

PRESENT: Hawkins, Dever, Pelczar, Edney, Code Enforcement Officer, Tivnan, Clerk

Dever moved, Pelczar seconded, THAT WE APPROVE THE MINUTES OF FEBRUARY 9, 2006, AS PRESENTED.

PUBLIC HEARING

2733: STEPHEN G. MARCHESE: An appeal for a SPECIAL EXCEPTION to allow construction of a driveway 44' from a seasonal runoff and 38' from poorly drained soils; and a SPECIAL EXCEPTION to allow construction of a house 24' from a seasonal runoff and 38' from poorly drained soils, Tax Map No. U22, Lot No. 59, located on Pinnacle Park Road in the Meredith Neck District. CONTINUED TO APRIL 13, 2006

2734: DEREK MAKSY & RICHARD KELLY: (Rep. Harry Wood) An appeal for a VARIANCE to construct a single-family dwelling and garage with a front setback of 35', 65' required, 3' and 10' side setbacks, 20' required, and no more than 33% lot coverage, 30% required, previously approved Case # 2676 April 14, 2005, Tax Map U17, Lot No. 15-2, located at 95 Pleasant Street in the Shoreline District.

Wood – This project went before the Board on a previous occasion. We said at that time we would be coming back with what we felt would be an improvement. We are proposing to move the building back from the lake. This property has been before the Planning Board, Zoning Board and the State of New Hampshire. This Board granted variances for lot size and setbacks. This property is going from an 11-unit Motel down to two residential dwellings. This brings this into final conformity with the use in the neighborhood. All of this crosshatched area, which was previously pavement, has been removed. Lot #2 is the only part we are considering this evening. Everything in green is either pavement or building that is being removed. The pink area is the new structure. New water & sewer service connections will be made. The Planning Board granted approval with a number of conditions. We needed to remove the parking up on the street, remove the sign, and make all improvements within the Town ROW. We were also asked to make sure that the driveway cut at the property line was no more than 16', which is shown on the plan. There is a 14' front setback. It will now be a 35' setback. The final decision of the State was that we were not subject to the ordinance because we were improving the situation that already existed with this replacement. They sent us a status letter that is in your packet. *Sketches of the anticipated building were handed out.* One feature that is not shown on the sketch is a walkway on the left-hand side of the building and there will be an entranceway there.

With regard to the deck, there will be a 10' x 14' pad flush to the ground. The stairway closest to the lake will be removed. The 3' side setback will be maintained. We have moved the house up the hill as far as possible without creating a new violation. I feel this is an improvement in a number of ways. We have the usage on the lot back to residential. We have it going from 11 units to 2. With moving the house back, the lot next door will enjoy a much better side view. Edney – Is this a one bedroom? Kelly – No, they didn't mark the other two. Edney – I would like to point out to the Board the language in the letter from Environmental Services. In Heather Dionne's letter, it explained that they had received the waiver application, etc., etc. to rebuild a nonconforming structure outside of the 50' primary building setback to surface waters which is a bit of a conflict because this building is 45' from the water. It seems to be inconsistent with what is coming out of Concord. I don't know why that is. Wood – I have thought about that and I think she just parroted the phraseology that is in the State ordinance. The plan was clearly marked as to the setbacks, so I don't think there is any question with regards to what it really was. Edney – I just need that to be clarified. Wood – I know. If you read further down, it basically says, because we are not increasing the structure within that area, they took the position that it does not apply and we could proceed. Dever – So the structure itself, not counting the deck, is how far from the lake? Wood – That would be 45'. Dever – So it doesn't meet the 50'. Wood - No, it does not. The structure there now, will be replaced in kind. Edney – The reason I bring this up is because of the letter we received in November 2004 from the Attorney General's office saying the State has jurisdiction to the 50' and everything goes to Concord. The way this application reads is that they received an application to rebuild a primary structure outside the 50' and not just iterating their rule. They are verifying the application to rebuild a primary structure outside the 50'. The only other issue I brought up with Harry is the nature of this plan. As you can see, it is pretty convoluted. I think at some point we need a particular plot plan with what is being improved on site. Wood – What we could do is an as built. Dever – An as built is something you could require. Edney – A foundation certification would be required. Hearing closed at 7:45PM

DELIBERATIONS

2734: DEREK MAKSY & RICHARD KELLY:

Dever – I agree with Bill. I am nervous about this letter from the State that says they received an application to rebuild a nonconforming primary structure outside of the 50' primary building setback. It certainly isn't. I think we should get something from the State because I don't want to get

these people into a situation where they would have to tear a building down after the fact. Hawkins – The only actual wording that we have to go by is what the State says. Pelzcar – In actuality, it is 45'. Dever – This needs to be reaffirmed that it is in fact approved by the State. We can approve this subject to the confirmation from the State that they do have the approval.

Dever moved, Pelzcar seconded, IN CASE # 2734 DEREK MAKSY & RICHARD KELLY, I MOVE AN APPEAL FOR A VARIANCE TO CONSTRUCT A SINGLE-FAMILY DWELLING AND GARAGE WITH A FRONT SETBACK OF 35', 65' REQUIRED, 3' AND 10' SIDE SETBACKS, 20' REQUIRED, AND NO MORE THAN 33% LOT COVERAGE, 30% ALLOWED, PREVIOUSLY APPROVED CASE # 2676 APRIL 14, 2005, TAX MAP U17, LOT NO. 15-2, LOCATED AT 95 PLEASANT STREET IN THE SHORELINE DISTRICT BE APPROVED, SUBJECT TO A CLARIFICATION LETTER FROM THE DEPARTMENT OF ENVIRONMENTAL SERVICES THAT SAYS THIS IN FACT DOES NOT REQUIRE A PERMIT FROM THE STATE. Voted 3 -0 in favor.

Meeting adjourned at 7:55 P.M.

Respectfully submitted,

Christine Tivnan
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on _____, 2006.

John Mack, Chairman