

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

Haley moved, Hawkins seconded, THAT WE APPROVE THE MINUTES OF October 12, 2006 AS PRESENTED. Voted unanimously.

### PUBLIC HEARING

**2764: TOWN OF MEREDITH (Rep. Vint Choiniere)** An appeal for a VARIANCE to allow construction of a Restroom Facility Building with a 1' 9" front setback, 30' required and an 7'9 ¾" rear setback, 40' required, and an appeal for a SPECIAL EXCEPTION to construct a Restroom Facility Building within a wetland buffer, 50' setback required, Tax Map U03-Lot No. 28A, located at 72 Waukewan Street in the Shoreline District.

Vint Choiniere – I feel very good about the work that went into this project. This was first put on the table almost 5 years ago for discussion. Several groups have looked at this project. I feel good about presenting a project that has the least amount of impact on the site. The way the existing conditions are now, there are some safety concerns for pedestrians and for people parking. Mack – On the plan, they are talking about the front property line and the assumed property line. What is that? Choiniere - I had the same question. Back in the spring of this year, Bob Hill had the property surveyed because originally the town was going to provide a water line to the site. During that process, it was determined that the waterline would no longer be provided. Instead, there will be an installation of a well. John Edgar thought that it was simply a line that was assumed by connecting two known pins. Mack – It is this Board's responsibility to ask that the least amount of a variance is being requested. Was there any consideration of eliminating the porch? Choiniere – The reason it is on the plan now is to add some form of shade on the site. There is none there. Mack – I would like this to go on record. Fred Hawkins's company has a bid in for the well on this site but feels that he can be unbiased and has elected to stay unless there is an objection. (No objection was made) Mack – Can you give us a building overview? Choiniere – Some cars don't have room to park when the beach is in operation. Parts of cars hang out into the traveled way. What I am most concerned about is the lack of pedestrian safety. The white building on the plan is what is being proposed. The red stripe buildings are what are being removed. Also being removed is a seasonal porta-potty. The yellow is the location of the Water Department's pump station. This site has no water or sewer. The new building will be handicap accessible. There will be a changing facility in the new building. There will be an outside rinse shower for sanitary purposes. Pelczar – Why a drilled well versus town water? Choiniere – There are some wetland issues and it would be very

costly. Edney – We have been involved in a number of different areas but particularly the area siting the new building on the property. There was consideration to the railroad ROW, the wetlands and the property line. The original building was placed 14' from the abutter's property line and has since been brought back to 20' to try to accommodate some of his issues. Pat Mack – The warrant article that was voted on at town meeting states to construct restrooms at Waukewan Beach. I suspect if the building was designed as intended just for restrooms, the size would be smaller and the town would not be in need of such a substantial variance. What are the dimensions of the structure? Choiniere - The building is 26' x 23'. The proposed building is 780 sq. ft. and the existing is 523 sq. ft. Pat Mack – The plan shows that all the existing buildings will be taken down including the porta-potty but it is my understanding that even once the building is constructed the porta-potty may be put back in place for the summer months. That should be shown on the plan. How big is the building to house two restrooms on that site? Choiniere – There has not been any final determination of the restroom hours. There are two restrooms, each 10' x 10' with a private, doubling as a changing area. Haley – Mrs. Mack has raised some good questions. I would like to do a current versus the future. As it is now laid out, you don't have any restrooms except the porta-potty at the end? Choiniere – Correct. Haley – I assume you have supervision on the property while the beach is in operation? Choiniere – Correct. Haley - So at this time there is no supervision over what happens in either a porta-potty or a toilet building by itself? Choiniere – There will be supervision there 7 days per week from 10:00 am – 6:00 pm. Haley – It will be better now with this new building because I assume one of those (inaudible) is management. Is that true? Choiniere – Correct. Haley - Is there a phone down there? Choiniere – Yes. Haley –I assume the storage that is there now will go into the new bigger building. Choiniere – Yes. Haley - Bottom line, when you take all the other buildings down; the new building will be in a more central location? Choiniere- True, plus the other big positive to the project is that it will be fully handicap accessible as well.

Bob Merwin – (abutter) 64 Waukewan Street. Mr. Chairman, I have a cover letter and some points I would like to make in regards to the application. Would you like me to read them? Mack – Yes. Mr. Merwin passed around pictures of vehicles parked at the location.

