

Town of Freedom
Planning Board
June 13, 2013

Members Present: Beth Earle, Jean Marshall, Peter Park, Anne Cunningham, Maynard Thompson, Janet Meyers

Members Absent: Les Babb

Minutes recorded by Peter Park and Anne Cunningham

Meeting called to order at 6:00pm

The Board all agreed that a letter should be sent to the ZBA. Anne presented a draft letter that the board inserted changes as follows:

- Second paragraph, first sentence, change from: ~~Because of changes that the legislature made to the shore land protection laws, the Planning Board reviewed the ordinance that existed at the time.~~

To: ~~Because of changes that the NH State legislature made to state shore land protections laws, the Planning Board reviewed the Freedom ordinance that existed at the time.~~

- Second paragraph, second sentence, change ~~ordinance~~ to ~~Freedom ordinance~~

- After the third paragraph insert sections 304.6.5.2a & 304.6.5.2 b which read:

~~304.6.5.2 a~~ Starting from the northerly or easterly boundary of the property, and working along the shoreline, the waterfront buffer shall be divided into 50 by 75 foot segments. The fifty foot segment shall run along the water.

304.6.5.2 b The points needed in each 50 by 75 foot segment shall be 100 as calculated with the system in (D) (i) through (ix).

- Delete the fourth paragraph

- Fifth paragraph, change the four sentences from: ~~The application from the WEP Trust appears not to follow this methodology. The minutes of your May 28 meeting say that the fact that this lot is not square somehow changes that requirement. Anne Cunningham spoke with Jay Auby at NH DES about how the shape of the lot affects this requirement. Jay reported that thousands of lots that we not square have used this methodology over the years.~~

To: ~~The application from the WEP Trust does not to follow the methodology established by the Freedom ordinance which requires the fifty foot measurement to be along the shore. The minutes of your May 28 meeting say that the fact that this lot is not square somehow changes that requirement. Anne Cunningham spoke with Jay Auby at NH DES about how the shape of that lot affects this requirement. Jay reported that thousands of lots that are not square have used this methodology over the years.~~

- Sixth paragraph, last sentence, change from ~~However, both the state law and the town ordinance require the count to be done in a particular way.~~

To: ~~However, the Freedom ordinance requires the count to be done in a particular way.~~

During the discussion of paragraph 6, Scott Lees arrived. He explained that the methodology that was used in the WEP application reflected guidance given by Darlene Forest of NH Des at a meeting when the shore land protection law was originally passed. At that meeting, participants asked what to do with a lot that was not rectangular. Darlene Forest's response was to draw a line parallel to the property line offset 50 feet and a second line is drawn 50 feet from the shoreline to give a 50' x 50' box. Scott said that this methodology was in wide use and was allowed by DES. Anne pointed out that the language of the ordinance states that the applicant should start at the northerly or easterly property line and go fifty feet along the shore. Maynard said that DES does not have the authority to write regulations that are in conflict with the language of the statute. Anne referred to the report of Jay Auby from DES who is quoted in the letter. The upshot of this conversation was that Scott Lees said that he understands the intent of the planning board in writing this section of the ordinance. He also agreed that the planning board can adopt standards that are stricter than the state.

- Seventh paragraph, second sentence, change: ~~asked~~ to ~~required~~

- Seventh paragraph, second & third sentence, add ~~Freedom~~ in front of ~~ordinance.~~

- Seventh paragraph, delete the last sentence.

- Eighth paragraph, first sentence, delete ~~from the prior version~~ and add ~~than the 2011 ordinance language~~

- Ninth paragraph, delete the first sentence.

- Ninth paragraph, change: ~~Since state law preempts the Freedom ordinance, the planning board will review the ordinance to bring it in line with state rules. That said, while the ZBA may grant a variance from the Freedom ordinance, it cannot grant relief from a state law.~~

To: ~~Since state law preempts the Freedom ordinance, the ZBA may grant a variance from the Freedom ordinance, it cannot grant relief from a state law.~~

- Close the letter with:
~~Thank you for your consideration.~~
Sincerely,

Planning Board

Meeting adjourned 7:04pm.