

Zoning Board of Adjustment
PO Box 227
Freedom, NH 03836

Freedom Zoning Board of Adjustment: **September 23, 2014**

Members Present: Chairman Scott Lees; Vice-Chairman Craig Niiler; Karl Ogren; Tim Cupka; Jake Stephan; John Quigley, Alternate.

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

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

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

Chairman Lees introduced the Board to the public.

Motion by Ogren, seconded by Niiler to accept the minutes of the August 26, 2014 meeting as written. The motion passed.

During the meeting the following cases were heard:

Case #24-6-1-14 Paul and Elizabeth Pappas

Case #23-7-14 Mark and Susan Goldstein

Case #26-1-14 Gordon and Merrily Brown

Case #8-12-14 Thomas S Murray d.b.a. Cuphead Armory Technical

Chairman Lees invited **Case #24-6-1-14 Paul and Elizabeth Pappas** to approach the board with a continued request for a special exception under Article 3 Section 304.6.3.1 and a variance under Article 3 Table 304.5 of the zoning ordinance to install stone wall, replace stones at beach, replace brick patio, and add stepping stones all within the setbacks and requiring erosion control at 121 Haverhill Street.

This hearing was continued to the October meeting at the August hearing.

Chairman Lees invited **Case #23-7-14 Mark and Susan Goldstein** to approach the board with a continued request 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 replace existing stone retaining wall including relocating, reorganizing and replacing stones and stairs within the setbacks and requiring erosion control at 28 Sunset Road.

Chairman Lees asked if the applicant or applicant's agent was present. There were neither. There was no public present for this application.

The board received pictures from the applicant. These did not meet the list of material requested at the August meeting. The board discussed if the application should be denied or to send a letter to the applicant. Ogren noted that the applicant was told what was needed at the August meeting; now the project is finished.

Motion by Chairman Lees, seconded by Stephan to send a letter to Goldstein stating what was required with a deadline of the October meeting. The Selectmen will be copied. The motion passed unanimously.

Case #26-1-14 Gordon and Merrily Brown ó Applicant seeks an appeal for a variance under Article 3 Table 304.2 of the zoning ordinance: To add a 10~~0~~16~~0~~ garden shed within the side line setback at 388 Pequawket Trail.

This application was reviewed by the Conservation Commission, they had no concerns. It was noted by Ogren that a previous application for a 20~~0~~32~~0~~ garage was approved by the board in 2010.

Mr. and Mrs. Brown explained that they would like to add a garden shed to be placed between the house and the lot line. Niiler asked if there is a natural opening. Mr. Brown responded yes, and explained that the location will allow it to be nestled within the trees, no trees will be removed. The shed will be brought in on skids.

There were no abutters or public present for this application. An abutter letter stating no objection was received.

Cupka suggested if the application is approved, to make a notation of the trees on the plan tonight. Chairman Lees agreed that he would like to see the trees remain.

The hearing was closed to public comment.

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

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

Motion by Chairman Lees seconded by Cupka 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. Revised plan to be submitted showing tree location near the shed, applicant shall sign and date plan.

The motion passed 4 to 1 with Chairman Lees opposed. The applicant was informed of the 30-day appeal period.

Case #8-12-14 Thomas S Murray d.b.a. Cupheag Armory Technical ó Applicant seeks an appeal for a special exception under Article 15 Sections 1502.8, 1503 and 1504 of the zoning ordinance: To run a part time home occupation for the repair of early american firearms with the occasional sale and/or repair of hunting or target arms and the requirement of a federal firearms license at 14 Watson Hill Road.

Mr. Murray explained that he has been a gunsmith by trade for thirty years. The types of firearms typically worked on are from WWII, Korean to French and Indian Wars. He has had this business in Connecticut for 23 years with no impact on the neighborhood. Mr. Murray had a letter from the City of Shelton, CT that stated there have never been any violations or complaints about the business.

The board reviewed minor home occupation criteria.

1502.1 Minimal or no outward evidence of the home occupation exists.

Mr. Murray stated there will be no outward evidence.

