Special conditions that distinguish the property are the dwelling predates zoning; it is heavily wooded, and has a lot of boulders. Building in the same location will be less of an impact. We feel we meet the criteria for a special exception and the variance. Hearing closed at 7:13 PM

2906: BUD FISHER FOR JOSEPH & ELLEN GRIFFIN: An appeal for a VARIANCE (ARTICLE V, SECTION D-4 B) to construct two decks, one with a front setback of 20.6', 30' required, and the other with a side setback of 15', 20' required, Tax Map U39 Lot 2-13, located at 36 Patrician Shores Circle in the Shoreline District.

Fisher – We are looking for two setbacks. One is a side and the other is a front. We are trying to alleviate some problems. One is we have no useable front entrance and secondly we are trying to conform to a means of egress from the upstairs living quarters. We have letters from abutters who are in favor of this application. If you look at the spiral staircase on the inside, we would like to bump out the front of the house as well as a second floor deck so we can alleviate the spiral staircase completely. The side deck is a means of egress to the sliders. We meet setbacks with deed restrictions. Thorpe – Have you taped the distance from the front of the house to the road? Fisher – Yes, it is 28.6'. Thorpe – Is that to the pavement or the ROW? Fisher – To the pavement. I asked Bill to come visit and that is when we decided we needed the variance. Clark – You said you were going to bump out the front of the house? Fisher – We need to get the stairwells in. Clark – I don't see that on the Plan. Fisher – I didn't put that on the plan. Clark – I see an existing 28' x 36' structure and I see a new 8' deck. What is being bumped out? You have something that is 28' X 36'. Is that existing or is that what is going to be made. Fisher – That is existing. Clark- The deck is going out in front of the house? Are you making the inside of the house bigger? Fisher – If we have to incorporate a bump out to meet conforming stairwells, a roof, and a deck to cover the existing... Clark – So you would be even closer than ...Fisher – No, the bump out would be less than the 8' deck width. Clark – So if you bump out 6', you will have 2' of deck left. Fisher – Right, but we have a cantilever second floor, so I am looking to bump out 5' on the bottom and 3' on the top. Dever – The issue I have is you are asking for two decks and now you are talking about bumping out the main structure. Fisher – That's only if we need to conform to the stairwell. Dever – You need to bring in a plan that shows us exactly what you want. Fisher – If I stay within the 8' setback..... Dever – If you are changing the sq. footage of the main structure that has to show on the plan. Fisher – Can I ask for a variance now for the deck and do a second one for the bump out if it is necessary? Dever – Either that or we can continue the hearing until you can come back with everything that you want. Fisher – I would like the variance for the decks. The bump out is not the only option. The deck is important to get a means of egress from the second floor. Is that acceptable? Dever – As long as you understand that whatever is approved is all that you can do. Fisher – The Griffins are looking for a means of egress for this summer and then in the fall, when the house is not being used, to attack the stairwell problem. Flanders – You are talking about using the second story deck as a means of egress from the second floor and you are talking about replacing a stairwell? Fisher – The stairwell we want removed is the front entrance on the lower level. Flanders – So the main entrance to the house would be from the second floor. Fisher – Yes. The second floor is the living area. The downstairs is a bedroom, bath and a garage. They are using a back set of stairs to get in and out of the house right now. Edney – This is a very unusual constructed building and there are some difficulties with egress. The spiral staircase is very narrow. This will allow egress from the living part of the house and not worry about coming down a set of very narrow stairs in case of an emergency. Clark – What's not clear is you are saying the reason you need the decks is to get egress from the second floor but you are pretty sure you can do that without expanding into the deck area but the new deck in the front has nothing to do with the stairwell or access at this point. Fisher - At this point no, until we can make a front entrance at that level or use the sliders. Clark - Is there any way a deck or access to the second floor could be obtained

from the other side of the property where there is some room? Fisher – The other side is the garage and a bedroom. Clark – We need to ask if you have considered alternatives. Fisher – The right side is all bedrooms. Clark – OK. Flanders – I am unclear on what the purpose is of the 44' x 8' deck, if they are using the other deck to get into the second floor. There are no doors showing on that deck. Fisher – Correct. That is mainly to make a front entrance for the family to use. Flanders – They won't be using the sliders as the main entrance? Fisher – They will but the Griffins are getting quite old and the sliders are going to end up being a problem for them in the near future. That's why we are hoping to put a door in the front. Thorpe – I would like to know where the formal ROW is. I think this should be on the final plan. Clark – I don't think we have sufficient information. We are looking at two separate variances. If the applicant were to come back; I would suggest two separate applications so we could vote on them separately. Fisher – In my opinion, they are all tied together with the stairwell. In order to comply with the stairwell, we need to change the entrance. Dever – You have heard what questions and concerns the Board members have. Would you like to continue this? The only other option is to go forward and possibly be disapproved and then you have to start all over. Fisher – I would like to continue and I would like to know exactly what the Board members want. Hearing closed at 7:43 PM

