

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

Thorpe moved, Flanders seconded, THAT WE APPROVE THE MINUTES OF MAY 13, 2010 AS AMENDED. Voted unanimously.

PUBLIC HEARING

2913: JOSEPH & ELLEN GRIFFIN: An appeal for a VARIANCE (ARTICLE V, SECTION D-4 B) to construct a deck with a front setback of 13.63', 30' required, Tax Map U39 Lot 2-13, located at 36 Patrician Shores Circle in the Shoreline District.

Bud Fisher – It was decided at the last meeting the Board needed a more detailed plan. We hired Carl Johnson to do a new existing conditions plan. In doing so, we found we only need relief in the front for approximately 87 sq. ft. We still want to do the side deck and the bump outs. This will allow for two means of egress to the front on the second level, which is the main living area. One means of egress to the first level and one between the levels. We will also eliminate the spiral staircase and the rear entrance. I don't believe there is any opposition from the abutters. We feel this will be a great relief for the Griffins. Carl Johnson – I was at the last meeting when this was continued. We actually performed a survey of the lot and you can see the unusual configuration. The building is at an angle to the roadway. The deck on the side falls within what is allowed by expanding a non-conforming structure under 400 sq. ft. and not getting any closer to the property line. So, this results in only hearing one variance for the front. We are eliminating the need for the other. There is already a deck on that side, so you are not changing the use of it. It is just allowing a better access to it. There will be very little impact to the dwelling across the street. We don't believe this request will affect any property values. This building was constructed prior to zoning. We believe the spirit of the ordinance has been met. This is a reasonable use and we have examined alternatives. This is the minimum variance that would be necessary to accomplish the goals for the access. The bump out is within the limit of encroachment. Flanders – Where are the stairs? Johnson – The stairs are coming up underneath the deck. Clark – Are the stairs enclosed? Johnson – No, they are exterior stairs. Clark – It's less than 400 sq. ft.? Fisher – Yes. Hearing closed at 7:15 PM.

2914: PARALLAX REALTY – TOM MORIN TRUSTEE: An appeal for a VARIANCE (ARTICLE V, SECTION D-4 B) to reconstruct a non-conforming structure with a front setback of 30.9', 65' required and a side setback of 4', 20' required, Tax Map W04, Lot 3, located at 6 Black Brook Road in the Shoreline District.

2915: PARALLAX REALTY – TOM MORIN TRUSTEE: An appeal for a SPECIAL EXCEPTION (ARTICLE IV, SECTION C-2) to expand a non-conforming structure by more than 400 sq. ft., Tax Map W04, Lot 3, located at 6 Black Brook Road in the Shoreline District.

Eric Buck (Pollack Land Planning LLC) - This property is located on Lake Winnisquam. The lot is 21,112 sq. ft. Just under a ½ acre. There is an existing cottage with a steep driveway down to it. There are two sheds on the property. The cottage itself totals 675 sq. ft. The sheds total 54 sq. ft. We are proposing a new house structure within the existing cottage and behind it. There will be no expansion towards the lake and there will be no expansion beyond the

existing line. The existing screen porch will become a deck area. We have designed a rain garden and 550 sq. ft. of permeable pavers are to be installed in the parking area as well as in the walkway and patio areas. We have letters from two abutters who are in favor of this project. We do have a Shoreline Permit. (Presented to the Board an elevation drawing.) The proposed footprint of the new house is 1190 sq. ft. with 515 sq. ft. of that being incorporated into the existing cottage. This puts it above the 400 sq. ft., thus requiring a special exception. Hearing closed at 7:20 PM

2916: TONY MATOS: An appeal for a VARIANCE (ARTICLE V, SECTION D-9) to replace a leaching area 28' from a non-designated brook, 75' required, Tax Map S08 Lot 46, located at 5 Ledley Lane in the Meredith Neck District.

