

Zoning Board of Adjustment
April 26, 2016

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

Members Absent: Jake Stephan, Tim Cupka (alternate), John Quigley (alternate)

Others Present: Dianne Park-Recording Secretary, Mark McConkey, Jim Farinella, Ned Hatfield, Dan and Brita Shephard, Carol Demore

Meeting called to order at 7:00pm.

Scott introduced the board members to the public.
Denny is a full board member in place of Jake Stephan.

Minutes

The minutes from December, 2015 are still outstanding because board members did not receive them to review. Dianne will send them out to all board members. A motion was made by Scott, seconded by Craig, to postpone accepting the minutes from the December 2015 meeting until the May meeting. All were in favor.

A motion was made by Scott, seconded by Denny, to approve the minutes from March 22, 2016 as written. All were in favor.

Case #47-16-16 Dorothy Read – Continued – Applicant seeks an appeal for a variance under Article 7, Section 706.2 to extend existing deck by 3 feet which is within the rear yard setback of 3’6” of the established steps, and adding 2’ to the established side of the present house on Round Pond Road; Tax Map#47 Lot #16.

Jim Farinella stepped forward for this case and explained the project. The present deck is being replaced and extending to the bottom of the current steps with the steps being recessed into the deck and the deck extending around the house.

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

- Deck expansion will not encroach upon the side or rear yard setbacks beyond the limits of the existing structure.
- Existing stairs are 66 ½ø from the water
- New stairs and deck will be 67ø from the water
- Sonotubes will be dug by hand

The board reviewed the Variance Worksheet for Article 7 Section 706.2

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|----------------|------------------------|
| 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 7 Section 706.2 of the Town of Freedom Zoning Ordinance be granted.

Conditions:

1. Per plans titled Plat Plan Map47 Lot 16 dated 4/26/16.
2. Proposed improvements shall be no closer than 67ø0ö from the lake.

Motion carried 5-0

The Special Exception for Erosion Control, Section 304.6.4, was not noticed on the agenda for this case. A discussion followed and it was determined that per Section 304.6.1 the Zoning Officer has the ability to approve this Special Exception.

Case #47-9-16 Edward & Patricia Hatfield – Applicant seeks permit for healthy tree removal at 41 Swasey Road, Tax Map #47 Lot #9.

Ned Hatfield stepped forward for this case explaining he needs the board's approval to remove over 5 trees. Cutting of the trees will protect the camp from branches and acorns. All trees to be cut have been marked and photos were shown. A plot plan was presented to the board that showed only the trees that give enough points. Trees being removed were missing from the plan. A motion was made by Craig, seconded by Scott, to add the trees being removed to the plan. All were in favor.

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

- Each plot will have points in excess of 10 when cutting is complete.
- Lot is densely wooded with a lot of brush.

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

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

Conditions:

1. Revised plan to add trees to be removed.
2. Have Pat Hatfield sign the application.
3. Board Member Karl Ogren or Craig Niiler to review plan to insure it meets condition #1.

A motion was made by Scott, seconded by John, that, based on the foregoing findings of fact, the requested special exception from Article 3 Section 304.6.5.2 of the Town of Freedom Zoning Ordinance be granted. Motion carried 5-0.

Case #8-8-01-16 Scott Nelson – Applicant seeks an appeal for a Special Exception under Article 3, Section 304.6.6 for tree cutting and a variance under Article 3, Section 304.5 Table shore front high water setback to construct a side deck and stairs less than 75 feet from the reference line on West Bay Road, Tax Map #39, Lot #8-01.

Mark McConkey stepped forward for this application and explained the applicant wishes to add a farmer's porch on the front of the house and an open deck (40' x 16') on the side. Abutters Dan and Brita Shephard were present and were in favor of the project. There was a question on when these abutters received their notification.

Carol Demore asked how many feet from the shoreline is the building currently.

Mark-46.7'

Carol then asked where will it be after.

Mark - The new structure will not be closer but the square footage will increase

Carol then asked if the Farmer's Porch needed a variance.

Mark - no

Scott polled all board members and everyone thought the 40' x 16' deck was too big and wanted to balance the lake user's rights with the applicant's rights to use their property. Mark agreed to reduce the deck to 38' x 12'

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

- Current lot coverage is 6% and the deck does not add to this percentage.
- Proposed deck will not further encroach on the rear setback
- Deck size will be 38' x 12' with 2' removed from the shorefront edge.

The board reviewed the Variance Worksheet for Article 3 Section 304.5

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| 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 |

Conditions:

1. Plan shall be revised to show deck size of 38' x 12' with 2' being removed from the shorefront.
2. Broad Bay shall be revised to Berry Bay.
3. Shed to be shown on plan to be located to match setback.
4. No building permit shall be issued for the deck until the shed has been relocated to location shown on the plan.
5. Add revised date to plan entitled "Scott Nelson, Tax Map #39 Lot #8-1"
6. Variance request note to be revised from 48' to 50'

A motion was made by Scott, seconded by Craig, that, based on the foregoing findings of fact, the requested Variance from Article 3 Section 304.5 of the Town of Freedom Zoning Ordinance be granted. All were in favor.

The Special Exception for Erosion Control, Section 304.6.4, was not noticed on the agenda for this case. A discussion followed and it was determined that per Section 304.6.1 the Zoning Officer has the ability to approve this Special Exception. The Special Exception for Tree Cutting was withdrawn by Mark McConkey.

Case #23-52-16 Daniel Smith – Applicant seeks an appeal for a variance under Article 3, Section 308.2 A: To permit a lot bordering on two streets on Deer Run Road, Tax Map #23, Lot #52

Mark McConkey stepped forward for this case. Denny recused himself from this application. Scott explained the applicant has the right to a 5 member board and with Denny recusing himself that leaves 4 members. Mark McConkey said this was acceptable.

Mark explained this was the same as last monthsøCase #23-51-16.

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

- Corner lots have 2 front yards.
- øOakö Street is a paper street and will be abandoned by the Mountview Association
- Variance to build at 30øfrom existing line will become conforming at which time Oak Street is removed.

The board reviewed the Variance Worksheet for Article 3 Section 308-2-A

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| 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 |

Conditions:

1. Per Plan titled øPlan for Daniel SmithøTax Map #23 Lot #52 dated 4/10/16.

A motion was made by Scott, seconded by Karl, that, based on the foregoing findings of fact, the requested variance from Article 3 Section 308-2-A of the Town of Freedom Zoning Ordinance be granted. Motion carried 4-0.

Other Business

John spoke with an attorney at the New Hampshire Municipal Law Association about how the minutes are currently being done. The board wishes to change the procedure to have the note -DRAFTøbe put on minutes until theyøre finalized at which time a note øApprovedøis be put on with all changes being made. A motion was made by John, seconded by Craig, to have the word -DRAFTøbe placed on minutes then changed to -Approvedøwith an approval date and changes made within the minutes as approved. All members agreed.

The board discussed the possibility of going into a non-public session but decided it was not necessary.

There was a discussion on missing information on Zoning Cases. The Town Offices have a new clerical person and the board decided she needs more training on Zoning Information. To this end the board decided to have the new clerical person take meeting minutes for a few months to help in establishing a flow of documents. Scott will move forward with this task.

A motion was made by Scott, seconded by Karl, to adjourn the meeting. Meeting adjourned at 10:00pm.