

PRESENT: Dever, Chairman; Flanders, Thorpe, Reichlen, Edney, Code Enforcement Officer, Tivnan, Clerk

Thorpe moved, Flanders seconded, THAT WE APPROVE THE MINUTES OF NOVEMBER 10, 2010. Voted unanimously.

**PUBLIC HEARING**

Dever – As you can see, we do not have a full Board. Do you wish to go ahead? Applicant (Collins) agreed to go ahead. Dever - In case # 2930 and #2931, Mr.Nassor has decided to not go forward and continue to the next scheduled meeting, January 13, 2010.

**2928: AMES ASSOCIATES FOR MICHAEL A. COLLINS:** An appeal for a VARIANCE (ARTICLE V, SECTION D-4B) for the removal and replacement of an existing residence with an existing front setback of 21.2', 44.5' proposed, 65' required, Tax Map R07, Lot No. 16, located at 99 Collins Brook Road in the Shoreline District.

**2929: AMES ASSOCIATES FOR MICHAEL A. COLLINS:** An appeal for a VARIANCE (ARTICLE V, SECTION D-4B) for the removal of an existing house and garage and replace with a new residence and attached garage with an existing side setback of 2.8', proposing 2.8', 20' required, Tax Map R07, Lot No.16, located at 99 Collins Brook Road in the Shoreline District.

Dan Ellis - The property is located on Collins Brook Rd. There is an existing cottage and a detached garage. The deck on the existing cottage is 21.2' at the closet point from the water. It is a very steep lot and there is a significant area of exposed ledge. The foundation is falling apart. The proposal is to remove both the residence and the garage and replace them. (Passed pictures to the Board) The new residence will have an attached garage. We will be sliding it back as far as we can. That gets us to 44.5' at the closest point. Moving it further is prohibited because of the ledge and would cause elimination of some unaltered vegetated area that is required by the state. This proposal meets the state's minimal requirements for that. The proposal includes some storm water management on the driveway and it includes an area of permeable driveway in front of the garage in order to keep the impervious area down. The project also includes the installation of a modern septic system. There is only one spot on the lot for this. We are proposing to keep the same side setback with the new garage as the existing one. The other factor that effects the location is if we moved it further north, it eliminates room for maneuvering vehicles in and out of the garage. I will go through the criteria for both applications: **I will address the side setback first.**

1. Granting the variance would not diminish the values of surrounding properties because: I think it will increase. We are replacing a rundown cottage and garage with a modern residence that will have a greater value. It will be consistent with the character of the neighborhood.

2. Granting the variance would not be contrary to the public interest because: The existing setback of 2.8' will be maintained and the proposed residence & garage will be placed at a greater distance from the lake. The project will include the installation of a more environmentally sound septic system.
3. Granting the variance would do substantial justice because: The existing setback distance of 2.8' will be maintained and the proposed residence and garage will not diminish surrounding property values.
4. Granting the variance would observe the spirit of the ordinance because: The existing setback (2.8') will be maintained which allows for the installation of a modern environmentally sound septic system.
5. A. Owing to special conditions of the property that distinguish it from other properties in the area:
  1. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
  2. The proposed use is a reasonable use.

Special conditions of the property are the steepness of this lot and the ledge which make it difficult to meet the 65' setback and the driveway is in the best location for access. The proposed use is the same as existing and is consistent with the neighborhood.

**The front setback criteria:**

1. Granting the variance would not diminish the values of surrounding properties because: I think it will increase. The proposed residence will be more conforming; will be a house of modern construction that will have a greater value. It will be consistent with the character of the neighborhood.
2. Granting the variance would not be contrary to the public interest because: The proposed distance to the public water will be greater than that of the existing structure and is consistent with other residences in the neighborhood. Improvements to the lot as part of this project will provide greater protection to the public waterbody. We do have a State Shoreland Permit.
3. Granting the variance would do substantial justice because: The variance will be a benefit to both the public and applicant, as the proposed house will be more conforming and will include improvements to the property which will better protect the lake.

Any questions? Reichlen – What is the sq. footage of the existing and proposed residence? Ellis – The sq. footage of the current residence and this includes the deck is 1325 sq. ft. The existing garage is 315 sq. ft. and the proposed residence and garage is

3335 sq. ft. Our total impervious surface coverage for the lot will slightly decrease.  
Hearing closed @ 7:20 PM.

