

**Town of Freedom**  
**Planning Board**  
**August 15, 2013**

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

**Members Absent:** Les Babb, Maynard Thomson

**Others Present:** Ellie Stokes, Jennifer Molin, Ned Hatfield

Minutes recorded by Dianne Park

Meeting called to order at 7:00pm.

**Minutes**

There was a motion by Beth, seconded by Peter, to approve the minutes from June 13, 2013 with changes. All were in favor.

Page 1, third paragraph, insert the word "changes" between "of" and "that" in the first sentence.

Page 2; Insert the following paragraph after changes for "Sixth Paragraph"

"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."

There was a motion by Peter, seconded by Janet, to approve the minutes from July 18, 2013 as written. All were in favor.

There was a motion by Peter, seconded by Beth, to amend the minutes of June 13, 2013 by adding Janet Meyers to Members Present. All were in favor.

**District status of the section of Route 153 between Effingham town line and Village Road**

Anne gave background information and the board discussed the definition for General Residential District (GR) and Village Residential District (VR). The problem with this section of road is that the ordinance was changed in 1989 or 1990 but not legally. The Town Attorney's opinion is that this area is zoned Light Commercial (LC). The main question is what does the board want this area to be zoned GR or VR? Ellie Stokes was asked what her wishes were and replied she wanted the area to revert back to VR. Anne described the procedure to change this as: Board will make a proposal and hold a public hearing if there is opposition to the board's proposal that causes the board to change their proposal then a second public hearing will be necessary. Peter's opinion was that as long as there is some commercial availability on route

153 he has no problem zoning this area as VR. Anne stated she could be swayed by the Stokes view but would be happy with GR. Beth had a concern with dividing of lots and what would the future map look like if the area was GR or VR. The board and public both need to be aware of the future density per district. Ned had 2 concerns 1-Future density: 2-What would the town like the future of this area to be? It was brought up that this ordinance was changed in 2006. Anne will check into what changes were made in 2006. This topic will be put on the agenda for next month.

Anne also said that the district descriptions put the Village road in two districts ó the Village Residential and the General Residential. The board discussed how to deal with this. The ordinance says that, if the district classification of any land is in question, it shall be deemed to be in the most restrictive adjoining district. This could lead to litigation depending on the application. If a subdivision application were contested, it could be argued that the land is in general residential because requiring two acres is more restrictive. If it were a use issue, the village residential is arguably the more restrictive because that district allows fewer special exception uses. The board will continue this discussion after some thought.

### **Article 3 Section 304.6.3.1: Special Exception Standards for Erosion Control**

Peter and Ned met to discuss this issue and Peter described their wishes.

- Ordinance would affect new construction only
- Should 600ø be changed? If so, to what?
- Filtration Ditch Requirements around new construction
- Come up with a list of suggestions for Erosion Control and have applicant pick
- Use of Silt Fences during construction

Ned stated that as long as Best Management Practice Requirements are listed in the ordinance then this is enforceable by the Zoning Officer. The board discussed adding an appendix which lists the suggestions for erosion control rather than reference a booklet. Beth will find out how much feet or disturbance there is during construction to better measure changing the 600ø requirement. The board discussed the -Construction Onlyø Section and talked about expanding this to include permanent erosion control section.

### **Article 3 Section 304.6.5: Special Exception Standards for Cutting and Removal of Trees and Natural Vegetation in the Shorefront District**

Anne informed the board that House Bill 513 was passed and signed by the Governor and she added this language into our ordinance. This addition made the ordinance longer but more specific. The board discussed hiring a forester to determine dead or diseased trees, replacing points cut, waterfront buffer, natural woodland buffer, and the inclusion of Invasive Species List in the ordinance.

There was a motion by Anne, seconded by Peter, to postpone the discussion of Article 3 Section 309: Accessory Use and the Master Plan Facilities Update Review. All were in favor.

There was a motion by Beth, seconded by Janet, to adjourn the meeting. All were in favor.  
Meeting adjourned at 9:05pm.