1502.2 No more than seven customers visit the site per day.

Mr. Murray estimated seven customers per month.

1502.3 No sign identifying the home occupation.

Mr. Murray will have no signage.

1502.4 Deliveries are limited to trucks of 12,000 gross vehicle weight (GVW) or less.

Mr. Murray stated that UPS will occasionally make deliveries.

1502.5 No more than two commercial vehicles are parked at the site. Vehicles must be less than 12,000 GVW.

Mr. Murray will not have commercial vehicles.

1502.6 No on-site employees.

Mr. Murray will not have employees.

1502.7 No hazardous materials used in the home occupation.

Mr. Murray stated there will be no hazardous materials at the home.

1502.8 Home occupation does not require any state or federal permits.

Mr. Murray does require a federal permit, which is the reason for the major home occupation request.

The board reviewed the major home occupation criteria.

1504.1 There shall be no exterior evidence of the conduct of a home occupation (including noise, smells, and other nuisances), except where other sections allow. The principal character of residential use shall not be changed by the home occupation.

Mr. Murray stated there will be no outward evidence.

1504.2 A home occupation shall be conducted only within the enclosed area of the dwelling unit or within an accessory structure, limited in area by the following:

1504.2.1 The home occupation located in a dwelling unit shall not occupy more 25 percent of the total floor area of the dwelling unit.

Only 5% of the floor space shall be used.

1504.2.2 The home occupation located within an accessory structure shall occupy an area not to exceed 50 percent of the combined floor areas of the main dwelling unit and accessory structure.

The home occupation will not be in an accessory structure.

1504.2.3 The percent of floor area occupied may be increased by the Board of Adjustment for accessory structures which exist on the effective date of this Ordinance.

No discussion

1504.3 The ZBA has the authority to approve reasonable, limited, and specified low impact exterior use that is in keeping with the spirit and intent of this ordinance and the Master Plan.

No discussion

1504.4 Home occupations shall be carried on by persons who live in the home. Only two non-resident on-site employees or sub-contractors are permitted for Major Home Occupations.

This will be Mr. Murray's primary residence and the only person operating such.

1504.5 Adequate off-street parking must be provided for employees, customers and residents. Article 8 of this ordinance details the requirements for off-street parking.

There will be adequate parking for four vehicles.

1504.6 One sign, not to exceed six square feet, shall be allowed for the home occupation. This requirement supersedes the provisions for signs contained in Article 17 of this Ordinance.

There will be no signage.

1504.7 No unreasonable storage or display of materials, goods, supplies, or equipment related to the home occupation shall be visible from abutting properties or roads. Proposed storage and/or display area shall be included in the application.

Nothing will be outside; all will be contained in one room.

1504.8 No activity shall be allowed which would interfere with radio or television transmission in the area.

There will be interference.

1504.9 Home occupations must comply with all local and seasonal road postings and regulations regarding use of trucks for the home occupation or from deliveries to the home occupation.

Mr. Murray will comply with all road postings.

There were no abutters or public present for this application

The hearing was closed to public comment.

Ogren noted that the only reason the applicant is here is because of the need for a federal permit. The applicant could meet the criteria for a minor home occupation without the need for that permit.

The board reviewed the special exception worksheet for Article 15 Sections 1503 and 1504:

A. 5-0	E. 5-0	I. 5-0	M. 5-0
B. 5-0	F. 5-0	J. 5-0	
C. 5-0	G. 5-0	K. 5-0	
D. 5-0	H. 5-0	L. 5-0	

Motion by Chairman Lees seconded by Ogren that based on the forgoing findings of fact, the requested Special Exception from Article 15 Sections 1503 and 1504 of the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Expansion of business by square footage or employees will require new application.
2. Copy of this approval will be sent to the Freedom Police and Fire Departments by the Board.

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

The board received printed copies Maynard Thomson's email titled "When Humans Lose Control of Government".

A letter will be sent to the Board of Selectmen with copy to Bob Babine, Building Inspector. It will request that no further permits be issued for 28 Sunset Road until all requirements of the Zoning Board have been met.

Meeting adjourned at 8:18 pm.