

**Zoning Board of Adjustment**  
**August 22, 2017**

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

**Members Absent:**

**Others Present:** Janice Zecher-Recording Secretary

Meeting called to order at 7:00pm. Craig Niiler began the meeting as acting Chairman. He introduced the board members to the public, and explained the rules and procedures.

The minutes from July 25, 2017 were reviewed. In the second paragraph of case# 29-30-17, Femino ó Change öSpecial Exceptionö to öVarianceö.

Move öUnfinished Businessö to appear after the Public hearings.

Craig made a motion to accept the minutes as modified, seconded by Karl. All in favor.

**Case # 31-21-17 William & Cheryl Taylor** Mark McConkey spoke on behalf of the Taylors. This case had been continued at the May meeting. Mark requested this case be continued to the September meeting. John Krebs felt that this case needs to be resubmitted and re-noticed as a new case as it has been since February. The board agreed. Mark verbally withdrew this application and will resubmit everything as a new application in time for the September meeting.

**Case #29-30-17 Femino Family Trust** *Case was continued from the July meeting.*

John Quigley sat in for Scott Lees.

The board reviewed the tree cutting plan and perched beach portion of the application. One of the two trees listed to be taken down is dead so will need to come down eventually anyway.

Public Comment: Carole Demore asked if the roots would be removed from these two trees. Craig said they would because this is for a perched beach. Root removal is situational and in this application will be stated as a condition.

Nancy Beckwith-Abutter asked if the Feminos still need to get a state permit. Craig said that they do.

Carole Demore asked which grids do not meet requirements. The board said 6, 7, 8, 12.

The board took a vote on this application.

The board reviewed the Variance Worksheet for Article 3 Section 304.5 was reviewed.

- |        |           |
|--------|-----------|
| 1. 5-0 | 4. 5-0    |
| 2. 5-0 | 5ai. 5-0  |
| 3. 5-0 | 5aii. 5-0 |

Based on the findings of the variance worksheet the requested Variance from Article 3 Section 304.2 of the Town of Freedom Zoning Ordinance be granted. All were in favor.

The board reviewed the variance worksheet for Article 3, section 304.6.5.2

- 1. 5-0            4. 5-0
- 2. 5-0            5ai. 5-0
- 3. 5-0            5aii. 5-0

Based on the findings of the variance worksheet the requested Variance from Article 3 Section 304.6.5.2 of the Town of Freedom Zoning Ordinance be granted with the following conditions.

- 1. All state permits must be obtained prior to construction.
- 2. Per plan "tree count" and "exploded view" both dated 8/2/17.

This concludes the ZBA application(s) for the Femino Family Trust.

**Case #24-7-1-17 John & Ann Marie Panagiotakos** *Continued from July meeting.*

\*\* Scott Lees arrived at the meeting and sat in on this case.

Applicant seeks a variance under Article 3, Section(s) 304.2 setbacks, 310.1.5 10% rule at Haverhill Street, Map 24, Lot 7-1

Mark McConkey represented the Panagiotakos. Mr. Panagiotakos was present.

After reviewing new plans submitted, the board agreed that all conditions have been met and they have no further questions.

There were no abutters present. No questions or comments from the public.

The board reviewed the variance worksheet for Article 3, section 304.2

- 1. 5-0            4. 5-0
- 2. 5-0            5ai. 5-0
- 3. 5-0            5aii. 5-0

Based on the findings of the variance worksheet the requested Variances from Article 3 Section 304.2 of the Town of Freedom Zoning Ordinance be granted with the following conditions.

- 1. State shoreland and wetlands permit to be obtained.
- 2. Structure to cover 2,606 square feet.
- 3. Additional coverage for retaining walls to total 11.27%
- 4. Surveyor to set bounds on northerly lot line.
- 5. Per plan "Zoning Plan for John Panagiotakos 8/7/17".

The board reviewed the variance worksheet for Article 3, section 310.1.5,

- 1. 5-0            4. 5-0
- 2. 5-0            5ai. 5-0
- 3. 5-0            5aii. 5-0

Based on the findings of the variance worksheet the requested Variances from Article 3 Section 310.1.5 of the Town of Freedom Zoning Ordinance be granted with the following conditions.

1. State shoreland and wetlands permit to be obtained.
2. Structure to cover 2,606 square feet.
3. Additional coverage for retaining walls to total 11.27%
4. Surveyor to set bounds on northerly lot line.
5. Per plan "Zoning Plan for John Panagiotakos 8/7/17".

**Case #24-7-1-17 John & Ann Marie Panagiotakos** Applicant seeks a special exception under Article 3, Section(s) 304.6.4.1 erosion control, and 304.6.6 tree cutting to construct a home with an attached garage at Haverhill Street, Map 24, Lot 7-1

Mark McConkey represents the Panagiotakos family, Mr. Panagiotakos was present. After reviewing new plans submitted, the board agreed that all conditions have been met and they have no further questions.

There were no abutters present. No questions or comments from the public.

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

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

Based on the findings of the Special Exceptions Worksheet the requested Special Exception from Article 3 Section 304.6.4 be granted with the following conditions:

1. All required state permits must be obtained.
2. Per plan titled "Zoning plot for John Panagiotakos by Mark McConkey dated 8/7/17".

The board reviewed the Special Exception Worksheet for Article 3 Section 304.6.6

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

Based on the findings of the Special Exceptions Worksheet the requested Special Exception from Article 3 Section 304.6.6 be granted with the following conditions:

1. All required state permits must be obtained.
2. Per plan titled "Zoning plot for John Panagiotakos by Mark McConkey dated 8/7/17".

This concludes the ZBA application(s) for John and Anne-Marie Panagiotakos.

**Case # 37-8-17 Kevin and Susan Vater. 37-8-17** *Continued from July meeting*

The board reviewed a new plan presented by Kevin and Susan Vater. The Vaters will return to the September meeting with 2 new plans.

Plan 1 to show the actual square footage of what is on the lot currently.

Plan 2 will show the square footage of what will be on the lot after work is complete.

The Vaters will also show the following on the new plan.

1. Pick up the railroad ties.
2. Have erosion control showing on the plan.
3. Show location and detail of silt fence.

An abutter to the Vaters named Peterov spoke in favor of the Vaters application.

There is an additional variance under Article 3, Section 304.5 and a Special Exception for erosion control under Article 3, Section 304.6.4.

Karl made a motion to continue application to September, seconded by Scott. All in favor.

### **Unfinished Business**

There was no unfinished business.

### **New Business**

John Krebs mentioned driving by Nancy Cristoferi (38-8-16b) going to work and the silt fence is down and has been driven on. He would like to discuss a follow up to this.

Questions discussed by the board;

1. How does the town enforce approvals by both the Zoning Officer and the ZBA.
2. What does the town do to enforce ordinances.

The board would like to be put on the Selectmen agenda to discuss adding this responsibility to the Zoning Officer's job description. Perhaps check the Zoning Officer's salary and make this job for more hours at a higher pay scale. Janice will put the board on the next Selectmen agenda on August 28, 2017.

### **Communication and Miscellaneous**

None.

Karl made a motion to adjourn the meeting, seconded by Craig. The meeting adjourned at 9:50 pm.

Respectfully Submitted,  
Janice Zecher