I. Call to order

Reichlen called the meeting to order at 7:01pm

Members present: Jutton, Thorpe, Reichlen, Marino and Girard

Staff Present: John Greenwood, Zoning Administrator; Stephanie Maltais, Administrative Assistant

Reichlen-we have two emergency exits in the back of the room and one behind me. If you have a problem hearing, see Stephanie and she will set you up with hearing assistance. When you come to make your presentation, you must make it at the podium and speak clearly into the microphone so the tape can be transcribed properly. You must begin by stating your name and address. All questions and comments must go through the chair, we tape record each meeting so please keep noise to a minimum.

Our procedures are as follows: I will call the case, the clerk will read the application, and the applicant will then present their case. Once the applicant is finished we then allow comments and general information questions. I will ask who would like to speak in favor and who would like to speak against the application. There will be a rebuttal period for each. After the case has been heard we will close the public hearing and no more testimony will be taken. We will then deliberate the case before moving onto the next case. If the board is unable to finish deliberating the case, we set a time tonight to continue the meeting within the next 30 days.

If you feel a member of the board has a conflict of interest, please say so when the case is called. It takes at least three yes votes to grant an appeal or to deny an appeal. We do not have a full board this evening, applicants are entitled to wait for a meeting when a full board is present. There is a 30 day appeal period that begins on the date the decision is made.

Has any board member been contacted by anyone in anyway in regards to the application before us tonight? By email, phone or in conversation, or in any other way in how you would vote? *All board members responded no.*
Stephanie, will you take a roll call please?
Maltais- Jutton-here, Girard-here, Thorpe-here, Reichlen-yes, Marino- here

II. Approval of Minutes

Jutton moved, Thorpe seconded the motion to approve the August 12, 2021 meeting minutes as presented.
Voted 5-0, motion approved.

Jutton *moved, Thorpe seconded* the motion to approve the August 25, 2021 meeting minutes as presented.
Voted 5-0, motion approved.

III. Public Hearing & Deliberations

#5063: Goodhue Meredith Real Property, LLC- an appeal for a **Variance** (Article V. Section D): to permit lot coverage of 45% where a maximum of 30% is allowed. Tax Map U35 lots 8A, 11, 12 & 14. Located at 31 Lovejoy Sands Road in the Residential District.

#5064: Goodhue Meredith Real Property, LLC- an appeal for a **Variance** (Article V. Section D-4, B & Article V. Section D. Table of Dimensional Regulations): to permit the construction of a pergola with a front setback of 34 feet where 65 feet is required. Tax Map U35 lots 8A, 11, 12 & 14. Located at 31 Lovejoy Sands Road in the Residential District.

#5065: Goodhue Meredith Real Property, LLC- an appeal for a **Variance** (Article V. Section D-4, B & Article V. Section D. Table of Dimensional Regulations): to permit the construction of a showroom with a front setback of 15 feet where 65 feet is required. Tax Map U35 lots 8A, 11, 12 & 14. Located at 31 Lovejoy Sands Road in the Residential District.

Reichlen- we received a written request from attorney Boldt on behalf of Goodhue requesting a continuance. They would need to re-notice abutters.

Boldt- my email request states the continuance be to the October 14th meeting.

Reichlen- we will need a motion stating so.

Marino moved, Girard seconded the motion to continue the hearings to the next scheduled meeting on October 14th.
Voted 5-0, motion approved.

#5055: Blue Marble Realty Trust –Continuance from August 12, 2021. An appeal for a **Variance** (Article V, Section D-4, B): to permit a storage shed with a front setback of 52-feet when 65-feet is required and a side setback of 16-feet when 20-feet is required. Tax Map U01, Lot 37 located at 69 Neal shore Road in the Shoreline District.

Johnson-This project is located on Neal Shore Road and this is a lake front property. There is currently an existing storage shed that has outlived its lifetime

and they wish to reconstruct it in a different location and size. We will be removing a portion of the driveway and turning that into lawn and removing a portion of the deck. By doing this, we will reduce the lot coverage. There is no place to locate the shed that wouldn't violate the front set back. The setback to the south we will conform to. The existing shed is 176 square feet and we are proposing 180 square feet. It will house a lawn mower and other items to keep them off the lawn.

Johnson addresses the following criteria for granting a variance:

1. Granting of the variance would not be contrary to public interest because:

   This is existing and will be used as it is today and in the future.

2. If the variance were granted, the spirit of the ordinance would be observed because:

   The spirit of the ordinance allows for minor adjustments to things such as this not being any different than what it is today.

3. Granting the Variance would do substantial justice:

   This will allow the owners to replace the existing shed which is in disrepair. If the variance were granted, the values of surrounding properties would not be diminished, this is basically the same size shed.

4. Literal enforcement of the provision of the ordinance would result in an unnecessary hardship:
   a) owing to special conditions of the property that distinguish it from other properties in the area:

      The 65 foot setback encompasses the entire lot and there is nowhere to put the shed without needing a variance.

   ii. The proposed use is a reasonable use.