11/08/2006

Board of Adjustment

Members of the Board,

Please allow this cover letter to present an overview of our objections to the Application for Appeal filed 10-23-2006 by the Town of Meredith Parks and Recreation Department.

regarding the property at 72 Waukewan St., Meredith NH.

In March 2006 Meredith voters approved Article 19 “to raise and appropriate the sum of Sixty Thousand Dollars to construct restrooms at Waukewan Beach.” We supported that warrant and continue to support the concept of restrooms at Waukewan Beach. What we do not support is a seldom used facility so large it requires a variance. In fact, had Meredith voters been told that this approved warrant was be twisted to include office space, covered farmer’s porch, storage rooms, service windows, winding pathways, utility closet and outdoor showers we doubt that approval would have come so easily. Meredith voters approved restroom facilities not this megaplex.

Waukewan Beach is a beautiful beach, perfect for all especially small children. It is used primarily, more in the evening than during the day. Our lifeguards are on duty 50-60 days a year, from 9AM to 6PM. The lifeguards coach the swim team and offer swimming lessons. The beach itself is 50 yards wide and 15 feet deep during low water time. When there are not enough lifeguards to cover the beach or when the weather is “bad” the lifeguards go home.

The Board is being asked to approve a variance for a Restroom Facility building with a 1'9" front setback, 30' required and a 7'9 3/4" rear setback, 40' required. The Board is also requested to approve a Restroom Facility building within a wetland buffer, 50' setback required. It is more than fair to say that these deviations from code are *extreme*. In fact, this request defeats the purpose of the ordinance.

Recent newspaper articles and the Town’s application cite “approved variances for similar projects for abutting properties.” As the Board may recall, this abutter appeared before this Board in April 2005 and applied for a Special Exception for all improvements. This abutter worked closely with all town officials and *did not* apply for a variance.

It is our request that the Board deny this Variance and suggest the Town apply for a Special Exception to expand the current lifeguard office/storage building into a combination restroom/office. There is no need to erect a much larger building (incredibly further away from the beach that requires lifeguard patrol) that is used 50 days a year at best.

And to further emphasize a point, we ask the Board: Who sitting here tonight would want a bathroom with outdoor showers twenty feet from their property?

Bob and Cathy Merwin  
64 Waukewan Street

Bob and Cathy Merwin  
Direct responses to The Town’s Application for Appeal  
72 Waukewan Street

## Section 1. Application for Variance

Facts supporting this request:

1. Diminished property values. The applicant suggests that moving a building thirty feet would not diminish property values. *Of course* the value of our property is diminished. Who on this Board wants a public outdoor shower and bathrooms twenty feet from their backyard? Especially a restroom/outdoor shower facility that will be unsupervised a good part of the time. The intent of the ordinance is to protect property values.

2. Not contrary to Public Interest. The applicant suggests that granting a variance would not only be not contrary to the public interest but also suggests that the town voted for and backed a variance from the ordinance. This application is an tremendous expansion of the intent of the warrant article and what was approved by Meredith voters. The concept of cleaner water and better facilities is fine. That is what Meredith voters endorsed. There is no reason why sewer connection cannot be made from the location of the existing structure. This building can easily be repaired or rebuilt in the same location it exists today. This would accomplish the objectives as previously stated. In addition, this project unnecessarily destroys all green space as it exists today.

3. Setback relief. The applicant suggests that denial will result in unnecessary hardship and that without a variance certain upgrades and additions would not be possible. Perhaps this proposal needs to change. The current lifeguard shack is already violating setbacks. The changing rooms aren't even on Town land. The applicant states variances have been approved for similar projects. When I contemplated remodeling the my house I *never* applied for a variance; instead a *special exception* so as to be in compliance with the town ordinance. The Applicant has not exhausted its' options to add restrooms and upgrade the building in its' present location. This proposal is contrary to the spirit of the ordinance.

4. Substantial justice. The public needs bathrooms/changing areas. That is what was approved. Meredith voters did not endorse lifeguard offices with farmer's porch and overhang, drinking fountains, outdoor showers and more storage for the Recreation department or to deviate from Town ordinance. The 2006 Article 19 reads " To see if the Town will vote to raise and appropriate the sum of Sixty Thousand Dollars to construct restrooms at Waukewan Beach."

