

PRESENT: Mack, Chairman; Hawkins; Dever; Pelczar; Joslin; Edney, Code Enforcement Officer; Tivnan, Clerk

Hawkins moved, Dever seconded, THAT WE APPROVE THE MINUTES OF December 14 & 21, 2006, AS PRESENTED. Voted unanimously.

PUBLIC HEARING

2772: KENNETH A. FOLKES: An appeal for a VARIANCE to replace an existing single-family residence with a new residence with a 10' rear setback, 40' required, Tax Map No. U01, Lot No. 31, located at 9 Anntom Road in the Shoreline District.

Folkes – That is my application. Mack – For your rear setback, you are going from 9' to 10'? Folkes –Yes. Hearing closed at 7:10 PM.

2773: JOSEPH MULLIGAN FOR JOAN LYNCH: (Rep. Doug Hill) An APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS from Article V, Section D-4, to permit an existing residential dwelling and shed to encroach onto abutting property, Tax Map U20, Lot No. 11, located at 119 Pinnacle Park in the Shoreline District.

Hill-This application has come about because of finance requirements. This home is one of the lots of the original Alex and Jenny Charles subdivision off Pinnacle Park. Joan Lynch purchased the property from the Belangers in 1985. She has owned it for 21 years. In 1996, Joan Lynch had the property surveyed by Dave Dolan. It was discovered that the structure was located approximately 4' onto the abutting property and a shed also spilled over onto an abutting parcel. The yellow areas on your plans show where the encroachments are. In your packet are copies of easements that were purchased in 1998 from Paul Anderson and the Raymond's to create a deeded permanent right. These locations pre-date the Zoning Ordinance. The Belangers confirmed that they had not changed the location of the structure. The 1969 tax card (passed to the Board) establishes that the patio structure was there, but not where it was. Paul Anderson is concerned that this structure has been made larger. We do not believe that is the case. Ms. Lynch said that it is in the same place as when she bought it in 1985. The Equitable Waiver statute has two parts. The easiest is the ten year rule. If it has been there for 10 years, and there hasn't been any enforcement action, then an Equitable Waiver can be granted. This is a situation where no one knew accurately where the boundaries were. This situation was an accident. This has not caused any difficulty to anyone. Dever – I was on the site today, and the conditions shown on the plan, seem to be as they are. I did talk to Paul, but I didn't see any evidence that the deck was expanded anymore than what it is now. He mentioned stairways being added, but those were added onto the front, not on

his side. Hill – Paul is also concerned about a door. The door was there when Joan bought the property. I looked at my pictures from 1996, and it is shown the same way, except for the fact that there is lattice work applied to the concrete block, and that the lattice work is inside the outer railing. Paul Anderson – This deck, when she bought it, was concrete. If you look inside that lattice work, you will see where the concrete wall has been partially ripped out. The railing was on top of the concrete. The type of deck that is there now, they didn't make when she bought this place. I don't ever remember a door being there, or having an overhang going down her set of stairs. How far out can she keep encroaching? I think part of the deck should be taken off and the lattice work removed. It is more of an encroachment on my property. Mack – Your argument now is that they have added onto the encroachment that went into your property? Is that correct? Anderson – This part here (points to plan) was there when I bought it. Mack – So it did encroach over the property line at that point? Anderson – Yes. Mack – You granted her an easement for the encroachment that existed at the time? Anderson – Yes. Mack - The Zoning Board cannot grant an Equitable Waiver of Dimensional requirement onto someone else's property. We are only allowing her house to be against the property line. Anything beyond that is beyond our jurisdiction. Unfortunately, that would be a civil matter. Hill – I believe Paul is being sincere, but looking at the photos from 1996, it is in exactly the same place. The decking material and the lattice work are new. Joan Lynch - I did not remove the concrete. When I bought the house, it was a wooden deck. Hearing closed at 7:35 PM

2774: DONALD & ROBERTA TRUDEAU: An appeal for a VARIANCE to replace an existing deck with a new deck with a 55' front setback, 65' required, Tax Map No. S16, Lot No. 14, located at 89 Bonney Shore Road, in the Shoreline District.

Trudeau – This application is for a variance for a deck that was on our house. We took the deck off in order to add 8' to the waterside of the house. We are asking to put the same deck back onto the house, but it will bring it within the 65' setback. Mack – You pulled a building permit to add 8' onto your house? Trudeau – Yes. Mack – Towards the lake side? Trudeau - Correct. Mack- Did you not discuss with the building department at that time about putting the deck back on that it would encroach further than it did originally? When I spoke to Mr. Edney, in my mind what I said was, so we wouldn't get any closer to the lake, we would cut 8' off of the deck. In talking to the contractor, he said as long as the deck is off in its entirety, maybe you could apply for a variance to pick it up and put it back onto the house. We are not getting any closer than any of the abutting neighbors. I did not think I needed a variance at that time. Dever – I notice the plan that you submitted doesn't show your deck on the shorefront. How big is the deck on the shorefront? Trudeau – It is 14' x 18'. Dever – It was there when you purchased the property? Trudeau- It was there when my father-in-law purchased the property back in the mid 60's. Hearing closed at 7:40 PM

2775: RAYMOND & BERNICE HACKETT: (Rep. James Vermeersch) An appeal for a SPECIAL EXCEPTION to construct an 8' x 16' handicap accessible bathroom and second emergency exit within the 75' buffer of a designated stream, Tax Map U17, Lot No.12C located at 105 Pleasant Street Unit C in the Shoreline District.

