

Zoning Board of Adjustment
April 26, 2018

Members Present: Scott Lees-Chairman, Karl Ogren, Jake Stephan, Craig Niiler

Members Absent: John Krebs

Others Present: Janice Zecher, Recording Secretary, Don Harris Zoning Officer, Bill Elliott, Lee Fritz, Mark McConkey, Laura Thomson, Maynard Thomson, Dean Robertson, Peter Park

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

The minutes from March 27, 2018 were inadvertently omitted from the members packets. A motion was made by Scott, seconded by Karl to review them at the May meeting, all in favor.

Case #03-58-17 Laura & Maynard Thomson. *Continued from March meeting.*

Applicant seeks a variance under Article 3, section 304.1 setbacks to build a 24 x 32 barn at 5 Village Road, Tax Map #3, Lot # 58.

A statement of intent and opinion was read to the board by Laura Thomson immediately followed by a statement read by Maynard Thomson which created some strong feelings with the attending public. Mrs. Thomson stated that the barn would be used for woodworking on the first floor and storage on the second floor. Mr. Thomson passed the board a document with pictures of various structures that could be put on the property without violating the zoning code, and asked that it be included as part of the record. Mark McConkey then reviewed a previous survey completed by Roger Burnell in 1959.

After review of the new materials, it was determined that the current plan places the barn 10 feet from the property line, which is the center of the stone wall. There was discussion of changing the location of the barn slightly if it would help get the application passed. Scott said the barn had to meet at least a 30 foot setback from the property line, which is the center of the stone wall.

There were no abutters that spoke to the application.

Public Comment: There were several public comments which included a caution to only discuss what was on the plan that was in front of the board now. Another comment was that the statements made by the applicants felt like an attempt to intimidate the board into approving the application. Don Harris, Zoning Officer said he agrees that it is good to try to help people with the process but that the board must adhere to the current ZBA rules voted on by the townspeople.

Mr. Thomson asked that the application be continued to June. Board was all in favor.

Case #29-20-17 Neil & Patricia Collins. Continued from March meeting. Applicant seeks an appeal for variances under Article 3, Section 304.5 Water setback, Section 310.1.5 10% rule, Article 7, sections 707.4.2 and 707.4.3 and a Special exception under article 3, Section 304.6.1 Erosion Control at 363 Huckins Road, Tax Map # 29, Lot # 20.

Dave Maidrand passed out a plan that was drawn up before they knew the zoning ordinance had changed in regards to the 10% rule. Under the new rule, the plan is 10 1/2 % coverage and the setback from the water is ok. There were no questions from abutters or the public. Mr. Maidrand asked for a continuation to the May meeting to put these new rules on the plan. A motion was made by Scott to continue, seconded by Karl. All were in favor. Application continued to the May meeting.

Case #22-28-1-18 Douglas & Jeanne Greenland. Applicant seeks an appeal for variances under Article 4, section 406 septic tank setback, and Article 3, section 304.2 side setback at Intervale Avenue, Tax Map #22, Lot #28-1.

Scott Lees recused himself from this application as he did when the application was originally presented by Sandra Drea as he is a close neighbor.

A variance was approved on 4/24/15 for previous owner Sandra M Drea under Article 4, Section 406 to construct a septic system within 125øof wetland. This application expired on 04/24/17.

Mark McConkey presented the application and drawings. The conditions and findings of fact have not changed since the original application with the exception of the name of the plan being used.

There were no abutters present and no public comment. A motion was made by Craig, seconded by Karl to accept the application.

The board reviewed the **Variance Worksheet for Article 4 Section 406**

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

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

1. Building site has been moved closer to inside side line.
2. Vegetative buffer shown on plan.
3. Plan stamped by Gary C. Flaherty, Certified Wetlands Scientist, was received.

Based on the foregoing findings of fact, the requested variance from Article 4 Section 406 as it pertains to the of the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Shall conform to plan dated April 9, 2018, named "Zoning Plot for Douglas Greenland, 10 Water Street, Tewksbury, MA 01876" Drawn by Mark McConkey.
2. Applicant will successfully obtain all necessary NH State permits.
3. Shall conform to plan for wetlands delineated 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 3 Section 304.2**

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

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

1. Building site has been moved closer to inside side line.
2. Vegetative buffer shown on plan.
3. Plan stamped by Gary C. Flaherty, Certified Wetlands Scientist, was received.

Based on the foregoing findings of fact, the requested variance from Article 3 Section 304.2 as it pertains to the of the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Shall conform to plan dated April 9, 2018, named "Zoning Plot for Douglas Greenland, 10 Water Street, Tewksbury, MA 01876" Drawn by Mark McConkey.
2. Applicant will successfully obtain all necessary NH State permits.
3. Shall conform to plan for wetlands delineated 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.

Unfinished Business:

There being no unfinished business, a motion to adjourn was made by Karl, seconded by Scott. All in favor.

Meeting was adjourned at 8:30pm.

Respectfully Submitted,
Janice Zecher