Jason (Holden Engineering & Survey, Inc.) - This lot is located in the Winnepesaukee Shores Colony Club. This project requires a variance for relief from the 75' buffer from a non-designated wetland. The existing system has failed. We are proposing a new enviroseptic system. This is a small lot. The lot configuration limits the area for placement of leachfields. The proposed use is consistent with the use of the surrounding community and will not create hazardous noise or vibration, excessive glare or obnoxious conditions that would be a nuisance to neighbors. The new septic system will replace an aged system and is expected to provide better service to the property, and increase the property value. As generally the case, new construction is expected to increase the values of the surrounding properties. For these reasons, the values of the surrounding properties will not be diminished. Granting a variance would permit reasonable development of the existing parcel in compliance with all other ordinance provisions. The existing property is residential and is consistent with the uses in the current neighborhood. The general configuration of the existing lot is unique due to the location of the existing brook and wetland complex. The new system is located at the upland areas away from the wetlands, and is reasonably located away from adjacent properties. For these reasons, granting the variance would not alter the essential character of the locality. The new system has been designed to adequate size to dispose of sewage consistent with state and local requirements. The overall public interest is to protect wetlands and natural resources. The new system is consistent with this interest because it will offer a greater level of sewage treatment than the existing system. The proposed use will not create hazardous noise or vibration and will not be a nuisance to the community. For these reasons, granting the variance will not threaten public health, safety, or welfare. The property boundary is unique because the lot is bordered on two sides by wetlands. For these reasons, granting the variance would do substantial justice. The spirit of the ordinance is to protect the wetlands and other water resources from degradation due to affects from development. Granting the variance would permit reasonable development of the existing lot consistent with other ordinance provisions. The only suitable locations for the leachfield on the property are located within the buffer zone for the wetlands. The new system will provide a greater level of treatment than the existing system. For these reasons, the spirit of the ordinance is observed. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because of the special conditions of the property that we have discussed. Literal enforcement of the ordinance would prohibit the landowner from viable use of the property. For these reasons, literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Denial of the variance would prohibit viable use of the existing property. The unique configuration of the property limits the placement for the leachfield. Denial of the variance would result in a direct economic hardship because the owner would have to purchase land or relocate the home to

avoid work in the buffer zone. That's my presentation. There have been no objections from the abutters. (Passed to the Board a letter from an abutter.) Hearing closed at 7:30 PM

DELIBERATION

2913: JOSEPH & ELLEN GRIFFIN:

Clark – I think they have done a better job than the last time but I still have a problem on how close the property is to the road. I wonder if the spirit of the ordinance is being satisfied.

Thorpe – I tried to weigh Warren's concerns with the unique construction of the house, with the second floor being the living area. Given the relatively minor aggravation of the front variance, the trade off to me seems reasonable. Clark – It is significant that the house was constructed prior to zoning. The layout of the house does contribute to the hardship. Dever- Also, this will give them two means of egress from the second floor. Let's go through the five criteria.

1. Granting the variance would not diminish the values of surrounding properties: It would not.
2. Granting the variance would not be contrary to the public interest. It would not be contrary.
3. Granting the variance would do substantial justice. Yes, it would.
4. Granting the variance would observe the spirit of the ordinance .Yes, it would.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary. All agreed it would.

Pelczar moved, IN CASE #2913, JOSEPH & ELLEN GRIFFIN, I MOVE THE APPEAL FOR A VARIANCE (ARTICLE V, SECTION D-4 B) TO CONSTRUCT A DECK WITH A FRONT SETBACK OF 13.63', 30' REQUIRED, TAX MAP U39 LOT 2-13, LOCATED AT 36 PATRICIAN SHORES CIRCLE IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A VARIANCE.

Dever – I would like to add a condition– THAT PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, A SURVEYED AS-BUILT PLAN WILL BE PROVIDED TO THE CODE ENFORCEMENT OFFICER AND THEN A COPY WILL BE PROVIDED TO THE ZONING BOARD OF ADJUSTMENT AT THEIR NEXT REGULAR MEETING AFTER THE ISSUANCE OF THE CO. Thorpe seconded with the amendment.

