

December 10, 2025

**VIA ELECTRONIC AND FIRST CLASS MAIL:**

[gsmith@meredithnh.org](mailto:gsmith@meredithnh.org)

Thomas Girard, Chair  
Town of Meredith  
Zoning Board of Adjustment  
5 Highland Street  
Meredith, NH 03253

**Re: Appeal Of Administrative Decision #5419 – October 10, 2025 – 31 Lovejoy Sands Road – Tax Map Lot U35-8-A**

Dear Chair Girard:

I represent Meredith Neck And Islands Alliance (“MerNIA”),<sup>1</sup> and on MerNIA’s behalf, I request that you kindly share this letter with all the members of the Meredith Zoning Board of Adjustment (“Board”). This letter is submitted in support of the Appeal From An Administrative Decision filed by Eileen Crofts, Kenneth Twombly, and Jonathan Sistare. The Meredith Town Code Enforcer’s decision on October 10, 2025 that the proposed building alterations and change in use to a nonconforming structure owned by Goodhue Meredith Real Property, LLC (“Goodhue”) do not constitute “an expansion of use and [is] not required for a site plan amendment” is contrary to the statements made in the application itself. Additionally, the October 10, 2025 decision violates the Meredith Site Plan Review Regulations, the Meredith Zoning Ordinance, and New Hampshire statutory and common law. We respectfully request that you overturn the decision and that you require Goodhue to undertake site plan review and the requisite public vetting and zoning permitting process, both of which are necessary for altering the structure and for changing its use from one likely unlawful nonconforming use to another nonconforming use.

**Applying Any Standard Of Review, The Code Enforcer’s Decision Was Wrong And Is Contrary To The Information Provided By Goodhue In The Application**

In serving as an appellate panel, the Zoning Board of Adjustment “must apply the strict letter of the law in exactly the same way that” the Code Enforcer should have applied it, and the Board

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<sup>1</sup> MerNIA is a domestic nonprofit that is organized for the purpose of protecting “the rural and residential character of the Meredith Neck and Islands neighborhood and [to] safeguard its environment.” MerNIA has over 200 supporters which include owners of properties that abut the Goodhue Meredith boat yard and/or that are otherwise “affected by the proposal under consideration.” RSA 672:3; see also RSA 676:5, 1.

“cannot alter the ordinance and map or waive any restrictions under the guise of interpreting the law.” *The Zoning Board of Adjustment In New Hampshire: A Handbook For Local Officials*, II-4, 5 (2024). Whether the Board applies a “clear error” standard or “de novo” standard, the October 10, 2025 decision was in error based upon the expressly stated information in the application itself. In other words, even if the Code Enforcer accepted the application based upon its face value, without verifying the information provided to the Town to support the application (which supporting information should be verified by the Code Enforcer), the October 10, 2025 decision that there will be “not [be] an expansion” was in error because it is contrary to the information stated in the application itself.

The application specifically explains that the proposed “change of use” from “boat storage” to “boat service” is to expand “boat service” use. **Exhibit 2** (Application). In the application form, Goodhue describes the application as one seeking a “Change of Use,” which Goodhue admits in the application’s supporting narrative is a proposed change **to expand** “Boat Service” into Building B4, while continuing to conduct boat service in another building on the property (Building B2). Goodhue states:

We have decided to use the space for boat repair and maintenance. This would include the maintenance operations that are currently happening in the current service building. This includes: engine and gear oil changes, other mechanical engine and gearbox/transmission repairs, electrical and engine diagnostics, battery replacement, and other general preventative maintenance. Operations that will NOT be taking place in this building: Winterization, boat washing, fiberglass, gel or paint repair. The existing service building will be used for boat cleaning and preparation for photos etc. It will also continue to be used for boat washing using the approved washing facilities.

*Id.* The only lawful and reasonable conclusion that can be drawn from this information provided in the application is that Goodhue seeks to **expand boat service** on the property by servicing boats in two locations, and as set forth below, that invokes site plan review and requires, at a minimum, a special exception for the proposed expansion and “change of use.” *Id.*

For example, it is not clear how the proposed expansion will impact abutters. Where are the 45 boats that apparently had been stored in Building B4 currently being stored? Are they still in Building B4? If yes, where does Goodhue propose they be stored if the “Change of Use” of Building B4 to “Boat Service” is allowed? If on site, where are they stored and how does that affect the abutters. If off site, then a traffic study is necessary. All of this should be considered in site plan review.