Clark moved, Thorpe seconded, IN CASE #2906, BUD FISHER FOR JOSEPH & ELLEN GRIFFIN, I MOVE THE APPEAL FOR A VARIANCE (ARTICLE V, SECTION D-4 B) TO CONSTRUCT TWO DECKS, ONE WITH A FRONT SETBACK OF 20.6', 30' REQUIRED, AND THE OTHER WITH A SIDE SETBACK OF 15', 20' REQUIRED, TAX MAP U39 LOT 2-13, LOCATED AT 36 PATRICIAN SHORES CIRCLE IN THE SHORELINE DISTRICT BE CONTINUED TO THE NEXT MEETING. Voted 5-0 in favor.

2907: DAVID HANSON: An appeal for a VARIANCE (ARTICLE V, SECTION D-4 B) to construct a three season porch with a side setback of 13', 20' required, Tax Map U19, Lot 32A, located at 35 Pinnacle Park Road in the Shoreline District.

Hanson – We would like to add a 10' x 14' porch to the south side of our home. This will be a screened porch. I think what we are doing is within the intent of the law. My neighbor's house is not that close. There will also be a 4' x 6' open deck for the grill. Thorpe – You have a storage shed that is right on your property line. When you approached DES, did they require you to remove that shed before they would approve the porch? Hanson – No. I do have a permit from DES. Dever – So where the deck is now on the side, that is going to be removed and replaced with the porch. Hanson – Correct. Hearing closed at 7:42 PM

2908: JAMES LOCKE FOR WAYNE AHLQUIST: An appeal for a VARIANCE (ARTICLE V, SECTION D-6 B) to allow construction of a garage with a front setback of 27', 50' required, Tax Map S19, Lot 5, located at 12 Latchkey Lane in the Commercial-Route 3 South District.

2909: WAYNE AHLQUIST: An appeal for a SPECIAL EXCEPTION (ARTICLE V, SECTION D-6 A) to create an accessory apartment above a garage, Tax Map S19, Lot 5, located at 12 Latchkey Lane in the Commercial-Route 3 South District.

Locke – We are looking to build a 70' x 44' garage. It is zoned commercial with a 50' front setback. We are asking for a 27' front setback. We are looking to store some automobiles and a large commercial trailer. These are stored off-site now. He would also like to put an in-law apartment above for his mother. Even though this is zoned commercial, it is all residential. In the residential zone, the front setback is 30', so we think this is a hardship for Mr. Ahlquist. The special exception is pending the approval of the variance. I know you are missing some information. We didn't think it was logical to spend money on a septic design and an architectural drawing without the approval of the variance. Dever – The septic design now is for how many bedrooms? Locke – It is for three. The septic is behind the play area on the plan. Dever – Would you be creating another driveway? Locke – Correct. Thorpe – What is the living area of the primary dwelling? Locke – I believe it is about 1900 sq. ft. Thorpe – The reason I ask, is an accessory apartment can not be greater than 40% of the combined living area of both the accessory apartment and the main dwelling. Locke- It wouldn't be. It says, "(40%) of the sum of the net floor area of both the finished dwelling unit or 1,200 square feet. In addition to the foregoing area limitations, in the case of an accessory apartment in an accessory structure, the accessory structure shall have one or more accessory uses, not including guest quarters." Thorpe – Without pulling my copy out, I believe it says "The accessory apartment shall not exceed (40%) of the combined living area of the accessory apartment and the primary dwelling. I am asking what the living area is of the primary dwelling so I can figure out whether the accessory apartment is going to be greater or smaller. Locke – It is 1900 sq. ft. It is greater. It also says "the net floor area of the accessory apartment shall not exceed the net floor area of the other accessory use or uses of the accessory structure." It is about 1/4 of the accessory structure. Thorpe – That was not what I was concerned about. Flanders – What is driving the size of this building since it is mostly residential? Locke- He is looking to store a small collection of cars and a large commercial trailer. Clark – Are you suggesting that because it is primarily a residential area, the 27' setback is only 3' off what the setback would be in a residential area? Locke – Correct. Clark – Yet, on the other hand, the reason the building is so big is it is in a commercial area. One might argue the reason you have such a large setback in a commercial zone is because they tend to create these large buildings. Locke – That is true to some extent but the reason the building is so large is for storage. Thorpe – I am concerned that you have the accessory apartment and then a gym and storage area. Are we stretching things to have an accessory apartment that has a gym and storage area? Locke – The gym and storage area are isolated from the apartment. Dever – The gym is for the owner of the property and not the tenant? Locke - Correct. Edney – You have the issue of separation between those two uses. Flanders – What does that mean? Edney – There will be a rated partition that rates between a residential use and storage use. There will be no door from the accessory apartment to the gym and storage unit. Hearing closed at 7:55 PM