Vermeersch – The 8' x 16' handicap bathroom was designed to have the least amount of encroachment towards the stream. We are also asking for an emergency exit, as there is only one there now. Pauline Roberge – I am in favor of this. Hearing closed at 7:40 PM

2776: LACONIA LAND TRUST FOR WILLIAM STARACE & LINDA STARACE TRUSTEES OF THE STARACE FAMILY TRUST) : (Rep. Pat Wood) An appeal for a VARIANCE from the Manufactured Housing Park Ordinance, Section 4 -2, to reduce the area requirement from 10 acres to approximately 5 acres, Tax Map U11, Lot. No. 63 located on Boynton Road in the Residential District.

Wood – There was some confusion on the publication of the application. The application itself talked about 3 acres for the Mobile Home Park and 9 acres for the remaining property. The sketch that was attached referred to 5 acres. The sketch was a draft done before the survey was completed. We now have the survey completed and we have a slightly different proposal prior to the notices being sent out. The property is approximately 12 ½ acres. The Laconia Area Community Land Trust wants to develop over 9 acres into affordable housing. Under the Mobile Home Park Ordinance, it says that a Mobile Home Park has to be on 10 acres. There are 11 main units on site with an existing house. The proposal is to separate the property, so that the Manufactured Housing units would be on their own lot. There will be more than 10,000 sq. ft. for each housing unit. The lot does not have town sewer. Laconia Area Community Land Trust would bring town sewer up Rte 3 to Boynton Road and into the site. We have come in with a proposal showing the road going right through the middle of the park which is probably not the best configuration. On one of the original plans that we submitted, there was a reconfiguration of the Mobile Home Park. The six units on the north side of the property would have been relocated. Two of them would be next to the existing five trailers and four units down below. That would completely separate the two uses and allow a 50' frontage for the Mobile Home Park. We would have to see if the tenants would want to move to a different location. Mr. Starace owns three of the units in the Mobile Home Park. We have had no discussion with the tenants. We are asking the Board to grant a variance, so that the Mobile Home Park in whatever configuration would be on 2.66 acres. We would need to go to the Planning Board for site plan review and then a special exception for multi-family. Town water is there. There would be 8 units in each structure, with single stories at each end, and the center would be two-story town houses. Reals (Laconia Area Community Land Trust) – People living in these apartments would be at 60% or less of the median income. A family of four would have to make \$45,000. or less and a single person \$25,000. or less. They need

proof of income, a job, and be able to pay the rent or they would have to leave the apartment. This is not subsidized housing. Joslin – Do you reevaluate the occupants to see that they continue to meet the criteria and if not what happens? Reals – I don't have an answer for that. We are to be noticed if income goes up or down, but I don't know what action we would take if things change. The lease application is renewed every year. Wood – There was a question if we could add additional land and avoid the need for the variance? We attempted to purchase additional property without success. Dever – Do you have anything in writing that says you have spoken to abutting property owners? Wood – I don't think we got it in writing. I know Bob spoke to them. Reals - I spoke to Mr. Peck. He wants to develop his own land. Bob Ambrose said he would prefer not to sell. Dever – We do have to look at alternatives, and as far as I am concerned, to say that you asked and they don't want to sell is not enough proof. There should be some documentation. Phyllis Brewer – I have lived on Boynton Rd. for 22 years. What do the residences of Boynton Road do? Who is looking out for us? I don't want all that traffic. If the sewage comes down the road, are they going to pay to have it hooked to my house? I don't think so. Did they ever come door to door to see how we would think about this? I don't think this is fair. This brings my property down, not up. Reals - I apologize. We were planning on going down the road when we went to the Planning Board. For our funding cycle, we haven't had the time to go down the road. The Capital Improvement budget for 2009 shows sewer coming down the road. The idea that there will never be a development down there, if it is not us, is not necessarily the case. Brewer – Once you give them the o.k., we don't have a voice and it is already made up. Mack – That is not a true statement. It still has to go through the Planning Board. This is a variance for the size requirement for a Mobile Home Park. We are not approving the development at all. Brewer – But if it passes, they are one step further. Mack – One step in a long walk. Louan Breen – (Inter-Lakes Mobile Home Park) - Why are they speaking for the property owners? Mack – The owner is here and they have letters from the owners to act as their agent. Breen- What the notice says and what they are presenting here is different. Is the house not part of the 2.6 acres? Mack – That is what he says. Mack – The hearing now is just for granting a Mobile Home Park on less than the required land. They could have come here with a sketch of the land only. Breen - Being a resident of a Mobile Home Park, I would like to speak against this. I don't think this is fair. Kimball – I am against this thing in my back yard. I think we will end up with another Red Gate and Deer Run conditions. Rollins – I am against this for the majority of the same reasons that everyone else has said. I don't want this in my back yard, especially with the condition of Boynton Rd. It is a terrible road in the spring and winter. Mack – Traffic impact is for the Planning Board. It has nothing to do with us. I can understand you are against it, but the meeting tonight is, either we grant or not grant them permission to continue with their development plans, based on the fact that we will have a Mobile Home Park that is less than the required acreage by the Zoning Ordinance of the Town of Meredith. Rollins - The Zoning Ordinance was well thought out. If everyone came in and asked for a variance for this and got it granted that would defeat the purpose of the Mobile Home Park Ordinance. The 10 acres were put