**2930: GEORGE & CHRISTINE NASSOR JR.:** An appeal for a SPECIAL EXCEPTION (ARTICLE V, SECTION D9 G-1a) to allow construction of a driveway across a non-designated wetland and its associated buffer to reach the buildable area of a pre-existing lot of record, Tax Map S26, Lot No. 41, located on Winona Shores Road in the Residential District. CONTINUED TO JANUARY 13, 2010.

**2931: GEORGE & CHRISTINE NASSOR, JR.:** An appeal for a SPECIAL EXCEPTION (ARTICLE V, SECTION D9 G-4a) to construct a garage and turning area within 50' of a non-designated wetland with buffer impact of 2,864 sf., Tax Map S26, Lot No. 41, located on Winona Shores Road in the Residential District. CONTINUED TO JANUARY 13, 2010.

**2932: PAUL & KAREN SALAMONE:** An appeal for a SPECIAL EXCEPTION (ARTICLE V, SECTION D9 G-4a) to construct a building within 50' of a non-designated wetland and 75' of a non-designated stream with a buffer impact of 3,677 sf., Tax Map S26, Lot Nos. 35 & 36, located at 168 Winona Shores Rd, in the Shoreline District.

Carl Johnson – We are requesting a Special Exception to remove an existing single-family dwelling and replace it with a new one on property located on Winona Shores Road on Lake Waukegan. The Salamone's own two lots. There is an existing residence on one of the lots and a shed/garage that straddles the lot line between the two lot lines. Most of the development is on Tax Map S26 -35. They have considered several options over the years. One was to remove and replace the existing structure and replace it with a new one in the existing footprint and separately develop the second lot. The other option would be to combine both lots, remove the existing dwelling, reconfigure the lot some and construct a new home which would be on a single lot per the lot merger required by the town. What we are proposing would require these two lots to be merged to become one lot. The driveway comes off of a cul-de-sac at the end of Winona Shores Road, comes onto the property. There is a drainage that comes from across the road and travels onto the abutting property owned by the Cote Family Trust. There is a low grade wetland area, which is between the cul-de-sac and the parcels. The house will not impact wetlands but part of the house would be in the wetland buffer. The proposed impact to the buffer is less than the existing impact. Nothing is getting any closer to either one of the wetland resource that is there now. The new structure will be moved back to meet the 65' front setback and it meets the side and rear setbacks, with regards to the purpose and intent of the overlay district.

1. This will not affect the safety and welfare of the community. It's what is there now.
2. It does not contribute to the degradation of the surface or groundwater quality. The total impact of the light is only increased slightly and the buffer impact is decreased.

3. It does not significantly impair the wetlands ability to treat surface water, filter pollutants, trap sediments or retain and absorb chemicals and nutrients. For the same reason stated in #2.
4. It does not affect the ability of the wetlands to provide flood storage. All of this construction will be done at grade.
5. It minimizes the destruction of habitat for wildlife species. On the proposed plan there is still a great portion of the buffer between the lot and the land owned by the Lake Waukegan Association.
6. This proposal provides a building envelope which will not contribute to the degradation of surface/ground waters and will not result in the production of toxic chemicals or substances.
7. By minimizing the buffer impact the aesthetic and recreational values will be maintained.
8. The reconfiguration of this parcel will not adversely affect the fish or wildlife habitats or degrade the ecological values as those cited in RSA 483A-1B.

This proposal did require permission from the State of New Hampshire, which was granted. I think this proposal meets all the criteria for a Special Exception in the ordinance. Hearing closed @ 7:30 PM

## DELIBERATION

### **2928: AMES ASSOCIATES FOR MICHAEL A. COLLINS:**

Dever – We will discuss the two together and then vote on them separately. Did everybody get to the property? Dever and Thorpe had. Flanders and Reichlen had not. Thorpe – It is very steep and a confined lot. Dever – I agree. There is a lot of ledge there. Reichlen – Being new, at what point, when people are making the house bigger, because making houses bigger, makes it more likely there is a hardship. At what point do you decide the house has gotten big enough and it shouldn't be granted if the hardship is not arguable. Dever – It depends on how much they expand the house and we do have lot coverage requirements. Reichlen – From what I understand, they are meeting the lot coverage. Dever – You need to look at what is reasonable when you look at the lot, location, other houses in the area, activity that has taken place over the years in that area. This one here, I don't see it as an unreasonable expansion of what was there. Reichlen – I asked the wrong question. The question isn't the sq. footage of the house; it's the footprint size. I'm assuming this house is two-story and the existing house is not. Oh, it is footprint size. Edney – I would like to reinforce the comment the Chairman made. Lot coverage issue is a dimensional issue for every lot. In residential, ours is 30%. That in itself is a control for sizing and loading of the lot. That includes driveways, sheds, out buildings and everything being proposed. So, as much as it might seem to be larger in a greater sense, it is still under the lot coverage control. Reichlen – I understand. All lots have buildable areas. This lot has a major portion that is just not

buildable. That's what I was trying to ask. How is it done here? So, we go by total area of the lot. That helps. Dever – Let's go down through the criteria.

