

**Zoning Board of Adjustment**  
**July 23, 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

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 May 23, 2019 were reviewed by the board. A motion was made by Scott Lees to accept the minutes as written, seconded by Craig. All were in favor.

**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.

Denny Anderson, Alternate sat in for Jake Stephan for this case.

Mr. Jones was not present at the meeting and updated information had not been received by the deadline. Mr. Jones needs to apply to the Planning Board for a boundary line adjustment with two of his abutters. Scott suggested we contact Mr. Jones and ask him to withdraw his application at this time because of the number of times this application has been continued and because his application could be different after the boundary line adjustments are completed. Janice will draft a letter to Mr. Jones. If he agrees, he would need to send a letter to the ZBA asking them to approve of his withdrawal.

**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.

Denny Anderson, Alternate sat in for Jake Stephan for this case.

Lindsey Archila and Denise Savoie had written to the board stating they will be representing themselves going forward and were coming to the board for advice on what they needed in order to move forward. After reviewing a drawing they presented at the

meeting, the board explained the tree cutting grids and process. Asked for a tree cutting grid. The applicants showed 3 different possibilities for a well radius. The board asked them to choose one of the examples, show silt fence detail and the neighbor's well and septic system on their plan. There is no need to reapply. Scott made a motion to continue the application, seconded by Karl, all in favor. This application is continued to August.

**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 received a letter from Mr. Johnson stating that all signatures on applications were his. The board had no further questions.

Based on the findings of the variance worksheet the requested Variance from Article 3 Section 304.5 of the Town of Freedom Zoning Ordinance is granted with the following conditions:

The board reviewed the **Variance** Worksheet for **Article 3, Section 304.5 Rear Setback**.

- 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. Closest part of retaining wall is 10.67 feet from reference line.
- 2. No trees will be cut.

Based on the findings of the variance worksheet the requested from Article 3, Section 304.5 of the Town of Freedom Zoning Ordinance is granted with the Following conditions:

- 1. Per plan titled William Gardner & Christine Johnson dated April 8, 2019
- 2. That all state permits be received before construction begins
- 3. All erosion control shall be installed prior to any earth moving and remain until the project is completed and stabilized.

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

- A. Carried 5-0
- C. Carried 5-0
- H. Carried 5-0
- J. Carried 5-0
- K. Carried 5-0
- L. Carried 5-0

Summary of the facts of the case discussed at the public hearing: None

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 William Gardner & Christine Johnson dated April 8, 2019
2. That all state permits be received before construction begins
3. All erosion control shall be installed prior to any earth moving and remain until the project is completed and stabilized.

### **Other Business:**

The Planning Board has invited the ZBA to meet jointly with them at their regular monthly meeting on September 19. Two items that have come up this year that are potential discussion points are making the Village, Mountview, and square brook their own zoning areas, and question why the 12 ½% rule fell off the zoning regulations last year.

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

Meeting was adjourned at 8:15 pm.

Respectfully Submitted,

Janice Zecher