As set forth below, it makes no difference how Building B4 has been previously used because a nonconforming use cannot be expanded to another location on the same property or swapped with a substantially different nonconforming use. In any event, the Code Enforcer erred by, among other things, making a factual determination and deciding that Goodhue “does not have

an expansion,” when Goodhue states in its application that it is expanding “Boat Service” into this additional building while continuing “Boat Service” at its existing location. **Exhibit 2.**

**The October 10, 2025 Decision Erred And Violated Meredith Site Plan Review Regulations In Failing To Require Site Plan Review**

Section 1 of Meredith’s Site Plan Review Regulations states:

No development **or change in use for non-residential properties** or for multi-family dwelling units other than one and two-family dwellings, whether or not such development includes a subdivision or re-subdivision of the site shall be established, **nor shall any building or other structures** for such use be erected or **externally remodeled** or enlarged and no area for parking, loading, vehicle services or driveway access shall **be established or changed except in conformity with site plan approval by the Planning Board.**

Meredith Site Plan Review Regulations at I (emphasis added). Applying that provision here, the Code Enforcer erred by concluding on October 10, 2025 that the proposed remodeling did not “require site plan . . . amendment,” which is another way of stating that it did not require site plan review.

Goodhue’s building permit, by its own terms, seeks a “Change of Use” from “currently Boat Storage” to “Boat Service.” **Exhibit 2.** Because this a “change in use” of a “non-residential” structure, the Meredith Site Plan Review Regulations require site plan review. Meredith Site Plan Review Regulations at I.

Additionally, the application seeks to “externally remodel[]” Building B4 by, among other things, adding cupolas and installing **78 windows**, which will significantly impact abutters. **Exhibit 2.** Under the plain language of Meredith’s Site Plan Review Regulations, this also requires site plan review and approval by the Planning Board.

The Code Enforcer therefore erred in finding a “site plan amendment,” which necessarily triggers site plan review and approval, was “not required,” despite the proposed “Change of Use” and external remodeling of the non-residential structure. Both trigger site plan review. This error was unlawful and unreasonable, and the Board should correct the mistake.

**The Proposed Alterations And Change In Use Require A Special Exception**

One of the reasons for requiring site plan review and approval is to conduct an evaluation of what land use permitting and public vetting may be required, especially due to the potential impact on the neighborhood. The Code Enforcer erred by not only failing to require that here, but he also erred by failing to require Goodhue to obtain the necessary permits for its proposed “Change of Use.” **Exhibit 2.**

As you and the other experienced Board members know, only structures—not properties—can be “grandfathered” to allow them to continue to exist in violation of setbacks or other dimensional zoning or to allow them to continue to be used in a **lawful** nonconforming manner. Specifically, RSA 674:19 states:

A zoning ordinance adopted under RSA 674:16 shall not apply to existing **structures** or to the existing use of any building. It shall apply to any alteration of a building for use for a purpose or in a manner which is substantially different from the use to which it was put before alteration.

RSA 674:19 (emphasis added); *see also* Meredith Zoning Ordinance at Article IV.A (referring to the nonconforming use of a building or structure).

Thus, contrary to some comments made by Town staff, a property, itself, is not “grandfathered.” *Id.* A property owner cannot move a nonconforming use to a different part of the property without obtaining a variance (or in some cases a special exception). *See, e.g., Town of Hampton v. Brust*, 122 N.H. 463 (1982) (“the arcade portion of the building cannot be expanded into a section of the building that had been a gift shop, a use different from a penny arcade.”). As the Board is aware, expanding a nonconforming use to another part of a property is not allowed because nonconformity is disfavored under the law and zoning regulations. *See New London Land Use Ass’n v. New London Zoning Bd. Of Adjustment*, 130 N.H. 510 (1988) (“The ultimate purpose of zoning regulations [contemplates that nonconforming uses] should be reduced to conformity as completely and rapidly as possible....”) (quoting 82 Am.Jur.2d Zoning and Planning § 191 (1976)). Indeed, Meredith’s Zoning Ordinance, which has adopted RSA 674:19, attempts to reduce nonconformity—not expand it. *See, e.g., Meredith Zoning Ordinance at IV.A.3* (nonconforming uses that are discontinued for one year are not permitted).

Here, Goodhue proposes a “Change of Use” of Building B4, which would require a special exception because: (1) The previous use of Building B4 for “Boat Storage” was likely **unlawful** because it did not exist at the time the Zoning Ordinance was enacted; and (2) “Boat Storage,” which is not allowed in the Shoreline District without a special exception is substantially different from “Boat Service.” The Code Enforcer therefore erred in failing to require Goodhue to obtain a special exception for the proposed “Change of Use,” while also erring by failing to require site plan review.

