

**TOWN OF FREEDOM**  
**Zoning Board of Adjustment**  
**February 26, 2019**

**Members Present:** Scott Lees, Craig Niiler, John Krebs, Jake Stephan, Dennis Anderson (alternate)  
**Members Absent:** Karl Ogren, Tim Cupka (alternate), John Quigley (alternate)  
**Recording Clerk:** Mellisa Seamans

**Called to Order:** 7:00 p.m. with introduction of board members. For the purpose of a quorum, Anderson was elevated to voting member status for this meeting.

**I. Approval of Meeting Minutes**

**MOTION:** “To approve the January 22, 2019 meeting minutes as corrected” by Lees, 2<sup>nd</sup> Niiler. Passed unanimous. (corrected to delete comma at end of sentence under “Other Business”)

**II. Case # 27-02-18 Gordon & Jayne Broz (continued from January 22, 2019)**

Applicant seeks an appeal for a Variance under Article 6, Section 602 Reduction of Lot area as referenced under Table 304.5 “Table SF District Minimum lot size”. For a lot line adjustment of two pre-existing non-conforming properties at 425 Pequawket Trail, Map 27, Lot 2.

This hearing was advertised at Town office, post office, Town website and in Conway Daily Sun.

Niiler recused himself as an owner of the easement on abutting property. Lees advised applicants of their right to a five-member board to consider their case. Applicants stated willingness to waive that right and be heard by four-member board.

From the audience, Niiler spoke in support of the variance. No other public comment.

After discussing application with applicants, the board closed the hearing at 7:26 p.m. and began deliberations. The Variance Worksheet was completed with board members voting 4-0 in support of all points.

**Summary of Facts:** Both lots are non-conforming, smaller lot is becoming larger; not changing shoreline size; septic tanks are not affected.

**Conditions:** Spelling error “comment” on note five; Paul King to provide written explanation of why monuments on Pequawket were not held.

**VARIANCE GRANTED:** Based on foregoing finding of facts, the board voted 4-0 to grant the conditional variance. Once conditions are met, final approval will be granted. The board will issue a notice of decision. The 30-day appeal period explained to applicants. Related worksheets and plans are on file as public record.

**III. Case # 01-19-19 Charlotte McKinnon and Herbert Whittemore (continued from January 22, 2019)**

Applicant seeks an appeal for a Variance under Article 7, Section 706.2, further encroachment in side or rear setbacks. And Special Exceptions under Article 3, Section 304.6.4.1 Erosion Control and Section 304.6.6.2 Cutting of trees within 75 feet of reference line. Applicant wishes to tear down the existing home and replace the home on the same footprint with a 400 square foot addition at 9 Kenison Drive, Map 01, Lot 19.

**AND**

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**Case #01-19-19 Charlotte McKinnon and Herbert Whittemore**

Applicant seeks an appeal for a Variance under Article 3, Section 304.6.6.2 tree cutting. Applicant wishes to tear down the existing home and replace the home on the same footprint with a 400 square foot addition at 9 Kenison Drive, Map 01, Lot 19.

Jacob and Mark McConkey presented on behalf of the applicants. Noted that amended plans date-stamped received February 4 were not mailed to board members ahead of this hearing. There was no public comment on either case.

**VARIANCES GRANTED:** Based on foregoing finding of facts, the board voted 5-0 to grant variances under Article 7, Section 706.2 (per plan titled “McKinnon/Whittemore” dated 1/29/2019) and Article 3, Section 304.6.6.2 (per plan titled “McKinnon/Whittemore” dated 2/3/2019).

**SPECIAL EXCEPTION GRANTED:** The board voted 5-0 to grant the special exception under Article 3, Section 304.6.4.1 Erosion Control (per plan titled “McKinnon/Whittemore” dated 1/29/2019). The applicant agrees to add to the plan that the four birch trees are to be removed prior to demolition or earth movement.

The board will issue notices of decision. The applicant representatives are familiar with the 30-day appeal period. Related worksheets and plans are on file as public record.

**Meeting adjourned at 8:25 p.m.**