

Zoning Board of Adjustment
November 28, 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: Mark McConkey, Dale McConkey

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.

Pam Keith, representing Cormac builders on behalf of John Panagiotakos asked the board for permission to get a building permit issued before Wetlands permit is received. She explained the wetlands permit is for the perched beach and they would like to begin construction on the house. Request was denied by the board.

The minutes from October 24, 2017 were reviewed.

Correction on page two, first paragraph: Change 75 foot setback from variance to special exception.

Under the application of William and Cheryl Taylor ó Craig Niiler ó strike õwas presentö.

Motion was made by John Q to accept the minutes as amended, seconded by Craig. All in favor.

Case # 19-10-17, Joseph & Kathy Barbone Trustees of OLR Realty Trust. *Denny Anderson sat on the board on behalf of Karl Ogren.*

Applicant seeks a special exception under Article 3, Section 304.6.4.1 for erosion control at 1033 Ossipee Lake Road, Map 19, Lot 10.

Dale McConkey reviewed the application and plans. John Krebs asked that there be 2 grade stakes set on the east side of the property. Bob Rafferty, abutter asked that silt fence be placed on his property line. The board responded that this would be between the two property owners. There were no further questions or comments from the board or abutters present.

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

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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 |

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

1. Proposed structure meets all town rules.
2. Existing structure is non-conforming on one sideline.
3. Total proposed lot coverage is 6.47%

Based on the foregoing findings of fact, the requested Special Exception from Article 3 Section 304.6.4.1 as it pertains to erosion control of the Town of Freedom Zoning Ordinance is granted with the following conditions:

1. Per plan titled "Freedom ZBA plot for Joseph & Kathy Barbone, dated 10/10/17".
2. Per approval of NHDES Shoreland Permit.
3. Shoreline stakes 110 feet and 160 feet North of the Southeast corner by a licensed land surveyor prior to construction.

Case # 23-56-6-17 John & Laurie Pardee Karl Ogren joined the board for this case.

Applicant seeks a Variance under Article 4, Section 406 for erosion control at Map 23, Lot 56-6 on Deer Run Road.

Mark McConkey, as agent for John & Laurie Pardee reviewed the application with the board.

Questions from the board: Scott is concerned that there is no way for the house to be built without filling wetlands. John Krebs mentioned that he is not comfortable with DocuSign signatures. After a brief discussion, the board decided that they would not accept any type of e-signatures and asked that all signatures be supplied with a pen.

Questions from abutters: Glen Fogarty, abutter is concerned with running water issues. He would like the board to take a walk to the property, there is a pond and he feels it is too wet to build. Is concerned about contamination.

Questions from the public: Carole Demore asked how far the pond is from the septic. Scott said they don't know because it is on a different lot.

No further questions.

The board reviewed the **Variance Worksheet for Article 4 Section 406**

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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 |

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

1. Rear and south side of lot has poorly drained soil.
2. It was mapped by Gary Flarity, NH Wetland Scientist #007
3. Leach field & tank are in best possible location on lot.
4. Leach field & tank meet state standards.
5. House location as shown will impact wetland and should be reviewed before a building permit is Issued.

Based on the foregoing findings of fact, the requested variance from Article 4 Section 406 as it pertains to the of the Town of Freedom Zoning Ordinance be granted with the following conditions:

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

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

- 1. Carried 5-0
- 2. Carried 5-0
- 3. Carried 5-0
- 4. Carried 5-0
- 5. A. (i) 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 19.65' 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 is granted with the following conditions:

- 1. Per plan titled "Zoning and erosion control plot plan for William & Cheryl Taylor dated 10/09/17".
- 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 "Existing path trends where found are under 6". Continue the pathway same construction to the new home.

Case # 23-8-17 Limauro Revocable Trust, David & Cynthia Limauro Trustees. Applicant seeks an appeal for variances under Article 3, Section 310.1.5 10% rule, Article 3, Section 304.5 Setbacks, and Article 7, Section 706.2 at 26 Sunset Road, Tax Map #23, Lot #8.

Mark McConkey introduced application as the agent for David & Cynthia Limauro. The applicants were not present.

After a brief discussion, a motion was made by Scott and seconded by John Krebs that a variance was not needed under Article 3, section 304.5 as there was already a building there. Lot increase to 33%, is already at 12%. It was noted that there are walkways coming out of the back of the house that is not shown on the plan and that the boat ramp is considered a structure.

Public Comment: Carole Demore brought up the reminder that even if something is grandfathered, it doesn't mean people can continue to build to an even more non-conforming lot.

Mark would like to discuss this application further with his client. A motion was made by Karl and seconded by John Krebs to continue this application to December. All were in favor.

Application is continued.

Case # 45-11-17 Constance Messoré. Applicant seeks an appeal from an Administrative Decision under Article 3, Section 304.6.6 to remove 40 trees from property. There was nobody at the meeting to represent the Messoréø.

Les explained that Mr. Messoré has a large number of trees on his lot. His request is to mark only the trees he wants to save and cut the rest of the trees down. The board was not in favor of this and noted that the application is incomplete. The applicant needs to lay out all the quadrants and mark all the trees. The quadrants have to go back 75 feet from the water.

Application is continued.

Unfinished Business

Reviewing the ZBA fee schedule - not discussed.

The board agreed that 11 x 17 plans are not always readable. 9 full size plans will be required going forward.

Discussed conditions on ZBA decisions. It was verified that ALL conditions must be met before an applicant can meet with Les to get Zoning approval.

Karl made a motion to adjourn, seconded by Jake. Meeting was adjourned 10:00 pm.

Respectfully Submitted,
Janice Zecher