First, based upon available information, Building B4 was constructed in 1973 and 1974. **Exhibit 3** (Brown’s Boat Basin newsletter). That was **after** the Zoning Ordinance was enacted in 1971. No matter how the Building B4 was used in connection with the former Shep Brown’s Boat Basin, it cannot be deemed “grandfathered” under RSA 674:19 and under Meredith’s Zoning Ordinance because it did not exist until **after** the Meredith Zoning Ordinance was adopted in August, 1971.

There is no evidence before the Board that Building B4 has ever received a variance or special exception to store boats in it. As the party claiming to have a permissible nonconforming use, Goodhue has the burden of demonstrating that the “Boat Storage” use of Building B4 lawfully

existed. *Dartmouth Corporation of Alpha Delta v. Town of Hanover*, 169 N.H. 743, 751 (2017) (“the burden to prove a lawful nonconforming use is on the party asserting that right.”). There is no such evidence before the Board. The “Boat Storage” use of Building B4 is therefore likely **unlawful** and could not possibly be deemed a “grandfathered” nonconforming use that could continue to be used in a nonconforming manner—let alone be changed to a substantially different nonconforming use—without obtaining a special exception.

Second, “Boat Storage” and “Boat Service” are two substantially different uses by a “marina”<sup>2</sup> that require a special exception to exist in the Shoreline District. *See* Meredith Zoning Ordinance at Article V.D-4 (“marinas” are allowed by special exception); Article VIII (defining “marina” as a “place for docking or storage of pleasure boats and providing service to pleasure boats, including servicing and repair, sale of fuel and marine supplies.”).

The proposed “Boat Service” for Building B4 is substantially different from the (unlawful) “Boat Storage” that has occurred in it. In defining “marina,” the Meredith Zoning Ordinance recognizes those two uses as being substantially different because they are listed separately. *See* Meredith Zoning Ordinance Article VIII; RSA 674:19 (zoning applies to “any alteration of a building for use for a purpose or in a manner which is substantially different from the use to which it was put before alteration.”).

Further, common experience and common sense distinguish those uses as being substantially different. “Boat Storage” is passive, generally quiet, and less labor intensive, requiring from time to time a single forklift and one or two workers to move the boats in and out of storage. In contrast, the “Boat Service” that is being proposed involves noisy, pollution generating, and labor-intensive power tools and other engine testing machines and equipment. It involves running the engines to create noise, smells, and pollution. For instance, each additional serviced boat requires a forklift for transportation. To meet increased service volume, additional equipment will likely need to be purchased resulting in an increased burden on the property.

Specifically, Goodhue proposes to use the (unlawful) nonconforming structure for “engine and gear oil changes, other mechanical engine and gearbox/transmission repairs, electrical and engine diagnostics, battery replacement, and other general preventative maintenance.” **Exhibit 2.** This will likely involve numerous additional mechanics to work for Goodhue, as this will expand the ongoing service in the other “Boat Service” Building (B2) that will likely continue to involve existing staff. All those staff members will need parking, where parking is already a problem in this area because it is necessary for public lake access and island residents, using the newly created Town Parking Permitting Pilot Program. The additional people working in and parking around Building B4 will cause noise and light pollution that will impact abutters and the surrounding area. The proposed “Change of Use” will therefore have “a substantially different effect on the neighborhood” in violation of the common law. *Hurley v. Town of Hollis*, 143 N.H. 567 (1999) (the nonconforming machine shop use could not be moved to a barn on a different part of the property because it was a substantially different use and required more parking); *see also Conforti v. City of Manchester*, 141 N.H. 78, 82 (1996) (use of theater for live performances

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<sup>2</sup> MerNIA does not concede here that the Goodhue Property is a “marina” as opposed to a boat yard.

was substantially different than prior permissible nonconforming use of showing movies, involving more noise); *Stevens v. Town of Rye*, 122 N.H. 688, 690 (1982) (change of an automobile garage into a “bath shop” and plumbing supplies showroom would represent a substantial change in the nature and purpose of the original use and was therefore an impermissible expansion) (quotations omitted).

