

**Zoning Board of Adjustment
May 28, 2019
Minutes**

Members Present: Scott Lees, John Krebs, Karl Ogren, Craig Niiler, John Quigley(A), Denny Anderson(A)

Members Absent: Jake Stephan, Tim Cupka, (A)

Others Present: Janice Zecher, Recording Secretary, Don Harris, Zoning Officer

Meeting called to order at 7:00pm by Scott Lees. Scott introduced the board members to the public, and explained the rules and procedures. There was a quorum present of 5 members.

The minutes from April 30, 2019 were reviewed by the board. The following changes were made:

Under Case #26-5-19, #2, change 10-f-m to TBM, #6, reword to “Show temp boundary along the north side of lot line when construction is proposed.

Board voted to accept minutes as amended.

Case # 26-5-19 The View at Lake Ossipee Family, LLC

Applicant seeks an appeal for a Variance under Article 3, Table 304.5, side setbacks, A Variance under Article 3, Section 304.6.6.2(a), Maintenance of a Waterfront Buffer (D) (iv) Segment point total must equal or exceed 100 points. Special Exception under Article 3, Section 304.6.4.1 Erosion Control, A Special Exception under Section 304.6.6.4, tree cutting greater than 12.5% slope between 75 and 300 feet of reference line, A Special Exception under Section 304.6.7.3, Exceeds 10% impervious area on lot of record at Map 26, Lot 5 at 7 Cone Drive. The applicant wishes to add one bedroom, one bath, den storage, and unfinished second floor.

Mr. Jones was not present at the meeting and updated information had not been received by the deadline. Scott made a motion to continue this application to June, seconded by Craig. Janice will send Mr. Jones a notice of continuation and ask that if he cannot make the June 10 deadline for submission of information, that he notify the town for a continuance. Application continued to June.

Case #37-7-19 Denise Savoie & Lindsey Archila

Applicant seeks an appeal for a Variance under Article 3, Table 304.5 front setback, A Special Exception under Article 3, Section 304.6.4.1 Erosion Control, and a Special Exception under Section 304.6.6.2 tree cutting within 75’ of reference line at Map 37, Lot 7, West Bay Road. The applicant wishes to construct a 3 bedroom house, well, driveway, state approved septic system. Trees to be cut to get the proposed structures installed.

Dale McConkey presented this application as agent for Denise Savoie and Lindsey Archila. He passed out signature pages has had been requested by the board in April.

After reviewing the new plans with Dale, the board does not feel comfortable with the well located so close to the lake. The well is to be a gravel pack well which will probably last 10-15 years. There is no space for a well drilling rig to get through to replace an old well once the house is built. The board was in agreement that they are not comfortable

with the well location. After discussion with Dale, the following requests are made before continuing with the application.

1. When expanding the size of the paper, expand the size of the drawing as well so it is easier to read.
2. The plan presented is not to scale.
3. Add the well radius
4. Show where the well is located at 295 West Bay Road.
5. Show where all abutter's septic systems are on the plan
6. A letter from the well digger verifying that a drilling rig will be able to be driven to the existing well location after the house is built.

The board has no problem with the tree cutting and setbacks
There were no abutters present. No questions or public comment.
Scott made a motion to continue the application, seconded by Karl. Application is continued to June.

Case # 30-20-19 William Gardner Johnson & Christine Johnson

Applicant seeks an appeal for a Variance under Article 3, Table 304.5 Rear Setback and a Special Exception under Article 3, Section 304.6.4.1 Erosion Control at Map 30, Lot 20, 309 Huckins Road. The applicant wishes construct a perched beach within the rear (water) setback.

The board chair had requested a letter from Mr. Johnson confirming or denying signatures of both he and Mrs. Johnson on the various application pages. The office had received an email listing which signatures were his, but the letter signed by both applicants is needed as well. This had not been received by the deadline of May 13. The board agreed to review the application but will not act upon it until the letter is received.

After reviewing the application, the board has no concerns with it. There were no abutters present.

Application is continued to June waiting for letter from Applicant.

Case #42-11-1-19 Marks Brothers Production Co, LLC

Applicant seeks an appeal for a Variance under Article 7, Section 706.2 Side setback at Map 42, Lot 11-1, 37 Packard Drive. The applicant wishes to reconfigure existing deck and move external stairs.

Ray Desmarais and Susan Marks reviewed the application.

There were no abutters present and no comment from the public.

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 |

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

- 1. The project only affects deck and stair placements.**
- 2. Proposal will remove 56.52 square feet and will add 56.058 for a net loss of .47 of impacted shoreline.**

Based on the foregoing findings of fact, the requested variance from **Article 7 Section 706.2** as it pertains to the Town of Freedom Zoning Ordinance be granted with the following conditions:

- 1. Per plan titled Marks Brothers plan dated 05/07/19.**

Other Business:

There being no further business, Scott made a motion to adjourn, seconded by Karl.

Meeting was adjourned at 8:30 pm.

Respectfully Submitted,

Janice Zecher