

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

Freedom Zoning Board of Adjustment: **April 21, 2015**

Members Present: Karl Ogren; Jake Stephan; Tim Cupka, Alternate

Others Present: Linda Farinella, Recording Secretary

Ogren called the meeting to order at 7:12pm.

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

Ogren introduced the Board to the public.

Motion by Cupka, seconded by Stephan, to accept the minutes of the March 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#28-12-15 Robin Buhrer

Ogren explained to the applicants agent that a three member board is present this evening; the applicant is entitled to five members. The applicants agent agreed to proceed.

Ogren invited **Case #22-28-14 Sandra M. Drea** to approach the board with a continued request for an appeal for a variance under Article 4 Section 406 to construct a septic system or leach field within 125 of a wetland on Intervale Ave and **Case #22-28-1-14 Sandra M. Drea** to approach the board with a continued request for an appeal for a variance under Article 4 Section 406 to construct a septic system or leach field within 125 of a wetland on Intervale Ave.

Mark McConkey, Agent, asked if the Board had received an abutter letter from Lees. Ogren responded yes, it included a request for a signed and recorded easement deed for Lot 28. McConkey presented a plan stamped and dated by Gary Flaherty regarding wetland delineation.

Ogren reviewed that items that were asked for at the December 2014 meeting:

1. Confirmation/rectification of wetland area;
2. Alternate location of homes on both lots;
3. Show slopes, contours, elevation and fill.

Ogren read the letter from abutter Lees.

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

McConkey stated that the original plan had drywells but there was a problem with the water table so it was agreed that an arrangement would be made between Drea and abutter Lees that the shaded land area shown on the wetland plan will remain unchanged and be maintained as a natural buffer even during construction. It has been submitted to Lees for review and recording. This application still needs to go before Mountview Association.

Ogren expressed his dissatisfaction that the wetland plan presented had not been made available for public review because it was not at the office by the closing deadline.

There were no comments from the public or abutters.

Ogren closed the hearing to the public.

Case #22-28-14:

The board reviewed the variance worksheet for Article 3 Section 304:

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 Ogren seconded by Stephan that based on the forgoing findings of fact, the requested Variance from Article 3 Section 304 of the Town of Freedom Zoning Ordinance be granted with the following condition:

1. Shall conform to plan dated 02/09/2015, signed by the board 04/21/2015 and titled "Zoning Permit for: Charlie Drea, 52 Bridge Street, Norwell, MA 02061".
2. Applicant will successfully obtain all necessary NH State permits.
3. Easement deed between abutters of Tax Map #22 Lot #27 (Lees/Meers) and Tax Map #22 Lot #28 (Drea) shall be executed, signed and recorded with copy submitted to the Board; failure to meet this condition within 30 days will result in the voiding and nullification of this decision.
4. Shall conform to plan for wetlands delineation dated 10/14/2014 and titled "Zoning Permit for: Charlie Drea, 52 Bridge Street, Norwell, MA 02061" with stamp and signature of Gary C. Flaherty, Certified Wetland Scientist dated 01/10/2015 and board signatures dated 04/21/2015.

The board reviewed the variance worksheet for Article 4 Section 406:

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

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

Motion by Ogren seconded by Stephan that based on the forgoing findings of fact, the requested Variance from Article 4 Section 406 of the Town of Freedom Zoning Ordinance be granted with the following condition:

1. Shall conform to plan dated 02/09/2015, signed by the board 04/21/2015 and titled "Zoning Permit for: Charlie Drea, 52 Bridge Street, Norwell, MA 02061".
2. Applicant will successfully obtain all necessary NH State permits.
3. Easement deed between abutters of Tax Map #22 Lot #27 (Lees/Meers) and Tax Map #22 Lot #28 (Drea) shall be executed, signed and recorded with copy submitted to the Board; failure to meet this condition within 30 days will result in the voiding and nullification of this decision.
4. Shall conform to plan for wetlands delineation dated 10/14/2014 and titled "Zoning Permit for: Charlie Drea, 52 Bridge Street, Norwell, MA 02061" with stamp and signature of Gary C. Flaherty, Certified Wetland Scientist dated 01/10/2015 and board signatures dated 04/21/2015.

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

Case #22-28-1-14

The board reviewed the variance worksheet for Article 3 Section 304:

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3. Shall conform to plan for wetlands delineation dated 10/14/2014 and titled "Zoning Permit for: Charlie Drea, 52 Bridge Street, Norwell, MA 02061" with stamp and signature of Gary C. Flaherty, Certified Wetland Scientist dated 01/10/2015 and board signatures dated 04/21/2015.

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- 5Aii. 3 to 0

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Motion by Ogren seconded by Stephan that based on the forgoing findings of fact, the requested Variance from Article 4 Section 406 of the Town of Freedom Zoning Ordinance be granted with the following condition:

1. Shall conform to plan dated 02/09/2015, signed by the board 04/21/2015 and titled "Zoning Permit for: Charlie Drea, 52 Bridge Street, Norwell, MA 02061".
2. Applicant will successfully obtain all necessary NH State permits.
3. Shall conform to plan for wetlands delineation dated 10/14/2014 and titled "Zoning Permit for: Charlie Drea, 52 Bridge Street, Norwell, MA 02061" with stamp and signature of Gary C. Flaherty, Certified Wetland Scientist dated 01/10/2015 and board signatures dated 04/21/2015.

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

Ogren invited **Case #28-12-15 Robin Buhner** to approach the board with a request for special exceptions under Article 3 Sections 304.6.4.1 and 304.6.5.2: To demolish then reconstruct home requiring tree cutting and erosion control within the shoreline at 479 Huckins Road.

Mark McConkey, Agent, explained that the project will include tearing down of present house and garage and construct new structure meeting town setbacks. The septic will also be replaced.

The erosion control request cannot be approved by the Zoning Officer as it does not meet those requirements.

The tree cutting is only in Grid #2. It is a very flat lot with little slope to water. Grid #2 has 132 points with 102 remaining after cut.

Stephan questioned the location of the lines drawn on the plan. The lines were not parallel. The lines were penciled in correctly and the grid still met the minimum requirements with no change. It was found that the tree cut plan presented was dated April 22, 2015 and was not the plan submitted with the original application. Ogren told McConkey that information not submitted by the deadline will no longer be accepted at the meeting; if it is not in the mailed member packet it must wait until the next month.

There were no public or abutter comments.

Ogren closed the hearing to the public.

The board reviewed the special exception worksheet for Article 3 Section 304.6.4.1:

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

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

Motion by Ogren seconded by Cupka that based on the forgoing findings of fact, the requested Special Exception from Article 3 Section 304.6.4.1 of the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Necessary NH State permits shall be successfully obtained.
2. Erosion control shall remain in place until construction is complete and site stabilized.
3. Shall conform to plan dated April 6, 2015 and titled "Freedom Zoning Plot Plan for: Robin Buhrer, 64 Bartlett St, Andover, MA 01810".

The board reviewed the special exception worksheet for Article 3 Section 304.6.5.2:

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

Motion by Ogren seconded by Stephan hat based on the forgoing findings of fact, the requested Special Exception from Article 3 Section 304.6.5.2 of the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Revised plan to be submitted; shall conform to revised plan dated April 22, 2015 and titled "Tree Count for Robin Buhrer, Plan B [Revised]".
2. Necessary NH State permits shall be successfully obtained.
3. Tree stumps in Grid #2 shall remain in place after cut.

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

Case #21-1-1-15 Camp Cody submitted information regarding erosion control for review.

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

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