

**Zoning Board of Adjustment
October 24, 2017**

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

Members Absent:

Others Present: Members of the public

Meeting called to order at 7:00pm. Scott Lees, Chairman began the meeting. He introduced the board members to the public, and explained the rules and procedures.

The minutes from September 26, 2017 were reviewed. Motion was made by Karl to accept the minutes as written, seconded by John K. All in favor.

Case # 37-8-17, Kevin and Susan Vater. *Continued from September meeting Denny Anderson sat on the board on behalf of Craig Niiler.*

Mr. Vater reviewed the new information for the Variance under Article 3, Section 304.6.4 10% rule. Final percentage comes out to 10.64% The board had no concerns, There were no abutters present, Mark McConkey from the public was in favor of the project.

The board reviewed the Variance Worksheet for **Article 3 Section 304.6.4**

- | | |
|----------------|------------------------|
| 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 |

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

1. Total 10.64% lot coverage.
2. All railroad ties will be removed.

Based on the foregoing findings of fact, the requested variance from Article 3 Section 304.6.4 as it pertains to the 10% rule of the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Per plan titled "Kevin & Susan Vater dated 10/2/17 and date stamped 10/16/17".
2. Garage door will be on the street side of the building.

The board then reviewed the request for Special Exception under Article 3, Section 304.6.4 Erosion Control. An erosion control plan was submitted. The board had no concerns, there were no abutters present.

The board reviewed the special exception worksheet for Article 15 Section 1501:

- | | | | |
|--------|--------|--------|--------|
| A. 5-0 | E. 5-0 | I. 5-0 | M. 5-0 |
| B. 5-0 | F. 5-0 | J. 5-0 | |
| C. 5-0 | G. 5-0 | K. 5-0 | |
| D. 5-0 | H. 5-0 | L. 5-0 | |

Based on the forgoing findings of fact, the requested Special Exception from Article 3 Section 304.6.4, Erosion Control of the Town of Freedom Zoning Ordinance was granted with the following conditions:

1. Per plan titled "Kevin and Susan Vater dated 10/2/17, date stamped 10/16/17".
2. Any state permits that may be required shall be obtained.

The board then reviewed the request for a Special Exception for the 75ø setback. Because the applicant did all they could to get a written denial from the Zoning Officer and were unable to, this denial is being dismissed.

Case # 31-21-17 William & Cheryl Taylor *Continued from September meeting. Craig Nüler was present joined the board for this case.*

The board reviewed the **Variance Worksheet for Article 3 Section 304.6.5.2(a)**

- | | |
|----------------|------------------------|
| 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 |

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

1. Septic system has been moved to save trees.
2. All other trees to be cut are close to the house.

Based on the foregoing findings of fact, the requested variance from Article 3 Section 304.6.5.2(a) as it pertains to the 75 foot setback of the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Per plan titled øZoning and erosion control plot plan for Wiliam & Cheryl Taylor dated 10/09/17ö.

The board reviewed the **Variance Worksheet for Article 3 Section 304.2 Setbacks**

- | | |
|----------------|------------------------|
| 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 |

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

1. Existing home sits across the lot line.
2. New home will be 19.65ø from that line.
3. Original plan has been reduced to cover less than 10% of the lot.
4. Abutters are in favor of project. (see minutes 9/26/17).
5. Pathway to water will be lengthened in the same fashion as existing path.

Based on the foregoing findings of fact, the requested variance from Article 3 Section 304.2 as it pertains to setbacks of the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Per plan titled øZoning and erosion control plot plan for Wiliam & Cheryl Taylor dated 10/09/17ö.
2. Variance is for the SW property line to reduce setback to 19.65 feet.
3. Certification by a licensed land surveyor for foundation that it meets the approved plan and zoning approval.
4. Proposed path between new house and end of existing path shall follow the note on the plan øExisting path treds where found are under 6ö. Continue the pathway same construction to the new home.

The board reviewed the **Special Exception for Article 3, Section 304.5-4.**

- | | | | |
|--------|--------|--------|--------|
| A. 5-0 | E. 5-0 | I. 5-0 | M. 5-0 |
| B. 5-0 | F. 5-0 | J. 5-0 | |
| C. 5-0 | G. 5-0 | K. 5-0 | |
| D. 5-0 | H. 5-0 | L. 5-0 | |

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

1. Septic system has been moved to save trees.
2. All other trees to be cut are close to the house.

Based on the foregoing findings of fact, the requested variance from Article 3 Section 304.2 as it pertains to setbacks of the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Per plan titled "Zoning and erosion control plot plan for Willam & Cheryl Taylor dated 10/09/17".

Unfinished Business

The ZBA will be meeting with the Planning Board at their November meeting. Topics will include reviewing the 10% rule as it compares to the State's rule.

Mark McConkey asked if they could look at septic systems and septic tank's 125 foot setback to see if it could be changed to match the state standards. Mark will write something up for the ZBA to discuss with the Planning Board.

The ZBA would like to be put on the agenda for the first Selectmen's meeting after the job description for the new Zoning Officer is written.

Discussed reviewing the ZBA fee schedule.

Scott made a motion to adjourn, seconded by Jake. Meeting was adjourned at 9:30 pm.

Respectfully Submitted,
Janice Zecher