

Zoning Board of Adjustment
PO Box 227
Freedom, NH 03836

Freedom Zoning Board of Adjustment: **June 24, 2014**

Members Present: Vice-Chairman Craig Niiler; Tim Cupka; Jake Stephan; John Quigley, Alternate

John Quigley will be sitting in for Karl Ogren.

Others Present: Linda Farinella, Recording Secretary; Ned Hatfield, Zoning Officer

Chairman Lees called the meeting to order at 7:05 pm.

During the meeting the following cases were heard:

Case #32-33-14 Wittrock Revocable Trust

Case #23-57-4-14 Elise Pydynkowski

Case #22-81-14 James Reichert & Marcia Befera

Case #36-3-1-14 Edward J Hennessy and Harriet J Fishman

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

Vice-Chairman Niiler introduced the Board to the public.

Vice-Chairman Niiler explained that there are only four members available for this meeting. Each applicant has the opportunity to continue until next month if they do not want to accept a four-member versus five-member board.

Motion by Cupka, seconded by Quigley to accept the minutes of the May 27, 2014 as written. The motion passed.

Vice-Chairman Niiler invited **Case #32-33-14 Wittrock Revocable Trust** to approach the board with a continued request for a special exception under Article 3 Section 304.6.5.3 and a variance under Article 4 Section 406 of the zoning ordinance to replace a failed septic within 125' of a wetland and tree cutting in the shorefront district at 37 East Danforth Road.

Mark McConkey, Agent, requested a continuance to the July meeting. Motion by Vice-Chairman Niiler, seconded by Cupka to continue this application to the July meeting. The motion passed unanimously.

Vice-Chairman Niiler invited **Case #23-57-4-14 Elise Pydynkowski** to approach the board with a continued request for a variance under Article 3 Section 310.1.5 of the zoning ordinance to build a house, garage, shed and porous porch covering more than 10% of the lot on Deer Run Road.

Mark McConkey, Agent, requested a continuance to the July meeting. Motion by Vice-Chairman Niiler, seconded by Cupka to continue this application to the July meeting. The motion passed unanimously.

Case #22-81-14 James Reichert & Marcia Befera ó Applicant seeks a continued request for variances under Article 3 Section 310.1.5 and Table 304.2 of the zoning ordinance: To construct a garage within the setback and cover more than 10% of the lot at 27 Deer Run Drive.

Mr. James Reichert approached the Board with a new plan. The plan included a smaller proposed garage at 19~~ø~~24~~ø~~ which includes overhangs. The lot coverage will be 1,480 square feet, seven feet over the allowed coverage. Mr. Reichert increased the distance from the lot line from 9~~ø~~to 12~~ø~~

Vice-Chairman Niiler asked what the height of the garage will be. Mr. Reichert stated 20~~ø~~ which will match the style of the house.

Cupka confirmed that the shed will still be removed. Mr. Reichert stated it will be removed.

There were no abutter or public comments.

The board reviewed the variance worksheet for Article 3 Section 310.1.5:

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

Motion by Vice-Chairman Niiler seconded by Cupka that based on the forgoing findings of fact, the requested Variance from Article 3 Section 310.1.5 of the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. To be built based on the plan signed and dated 06/24/2014.
2. Total lot coverage not to exceed 1480 square feet.

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

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

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

Motion by Vice-Chairman Niiler seconded by Quigley that based on the forgoing findings of fact, the requested Variance from Article 3 Section 304.2 of the Town of Freedom Zoning Ordinance be granted with the following condition:

1. To be built based on the plan signed and dated 06/24/2014.

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

Case #26-3-1-14 Edward J Hennessy and Harriet J Fishman ó Applicant seeks a continued request for a special exception under Article 3 Section 304.6.3.1 and variances under Article 3 Section 310.1.5 and Article 7 Sections 706.2 and 706.3: To demolish the existing structure and construct a new home exceeding the 10% allowable lot coverage, increase the height and be within the sideline setback with erosion control at 384 Pequawket Trail.

Mr. Hennessy and Ms Fishman returned to the Board with a new plan showing a map with the location of the proposed house and the location of the septic.

The septic was located by Folsom Design. It is 11øö from the proposed foundation which is further than the 10øminimum. It has been found that the septic is partially on the abutterø property. The applicant has a verbal agreement with the abutter to receive an easement to rectify this situation.

The proposed lot coverage is 23 square feet more than presently covered.

There was no abutter or public comment.

The Board asked the applicant to submit a new plan showing the whole project on one sheet and written proof with the abutter of the agreement regarding the septic.

Ms Fishman clarified that they can assume they will be approved when come back next month. Vice-Chairman Niiler agreed and offered to review the plan prior to the submission deadline.

Motion by Cupka, seconded by Vice-Chairman Niiler to continue this application to the July meeting. The motion passed unanimously.

The Board had a short discussion about structures.

Meeting adjourned at 7:59 pm.