2910: JOHN KENNEALLY: An appeal for a VARIANCE (ARTICLE V, SECTION D-4 B) to allow construction of a garage with a side setback of 10', 20' required, and a rear setback of 20', 40' required, Tax Map U01, Lot 51, located at 29 Neal Shore Road in the Shoreline District.

Kenneally - I have been a resident of this property for 23 yrs. I am asking for a variance to construct a 24' x 28' sq. ft. garage in the same location where there is an existing 18' x 15' shed. It is old and past it's time. I have spoken to my neighbors and there is no opposition to this. The area where it is going is a wooded area. This would have no adverse affect on the neighbors and would add value to the property. This will give us more storage space. Flanders – What's preventing you from sliding it forward to meet the rear setback? Kenneally – There is a slight slope to the property and it would be too close to the house? Clark – What are the properties like on the side and rear? Kenneally – They are primarily seasonal properties. Behind it are wetlands I believe. No one can really see this. Dever – What you are saying is there is no other place to put this garage on your property? Kenneally – Yes. On the opposite side of the house, the land is wet and there is a ROW. Since there is already an existing structure there we thought this would be the best place for it. Thorpe – What is the back setback from the existing shed? Kenneally – It is probably 25'. Thorpe - Would not the requirement be if you tear down the shed, you have to make the new structure no more non-conforming than the existing one. Kenneally – Is that the rule? Edney – That is why he is here tonight. Dever – If there is another location where you can put the garage, then that is where it should go without asking for a variance. Kenneally – There is an old dug well near the shed that I don't want to impact even though it is not in use. Hearing closed at 8:02 PM

2911: MEREDITH PUBLIC HEALTH NURSING ASSOCIATION FOR REALTY

CONCEPTS LLC: An appeal for a SPECIAL EXCEPTION (ARTICLE VIII, SECTION, DEFINITIONS) to allow parking within the setbacks, Tax Map S25, Lot 50, located on NH Rte. 104 and Waukewan Street in the Business/Industry District.

2912: MEREDITH PUBLIC HEALTH NURSING ASSOCIATION FOR REALTY

CONCEPTS LLC: An appeal for a SPECIAL EXCEPTION (ARTICLE III, SECTION G-7c), to allow a second free-standing sign, Tax Map S25, Lot 50, located on NH Rte. 104 and Waukewan Street in the Business/Industry District.

Carl Johnson – We were just here last month requesting some variances. The parking is going to be located within the setbacks because there is no buildable area sufficient enough to park cars. We could not ask for relief last month because that use is subject to site plan review. We did receive conditional approval for this site plan along with a parking waiver. The parking is a little smaller than what is required. The second special exception is for relief of the requirement as interpreted in the ordinance that you are allowed only one single free standing sign. We are proposing a small sign located at the entrance on Waukewan Street and it would be double faced and a single faced sign facing southwest. The reason we don't want a sign on the building is quite a bit of care was taken to make the building look as nice as it could. The general comments from the