Notably, the Town’s alleged “findings,” which were issued well after the October 10, 2025 decision by the Code Enforcer,<sup>3</sup> admit that “the building currently stores boats but will be used as mechanic’s space.” **Exhibit 4** (Town “Staff Review Summary”). Storing boats is substantially different from “mechanic” work on boats involving numerous “mechanics.” Presumably, that is at least in part why Goodhue proposes adding, along with the proposed cupolas, **78 windows** to the (unlawful) nonconforming structure to allow more light into the space for the mechanics to see what they are doing. Along with the proposed “Change of Use,” those windows will negatively impact abutters by allowing objectional noise, smells, and light from this substantially different use to pour out of them. Thus, even if Goodhue could establish that the “Boat Storage” existed lawfully in Building B4, which is denied, that use cannot be changed to substantially different “Boat Service” use without first obtaining a special exception.

### **Conclusion**

The Board should grant the appeal of the October 10, 2025 decision and find that the proposed external remodeling and “Change of Use” of Building B4 requires site plan amendment/review and involves an “expansion” in use. On its face, the Goodhue application admits that the proposed “Change of Use” will expand “Boat Service” to a new building while continuing “Boat Service” in its existing location. In any event, the admitted “Change of Use” of the non-residential structure triggers site plan review under Meredith’s Site Plan Review Regulations.

Additionally, the record does not establish that Building B4 is “grandfathered,” and contrary to statements made by Town staff, only structures—not properties—can be grandfathered. Here, the proposed “Change of Use” from the likely unlawful “Boat Storage” to “Boat Service” is substantially different, objectionable, and detrimental to the neighborhood. The only lawful and reasonable conclusion is that this proposed “Change of Use” cannot be made without first obtaining a special exception.

For the Board to decide that the alterations and change in use can occur without site plan review and a special exception would be, at a minimum, grossly negligent and it would lead to unnecessary litigation in light of the plain language of the application itself, the Meredith Site Plan Review Regulations, and the Meredith Zoning Ordinance. *See* RSA 677:20 (attorney’s fees may be granted if it appears that in making the decision from which the appeal arose, the board acted with gross negligence). We urge the Board to instead send the case back to the Code Enforcer and Planning Board to undergo the necessary permitting process and public review.

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<sup>3</sup> The odd and untimely issuance of a Staff Review Summary is, in and of itself, an appealable issue.

Thomas Girard, Chair  
December 10, 2025  
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Thank you for your consideration.

Sincerely,



Rachel A. Hampe

cc: MerNIA (*via* Electronic Mail: [MerNIA462@gmail.com](mailto:MerNIA462@gmail.com))  
Stephanie Maltais (*via* Electronic Mail: [smaltais@meredithnh.org](mailto:smaltais@meredithnh.org))

# **Exhibit 2**





**PLAN DETAILED REPORT ARCH-091625-0001  
FOR TOWN OF MEREDITH, NH**

**Plan Type:** Architectural Design Review Application      **Project:**      **App Date:** 09/16/2025  
**Work Class:** Architectural Design Review Application      **District:** S      **Exp Date:** NOT AVAILABLE  
**Status:** In Review      **Square Feet:** 15,637.00      **Completed:** NOT COMPLETED  
**Valuation:** \$0.00      **Assigned To:** Stephanie Maltais      **Approval**  
**Description:** Renovation of Building "B4", currently Boat Storage. Proposed Change of Use is Boat Service.      **Expire Date:** \*

<b>Parcel:</b> U35-8-A	Main	<b>Address:</b>	Main	<b>Zone:</b>
		Meredith, NH		

<b>Applicant</b> Drew MacDermott 1040 Portland Rd Suite 2 Suite 2 Saco, ME 04072 Business: (603) 444-4111 Mobile: (802) 738-6244	<b>Agent</b> Drew MacDermott 1040 Portland Rd Suite 2 Suite 2 Saco, ME 04072 Business: (603) 444-4111 Mobile: (802) 738-6244	<b>Property Owner</b> GOODHUE MEREDITH REAL PROPERTY LLC 31 LOVEJOY SANDS RD
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Invoice No.	Fee	Fee Amount	Amount Paid
NOT INVOICED	Architectural Design Review Application Fee	\$100.00	\$0.00
	Town Publication Fee	\$50.00	\$0.00
Total for Invoice NOT INVOICED		\$150.00	\$0.00
Grand Total for Plan		\$150.00	\$0.00



## Town of Meredith Application Notification List

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**Applicant:** Goodhue Meredith Real Property, LLC **Tax Map/ Lot #:** U35 / 8A  
**Address:** 20 Lovejoy Sands Road

