

**Zoning Board of Adjustment
PO Box 227
Freedom, NH 03836**

Freedom Zoning Board of Adjustment: **March 24, 2015**

Members Present: Chairman Scott Lees; Karl Ogren; Jake Stephan, Tim Cupka

Others Present: Dianne Park, Recording Secretary for Linda Farinella

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

Notification of this meeting was posted at the Freedom Town Office, 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 February 24, 2015 meeting as written. The motion passed.

During the meeting the following cases were heard:

- Case#22-28-14 Sandra M. Drea**
- Case#22-28-1-14 Sandra M. Drea**
- Case#23-47-15 Stephen Stanton**
- Case#1-18-15 Todd and Julie Hartmann**
- Case#21-1-1-15 Camp Cody, Inc.**

Case#22-28-14 and #22-18-1-14 Sandra M. Drea was moved to the end of the meeting.

In the absence of **Stephen Stanton, Case#23-47-15**, a motion was made by Cupka, seconded by Stephan, to continue this case to the April Meeting. The motion passed.

Chairman Lees invited **Case#1-18-15 Todd and Julie Hartmann** to approach the board with a request for an appeal for a variance under Article 7 Section 706.3 of the zoning ordinance and a special exception under Article 3 Section 304.6.3.1 of the zoning ordinance to raise the roof and side walls on an existing non-conforming structure with erosion control at 5 Kenison Drive. Mark and Dale McConkey approached the board. Mark presented an Appointment of Agent letter to the Board. Todd and Julie Hartmann appointed Mark McConkey agent to act on their behalf. Chairman Lees explained the board had 4 members present for this case and the applicant could wait for a full board. Mr. McConkey elected to move forward with a 4 member board.

Mark explained the project stating the applicant wishes to take the existing house and raise the sidewalls and add a dormer facing the water.

There were no comments from abutters or public.

Check future meeting minutes for any amendments or changes to these minutes.

Chairman Lees closed the hearing to public comment.

The board reviewed the variance worksheet for Article 7 Section 706.3:

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 Ogren, seconded by Cupka that based on the forgoing findings of fact, the requested Variance from Article 7 Section 706.3 of the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Necessary State of New Hampshire permits must be successfully obtained and submitted.
2. The plan will be revised to include the enclosed porch
3. Current photographs of the building including the porch will be submitted
4. The roof over the porch shall not be altered or raised in height
5. Plan shall be reviewed by ZBA member prior to any town permit approval
6. Height of new roof should not exceed 25' above average grade.
7. Shall conform per plan titled "ZBA Variance Proposed Conditions Plan Todd and Julie Hartmann" dated March 9, 2015.

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. 4 to 0
- C. 4 to 0
- H. 4 to 0
- J. 4 to 0
- K. 4 to 0
- L. 4 to 0

Motion by Ogren, seconded by Cupka 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. Erosion control shall be installed prior to construction and shall be removed once all disturbed areas have been stabilized and construction is complete.
2. Shall conform per plan titled "Special Exception Existing Conditions Plan Todd and Julie Hartmann" dated March 9, 2015.

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

Chairman Lees invited **Case#23-47-15 Stephen Stanton** to approach the board with a request for an appeal for a variance under Article 3 Section 304.2 of the zoning ordinance to construct a garage within the front and side setbacks at 88 Deer Run Drive.

Check future meeting minutes for any amendments or changes to these minutes.

A new plan has been submitted with the garage being moved back to within 5ø of the septic tank and the State of NH saying this was acceptable. Chairman Lees explained the board had 4 members present for this case and the applicant could wait until the end of the meeting for the possibility of having a full board present. Mr. Stanton chose to move to the end of the meeting. There was a motion by Chairman Lees, seconded by Cupka, to move the case to the end of the meeting. The motion passed unanimously.

Chairman Lees invited **Case#21-1-1-15 Camp Cody, Inc.** to approach the board with a request for an appeal for a special exceptions under Article 3 Section 304.6.3.1 of the zoning ordinance and Article 4 Section 405.1 of the zoning ordinance to remove existing tennis court, construct four cabins and install conduit in wetlands within the shorefront district with erosion control at 9 Cody Rd. Jim Rines, President White Mountain Survey Co., approached the board with an appointment of agent letter which states Camp Cody is the land owner and has appointed white Mountain Survey Co. to act on their behalf. Chairman Lees explained the board had 4 members present for this case and the applicant could wait for a full board. Jim Rines elected to move forward with a 4 member board.

Jim explained the boundary line adjustment that was approved by the Planning Board on Thursday, March 19, 2015 further explaining the removal of the tennis court and construction of 4 cabins along with the installation of conduit.

There were no comments from abutters or public.
Chairman Lees closed the hearing to public comment.

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

- A. 4 to 0
- C. 4 to 0
- H. 4 to 0
- J. 4 to 0
- K. 4 to 0
- L. 4 to 0

Motion by Ogren, seconded by Cupka, 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. All erosion control shall be installed prior to earth moving and shall be removed once construction is complete and all disturbed areas have stabilized.
2. Erosion control shall be installed on lake side of laundry building.
3. A ZBA member shall approve the plan prior to any town permits being issued.
4. All state permits must be obtained.
5. Shall conform per plan titled "Special Exception Existing Conditions Plan Camp Cody Inc." dated March 9, 2015.

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

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The board reviewed the special exception worksheet for Article 4 Section 405.1:

- A. 4 to 0
- B. 4 to 0
- C. 4 to 0
- D. 4 to 0
- E. n/a 4 to 0
- F. n/a 4 to 0
- G. n/a 4 to 0
- H. 4 to 0
- I. 4 to 0
- J. 4 to 0
- K. 4 to 0
- L. 4 to 0
- M. n/a 4 to 0

Motion by Ogren, seconded by Cupka, that based on the forgoing findings of fact, the requested Special Exception from Article 4 Section 405.1 of the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. All state permits must be obtained.
2. Conduit installed in dry time with no rain forecasted for 3 days prior to installation
3. Shall conform per plan titled "Special Exception Existing Conditions Plan Camp Cody Inc." dated March 9, 2015.

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

Chairman Lees invited **Case#23-47-15 Stephen Stanton** to approach the board. Mr. Stanton elected to move forward with the case with the 4 member board that was present.

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

1. 3 to 1 (chairman Lees is the one vote against and is in favor of the front yard reduction but not the side yard)
2. 3 to 1
3. 3 to 1
4. 4 to 0
- 5Ai. 3 to 1
- 5Aii. 4 to 0

Motion by Ogren, 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. Submit a revised plan without the side line plus or minus after the distance and eaves included on garage dimensions.
2. Shall conform per plan titled "ZBA Variance Proposed Conditions Plan Stephen Stanton" dated January 23, 2015.

Check future meeting minutes for any amendments or changes to these minutes.

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

Mr. McConkey requested to approach the board in reference to **Case#22-28-14 and Case# 22-28-1-14 Sandra M. Drea**. Mark asked the board to continue the hearing until next month. A motion was made by Ogren, seconded by Cupka, to postpone Case# 22-28-14 and Case#22-28-1-14 until April, 2015. The motion carried.

Other Business

Tim Cupka is dropping down from a full member to an alternate with John Krebs taking his place as a full member. Craig Niiler is continuing as a full member with John Quigley being an alternate.

A motion was made by Chairman Lees, seconded by Ogren, to adjourn the meeting.
Meeting adjourned at 8:35pm.

Check future meeting minutes for any amendments or changes to these minutes.