5. Contrary to the Spirit. The applicant suggests this is not contrary to the spirit of the ordinance by citing carefully reviewed and studied improvements. We need restrooms. Period. Anything other than making improvements to the existing building in its' existing location is directly contrary to the ordinance. Has the applicant demonstrated the proposal satisfies this requirement?

Proposed use.

1. No direct impact. The project will connect to sewer and somehow acquire water service. Agreed. Can this be done in the same location? Yes..

2. Alternative options are limiting. That is the purpose of building codes. If one proposes to build something inappropriate for the site of course alternative options are limited. The voters endorsing this project surely assumed that it would comply with today's ordinances. This proposal is inconsistent with anything the Meredith property owner would ever apply for or possibly ever be granted.

3. Proposed new building is further away from ditch. And further away from the beach. Proposed lot is more narrow than our lot which received relief. In 2005 we received relief in the form of Special Exception to work with the existing building. not a *variance* from Town approved Ordinance.

Pat Mack – I would like to speak against this request. I believe the town voted for restrooms and I feel this can be accomplished with a much smaller building.  
Hearing closed at 7:40 pm.

**2765: DEVEN SPEARS:** An appeal for a SPECIAL EXCEPTION to construct a wetland crossing within non-designated wetlands for installation of a culvert for driveway access, total wetland impact of 940 sq. ft., Tax Map S21, Lot No.11, located on Parade Road in the Residential District/ Forestry Rural.

Spears – I would like to install a culvert in a non-designated wetland. It was approved by DES and DOT with their driveway permit. The reason for this location is the site distance coming down the hill next to Forestview. The State would like to see 400' and this is the only location. If I were to move up, the wetland impact would be greater. The driveway is per DES standards along with DES District III. The Conservation Commission has also given their approval. I have spoken to Chief Palm about a 50' radius. Haley – Is there any egress from Pease Road? Spears – No there is not. Hearing closed at 7:45 pm.

**2767: FRANK ANZALONE FOR CARL & PAM GOODALE: ( Rep. Frank Anzalone)** An appeal for a VARIANCE to construct a single-family dwelling with a front setback of 50', 65' required and a VARIANCE to construct a garage with an 11' side setback, 20' required, Tax Map U17, Lot No. 23B located at 69 Pleasant Street in the Shoreline District.

Anzalone - This is an existing two-story home. There is a first floor and a lower level walkout that will be used for storage. This is a fairly old home. The foundation is starting to crack and slide. This site is very steep. From the time you come onto the site, to what will be the first floor, there is a 20' drop. There is a good amount of ledge in the area. That is why the house is where it is; to avoid

hitting the ledge. This site has the most level ground. The lot is very narrow and steep. This was the only location for the garage. The reason the garage is off to the side and not the house is again because of the steepness of the lot. The garage rear wall is actually a retaining wall. The house is 953 sq. ft. Mack – Is that the correct location of the garage and carport next door? Are they right on top of the property line? Anzalone – Yes. Mack – The garage will encroach in the paved parking area? Anzalone – Yes. Wayne Heiligmann – (71 Pleasant Street) My house is the one with the carport and I approve of this. I think this will be good for the town.

## DELIBERATIONS

### 2764: TOWN OF MEREDITH:

Mack – I understand some of Mr. Merwin's concerns but part of the concern discussing the 20' setback from the side property line is not relevant to the request. Dever – I think the Town of Meredith has done an excellent job in trying to upgrade this facility. This is in keeping with the buildings we have done in other years. We have upgraded the bathrooms at Leavitt Park. We have upgraded the bathrooms at Prescott Park. We put in new bathrooms on Main Street. The farmer's porch may seem like an accessory but on rainy and sunny days, etc. (inaudible) Haley- I usually agree with Mr. Dever but Public Works projects have a habit of sometimes growing beyond the scope of the plan. I am hearing at Town Meeting we were talking about restrooms. I didn't see the warrant article adding these additional items. I tend to agree with some of the previous speakers. The restroom could be encompassed in the area of the current buildings. I think the project has grown bigger than originally planned. Pelzcar – I tend to agree more with Jack. In the pictures passed out, the steam roller is off to the side of the road but you can see that the bumper of the white car is out in the road. Dever – Ken, what do you propose? Haley – I don't know how much of this proposed building would fit into the existing plot but we have some smart people that can design a storage area. At the end of the season it is dead area. So you put it in the toilets. Hawkins – It is larger than a couple of restrooms but I am in favor of the upgrades and getting rid of old buildings, which frankly are not very good looking. I think this project is well warranted. Mack – Vint, if you take the existing beach storage building and the two changing rooms, do you have a calculation on how many sq. ft. that is right now? Choiniere – It is 523 sq. ft. now and the new is 780 sq. ft. and that includes the porch area also.

