

Zoning Board of Adjustment
February 27, 2018

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

Members Absent: None

Others Present: Janice Zecher, Recording Secretary

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 January 23, 2018 were reviewed.

On page 2, Under the motion to continue the Collins application, change Denny to Karl.

Case #29-20-17 Neil & Patricia Collins. Applicant seeks an appeal for variances under Article 3, Section 304.5 Water setback, Section 310.1.5 10% rule, Article 7, sections 707.4.2 and 707.4.3 and a Special exception under article 3, Section 304.6.1 Erosion Control at 363 Huckins Road, Tax Map # 29, Lot # 20.

Denny Anderson sat in for Karl Ogren for this application.

Mark and Jake McConkey sat with the board and introduced themselves as new agents for Neil and Patricia Collins. David Maidrand will also remain as agent for the Collins application. Mark began to review the list of requirements made by the board at the January meeting. Mark noted that the square footage of the lot is 21,325.5 square feet, proposed coverage is 2,564.75 square feet which brings lot coverage to 12.03%. There was a stone patio that had been covered with snow and not included in the applicant's previous calculations.

Mr. Maidrand said that a 2 story house could easily have met the 10% rule but the wish of the Collins is to remain on a single floor as the house will be a full time retirement home and will be easier to maintain as they get older. Scott explained that the variance would go with the property, not the owners.

There were no abutters present, No members of the public spoke to this application.

The board was unanimous in their vote to see the application come back to 10%.

Mark McConkey asked for a continuance to the March meeting. A motion was made by Scott, seconded by Jake to continue to the March meeting. Scott reminded Mark to keep in mind to apply for a roadside variance. Abutters will need to be notified of the new variance.

Case #03-58-17 Laura & Maynard Thomson. Applicant seeks a variance under Article 3, section 304.1 setbacks to build a 24 x 32 barn at 5 Village Road, Tax Map #3, Lot # 58.

Denny Anderson sat in for Karl Ogren for this application.

Mr. & Mrs. Thomson reviewed the application with the board explaining that they had reviewed the entire lot and that the requested spot on the lot is the only place this barn could really be placed. The existing stone wall already has a break in it that would be the entrance to the barn. If the Thomsons were to move the barn further back on the lot, they would have to cut down an old and established apple tree and did not want to have to do that. There were no abutters present, Mark McConkey from the public spoke in favor of the project. Zoning Officer Don Harris spoke to the board and reminded them of the danger of setting precedent.

Vote of the board was that Denny and Jake would be more comfortable if the building is at the same distance as the closest neighbor's garage is from the road. John Krebs and Craig Niiler felt that the distance was in keeping with the rest of the village.

Scott made a motion, seconded by Denny to continue this application until March to enable Maynard to take more measurements of his neighbor's setbacks and to see if he could move the location of the barn a little further away from the existing stone wall.

Case #42-20-18 Palacio Revocable Trust, Carlos & Debra Palacio Trustees.

Applicant seeks Special Exceptions under Article 3, sections 304.6.4.1 Erosion Control, 304.6.6.2 Tree cutting, 304.6.6.4 tree cutting for grades over 12.5% at 55 Packard Drive, Tax Map #42, Lot 20

Karl Ogren arrived and sat on the board for this application, Denny Anderson returned to alternate status.

David Aiton from White Mountain Survey & Engineers represents the Palacios. David reviewed the application with the board. There were no abutters present, no questions from the public, or from the board.

The board reviewed the Special Exception Worksheet for **Article 3 Section 304.6.4.1, Erosion Control.**

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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. Per plan titled "ZBA application plan for Palacio Revocable Trust of 2012, dated 02/12/2018".
2. NHDES shoreland and septic approval must be obtained.
3. That the applicant verify that they prepared a zoning application showing that they meet the proposed zoning change.

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. All grids meet town standards.
2. Stumps will be cut flush or ground. Root systems left intact.
3. Vegetation removal beyond the grids shall be limited to the hatched areas shown on the plan.
4. Per plan δZBA Application for Palacio Revocable Trust of 2012ö.

The board reviewed the Special Exception Worksheet for **Article 3 Section 304.6.6.2 – Tree cutting.**

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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. Per plan titled δZBA application plan for Palacio Revocable Trust of 2012, dated 02/12/2018ö.
2. NHDES shoreland and septic approval must be obtained.
3. That the applicant verify that they prepared a zoning application showing that they meet the proposed zoning change.

Based on the foregoing findings of fact, the requested Special Exception from Article 3 Section 304.6.6.2 as it pertains to tree cutting of the Town of Freedom Zoning Ordinance is granted with the following conditions:

1. All grids meet town standards.
2. Stumps will be cut flush or ground. Root systems left intact.
3. Vegetation removal beyond the grids shall be limited to the hatched areas shown on the plan.
4. Per plan δZBA Application for Palacio Revocable Trust of 2012ö.

The board reviewed the Special Exception Worksheet for **Article 3 Section 304.6.6.4 – Tree cutting for grades over 12.5%.**

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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 |

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

1. Per plan titled δZBA application plan for Palacio Revocable Trust of 2012, dated 02/12/2018ö.
2. NHDES shoreland and septic approval must be obtained.
3. That the applicant verify that they prepared a zoning application showing that they meet the proposed zoning change.

Based on the foregoing findings of fact, the requested Special Exception from Article 3 Section 304.6.6.4 as it pertains to tree cutting for grades over 12.5% of the Town of Freedom Zoning Ordinance is granted with the following conditions:

1. All grids meet town standards.
2. Stumps will be cut flush or ground. Root systems left intact.
3. Vegetation removal beyond the grids shall be limited to the hatched areas shown on the plan.
4. Per plan "ZBA Application for Palacio Revocable Trust of 2012".

Unfinished Business:

Discussion of expiring terms. Craig Niiler and Karl Ogren both expressed interest in renewing their terms. Tim Cupka had emailed his interest in renewing his status as alternate.

Karl made a motion to nominate Scott Lees as chairman, seconded by John Krebs. In favor; John Krebs, Karl Ogren, Craig Niiler, Jake Stephan. Opposed: Scott Lees

Karl made a motion to nominate Craig Niiler as vice chairman, seconded by John Krebs. All in favor. No one opposed.

Scott made a motion to adjourn, seconded by Karl. Meeting was adjourned at 9:00 pm.

Respectfully Submitted,
Janice Zecher