

Zoning Board of Adjustment
October 27, 2015

Members Present: Scott Lees, John Krebs, Craig Niiler, Jake Stephan, Karl Ogren

Members Absent: Denny Anderson (alternate), John Quigley (Alternate)

Others Present: Dianne Park, Mark McConkey, Dale McConkey, Ned Hatfield, Matt Silva, Futuro Construction, Joan McGrath, Michael McGrath, Jim Rines, White Mountain Survey Company, Attorney Richard Sager, Brent Kimball
Minutes recorded by Dianne Park

Meeting called to order at 7:00pm.

Minutes

A motion was made by Scott, seconded by Craig, to approve the minutes from September 22, 2015 as written. All were in favor.

Case #23-1-2-15 Creig and Mary Wienki – *Continued* – Applicant seeks a variance under Article 3 Table 304.2; and special exceptions under Article 3 Sections 304.6.4.1 and 304.6.5.2: To construct a 3-bedroom home within the setbacks with an attached 1-bedroom accessory apartment and a garage necessitating tree cutting and erosion control on Haverhill Street; Tax Map #23 Lot #1-2.

This case is continued until next month per note from Mark McConkey dated October 13, 2015.

Case #37-5-2-15 Joan and Michael McGrath ó *Continued* – Applicant seeks variance under Article 3 Table 304.2 to: Construct a single family residence within the front yard setback on West Bay Road; Tax Map #37 Lot #5-2.

Matt Silva of Futuro Construction, Dale McConkey, Joan and Michael McGrath were present to review this application. This application needs:

- A new application for variance for tree cutting
- Grid #2 (on original plan) ó needs no opening greater than 6ø
- Erosion Control Plan for drip edge
- Finish and proposed grade added to Plot Plan
- Change driveway opening
- Location of septic for neighbor south of the property
- Location of well for neighbor north of the property
- Benchmark on lot
- Abutter name on plan

The board took an informal poll on the variance for the setback of the house and all board members voted to grant the variance.

Check future meeting minutes for any amendments or changes to these minutes.

Abutters Present: None

Others Present: Mark McConkey discussed tree cutting 50ø vs. 75ø and beyond and Jim Rines commented on vegetative cover and tree clearing.

There was a motion by Scott, seconded by Karl, to continue Case #37-5-2-15 until next month. All were in favor. This application will be continued until the November Meeting.

Case #22-11-15 Steve Kent ó *continued – Applicant seeks variances under Article 7 Section 706.1 and Article 4 Section 406 to: Construct an addition, deck, garage and breezeway within the setbacks on a non-conforming structure and replace failed septic system closer than 50’ to poorly drained soils at 22 Intervale Avenue; Tax Map #22 Lot #11.*

Scott Lees recused himself from this case and Craig Niiler ran the meeting for this case.

Mark McConkey was present representing the owner. A variance for Article 7 Section 706.1 to construct an addition, deck, garage and breezeway within the setbacks on a non-conforming structure on 22 Intervale Ave. Tax Map #22 Lot #11 is no longer needed because new system will be farther back than current system. A new plot plan was presented for the variances for the septic tank and leech field to the wetland.

Public Comment: None

The board reviewed the Variance Worksheet for Article 4 Section 406

- | | |
|----------------|-----------------------|
| 1. Carried 4-0 | 4. Carried 4-0 |
| 2. Carried 4-0 | 5. A. (i) Carried 4-0 |
| 3. Carried 4-0 | 5.A. (ii) Carried 4-0 |

A motion was made that, based on the foregoing findings of fact, the requested variance from Article 4 Section 406 of the Town of Freedom Zoning Ordinance be granted.

Conditions:

- Based on Plan Dated 10/12/2015 titled ~~Z~~oning Permit for Steve Kentø
- No larger than 3 bedroom septic system
- Distance to edge of wetland: tank 40.79ø and field 37.37ø
- All State Permits must be obtained prior to construction

Motion carried 4-0

Scott Lees returned to the board.

Case #21-1-1-15b Camp Cody ó *Applicant seeks variance under Article 4 Section 406 and a special exception under Article 3, Section 304.6.4.1 to: replace existing septic tanks and grease trap as close as 75 feet to Ossipee lake and as close as 50 feet from poorly drained wetlands requiring erosion control at 9 Cody road, Tax Map #21, Lot #1-1.*

Check future meeting minutes for any amendments or changes to these minutes.

Jim Rines, from White Mountain Survey Company was present for this application.

Case Facts are:

- Tank meets all state setback requirements except well radius.
- Camp Cody has received a well radius waiver.
- All tank locations are improved distances compared to the existing tanks
- New tanks will be sealed and grouted.

Public Comment: None

The board reviewed the Variance Worksheet for Article 4, Section 406:

- | | |
|----------------|------------------------|
| 1. Carried 5-0 | 4. Carried 5-0 |
| 2. Carried 5-0 | 5. A. (i) Carried 5-0 |
| 3. Carried 5-0 | 5. A. (ii) Carried 5-0 |

A motion was made that, based on the foregoing finds of fact, the requested variance from Article 4 Section 406 of the Town of Freedom Zoning Ordinance be granted.

Conditions:

1. Per Plan titled ~~Administration Building and Dining Hall Grease Trap and Septic Tank Replacement Plan for Camp Cody Inc.~~ dated 10/13/15.
2. All state permits shall be obtained.

Motion carried 5-0.

The board reviewed the Special Exception Worksheet for Article 3 Section 304.6.4.1

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|-----------------|-----------------|
| A. Conforms 5-0 | J. Conforms 5-0 |
| C. Conforms 5-0 | K. Conforms 5-0 |
| H. Conforms 5-0 | L. Conforms 5-0 |

Conditions:

1. Per plan titled ~~Administration Building and Dining Hall Grease Trap and Septic Tank Replacement Plan for Camp Cody Inc.~~ dated 10/13/15.

Motion Carried 5-0

Case #52-3-15 Brent Kimball *Applicant seeks an appeal from administrative decision under Article 3, Table 304.1 to: appeal ruling of zoning officer that masonry grill and concrete patio are within the sideline setback Applicant seeks an equitable waiver of dimensional requirements under Article 3, Table 304.1 and a variance under article 3, Table 304.1 to: permit a concrete patio and a masonry outdoor fireplace to remain in their current locations at 15 Cushing Corner road, Tax Map #52 Lot #3.*

Attorney Sager presented to the board copies of town tax map #52 for Lots 2 and 3 along with a description in the deed for both properties. These documents show that Lot #3 has plenty of

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setback room. After review of all documentation the Freedom Zoning Officer requested removal of his denial letter.

A motion was made by Craig, seconded by Karl, stating the board found that the existing structures conform to town ordinances based upon deed evidence presented tonight. All were in favor.

Other Business

The Freedom Planning Board has invited the Zoning Board to a meeting to go over changes they would like to make this year. The board decided to wait until spring to meet with the Planning Board.

Meeting adjourned at 9:05pm.