Pelczar moved, Thorpe seconded, IN CASE #2913, JOSEPH & ELLEN GRIFFIN, I MOVE THE APPEAL FOR A VARIANCE (ARTICLE V, SECTION D-4 B) TO CONSTRUCT A DECK WITH A FRONT SETBACK OF 13.63', 30' REQUIRED, TAX MAP U39 LOT 2-13, LOCATED AT 36 PATRICIAN SHORES CIRCLE IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A VARIANCE AND PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, A SURVEYED AS-BUILT PLAN WILL BE PROVIDED TO THE CODE ENFORCEMENT OFFICER AND THEN A COPY WILL BE PROVIDED TO THE ZONING BOARD OF ADJUSTMENT AT THEIR NEXT REGULAR MEETING AFTER THE ISSUANCE OF THE CO. Voted 5-0 in favor.

2914: PARALLAX REALTY – TOM MORIN TRUSTEE:

Clark – I think they have done a great job fitting a house on a small piece of property. The 400 sq. ft addition is towards the back, away from the lake, is conforming to the spirit of the Zoning Ordinance. I think they have met all the criteria for a variance.

1. Granting the variance would not diminish the values of surrounding properties: All agreed it would not.
2. Granting the variance would not be contrary to the public interest. It would not.
3. Granting the variance would do substantial justice. Yes
4. Granting the variance would observe the spirit of the ordinance .Yes
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary. All agreed it would.

Clark moved, IN CASE # 2914, PARALLAX REALTY – TOM MORIN TRUSTEE, I MOVE THE APPEAL FOR A VARIANCE (ARTICLE V, SECTION D-4 B) TO RECONSTRUCT A NON-CONFORMING STRUCTURE WITH A FRONT SETBACK OF 30.9', 65' REQUIRED AND A SIDE SETBACK OF 4', 20' REQUIRED, TAX MAP W04, LOT 3, LOCATED AT 6 BLACK BROOK ROAD IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS ALL THE CRITERIA FOR A VARIANCE.

Dever – Would you like to add the amendment we did on the last one? Clark – I agree to the amendment. Thorpe seconded with the amendment.

Clark moved, Thorpe seconded, IN CASE # 2914, PARALLAX REALTY – TOM MORIN TRUSTEE, I MOVE THE APPEAL FOR A VARIANCE (ARTICLE V, SECTION D-4 B) TO RECONSTRUCT A NON-CONFORMING STRUCTURE WITH A FRONT SETBACK OF 30.9', 65' REQUIRED AND A SIDE SETBACK OF 4', 20' REQUIRED, TAX MAP W04, LOT 3, LOCATED AT 6 BLACK BROOK ROAD IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS ALL THE CRITERIA FOR A VARIANCE AND PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, A SURVEYED AS-BUILT PLAN WILL BE PROVIDED TO THE CODE ENFORCEMENT OFFICER AND THEN A COPY WILL BE PROVIDED TO THE ZONING BOARD OF ADJUSTMENT AT THEIR NEXT REGULAR MEETING AFTER THE ISSUANCE OF THE CO. Voted 5-0 in favor.

2915: PARALLAX REALTY – TOM MORIN TRUSTEE:

Clark moved, Thorpe seconded, IN CASE # 2915, PARALLAX REALTY – TOM MORIN TRUSTEE, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION (ARTICLE IV, SECTION C-2) TO EXPAND A NON-CONFORMING STRUCTURE BY MORE THAN 400 SQ. FT., TAX MAP W04, LOT 3, LOCATED AT 6 BLACK BROOK ROAD IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 5-0 in favor

2916: TONY MATOS:

Dever – You don't have to give this one too much thought. Thorpe – I don't see any other way he could continue to use the house, given the wells on both sides, and the swale that runs around both sides. Dever – The only other option is a holding tank and that is not a good situation. Thorpe- Agreed.

Thorpe moved, Clark seconded, IN CASE # 2916, TONY MATOS, I MOVE THE APPEAL FOR A VARIANCE (ARTICLE V, SECTION D-9) TO REPLACE A LEACHING AREA 28' FROM A NON-DESIGNATED BROOK, 75' REQUIRED, TAX MAP S08, LOT 46, LOCATED AT 5 LEDLEY LANE IN THE MEREDITH NECK DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A VARIANCE. Voted 5-0 in favor.

Meeting adjourned at 8:00 PM

Respectfully submitted,

Christine Tivnan
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on July 8, 2010.

Jack Dever - Chairman