

Zoning Board of Adjustment September 22, 2015

Members Present: Scott Lees, Craig Niiler, Jacob Stephan, John Krebs, Denny Anderson (alternate)

Members Absent: Karl Ogren, John Quigley (alternate)

Others Present: Dianne Park, Ned Hatfield, Shawn Bergeron, Mark McConkey, Dale McConkey, Mark Galloway, Matt Silva, Bob & Lillian Chick
Minutes recorded by Dianne Park

Meeting called to order at 7:00pm.

Minutes

A motion was made by Scott, seconded by Craig, to approve the minutes from August 25, 2015 as amended. All were in favor.

Change spelling in minutes of ~~Sean Bergeron~~ to ~~Shawn Bergeron~~

Page 2, under ~~Case#40-1-3-15 Stephan and Deborah Tentindo~~ first paragraph, change ~~loom~~ to ~~loam~~

Case #23-1-2-15 Creig and Mary Wienki - *continued* – Applicant seeks a variance under Article 3 Table 304.2; and a special exceptions under Article 3 Section 304.6.4.1 and 304.6.5.2: To construct a 3-bedroom home within the setbacks with an attached 1-bedroom accessory apartment and a garage necessitating tree cutting and erosion control on Haverhill Street; Tax Map #23 Lot #1-2.

Mark McConkey asked the board to continue this case until next month. A motion was made by Craig, seconded by Denny, to accept the continuation of Case #23-1-2-15 until next month. All were in favor.

Case #40-1-3-15 Stephan and Deborah Tentindo ~~o~~ continued - Applicant seeks special exception under Article 3 Section 304.6.4: To construct a detached 2-bay garage requiring erosion control at 61 Packard Drive, Tax Map #40 Lot #1-3.

Shawn Bergeron was present representing the applicants. Findings discussed were:

- There will be no bedrooms in the garage
- There will be no plumbing or attachment to the septic system in the garage
- Roof drainage will be an 18" drip strip around building

The board requested additional information and presented to the board was:

- Silt fence installation detail on the plan
- Spot grade elevations on the plan
- Grading details-proposed contours on the plan
- Carroll County Soil Survey information on hermon soils on the plan
- Finished Floor Elevation on the plan

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

- Detail of the stone drip edge on the plan
- Dimension of the garage appendages-the shed roof & back entry roof on the plan
- Place ties at site to assure the builder places the building in the approved location
- Include the area of the roof projection in non-permeable calculation and include horizontal square footage in building area calculation
- Show the eave overhang as being at or inside the front setback line
- Review the percentage of lot coverage requirements

The board reviewed the Special Exception Worksheet for Article 3 Section 304.6.4.

A. conforms 5-0 J. conforms 5-0
 C. conforms 5-0 K. conforms 5-0
 H. conforms 5-0 L. conforms 5-0

A motion was made that based on the foregoing findings of fact, the requested special exception from Article 3 Section 304.6.4 of the Town of Freedom Zoning Ordinance be granted.

Conditions:

- 1-Per plan titled Proposed Plat Plan with Erosion control and Drainage Details dated 8/25/15
- 2-Erosion control shall be installed prior to earth moving and stay in place until site is stabilized.
- 3-No Plumbing in the garage

Motion carried 5-0.

Case#28-32-1-2-3-15 Mark Galloway Applicant seeks special exception under Article 3 Section 304.6.4.1 and a variance under Article 3 Table 304.2 to: Replace and existing retaining wall in-kind and in-place with required erosion control on Spindle Point: Tax Map #28 Lots#32-1, 32-2 and 32-3.

Mark and Dale McConkey were present for this application as well as the applicant Mark Galloway. The board recommended that Mark withdraw the request for a variance and have the board rule on the special exception only. Mark withdrew the request for a variance under Article 3 Table 304.2. Findings discussed were:

- No fill will be brought to the site
- All material will be reused
- Work will be done in the day at lake level of 406 or lower
- Rebuilt wall will be no higher or wider than the existing wall

The board reviewed the Special Exception Worksheet for Article 3 Section 304.6.4.1.