Planning Board are they would rather have a free standing sign. Both signs are smaller than what was anticipated at the Planning Board. The signs and parking in the setback are not going to be injurious, noxious, or detrimental to the neighborhood. We feel we meet the criteria that are required by the ordinance. Dever - The ordinance says "The Central Business District North on Route #3 from Cataldo Road to the end of the Central Business District at the Center Harbor line and East on Route #25 to the Center Harbor line, where a business use is a permitted use, and the Meredith Center Commercial District shall be treated as follows: 1. Each property owner with road frontage of 150 feet or less shall be permitted a free standing sign with a maximum size of 64 sq. ft. (per side) and additional building signage to a maximum of 64 sq." I think that is what Bill was looking at when he said they could have one free standing sign. Edney - It says "a free standing sign". Dever - I understand that. If you read further it says "The balance of the Central Business District, Route #3 South, the Business and Industry District and Route #104 West to New Hamptons Town Line, where a business use is a permitted use, shall be treated as follows: " This is being treated differently than the other lots. "Each property owner may have "on premise" signs with total sign surfaces not to exceed 3 sq. ft. per linear foot of road frontage, but not exceed 120 sq. ft. per side. A total of 240 sq. ft. of signage is allowed." So, that is separate from what I read at first. You had b, 1& 2 and then it went to c. I have heard the argument that I was the one that said it had to be that way but I think the example was the one at Olde Province Common. That's the only one I remember. Edney - Inaudible. Clark - What you are suggesting is that they don't even have to be here? Dever - Right. Just for one of them. Clark - Perhaps if the Board granted the special exception, the issue at that point would become moot. If we denied the special exception, someone could appeal the Code Enforcement Officer's decision. We could then come back and resolve the question. Am I wrong about that? Dever - No, that is why I brought it up. Johnson - I discussed this with Bill and my interpretation was just like what Mr. Dever read. In that the single free standing sign did not apply because of section c. But, I will concede, because under general provisions it does give you the option of up to three. It kind of implies they might have written the ordinance poorly and they were thinking you would be restricted to one free standing sign. It is confusing enough that that zone is the only zone in town that is exempt from the single free standing sign commercially. I think the strictest interpretation should hold. Edney - I would like to vote on the application as they exist tonight and then make some future determinations as how we want to proceed with this. It is very vague. Hearing closed at 8:21 PM.

DELIBERATION

2904. CHARLES YOUNG:

Clark - I am confused. I am reading on page 22 of the Zoning Ordinance. It says the following constructions are allowed by right and I am looking at B-2, replacement of a structure - In audible. Dever - Anymore discussion on this? Let's go through the criteria.

1. Granting the variance would not diminish the values of surrounding properties: All agreed there wouldn't be.

2. Granting the variance would not be contrary to the public interest: All agreed on this. Dever – Special conditions of the property make it necessary to allow the development as designed. I think that is because it is a heavily wooded lot. They would have to remove a number of trees. I think this is the best place for it. Clark – I don't see a hardship here. It seems the fact that it is a wooded lot with lots of rocks just describes every lot in Meredith. I think this is a case of being inconvenient. The idea behind grandfathering originally was the non-conforming stuff was supposed to go away over time. But usually people build on the existing locations. If someone can help me see a hardship, that would be great. Flanders – I disagree. They are rebuilding it in essentially the same spot with few modifications. To ask them to clear a bunch of trees and to lose the spot they have to upgrade their house is a lot to ask. Dever – If it wasn't for the 25' woodland buffer setback, which is fairly new, it would allow them to build in the same spot. Pelczar – I am for what they are doing. Clark – In thinking about this and listening to the discussions, I would have to say that I can't say the spirit of the ordinance is observed because we are talking about recently putting in a rule that you need a variance in order to do anything within the 25' woodland buffer. I don't see that as being satisfied either. Since I am confused on this I would like to ask Bill. Edney – When you talk about spirit of the ordinance, the reason we put that change in was so these kinds of cases get reviewed. The spirit of that change was to review, not to say nothing should go on in there. Clark – Thank-you.

3. Granting the variance substantial justice would be done: All agreed. Dever – We have touched on the hardship and the spirit, would anyone like to make a motion?

Pelczar moved, Flanders seconded, IN CASE # 2904, CHARLES YOUNG, I MOVE THE APPEAL FOR THE VARIANCE (ARTICLE IV SECTION 6 D-2) TO EXPAND A NON-CONFORMING STRUCTURE WITHIN THE 25' NATURAL WOODLAND BUFFER, TAX MAP I01, LOT 3, LOCATED AT 49 PINE ISLAND IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A VARIANCE. Voted 5-0 in favor.

2905: CHARLES YOUNG:

Cark – Most of the expansion is on the far side and that is not getting closer to the water.

