

Zoning Board of Adjustment November 24, 2015

Members Present: Scott Lees-Chairman, Craig Niiler-Vice Chairman, Jake Stephan, John Krebs, Karl Ogren, Denny Anderson (alternate), John Quigley (alternate)

Members Absent: None

Others Present: Dianne Park-Recording Secretary, Mark McConkey, Dale McConkey, Matt Silva-Futuro Construction Co., Michael McGrath, Lillian Chick, Robert Chick Jr., Janice Zecker-Administrative Assistant for Town of Freedom

Meeting called to order at 7:00pm.

Minutes

A motion was made by Scott, seconded by Jake, to approve the minutes from October 27, 2015 as amended. All were in favor.

A discussion arose as to why Dianne could not go back to last month's minutes and make the necessary changes.

Page 1, Under "Others Present" add "Recording Secretary" next to Dianne Park

Page 1, Under "Case#37-5-2-15 Joan and Michael McGrath" change the second full sentence which reads "The board took an informal poll on the variance for the setback of the house and all board members voted to grant the variance." To "The board took an informal poll on the variance for the setback of the house and all board members looked favorably on this."

Page 2, Under "Case#22-11-15 Steve Kent" change the first sentence from "Scott Lees recused himself from this case and Craig Niiler ran the meeting for this case." To "Scott Lees recused himself from this case and Craig Niiler chaired the meeting during this case."

Page 2, Under "Case#22-11-15 Steve Kent", change the last sentence from: "Scott Lees returned to the board." To: "Scott Lees returned to the board and chaired the rest of the meeting."

Scott introduced the board to the public.

Case #23-1-2-15 Creig and Mary Wienki ó *Continued – Applicant seeks a variance under Article 3 Table 304.2; and special exception under Article 3 Sections e304.6.4.1 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.*

Mark McConkey presented a letter to the board from Creig Wienki stating they were not ready to move forward with their application and would like the application to stay pending but understand and are willing to re-notice all abutters when they are ready. After a discussion by

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

the board a motion was made by Scott, seconded by Karl, to withdraw the application and re-file when ready. All were in favor.

Case #37-5-2-15 Joan and Michael McGrath ó Applicant seeks variance under Article 3 Table 304.2, 304.5 and 304.6.5.2 and a special exception under Article 3 Section 304.6.4 and 304.6.5.2 to: Construct a single family residence with in the front yard setback, construction of two retaining walls within the setback, tree removal and erosion control on West Bay Road, Tax Map#37 Lot#5-2.

Present for this application were Matt Silva-Futuro Construction Co., Mark McConkey-McConkey Construction Co., Dale McConkey-McConkey Construction Co. and Michael McGrath-Homeowner

Outstanding from the previous application was:

- 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

Submitted with the new application was:

- A new application for variance for tree cutting
- Erosion Control Plan for drip edge
- Finish and proposed grade added to Plot Plan
- 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

Discussion followed on:

- Grid #2 (on original plan)-needs no opening greater than 6ø
 - Matt, Dale and Mark volunteered to adjust the tree clearing and adjust the openings to nothing greater than 6ø
- Change driveway opening
 - Scott Brooks, Freedom Road Agent, reviewed the plan and gave his approval of the current driveway as written on the plan. John still had a problem with the driveway not being able to park 2 cars without them being in the town right-of-way. The homeowner agreed to move the driveway and revise the plans to include the new driveway and include storm water runoff for the new driveway on the revised plan.
- Benchmark on lot

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

- Another lot marker was located and a marker was set on the lot and on the plan for the proposed house.

Abutter Comments

Abutters Lillian and Robert Chick Jr. were present. Mark went through the plans for the project with them. Questions arose about the location of the septic system, trees being cut on the lot, setbacks for the house, snow removal. The board and Mark McConkey answered all questions.

Mark will present an updated plan to Town Hall on Monday, November 30, 2015. A board member will sign off on all outstanding changes.

Variances

A variance was not needed for Article 3 Section 304.5.

The board reviewed the Variance Worksheet for Article 3, Table 304.2.

- | | |
|----------------|------------------------|
| 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 by Scott, seconded by Jake, which based on the foregoing findings of fact, the requested variance from Article 3 Table 304.2 of the Town of Freedom Zoning Ordinance be granted.

Conditions:

- Per plan titled ~~Z~~BZA Plot Plan for Michael McGrath dated November 9, 2015 revised November 30, 2015.
- This is for a front yard and side setback.

Motion carried 5-0.

The board reviewed the Variance Worksheet for Article 3, Section 304.6.5.2

- | | |
|----------------|------------------------|
| 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 by Scott, seconded by Craig, that based on the foregoing findings of fact, the requested variance from Article 3 Section 304.6.5.2 of the Town of Freedom Zoning Ordinance be granted.

Conditions:

- Per plan titled ~~Z~~BZA Plot Plan for Michael McGrath dated November 9, 2015 revised November 30, 2015.

Motion carried 5-0.

Special Exceptions

Summary of the facts of the case as discussed at the above public hearing:

- The house is situated in the best possible location
- Trees in grid #5 must be cut to accommodate the house and driveway.

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The board reviewed the Special Exception Worksheet for Article 3 Section 304.6.4

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

A motion was made by Scott, seconded by Karl, that based on the foregoing findings of fact, the requested special exception from Article 3 Section 304.6.4 of the town of Freedom Zoning Ordinance be granted.

Conditions:

- 1. 2 Per plan titled -ZBA Plot Plan for Michael McGrath dated November 9, 2015
 Revised November 30, 2015.
- 2 Stumps will remain.

Motion Carried 5-0

The board reviewed the Special Exception Worksheet for Article 3 Section 304.6.5.2

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

A motion was made by Scott, seconded by Karl, that based on the foregoing findings of fact, the requested special exception from Article 3 Section 304.6.4 of the town of Freedom Zoning Ordinance be granted.

Conditions:

- 1. Per plan titled -ZBA Plot Plan for Michael McGrath dated November 9, 2015 revised
 November 30, 2015.
- 2. Stumps will remain.

Motion Carried 5-0

Other Business

Janice Zecker, new Administrative Assistant for the Town of Freedom came forward and general housekeeping issues were discussed.

A motion was made by Karl, seconded by Scott, to adjourn the meeting.

Meeting adjourned at 8:50pm.