

**Zoning Board of Adjustment**  
**P.O. Box 227**  
**Freedom, NH 03836**

Freedom Zoning Board of Adjustment: **June 25, 2013**

**Members Present:** Karl Ogren, Craig Niiler, Jake Stephan, John Quigley (alternate), Tim Cupka

Minutes recorded by Dianne Park

Vice-Chairman Niiler ran the meeting.

Craig called the meeting to order at 7:02pm and introduced the board to the public.

During the meeting the following cases were heard:

**Case#32-26-13 Grant and Pirkko Anderson**

**Case #42-20-1-13 W.E.P. Family Realty Trust**

**Case #3-65-13 Eugene M. Corbett**

Notification of this meeting was published in the Conway Daily Sun and posted at the Freedom Town Office and the Freedom Post Office.

**Minutes**

There was a motion by John, seconded by Craig, to accept the minutes from May 16, 2013 as written. All were in favor.

There was a motion by Craig, seconded by John, to accept the minutes from May 28, 2013 with changes. All were in favor.

Page, 5, 8<sup>th</sup> paragraph, second sentence, change "Niiler asked if the gazebo is in place of a beach." To "Ogren asked if the gazebo is in place of a beach."

**Case #32-26-13 Grant and Pirkko Anderson** *ó continued ó* Applicant seeks special exceptions under Article 3 Sections 304.6.3.1 & 304.6.5.2: variances under Article 7 Sections 706.2 & 706.3 and Article 3 Section 304.5 of the zoning ordinance: To construct a new house, garage and gazebo; expansion of existing shed and cabin at 91 East Danforth Road.

Mr. James Rines of White Mountain Survey and Engineering, Agent, stated that the gazebo previously presented on the plan has been eliminated, the size of the bunkhouse has been reduced and the eaves and peak structure elevations have been added to the map.

Jim stated that the tree points have increased from 115 to 150 because of the reduction in size of the bunkhouse. He passed out the Worksheet for Vegetative Point Value per Square Foot stating that tree cutting is isolated to grids 4 & 8. Jim went grid by grid and explained the current tree point value.

Craig explained how the new grids have been drawn. Niiler explained that each grid is based on 50'x75', this is approximately 3,750 square feet per grid.

All abutters and the public were asked to comment. No comments.

Jim officially stated that he is withdrawing the request for a gazebo. There was a motion by Craig, seconded by Tim to accept this withdrawal. All were in favor.

Special Exception Worksheet for Article 3 Section 304.6.5.2:

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

There was a motion by Craig, seconded by Karl, that based on the foregoing findings of fact, the requested special exception from Article 3 Section 304.6.5.2 of the Town of Freedom Zoning Ordinance be granted per Shoreland Redevelopment Plan with revised date of 6/7/13. All were in favor. The applicant was informed of the 30-day appeal period.

Special Exception Worksheet for Article 3 Section 304.6.3.1:

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

There was a motion by Craig, seconded by Karl, that based on the foregoing findings of fact, the requested special exception from Article 3 Section 304.6.3.1 of the Town of Freedom Zoning Ordinance be granted per Shoreland Redevelopment Plan with revised date of 6/7/13. All were in favor. The applicant was informed of the 30-day appeal period.

Variance from Article 7 Section 706.2:

- 1. 5-0
- 2. 5-0
- 3. 5-0
- 4. 5-0
- 5. A i. 5-0
- A ii. 5-0

There was a motion by Craig, seconded by Karl, that based on the foregoing findings of fact, the requested variance from Article 7 Section 706.2 of the town of Freedom Zoning Ordinance be granted per Shoreland Redevelopment Plan with revised date of 6/7/13.

Conditions: All State and Local permits must be obtained prior to construction. All were in favor. The applicant was informed of the 30-day appeal period.

Variance from Article 7 Section 706.3:

1. 5-0
2. 5-0
3. 5-0
4. 5-0
5. A i 5-0  
A ii 5-0

There was a motion by Craig, seconded by Karl, that based on the foregoing findings of fact, the requested variance from Article 7 Section 706.3 of the Town of Freedom Zoning Ordinance be granted per Shoreland Redevelopment Plan with revised date of 6/7/13.

Conditions: All State and Local permits must be obtained prior to construction. All were in favor. The applicant was informed of the 30-day appeal period.

**Case #42-20-1-13 W.E.P. Family Realty Trust** ó *continued* ó Applicant seeks appeal from special exceptions under Article 3 Section 304.6.3.1 and 304.6.5: variance under Article 3 Section 304.6.5.5 of the zoning ordinance; to construct a home with tree cutting and erosion control on Packard Drive.

Mark McConkey, Agent, presented a revised set of plans and explained the new grids going grid by grid further stating there is no clear cut to the water and a more trees have been preserved creating a greater buffer for neighbors.

The Board went grid by grid using 37.5 square feet per point because of the odd lot shape.

All abutters and the public were asked to comment:

David Trook, abutter, asked why the abutters were not sent a copy of the new map and Craig explained that continued cases are not re-noticed to abutters.

David then asked if all trees can be marked before cutting and was told the revised plan would be at Town Office for public viewing.

Jean Marshall asked the board to explain Public Notification and Craig explained the late submission of the new plan.

Ian Marshall read the intent from the original application sheet and asked why there is a need for an uninterrupted view for this project. Mark explained that the buyer of the property has abandoned the idea of need for an uninterrupted view.

Mark made the motion to withdraw the previous application for a variance for clear cut of trees. There was a motion by Craig, seconded by Karl, to accept the motion. All were in favor.

The board agreed to accept 2 plans as one plan until Monday, July 1, 2013 when Mr. McConkey will submit 1 plan that will include the new tree cutting map and correct point/per grid.

Special Exception Worksheet for Article 3 Section 304.6.5:

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

There was a motion by Craig, seconded by Karl, that based on the foregoing findings of fact, the requested special exception from Article 3 Section 304.6.5 of the Town of Freedom Zoning Ordinance be granted. All were in favor. The applicant was informed of the 30-day appeal period.

Conditions:

1. DES Shoreland approval required before cutting.
2. As per scale 1:60 tree cuttings for W.E.P Packard dated 6/25/13.
3. Applicant will provide plan showing accurate grid square feet that exist and the remaining tree point values on Monday, July 1, 2013.

**Case #3-65-13 Eugene M. Corbett** ó Applicant seeks appeal from special exception under Article 3 Section 304.6.3.1 of the zoning ordinance: to replace an existing retaining wall with natural stone at 192 Freedom Point Road.

Mr. Corbett walked the board through his plan and application. There will be no fill added to the project and no heavy equipment used. A cross section of the erosion control plan and a detailed silt fence installation were not present and Jake explained why this was required. The board also asked Mr. Corbett to toe in the first set of stones. This case will be continued until the August Meeting with the resubmittal date of August 12, 2013 of a plan showing additional information.

There was a motion by Karl, seconded by Craig, to continue this case until August meeting. All were in favor.

**Other Business**

Discussion of Structure ó this was tabled

Cell Tower Follow-up ó Craig gave the board background information on the walk through to the cell tower.

Planning Board Letter ó this letter was discussed and this topic will be put on a future agenda.

There was a motion by Craig, seconded by Karl, to adjourn the meeting.  
Meeting adjourned at 9:45pm.