

Freedom Planning Board
August 15, 2019
Freedom Town Hall

Members Present: Chairman Anne Cunningham, Paul Elie, Pam Keith, Les Babb, Dale McConkey, Paul Olzerowicz

Members Absent: Bill Elliott, Jeffrey Towle

Others Present: Stacy Bolduc Recording Secretary, Byron A. Rymer

Quorum: Met

With a quorum having been declared the meeting was called to order at 7:00 p.m. with Chairmen Anne Cunningham presiding.

Minutes:

Paul E. made a motion, seconded by Paul O. to accept the July 18, 2018 minutes with the following amendment: *On page 1 last paragraph 4th sentence from the bottom where it reads Last month is was discussed to Last month it was discussed and on page 3 first paragraph 5th sentence from the bottom at the end of the sentence where it reads Anne went on to say, If the board the capital I in If should be lower case.*
Motion passed unanimously.

Anne was able to get the numbers from the tax assessors database and updated board member on some of the numbers. Between January 1, 2017, and middle of last month, there were a total of 470 homes sold in Freedom of that number 238 were at an arm's length transaction and of the 238, 34 of them sold at \$150,000 or less. These numbers do not include Spindle Point sales, Totem Pole or Danforth Bay.

There is no date set for the joint ZBA meeting. Pam informed Anne she will not be able to attend the meeting next month.

It was agreed to let Byron A. Rymer come before the board regarding some issues he has before going on to review the Master Plan.

Mr. Rymer explained he bought the house on 39 Old Portland Rd. and has been issued a violation and he wanted to come in and discuss it. He was given a violation notice by the zoning officer for short term rentals. He believes he is in violation because he is not a NH resident which, he feels is discrimination. He bought the house with his brother-in-law and was clear when he bought it; he would be renting it out when they are not using it to pay taxes and put a little bit of oil in the tank, now he is being told he can't do that. Mr. Rymer explained they are shocked they have this issue and is before this board looking for clarification.

Anne explained that the planning board does not enforce the zoning ordinance, Mr. Rymer responded the zoning officer only works five hours a week, and he is trying to understand why he cannot as the owner of the house rent his house and what the meaning of a short term rental is. He has read everything he can on it and Check future meeting minutes for any amendments or changes to these minutes

feels it is a very grey area. He has family and friends who use the house as well. The issue he believes is that his neighbor yelled at a few of the kids, and now he has this problem, and he is trying to figure out what the real issue is. He intended to rent it out four times this season but has taken it down from Home Away till this violation gets figured out. Anne responded that there are two issues that she knows of, one is noise, which is not a land-use issue, that would go before the board of selectmen. Mr. Rymer explained; further, they have a college-age kid who was watching tv with the door open, and his neighbor yelled at him. Anne explained this is not the board for that complaint, Mr. Rymer responded he has taken time off to deal with this and, he's tried to call and e-mail but has got nowhere. He will talk to his neighbor tomorrow.

Les explained he is a selectman and the town has a zoning officer who deals with this type of complaint and he made him aware of the complaint about the house being rented through Airbnb (Mr. Rymer stated it was Home Away). He further explained; once there is a complaint the zoning officer reviews it, the zoning officer asked Les to send the complaint to the attorney to have it reviewed, which Les did. The attorney advised the zoning officer there was a violation based on the zoning ordinance and NH Hampshire law in the Village District of Freedom. Anne offered to go through the ordinance if Mr. Rymer would like. He responded he had read it from top to bottom and is very familiar with it. Les responded for this boards purview if Mr. Rymer wanted to come back and ask for a change after he meets with the zoning officer that's something the board can address. Mr. Rymer stated there are houses up and down his street listed on Airbnb, Home Away, and vrbo and, stated he feels singled out and feels the zoning language is vague.

Anne explained how the zoning works and clarified there are districts and, in each district, there are permitted uses and exception uses you would have to go to the ZBA to have reviewed. In the Village District, tourist homes are allowed. The definition of a tourist home is a lodging facility that is primarily a residential use but includes lodging facilities as an accessory use. She stated the zoning regulation is very clear the home has to be your primary residence to be able to offer lodging to people. Anne clarified other zoning regulation uses in the general and rural districts as well.

Mr. Rymer stated he took the house down from Home Away but expressed concern that friends and family who use the house in the future may be harassed because of this violation and asked what he can do about that. Les explained this board cannot address that concern but explained the selectmen meet every Monday night and he can get on the agenda to discuss it and advised him to meet with Don Harris the zoning officer to figure out what is going on. This board can address if you wanted to change an ordinance. Again Mr. Rymer was referred to Don Harris, who handles these types of complaints to get answers to his questions.

Mr. Rymer left the meeting at 7:24 p.m.

Discuss Proposed changes to Site Plan Review Regulations

With the aid of a handout, Anne opened up the discussion for the proposed site plan plat. The biggest change is adding the following language: *#29 For projects in the shorefront district, drainage studies showing the current runoff and the runoff from the site caused by proposed improvements.*

Paul O. asked what the definition of a drainage study is. Anne responded she is sure there is a standard drainage study, Les explained they do calculations for drainage and runoff. Discussion ensued around the benefit of adding this new language, and how it protects the shorefront district and Paul O. stated that 5.5 is

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confusing. The language asking for additional documentation under examples of additional documentation, drainage studies will be removed. Paul E. supports adding the new language. Calculations would be based on a 50- year storm.

Pam made a motion, seconded by Paul E. that the proposed changes will be brought before a public hearing in September. Motion passed unanimously.

Review Master Plan Changes and Recommendations

Anne updated the board that she did reach out to both the local Government Center and John Ratigan, the town attorney to ask them about adding more direct language for more housing options.

Pg. 11 Recommendations were reviewed and discussed.

Both the Municipal Association and John Ratigan said the Master Plan is something you say you are going to move towards if the board never discussed doing anything that is in the Master Plan that would not be good. The following changes were discussed:

Pg. 6 and 7 it was agreed to change the order of the bullets. The first bullet would be Lack of younger families with children; bullet # two would be Senior Services.

Under Lack of younger families with Children add the word children after school age.

Pg. 12- second paragraph third sentence change the word *make to makes*.

Pg. 13- second paragraph the last sentence, page 55 should read page 56.

Pg. 14- several places where it reads well water change to well-water.

Pg.14- should homeowners be one word? Anne will check.

Pg.15 -comma after diving the sixth paragraph fifth sentence.

Pg. 16- under Flood Hazard Areas last sentence change *Theses to These*.

Page 22- recommendations were reviewed next.

Still waiting for the school to submit their information.

Anne presented a proposal to update the Land Uses and Natural Resources Maps. A second map Wildlife Action Plan done by Fish and Game is recommended by Lakes Region Maps.

The Land use and Natural Resources Maps are outdated (2006). Les supports doing the maps to complement the Master Plan.

The total cost of the LRPC maps is \$2,710.00.

Total after the discount of \$880.00 = \$1,830.00

Funds in the Master Plan account \$1,914.00

It was agreed to do the maps.

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Pam made a motion, seconded by Les to move forward with the maps. Motion passed unanimously.

Anne passed out the draft of the Zoning Map. She will try to find the minutes that discussed this map, and it will be on the agenda next month. The big issue is what district is the Village Road in. Currently the district definitions in the zoning ordinance it places it in both the village Residential and General Residential.

There being no other business to come before the board, **Pam made a motion, seconded by Paul E. to adjourn the meeting at 8:15 p.m.**

Respectfully Submitted,
Stacy Bolduc
Recording Secretary