there for a reason. Wood – The 10,000 sq. ft. requirement, if you have both utilities, applies to manufactured housing or to single-family homes. We are not proposing to change that. The road will be improved when we bring the sewer down and as a condition, if you grant the variance, the sewer line would have to be connected. Hearing closed at 8:30PM.

DELIBERATIONS

2772: KENNETH A. FOLKES:

Dever – Do you think this will be the last one down there? Mack – I hope so. This is actually an improvement.

Hawkins moved, Pelzcar seconded, In case # 2772, KENNETH A. FOLKES, I MOVE THE APPEAL FOR A VARIANCE TO REPLACE AN EXISTING SINGLE-FAMILY RESIDENCE WITH A NEW RESIDENCE WITH A 10' REAR SETBACK, 40' REQUIRED BE APPROVED, AS IT MEETS THE CRITERIA FOR A VARIANCE AND IS CERTAINLY A GREAT IMPROVEMENT OVER WHAT THEY ARE REPLACING. Voted 5-0 in favor.

2773: JOSEPH MULLIGAN FOR JOAN LYNCH

Mack - I don't have a problem with this, but everyone keep in mind that we are only granting, if we grant it, a waiver up to the property line. Anything over the property line is beyond our jurisdiction.

Dever moved, Joslin seconded, IN CASE # 27773, JOSEPH MULLIGAN FOR JOAN LYNCH, I MOVE THE APPEAL FOR AN EQUITABLE WAIVER BE APPROVED, AS IT MEETS THE REQUIREMENTS AS REQUIRED BY THE STATUTE. Voted 5-0 in favor.

2774: DONALD & ROBERTA TRUDEAU:

Mack – I think they could have addressed this when they were going through the building permit process. The deck was going to be smaller and now they want the same size deck. I don't like it. Hawkins – I have to agree. There have been opportunities for the whole thing to have been addressed ahead of time.

Hawkins moved, Dever seconded, IN CASE # 2774, DONALD & ROBERTA TRUDEAU, I MOVE THE APPEAL FOR A VARIANCE TO REPLACE AN EXISTING DECK WITH A NEW DECK WITH A 55' FRONT SETBACK, 65' REQUIRED BE DENIED, AS IT DOES NOT MEET THE CRITERIA FOR A VARIANCE. Voted 5-0 in favor.

2775: RAYMOND & BERNICE HACKETT:

Dever moved, Hawkins seconded, IN CASE # 2775, RAYMOND & BERNICE HACKETT, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION TO CONSTRUCT AN 8' X 16' HANDICAP ACCESSIBLE BATHROOM AND SECOND EMERGENCY EXIT BE APPROVED, AS IT MEETS THE REQUIREMENTS FOR A SPECIAL EXCEPTION AND I BELIEVE A HANDICAP ACCESSIBLE BATHROOM IS REQUIRED. Voted 5-0 in favor.

2776: LACONIA LAND TRUST FOR WILLIAM STARACE & LINDA STARACE TRUSTEES OF THE STARACE FAMILY TRUST):

Dever – I believe the Town of Meredith does need work force housing; however, you all know my feelings with monkeying with the ordinance density requirements. I think this is a good project and the town would benefit from having a sewer line put in with no cost to the town, but I still don't think we should be reducing density requirements. If we reduce this requirement, I believe we are opening the door. Mack – There are 5 criteria that need to be met in order to grant a variance and I think the 5th, the spirit and intent of the ordinance, is not being met. Pelczar – I agree with you. I like the scope of the project, but the density does not fit.

Dever moved, Hawkins seconded, IN CASE # 2776, LACONIA LAND TRUST FOR WILLIAM STARACE & LINDA STARACE, TRUSTEES OF THE STARACE FAMILY TRUST, I MOVE THE APPEAL FOR A VARIANCE FROM THE MANUFACTURED HOUSING PARK ORDINANCE, SECTION 4 -2, TO REDUCE THE AREA REQUIREMENT FROM 10 ACRES TO APPROXIMATELY 5 ACRES, WHICH TURNED OUT TO BE 2.66 ACRES BE DENIED, AS IT DOES NOT MEET THE SPIRIT AND INTENT OF THE ORDINANCE. Voted 5-0 in favor.

Meeting adjourned at 9:00 pm

Respectfully submitted,

Christine Tivnan
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on _____, 2007.

John Mack, Chairman