Clark moved, Thorpe seconded, IN CASE #2905, CHARLES YOUNG, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION (ARTICLE IV SECTION 6 C-2) TO EXPAND A NON-CONFORMING STRUCTURE BY MORE THAN 400 SQ. FT, TAX MAP I01, LOT 3, LOCATED AT 49 PINE ISLAND IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

2906. BUD FISHER FOR JOSEPH & ELLEN GRIFFIN:

Dever – This has been continued. Flanders – I would like to see a drawing to scale. Edney - A drawing of what? Flanders – What he is looking to do. He gave us a box drawing. It doesn't seem like he knows what he is doing. Edney – Inaudible. Flanders – I am concerned about the side deck and why he can't use the front as the entrance w/ two sliders. Thorpe – The front one has no opening of any kind. Flanders – Ok, I thought it was the other way around. Edney – The notion is to eliminate the need to evacuate down the spiral staircase inside and out the lower level door. The sliders are on the left side on the second floor, which is the living area. Creating that deck to the side allows the creation of a staircase so you can exit through the slider and not use the spiral staircase. This is complicated if you haven't seen it. Dever – So are you saying there is going to be a stairway off the deck? Edney – Yes. Flanders - He shows five stairs on the corner. There is going to be way more than five stairs. So, why is that not the main entrance? Edney – Effectively it is going to be. Flanders – But you say they are going to make an entrance on the other deck. Edney – At some point they have to resolve the issue of entering the building from the street. They won't be able to resolve the issue until he gets in there and can figure out what the interior stairwell will look like. If you allow him 8' in the front, who cares if it is a deck or part of a stairwell. He is asking for relief from the setback. We are not here to redesign the building. Clark – As I drove up to the property yesterday, I was taken by how close it is to the road. Now he wants to come closer. I find that bothersome. I would have trouble granting a variance when we don't know what it is for. This application does not hold together for me. Flanders – I agree with Warren. I feel they can achieve their goal without the front deck. Clark – That is how I feel. Flanders – I think he needs the front relief where the stairs are going. Dever – I think the key here is where does his property line end? Edney – Every one of those lots are postage stamps, 100' x 100'. Flanders – Not that we are approving anything on the inside, but knowing the layout of the inside might help us to understand the predicament they are in. Clark – I agree with Brian. Clark – When we approve a setback, we approve it for a certain distance. If we approve a 20' long deck they can't decide to make it 24' because we may feel the 24' is not justice. So if we approve a stairway that is close to the road and the stairway is 36" wide, then we are only approving an area that is only 36" wide this close to the road. He couldn't then put a deck on right? Edney - He can put anything on, provided he doesn't further encroach than the number you are giving him. Flanders – What you are telling me is when we approve a distance; whatever length of that property they want, they can do it as long as they are within the distance? Edney – Yes. Flanders - We see plans that say only the corner and that is half of their case. Edney – That is the reality. Let's say you have a 20' side setback. That is for the full length of the side yard. You give him relief for 12' that is for the full length of the side yard. Clark – Do we not have the authority to limit the length of the setback? Dever – We can put any condition on it you want. Clark – Maybe we should put conditions on things.

2907. DAVID HANSON:

Thorpe – I think he meets all the criteria. Flanders – I’m ok with this one also.

Flanders moved, Pelczar seconded, IN CASE # 2907, DAVID HANSON, I MOVE THE APPEAL FOR THE VARIANCE (ARTICLE V, SECTION D-4 B) TO CONSTRUCT A THREE SEASON PORCH WITH A SIDE SETBACK OF 13’, 20’ REQUIRED, TAX MAP U19, LOT 32A, LOCATED AT 35 PINNACLE PARK ROAD IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A VARIANCE. Voted 5-1 in favor,

2908: JAMES LOCKE FOR WAYNE AHLQUIST:

Pelczar – I have a hard time with the size of this building. Clark – I agree with Mike. I think it is contrary to the intent of the Zoning Ordinance. The Zoning Ordinance has a commercial district in which we are likely to see large buildings and it mitigates that somewhat by requiring a 50’ setback. What we are doing is taking a huge commercial building, which is legal in that area, but we are putting this so close to the road. I think it is contrary to the spirit and intent of the Zoning Ordinance. Flanders – I think he is dipping into both pots. He is taking the commercial aspect for the size of the building and uses the residential for his case on the setback.