A. Conforms 5-0 J. Conforms 5-0
 C. Conforms 5-0 K. Conforms 5-0
 H. Conforms 5-0 L. Conforms 5-0

A motion was made that, based on the foregoing finds of fact, the requested special exception from Article 3 Section 304.6.4.1 of the Town of Freedom Zoning Ordinance be granted.

Conditions:

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

- 1-Per plan titled -Mark Galloway 413 Green Mountain Road Effingham, NH 03882 dated 5/6/14
- 2-Erosion control shall be installed prior to any earth moving and remain in place until the site is stabilized.
- 3-All NHDES permits shall be obtained
- 4-Work performed when lake is at 406 or lower

Motion carried 5-0.

Case #37-5-2-15 Joan and Michael McGrath *Applicant seeks variance under Article 3 Table 304.2 to: construct a single family residence with in the front yard setback on West Bay Road: Tax Map #37 Lot #5-2.*

Matt Silva, Futuro Construction, was present for this application. There was no Appointment of Agent Letter so the board decided to hear the application and continue the voting until next month. Matt explained the project and the board requested additional information be included on the plan:

- Show all set-back line and stairs
- Add abutter name on plan
- Include tree cutting plan
- Include erosion control information
- Include location of septic and well
- Include finished grade and elevation
- Include storm water run-off
- Include lot coverage calculation
- Include driveway and turn around
- Include front garage and right-of-way

Abutters Present:

Bob and Lillian Chick asked where the leach field was going to be located and stated they did not want any drainage coming onto their property

Mark McConkey asked the Chick's if their well was above grade.

Dale McConkey asked for clarification on building

A motion was made by Scott, seconded by Jacob, to continue case #37-5-2-15 until next month. All were in favor.

A discussion followed on Article 3 Section 304.6.5.4 *'For lots in the floodplain or lots sloping toward the lake at greater than a 12.5% grade, any cutting between seventy-five (75) and three hundred (300) feet of the reference line shall also require a cutting or clearing plan to be approved by the Zoning board of Adjustment. The cutting plan shall meet the intent of this ordinance as stated in Section 304.6.5.1 and using a methodology similar to that set out in Section 304.6.5.2 augmented for the larger area involved.'* It was decided to move forward with this case next month using only areas greater than 12.5% need a tree plan, showing areas 12.5% on the plan.

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

Case #22-11-15 Steve Kent ó Applicant seeks variances under Article 7 Sections 706.1 and Article 4 Section 406 to: Construct an addition, deck, garage and breezeway within the setbacks on a non-conforming structure and replace failed septic system closer than 50' to poorly drained soils at 22 Intervale Avenue, Tax Map #22 Lot #11.

Scott Lees and Denny Anderson recused themselves from this case. Craig Niiler ran the meeting for this case. The board decided per Article 7, Section 706, 706.1, 706.2 and 706.3 that a variance was needed for the deck and garage height as listed on the plan.

Article 7, Section 706 Expansion of Non-Conforming Structure

A structure which is nonconforming as to one or more dimensional requirements (setback and height limit or either) may be enlarged or expanded with the following conditions:

706.1-No portion of the enlargement or expansion of a structure shall further encroach on the front yard setback beyond the existing overhang of the main structure.

706.2 The expansion or extension shall not violate the side yard setback or rear yard setback requirements for the district in which the lot is located.

706.3 No portion of the enlargement may exceed the height of the existing non-conforming structure.

Further information was needed on the septic design plan showing the existing and new septic system, new garage roof height. A motion was made by Craig, seconded by Jacob, to continue case #22-11-15 until next month. All were in favor.

Scott and Denny returned to the board. The board discussed when does a retaining wall become a structure.

A motion was made by Scott, seconded by Jacob, to adjourn the meeting.
Meeting adjourned at 9:15pm.