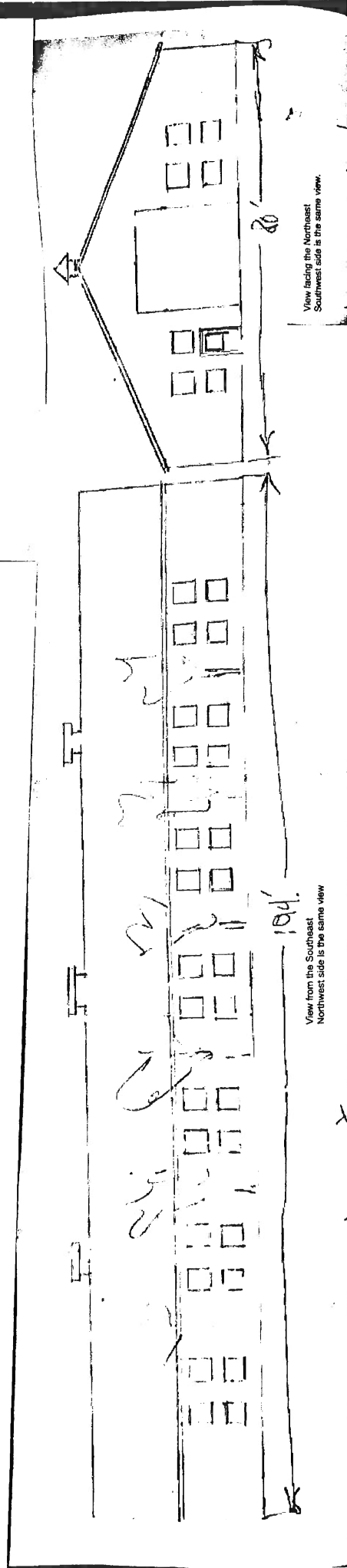
The following information shall be submitted as part of all applications to the Zoning Board of Adjustment or Planning Board. Your application cannot be processed without a completed, legible Notification List. The list shall include all of the following:

1. The name and mailing address of the **owner(s)** of the subject property if other than the applicant; and
  2. The name and mailing address of the owners of all **abutting properties**, vacant or improved. The name and mailing address shall be from the Town Assessor's records not more than 5 days before the filing of the application. "Abutter" for purposes of notification means any person whose property adjoins or is directly across the street or stream from the land under consideration. See RSA 672:3 for reference; and
  3. The name and business mailing address of all **professionals** whose seal appears on any plan submitted to the board as part of the application.
  4. The name and mailing address of all parties holding conservation, preservation, or agricultural preservation **restrictions on the property**. See RSA 477:45 for reference.
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**Windows:**

Qty. 78  
Size. 4' x 4'  
Material. Aluminum frame  
Panels. Double  
U-Factor. 29

Color. Forest Green  
Exterior. Metal  
Roof. Metal



**How is the proposal sensitive towards, and complementary of the architectural heritage of Meredith? Use Specific examples of the proposal that demonstrate conformity with the design criteria.** The colors used will better fit in this district as being less industrial and more blending into the forested background. The windows and doors will also add a residential look while aiding in breaking up large wall areas. The traditional gable roof will also be improved to look more residential with cupola roof features instead of the existing industrial roof vents.

The property is heavily treed on the Northwest side. We are adding trees for screening on the southern side.

The storage building B-4 no longer serves as a boat storage building because the boats have increased significantly in size. Boats that were stored in this facility will be taken offsite for storage. That number of storage boats is about 45 currently.

We have decided to use the space for boat repair and maintenance. This would include the maintenance operations that are currently happening in the current service building. This includes: engine and gear oil changes, other mechanical engine and gearbox/transmission repairs, electrical and engine diagnostics, battery replacement, and other general preventative maintenance. Operations that will NOT be taking place in this building: Winterization, boat washing, fiberglass, gel or paint repair. The existing service building will be used for boat cleaning and preparation for photos etc. It will also continue to be used for boat washing using the approved washing facilities.