1. Granting the variance would not diminish the values of surrounding properties: The Board felt it would. The size of the building will diminish the value of surrounding properties. We don’t even know what the building will look like.
2. Granting the variance would not be contrary to the public interest: The Board felt it would be.
3. Granting the variance would do substantial justice: For the reasons they stated, the Board felt it would not do substantial justice.

Clark moved, Thorpe seconded, IN CASE # 2908, JAMES LOCKE FOR WAYNE AHLQUIST , I MOVE THE APPEAL FOR A VARIANCE (ARTICLE V, SECTION D-6 B) TO ALLOW CONSTRUCTION OF A GARAGE WITH A FRONT SETBACK OF 27’, 50’ REQUIRED, TAX MAP S19, LOT 5, LOCATED AT 12 LATCHKEY LANE IN THE COMMERCIAL-ROUTE 3 SOUTH DISTRICT BE DENIED BECAUSE THEY HAVE FAILED TO MEET THE CRITERIA FOR A VARIANCE. Voted 5-0 in favor.

2909: WAYNE AHLQUIST:

Dever – Because he did not get the variance, he doesn’t need the special exception.

2910: JOHN KENNEALLY:

Dever - I don't see any reason why he can't slide that garage. I went to the property. Thorpe – I agree. There is plenty of room forward. I think he could bring it back up to the point that he could be on the plan of the existing structure and not require a variance at all. Clark – Would he still need the side variance? Thorpe – No, because he is just expanding a non-conforming structure. As long as he makes it no more non-conforming, he can expand without a variance. Dever - He is not expanding that structure. He wants to tear the shed down and build a new one. Clark – But it is going to be bigger. Edney – There is a way to do that and not come back. Clark –As long as he doesn't exceed 400 sq. ft? Edney – Right and as long as he doesn't increase or further encroach in the setback.

1. Granting the variance would not diminish the values of surrounding properties: The Board didn't think that would be an issue.
2. Granting the variance would not be contrary to the public interest: The Board did not believe it would be contrary to the public interest.
3. Granting the variance would do substantial justice: Clark – I don't think there is a strong benefit to the applicant to do this rather than conform to the non-conforming. Thorpe – I believe granting it would do substantial justice for him and it doesn't hurt other people.
4. Granting the variance would observe the spirit of the ordinance: The Board agreed it would not. The spirit and intent of the ordinance is to require setbacks to protect neighboring properties.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. The Board did not feel the applicant showed a hardship.

Clark moved, Pelczar seconded, IN CASE # 2910, JOHN KENNEALLY, I MOVE THE APPEAL FOR A VARIANCE (ARTICLE V, SECTION D-4 B) TO ALLOW CONSTRUCTION OF A GARAGE WITH A SIDE SETBACK OF 10', 20' REQUIRED, AND A REAR SETBACK OF 20', 40' REQUIRED, TAX MAP U01, LOT 51, LOCATED AT 29 NEAL SHORE ROAD IN THE SHORELINE DISTRICT BE DENIED, BECAUSE THE SPIRIT OF THE ORDINANCE WOULD NOT BE OBSERVED AND HE HAS FAILED TO SHOW A HARDSHIP. Voted 5-0 in favor.

2911: MEREDITH PUBLIC HEALTH NURSING ASSOCIATION FOR REALTY CONCEPTS LLC:

Flanders moved, Pelczar seconded, IN CASE # 2911, MEREDITH PUBLIC HEALTH NURSING ASSOCIATION FOR REALTY CONCEPTS LLC, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION (ARTICLE VIII, SECTION, DEFINITIONS) TO ALLOW PARKING WITHIN THE SETBACKS, TAX MAP S25, LOT 50, LOCATED ON NH RTE. 104 AND WAUKEWAN STREET IN THE BUSINESS/INDUSTRY DISTRICT BE

GRANTED, IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

2912: MEREDITH PUBLIC HEALTH NURSING ASSOCIATION FOR REALTY CONCEPTS LLC:

Flanders moved, seconded, IN CASE #2912, MEREDITH PUBLIC HEALTH NURSING ASSOCIATION FOR REALTY CONCEPTS LLC, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION (ARTICLE III, SECTION G-7C), TO ALLOW A SECOND FREE-STANDING SIGN, TAX MAP S25, LOT 50, LOCATED ON NH RTE. 104 AND WAUKEWAN STREET IN THE BUSINESS/INDUSTRY DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

Meeting adjourned at 9:15 PM

Respectfully submitted,

Christine Tivnan
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on May 13, 2010.

Jack Dever - Chairman