

Zoning Board of Adjustment December 15, 2015

Members Present: Scott Lees-Chairman, Craig Niiler-Vice Chairman, Jake Stephan, John Krebs, Karl Ogren, John Quigley (alternate)

Members Absent: Denny Anderson (alternate)

Others Present: Dianne Park-Recording Secretary, Randall Cooper-Attorney, Alan Fall-Surveyor, Wayne Tarr, MaryRose Tarr, Carol Demore

The meeting was called to order at 7:00pm.

Scott introduced the board members to the public.

Minutes

A motion was made by Scott, seconded by Jake, to approve the minutes from November 24, 2015 as amended. All were in favor.

Page 1, under -Case# 23-1-2-15 Creig and Mary Wienkiø second paragraph, last sentence, change from -After a discussion by the board a motion was made by Scott, seconded by Karl, to withdraw the application and re-file when ready.ø

To: -After a discussion by the board a motion was made by Scott, seconded by Karl, to deny the request for an extension of the application and require the applicant to re-file when ready.ø

Case #23-35-15 William and MaryRose Tarr ó *Applicant seeks a variance under Article 3 Table 304.3 and Section 310.1.5: To permit a new accessing structure (garage), which causes an 8 foot incursion into the 30 foot rear/side setback, and exceeds the 10% density rule by 321 square feet on a 17,890 square foot lot at 3 Oak Street Montview, Tax Map #23 Lot #35*

Randall Cooper-Attorney for William & MaryRose Tarr stepped forward along with Alan Fall-Surveyor. Randall gave background information on the neighborhood suggesting the garage is in keeping with the neighborhood and is a reasonable use of the property. Letters of agreement were submitted from the Association as well a neighbor.

Scott pointed out the original application which stated the variance was for Article 3 Table 304.3 was incorrect and the corrected variance is for Article 3 Table 304.2. All parties involved agreed to move forward with the correction.

John Krebs asked how the impervious surface was measured and why was the garage situated back into the lot. Impervious surface did not include decks or paved driveways but did include all overhangs. Alan stated the garage is situated back into the lot because of the location of the septic system and slope of the land.

Karl asked why there was a 2 foot overhang around the garage and Wayne stated he wanted the building to look like the log home.

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

Craig asked if the fill line already exists and was told yes it did. He then asked if any additional fill was being added and was told no additional fill will be added.

Scott asked if the garage was a one story structure and was told no it has loft. He then asked what was going to be in the loft and Wayne stated it was an unfinished storage area. Scott asked how high the garage was from the grade of the land and Wayne did not know the exact measurement but said it was less than the house. Wayne further stated the size of the garage was based on the standard kit size without going to a custom kit.

Variance

Summary of the facts of the case as discussed at the above public hearing:

- Existing grade of lot will be maintained; no new fill will be added
- Garage location is driven by septic system location and slope of the lot
- Building dimensions are necessary to allow construction of a structure that matches the house.

The board reviewed the Variance worksheet for Article 3 Table 304.2

- | | |
|----------------|------------------------|
| 1. Carried 5-0 | 4. Carried 5-0 |
| 2. Carried 5-0 | 5. A. (i) Carried 5-0 |
| 3. Carried 5-0 | 6. A. (ii) Carried 5-0 |

A motion was made by Scott, seconded by Craig, that based on the foregoing findings of fact, the requested variance from Article 3 Table 304.2 of the Town of Freedom Zoning Ordinance be granted.

Conditions:

- Per Plan titled Freedom Zoning Board of Adjustment Tax Map 35 Lot 35-3 Oak Street, Freedom, N.H. Mountview Lot 182, Wayne M. Tarr and MaryRose Tarr dated November 23, 2015.
- Second floor to remain unfinished storage
- Garage shall be a log kit to match the house

Motion carried 5-0.

Variance

Summary of the facts of the case as discussed at the above public hearing:

- Dimensions and overhangs on new garage structure
- Allow garage to closely match the existing house
- Existing shed and existing concrete slab will be removed

The board reviewed the Variance Worksheet for Article 3 Section 310.1.5

- | | |
|----------------|------------------------|
| 1. Carried 5-0 | 4. Carried 5-0 |
| 2. Carried 5-0 | 5. A. (i) Carried 5-0 |
| 3. Carried 5-0 | 6. A. (ii) Carried 5-0 |

A motion was made by Scott, seconded by Craig, that based on the foregoing findings of fact, the requested variance from Article 3 Section 310.1.5 of the Town of Freedom Zoning Ordinance be granted.

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

Conditions:

- Per Plan titled ~~Freedom~~ Zoning Board of Adjustment Tax Map 35 Lot 35-3 Oak Street, Freedom, N.H. Mountview Lot 182, Wayne M. Tarr and MaryRose Tarr dated November 23, 2015.
- Shed and concrete slab must be removed

Motion carried 5-0

Minutes

There was a discussion on how the minutes are being recorded. Scott talked to Karen Hatch-Town Administrator who stated she received the current procedure at a Municipal Law Association Seminar.

Current Procedure:

- Minutes are approved for the previous month
- All changes are recorded in the minutes for that month

Proposed Changes:

- At each monthly meeting minutes are approved for the previous month and the current months minutes are marked as ~~DRAFT~~
- All changes are recorded in the minutes for that month as well as the previous months minutes with the ~~DRAFT~~ being removed and an approved date being added.
- Previous months minutes are re-issued with all changes

John will be in contact with the Municipal Law Association for a ruling on the issue.

A motion was made by Scott, seconded by Karl, to adjourn the meeting.
Meeting adjourned at 7:55pm.