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: Correct-It would not.
3. Granting the variance would do substantial justice: Yes
4. Granting the variance would observe the spirit of the ordinance: Yes – All agreed
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Dever – They do have a hardship with this property. They are constrained because of the ledge and being very steep. They are upgrading to a new septic system.

Thorpe moved, Flanders seconded, IN CASE # 2928, AMES ASSOCIATES FOR MICHAEL A. COLLINS, I MOVE THE APPEAL FOR A VARIANCE (ARTICLE V, SECTION D-4B) FOR THE REMOVAL AND REPLACEMENT OF AN EXISTING RESIDENCE WITH AN EXISTING FRONT SETBACK OF 21.2', 44.5' PROPOSED, 65' REQUIRED, TAX MAP R07, LOT NO. 16, LOCATED AT 99 COLLINS BROOK ROAD IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A VARIANCE. Voted 4-0 in favor.

**2929: AMES ASSOCIATES FOR MICHAEL A. COLLINS:**

Flanders moved, Thorpe seconded, IN CASE # 2929, AMES ASSOCIATES FOR MICHAEL A. COLLINS, I MOVE THE APPEAL FOR A VARIANCE (ARTICLE V, SECTION D-4B) FOR THE REMOVAL OF AN EXISTING HOUSE AND GARAGE AND REPLACE WITH A NEW RESIDENCE AND ATTACHED GARAGE WITH AN EXISTING SIDE SETBACK OF 2.8', PROPOSING 2.8', 20' REQUIRED, TAX MAP R07, LOT NO.16, LOCATED AT 99 COLLINS BROOK ROAD IN THE SHORELINE DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A VARIANCE. Voted 4-0 in favor.

**2932: PAUL & KAREN SALAMONE:**

Thorpe – Although there are some wetland impacts, they are minor. They have met all the setback requirements. Dever – Right. Flanders – Plus, he is taking two-lots and turning it into one. Dever – If we approve this, it would be subject to the merger being done.

Thorpe moved, Reichlen seconded, IN CASE # 2932, PAUL AND KAREN SALAMONE, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION (ARTICLE V, SECTION D9 G-4A)

TO CONSTRUCT A BUILDING WITHIN 50' OF A NON-DESIGNATED WETLAND AND 75' OF A NON-DESIGNATED STREAM WITH A BUFFER IMPACT OF 3,677 SF., TAX MAP S26, LOT NOS. 35 & 36, LOCATED AT 168 WINONA SHORES RD, IN THE SHORELINE DISTRICT BE GRANTED WITH THE PROVISION THE TWO LOTS BE MERGED, AS THEY HAVE MET ALL THE CRITERIA FOR A SPECIAL EXCEPTION. Dever- Also, add we reviewed the Conservation Commission's letter and they were in favor of this. Thorpe- So amended.

Thorpe moved, Reichlen seconded, IN CASE # 2932, PAUL AND KAREN SALAMONE, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION (ARTICLE V, SECTION D9 G-4A) TO CONSTRUCT A BUILDING WITHIN 50' OF A NON-DESIGNATED WETLAND AND 75' OF A NON-DESIGNATED STREAM WITH A BUFFER IMPACT OF 3,677 SF., TAX MAP S26, LOT NOS. 35 & 36, LOCATED AT 168 WINONA SHORES RD, IN THE SHORELINE DISTRICT BE GRANTED, WITH THE PROVISION THE TWO LOTS BE MERGED AND IT MEETS ALL THE CRITERIA FOR A SPECIAL EXCEPTION AND WE REVIEWED THE CONSERVATION COMMISSION'S LETTER AND THEY WERE IN FAVOR OF THIS. Voted -4-0 in favor.

Meeting adjourned at 7:50 PM

Respectfully submitted,

Christine Tivnan  
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on January 13, 2011

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Jack Dever - Chairman