   This is the replacement of a shed in a slightly different location and size so the yard can remain clean.

Reichlen- the plan show stairs, are those coming out? Johnson- those steps exist as a means to get to the lower area of the property to where the shed is located.

Marino- why isn't the shed being put in the same location. Johnson- we are trying to make it conform to the south setback. As it sits today, it doesn't conform to that setback.

Reichlen- questions from the board? No comments

Reichlen- any comments or questions from the public? No comments

Reichlen- does anyone wish to speak in favor of this application? No comments

Reichlen- does anyone wish to speak against this application? No comments

Reichlen- does the board feel they have received enough information both verbally and from the application so the hearing can be closed? All members responded yes.

Reichlen- hearing closed.

Deliberations:

Thorpe- this looks reasonable. They are reducing lot coverage by a significant amount. Jutton- they are replacing the same shed with the same shed in a slightly better location and a net gain of more pervious area. I have no problem with this one.

Reichlen reads the 5 variance criteria:

1. Granting the variance would not be contrary to the public interest: all agreed
2. If the variance were granted, the spirit of the ordinance would be observed: all agreed
3. Granting the variance would do substantial justice: all agreed.
4. If the variance were granted, the values of the surrounding properties would not be diminished: all agreed.
5. Unnecessary Hardship: all agree.

Marino moved, Jutton seconded the motion to approve the application in regards to **#5055:** Blue Marble Realty Trust –Continuance from August 12, 2021. An appeal for a **Variance** (Article V, Section D-4, B): to permit a storage shed with a front setback of 52-feet when 65-feet is required and a side setback of 16-feet when 20-feet is required. Tax Map U01, Lot 37 located at 69 Neal shore Road in the Shoreline District. The variance is based on the following conditions:

1. This Variance applies only for the project described by plans submitted with this application and on file in the Planning Office.

2. All State and Federal requirements must be satisfied and all required permits must be on file in the Planning Office prior to granting of Certificate of Occupancy.

3. An As-Built plan produced by NH licensed land surveyor may be required by the Code Enforcement Officer.

Roll call: Girard, Marino, Thorpe, Jutton, and Reichlen
Voted: 5-0, applicants request granted.
Thirty Day Appeal Period

#5066: Brian F. Dealy & Janet L. Anderson- An appeal for a **Special Exception-Wetlands** (Article V. Section D-9, G.4 a. & Section J. Table 1): to permit the installation of a leachbed 55 feet from a non-designated wetland where 75 feet is required. Impact to the wetland buffer totals 1,525 sq. ft. Tax Map U23 lot 52, located at 49 Spindle Point Road in the Shoreline District.

Chis Boldt of DTC Lawyers- this is a special exception before you because we cannot put this unit (leach field) anywhere else, it's as far away from the wetland as possible. The failed system is closer to the lake and the wetlands. This is an engineered state approved system. We did not receive comments from the Conservation Commission. The criteria is met in the narrative which is on file with the town. All board members felt comfortable not going through each criteria.

Reichlen- questions from the board? No comments

Reichlen- any comments or questions from the public? No comments

Reichlen- does anyone wish to speak in favor of this application? No comments

Reichlen- does anyone wish to speak against this application? No comments

Reichlen- does the board feel they have received enough information both verbally and from the application so the hearing can be closed? All members responded yes.

Reichlen- hearing closed.

Deliberations:

Jutton- Question to staff, did the Conservation Commission reach out for comments?

Maltais- I spoke with Ralph today and they have no issues with the application, he just forgot to send an email stating so.

Reichlen- I went out and looked at the property and there is absolutely nowhere else to put this.

Jutton- the system is in failure, the state has approved this design and there is nowhere else to put it. It's an improvement over what exists and is as far away from the lake as it can possibly get. I have no problems with this.

Reichlen- do we all agree they meet the criteria? All board members agreed.

Thorpe moves, Marino seconds the motion to approve the application in regards to **#5066:** Brian F. Dealy & Janet L. Anderson- An appeal for a **Special Exception-Wetlands** (Article V. Section D-9, G.4 a. & Section J. Table 1): to permit the installation of a leachbed 55 feet from a non-designated wetland where 75 feet is required. Impact to the wetland buffer totals 1,525 sq. ft. Tax Map U23 lot 52, located at 49 Spindle Point Road in the Shoreline District. They have met the criteria for granting a special exception. The Special Exception is subject to the following conditions:

1. This Special Exception applies only for the project described by plans submitted with this application and on file in the Planning Office.

2. All State and Federal requirements must be satisfied and all required permits must be on file in the Planning Office.

Roll call: Girard, Jutton, Marino, Thorpe, Reichlen
Voted: 5-0. Applicants request granted.
Thirty Day Appeal Period

IV. Other Business

V. Adjourn

Meeting adjourned at 7:30pm

Minutes respectfully submitted by,
Stephanie Maltais
Administrative Assistant, Community Development Department

Approved by the Meredith Zoning Board on 9/23/2021

By Bruce Reichlen