

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

Freedom Zoning Board of Adjustment: **November 26, 2013**

**Members Present:** Chairman Scott Lees; Karl Ogren; Tim Cupka

Others Present: Linda Farinella, Recording Secretary

Chairman Lees called the meeting to order at 7:00 pm.

During the meeting the following cases were heard:

**Case #38-3.03-13 Rhonda and Carlton Lane/Berry Bay Condominium Assoc.**

**Case #27-2-13 Gordon and Jayne Broz**

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

Chairman Lees introduced the Board to the public.

Motion by Ogren, seconded by Cupka to accept the minutes of the October 22, 2013 as written. The motion passed unanimously.

Chairman Lees invited **Case #38-3.03-13 Rhonda and Carlton Lane/Berry Bay Condominium Association** to approach the board with a continued request for a variance under Article 3 Table 304.2 of the zoning ordinance to construct a shed within the side yard setback at 28 Houle Drive.

The applicant sent a letter requesting that their application be continued to the January 2014 meeting. Motion by Chairman Lees, seconded by Ogren to continue this application to the January 28<sup>th</sup> meeting with a submittal date of January 13<sup>th</sup>. The motion passed unanimously.

Chairman Lees invited **Case #27-2-13 Gordon and Jayne Broz** to approach the board with a continued request for an appeal for a special exception under Article 3 Section 304.6.3.1 and a variance under Article 3 Table 304.2 of the zoning ordinance to construct a 30' x 36' garage within the sideline setback at 425 Pequawket Trail.

Chairman Lees explained to the applicant that he is entitled to be heard by a five-member board. He can accept being heard by the three-member board present, knowing he will have to receive three affirmative votes, or ask to be continued to next month. Mr. Broz accepted the three-member board.

Mr. Broz explained that he changed the garage configuration and was able to turn it enabling the northeast corner to be 26' from the lot line and the southeast corner to be 28' from the lot line.

The pine trees that are located 9ø off the corner of the proposed garage shall remain in place. The silt fence and drip line infiltration trench sketches were submitted and Mr. Broz noted that he does not exceed the 10% lot coverage allowance.

There were no abutter or public comments.

The hearing was closed to public comment.

The board reviewed the variance worksheet for Article 3 Table 304.2:

- 1. 3 to 0
- 2. 3 to 0
- 3. 3 to 0
- 4. 3 to 0
- 5Ai. 3 to 0
- 5Aii. 3 to 0

Motion by Chairman Lees seconded by Cupka that based on the forgoing findings of fact, the requested Variance from Article 3 Table 304.2 of the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Shall conform to plan dated 11/26/2013 titled øBroz 27-2-13ø.
2. The northeasterly corner of the building shall be no closer than 26ø to the property line; and the southeasterly corner shall be no closer than 28ø per said plan.

The motion passed unanimously. The applicant was informed of the 30-day appeal period.

The board reviewed the special exception worksheet for Article 3 Section 304.6.3.1:

- A. 3-0
- C. 3-0
- H. 3-0
- J. 3-0
- K. 3-0
- L. 3-0

Motion by Chairman Lees seconded by Ogren that based on the forgoing findings of fact, the requested Special Exception from Article 3 Section 304.6.3.1 of the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Silt fence shall be installed prior to any earth disturbance, and shall remain in place until all construction is complete and site is stabilized.
2. Infiltration trench shall be constructed under both drip edges.
3. Shall conform to plan and details dated 11/26/2013 titled øBroz 27-2-13ø.

The motion passed unanimously. The applicant was informed of the 30-day appeal period.

The Boardø December 2014 meeting will be held on Tuesday, December 16<sup>th</sup> with a submittal date of December 1, 2014.

The Board received a response from Mr. Walbridge of Case#30-1-2-12 Walbridge regarding the Board's letter sent on October 2, 2013 requesting photographic proof of tree plantings per conditions of approval. It is the understanding of the Board that Mr. Walbridge did not and does not intend to comply with the conditions. A letter will be sent to Mr. Walbridge explaining that the issue is being forwarded to the Zoning Officer and Board of Selectmen.

The letter to the Planning Board regarding tree cutting will be sent.

Meeting adjourned at 7:41 pm.