Dever moved, Hawkins seconded, IN CASE # 2764, I MOVE THE APPLICATION FOR THE TOWN OF MEREDITH BE APPROVED, AS IT CERTAINLY WILL NOT DIMINISH PROPERTY VALUES CONSIDERING WHAT IS THERE ALREADY; IT WILL BE A BENEFIT TO THE PUBLIC INTEREST; TO THE SETBACK

RELIEF, WE HAVE DONE EVERYTHING WE CAN TO PULL AWAY FROM THE ABUTTER TO RESOLVE HIS PROBLEMS; SUBSTANTIAL JUSTICE WOULD BE DONE BECAUSE WE DO NEED NEW BATHROOMS, CHANGING AREAS AND ADDITIONAL SPACE FOR STORAGE ; AND I DON'T BELIEVE IT'S CONTRARY TO THE SPIRIT AND INTENT OF THE ORDINANCE.

Mack – I have one thought that I would like to put out there. When we look at variances, we always look at the option of; is there any way to have the least amount of variance or special exception for encroachment into the setbacks? We also require them to demonstrate that they have explored all possibilities. Whether the town did that or not is still questionable in my mind. Whether that makes a point in our decision process remains to be seen. I would like that to go on record. Dever- My answer to that is how many times has the town come forward to what it needs and then it gets reduced and reduced and then a few years back it comes back and we have to do the project over again. I would hate to see us short this and then have it come back in a few years. Edney -The original proposal was less non-conforming than what is before you now. The shift in that location was in response to the abutter.

VOTED 3-2 IN FAVOR.

**2765: DEVEN SPEARS:**

Mack – I don't have a problem with this. I would like to congratulate the applicant for coming in with everything that is approved and not in process. Haley moved, Dever seconded, IN CASE #2765, DEVEN SPEARS, LOCATED AT LOT NUMBER 11 ON PARADE ROAD, I MOVE THAT WE GRANT A SPECIAL EXCEPTION NOT ONLY BECAUSE IT MEETS THE CRITERIA BUT IT IS A TAXABLE LOT AND THE ONLY REASONABLE EGRESS IS ON PARADE ROAD, 400 FT. OR MORE BEYOND FORESTVIEW MANOR. Voted 5-0 in favor.

**2767: FRANK ANZALONE FOR CARL & PAM GOODALE:**

Dever moved, Hawkins seconded, IN CASE # 2767, CARL & PAM GOODALE, I MOVE AN APPEAL FOR A VARIANCE TO CONSTRUCT A SINGLE-FAMILY DWELLING WITH A FRONT SETBACK OF 50', 65' REQUIRED BE APPROVED, AS IT MEETS THE REQUIREMENTS FOR THE VARIANCE AND IT IS CERTAINLY AN UPGRADE TO THE PROPERTY. Voted 5-0 in favor.

Dever moved, Haley seconded, IN CASE # 2767, CARL & PAM GOODALE, I MOVE AN APPEAL FOR A VARIANCE TO CONSTRUCT A GARAGE WITH AN 11' SIDE SETBACK, 20' REQUIRED BE APPROVED, AS IT MEETS THE REQUIREMENTS FOR THE VARIANCE AND IT IS CERTAINLY AN UPGRADE TO THE PROPERTY. Voted 5-0 in favor.

Meeting adjourned at 8:30 pm

Respectfully submitted,

Christine Tivnan  
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on \_\_\_\_\_, 2006.

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John Mack, Chairman