

PRESENT: Mack, Chairman; Dever; Pelczar; Haley; Joslin; Tivnan, Clerk

PUBLIC HEARING

2745: LINDA & ROGER POLISSACK: An APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS from Article V, Section D-4, to permit reduced side setbacks, Tax Map U33, Lot No. 13F, located at 7 Abelli Lane in the Shoreline District. CONTINUED FROM JUNE 8, 2006.

Polissack – I was here last week and I needed something more official than what I had. I went to the bank and they had a piece of paper showing what GCE Engineering had. I had remembered that we had paid them extra to go out and do a measurement. I apologize for the inconsistency in the measurements. Dever – The guy is not committing himself anyway. Did you hire the concrete contractor? Polissack - No, the foundation people were through Windsor Homes. Dever – That's who should be standing here asking for this. They were the ones who made the decision. You should not be held accountable for their decision and they should bear any cost. You hired them as the general contractor, is that correct? Polissack – Yes, everything came from them except for the septic and excavator. Haley – This plan appears to show that it goes into the 20' further down slope and this is a slope. Am I reading this right? It is showing 19' at the house and then it goes into the 20'. Mack - I think the 20' is just showing the setback line and they are showing 19' to the building itself. Hearing closed at 7:08 PM

2750: ROBYN VANLANDINGHAM FOR TRINITY EPISCOPAL CHURCH: An appeal for a SPECIAL EXCEPTION to establish a Commercial Child Care Facility, Tax Map U15. Lot No. 10, located at 93 NH Route 25 in the Central Business and Residential District. CONTINUED FROM JUNE 8, 2006

Vanlandingham – I had a Planning Board meeting on Tuesday and they gave me conditional approval. I need to have a DOT permit which I have the application for. Hearing closed at 7:10PM

DELIBERATIONS

2745: LINDA & ROGER POLISSACK

Haley moved, Joslin seconded, IN CASE 2745, LINDA & ROGER POLISSACK, LOCATED AT 7 ABELLI LANE, A LONG WALK FROM THE SHORELINE DISTRICT, I MOVE THAT WE GRANT THE APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS TO PERMIT THE SOUTHSIDE SETBACK HAVE 20', 20' BEING REQUIRED, AS TO MAKE ANY CHANGES AT THIS STAGE OF THE GAME WOULD BE ERRONEOUS AND UNNECESSARY. Voted 5-0 in favor.

Mack – I would like to have some discussion. We have allowed this in the past and this one is warranted but it is getting to a point now where the information that we are getting is not what we are asking for. I think we should consider as a Board, to start requiring more information with more detail in the future. We ask for a certified plan and what we get is one that is not stamped, so it is not certified. We need to know what we are dealing with and what we are granting. Haley – I hear you but what are the logistics of accomplishing this? Dever – We just pass the word onto the staff that we will no longer accept anything but a surveyed plan stamped by a license land surveyor. Haley – I am going back, I think it was down at Neal Shore and Carl Johnson was involved. The foundation was off and I thought at that time we voted that they all had to be surveyed and staked. Dever – We did. Haley – What's the difference with this one? Mack – When we grant a variance or special exception, in order to put a house closer to the lot line, they had to have a surveyed foundation plan but this is different because they actually moved it over the setback line. If the foundation is wrong, it is remediable. When the whole complete process is done, it would be stupid on our part to say tear the house down and start all over again. If they are coming in for a Waiver of Dimensional Requirements, then there should be a survey on what exactly they are asking for. Dever – They don't even come here unless they have a surveyed plan. Pass this on to Bill. Mack – Lets bring this back up after we vote on the next case and get everyone's opinion and vote on it.

2750: ROBYN VANLANDINGHAM FOR TRINITY EPISCOPAL CHURCH:

Mack – This was just a technicality more than anything else. I don't have a problem with the use. We have conditional approval from the Planning Board.

Dever moved, Pelzcar seconded, IN CASE # 2750, ROBYN VANLANDINGHAM FOR TRINITY EPISCOPAL CHURCH, I MOVE AN APPEAL FOR A SPECIAL EXCEPTION TO ESTABLISH A COMMERCIAL CHILD CARE FACILITY IN THE CENTRAL BUSINESS AND RESIDENTIAL DISTRICT'S BE GRANTED, AS SHE MEETS THE REQUIREMENTS OF A SPECIAL EXCEPTION. 5-0 in favor.

NEW BUSINESS

Mack - By statue we can make a motion. The issue is we need to establish something, especially with Dimensional Waivers when people are coming in with plus and minus dimensions. Haley-The only thing I have a hard time with is that it was not the owner's fault but the contractors. Dever – The unfortunate part of it is, is that most people building a house don't understand that it is the contractor's problem. Joslin – Maybe if we told them back, when they are still in contact with the people responsible, they can say they have a problem. Haley- When they issue the permit? They could have an attachment. Mack – We are not requiring

everybody who builds a house to have it surveyed. It's just a matter if they are coming in for a Dimensional Waiver we would be requiring a survey. Haley – That is all you have to say with the permit. Mack – If you screw up, we need a total survey. The education process will go quickly when people find out when they have to go out and hire a surveyor that it will cost \$500. -\$700. to get a Dimensional Waiver Requirement because their builder screwed up, it's not going to take long for the people who don't understand to start understanding that the contractor is responsible and not them. Dever – Where I am working in Hampton Falls now, before they start putting the decking on the foundation, it has to be certified. Mack – No matter what? Dever – Yes. That's part of the Zoning Ordinance. The Town could do the same thing and it would be wise to do that. Joslin – You have 2-acres of land, you have to go to 20' from the lot line? Dever – It all depends on where the septic is, where the trees are that you want to save, where ledge is on the lot. There are a lot of things, especially with septic systems. They tell you where you are going to put your house. Mack – I would like to see them certify the footing locations because at that point you are at the least amount of impact cost wise. The expense to move the footing is relatively inexpensive and the correction doesn't warrant us to say you can stay closer to the line. We sit here all the time when someone has built a \$500,000 house that is too close, are we going to make them tear it down for 6"? No, but if we require a footing certification, the cost isn't there.

Dever moved, Pelczar second, I MOVE THAT IN THE FUTURE, ANY REQUESTS FOR RELIEF FOR THE DIMENSIONAL REQUIREMENTS REQUIRE THAT BEFORE IT COMES BEFORE THE BOARD THAT THE PLAN BE CERTIFIED BY A LICENSED LAND SURVEYOR AS TO EXACTLY WHAT THEY ARE ASKING FOR. A LICENSED LAND SURVEYOR CERTIFIES THE DIMENSIONS. Voted 5-0 in favor.

Meeting adjourned at 7:30 pm

Respectfully submitted,

Christine Tivnan
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on _____, 2006.

John Mack, Chairman