# Exhibit 3

# Brown's BOAT BASIN NEWS

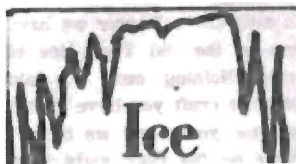
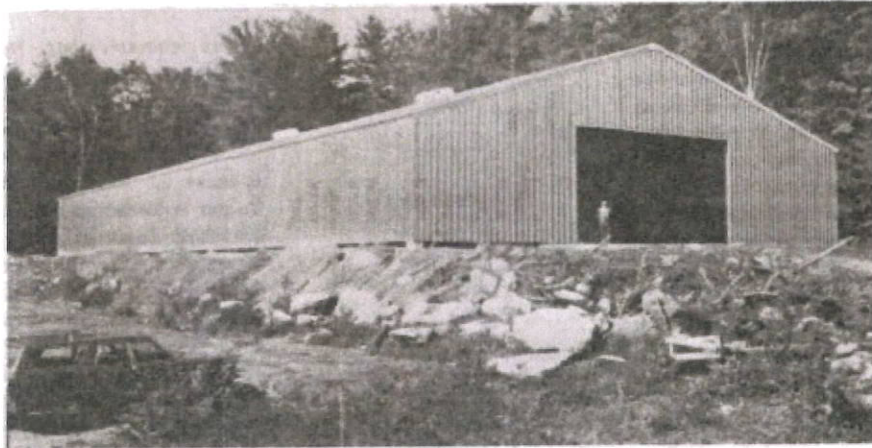
(Built and Owned and Operated by Lisle and Carl Boger)

VOL. XVII No. 1

MEREDITH, NEW HAMPSHIRE

April 1974

## Some Changes Made



## Out?

The usual predictions are floating around town as to when the ice will go out. Some say "early," others say "not so early." The most popular 1974 date seems to be on or about April 15. Last year Boat Basin News predicted an ice-out date of April 8 which was exactly 8 days prior to the actual date of April 16. We still predicted an ice-out date of April 8 known that we are never right so don't bet great sums of money on

new construction

## The Staff

It would seem that there will be no major changes in this year's Basin operating staff. We expect to have Don Marsh continue as our service manager assisted most ably by last year's mechanical staff consisting of Henry Miller and Don Schaalman. The entire group attended mechanical school this winter in order to keep familiar with the changes made by Evinrude, O.M.C., Mercury, and Glastron. They should be able to keep you all running smoothly this summer with the minimum of difficulty. We certainly hope so.

(Continued on Page 2)

We are sure that most of you watched the progress made last summer in the construction of our new steel storage shed. Things moved along well and the building was completed in time for this winter's storage. We are happy to announce that it was filled almost to overflowing with your boats this winter. The building is 200 ft. by 80 ft. and protected 150 boats 20 ft. or over. This brought our total number of boats in storage up to 270. The shed is most functional and the overhead storage through the use of the forklift is quick, clean and simple to accomplish. Now all we have to do is get all of these boats ready for you on the date you want them.

# Exhibit 4

MEREDITH PLANNING BOARD  
STAFF REVIEW SUMMARY

October 28, 2025

PROJECT: Goodhue Meredith Real Property, LLC- Architectural Design Review Application

DATE: October 24, 2025

LOCATION:

- Assessors Reference — Map U35, Lot 8A
- Street — Lovejoy Sands Road
- Watershed — Lake Winnepesauke Watershed
- Zoning District — Shoreline District

REVIEW REFERENCES:

- Building Elevations — 10/7/25, Goodhue Marina
- Project Description — 10/7/25, Goodhue Marina
- Photographs — 10/7/25, Google Maps

SUMMARY OF PROPOSAL

Goodhue Marina is proposing to update an existing metal building. The building is currently light blue with a rusty metal roof. As shown in the elevations, the building will be painted a forest green color and get 78 new windows installed. According to the project description, the building currently stores boats but will be used as mechanic's space. See the project description.

COMPLETENESS REVIEW:

1. Elevations, checklist and abutters list on file.
2. Application fee is paid.
3. It is recommended the application for Architectural Design Review be accepted as complete for the purpose of proceeding to a public hearing this evening.

ARCHITECTURAL REVIEW

The Marina would like to update an old metal building. Currently, the sides of the building are long metal planes with no details. The renovation will include installing windows in groups of 4 to provide visual interest and break up the massing of the building. The number of windows necessary to do this is 78, as the scale of the building is large, similar to the surrounding marina buildings. The ends of the buildings will have man doors installed next to the overhead doors. Attached is the elevation of the sides and ends of the buildings. The roof line will remain sloped. The building will be painted a forest green to better blend in with the



environment and match the nearby building with the same color.

This approval is made in accordance with the following findings of fact:

The plans are found to be in compliance with the purpose and intent of the Architectural Design Review Ordinance. The Board also includes all facts found in the staff report, attachments, and meeting minutes for this application and this decision.