

Zoning Board of Adjustment
June 26, 2018

Members Present: Scott Lees-Chairman, John Krebs, Karl Ogren, Jake Stephan, John Quigley (A), Denny Anderson (A)

Members Absent: Craig Niiler

Others Present: Janice Zecher, Recording Secretary, Don Harris Zoning Officer,

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 May 22, 2018 were reviewed by the board. A motion was made by Denny, seconded by John K to accept the minutes as written. All were in favor.

The minutes from May 30, 2018 were reviewed by the board. Denny was at this meeting but is not listed. A motion was made by Scott, seconded by Karl to accept the minutes as amended. All were in favor.

Case #29-20-17 Neil & Patricia Collins. *Continued from April.*

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 presented the new drawing that had been submitted. The distance from the water is now greater than in previous plans, and the percentage of lot coverage is now 10.49% which had been discussed and the last meeting. The well and silt fence are now shown on the plan as well. There are no abutters present. There is a shed that will be removed that is not shown on the plan. It was shown on an earlier plan so was included in the 10% calculation. The Collins will get a state approved septic approval. The existing system is ok but interferes with the location of the house. It was determined that 707.4.2 and 707.4.3 are not needed because the well is now shown on the plan, and there will be a new location for the septic system. The board was in agreement that all requests have been met. John Krebs asked if it was reasonable to ask for a licensed surveyor to certify that the foundation meets the setbacks. Nobody from the public had any comment on the application.

The board reviewed the **Variance Worksheet for Article 3 Section 304.5**

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

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

- 1. Tool Shed will be removed.**
- 2. House is further from the water.**

Based on the foregoing findings of fact, the requested variance from **Article 3 Section 304.5** as it pertains to the Town of Freedom Zoning Ordinance be granted with the following conditions:

- 1. Per plan titled “Proposed conditions plot for Neil & Patricia Collins” dated May 7, 2018.**
- 2. Removal of all buildings on the property.**
- 3. Issuance of NHDES subsurface plan.**
- 4. Issuance of NHDES wetland or shoreland plan.**
- 5. Foundation certification prior to start of construction.**

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 | 5. A. (ii) Carried 5-0 |

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

- 1. Tool Shed will be removed.**
- 2. House is further from the water.**

Based on the foregoing findings of fact, the requested variance from **Article 3 Section 310.1.5** as it pertains to the Town of Freedom Zoning Ordinance is granted with the following conditions:

- 1. Per plan titled “Proposed conditions plot for Neil & Patricia Collins” dated May 7, 2018.**
- 2. Removal of all buildings on the property.**
- 3. Issuance of NHDES subsurface plan.**
- 4. Issuance of NHDES wetland or shoreland plan.**
- 5. Foundation certification prior to start of construction.**

The board reviewed the Special Exception Worksheet for **Article 3 Section 304.6.4.1, Erosion Control.**

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

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

- 1. Tool Shed will be removed.**
- 2. House is further from the water.**

Based on the foregoing findings of fact, the requested Special Exception from Article 3 Section 304.6.4.1 as it pertains to erosion control of the Town of Freedom Zoning Ordinance is granted with the following conditions:

1. **Per plan titled “Proposed conditions plot for Neil & Patricia Collins” dated May 7, 2018.**
2. **Removal of all buildings on the property.**
3. **Issuance of NHDES subsurface plan.**
4. **Issuance of NHDES wetland or shoreland plan.**
5. **Foundation certification prior to start of construction.**

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.

Both Maynard and Laura Thomson read a statement to the board supporting their decision to request the original plan for placement of the barn, which is the March 5 plan putting the barn 19 feet from the edge of the road. No question from the board to the Thomsons. Scott asked if there were any abutters with questions/comments. David Auger, abutter directly across the road spoke in favor of the project. He feels the project stays in tune with the rest of the village. John Manley is another abutter with 2 lots across the street. He has no objection to the project and believes it also matches the village. Members of the public ó Paul Elie spoke in favor of the project as it conforms to the look and feel of the rest of the village. No questions for the applicant from the public or the rest of the board. After discussion amongst the board, Scott is ok with the 9 feet. Denny still feels the project is not a hardship, Jake suggested the Thomsons go to the planning board to change the ordinance. He feels 30 feet is already relief from the zoning. John Q feels the room is there to move the barn back. Karl mentioned it is now 9 feet from the property line, 19 feet from the road. The April 9th plan had 22 feet from the setback and 30 feet from the road. He likes the April plan as it is not as close to the road. He is unsure about his vote. Right now, without a plan, he would vote no. Maynard Thomson said they looked again at the possibilities and 30 feet from the road just doesn't work for them. Scott asked John Krebs who is ok with the 9 feet because it is consistent with the rest of the village. He does have an issue with overhead power as it negates the discussion for the view. Maynard said he would install underground power. Maynard & Laura Thomson requested a continuance rather than go for a vote. He will submit a plan with the barn situated 9 feet back from the middle of the stone wall. John Krebs asked also that he adjust the slab height. Motion to continue to the July meeting made by Scott, seconded by John K. All in favor.

Case # 50-3-5-18 Katherine Watts. Applicant seeks an appeal for a Variance under Article 3, Section 304.6.6.4 tree cutting for a grade greater than 12.5% at Freedom Shores Road, Tax Map 50, Lot 3-5.

The plans for this application were reviewed at the May meeting for all quadrants on the lot except for the house area. This variance is for tree cutting on the house lot only. The plan is exactly the same this month, but the variance had not been officially submitted. Grid 8, 9, 10 do not have enough points because of the building of the house. Abutter Charlie Watts spoke in favor of the application. No questions from the public. No further questions from the board.

The board reviewed the **Variance Worksheet for Article 3 Section 304.6.6.4**

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

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

- 1. Walkway to the water will be covered with wood chips.**
- 2. Meets all state standards**
- 3. Stumps under the septic system, driveway, and house site may be removed.
All other stumps will be ground and roots left intact.**

Based on the foregoing findings of fact, the requested variance from **Article 3 Section 304.6.6.4** as it pertains to the Town of Freedom Zoning Ordinance be granted with the following conditions:

- 1. Per plan “Zoning Compliance Site Plan for Katharine Lambron Watts, revision Date May 30, 2018**

Case # 48-8-18 Katherine Watts. Applicant seeks an appeal for a Variance under Article 3, Section 304.6.6.4 tree cutting for a grade greater than 12.5% at Freedom Shores Road, Tax Map 48, Lot 8 (studio).

There was one grid that did not meet the points, but they kept a tree in order to meet the points. Variance is no longer needed. Peter Cooperdock made a request to withdraw the application for a variance for Map 48, Lot 8. Motion to accept the request was made by Scott, seconded by Karl. All in favor. Application is withdrawn.

Case # 09-16-18 (1) Charles Watts III & Holly Haynes. Applicant seeks an appeal for a Variance under Article 7, Section 706.3, height restrictions, for a renovation and addition to the existing house located at 12 Black Road, Tax Map 9, Lot 16.

Charlie Watts introduced Architect Jamie Broadbent and builder Ryan Bilodeau. Jamie reviewed the application and described the project. The existing house is considered nonconforming. The addition is attached and is about 7 feet taller than the existing building. John K confirmed that if the addition weren't attached, they wouldn't have to apply for a variance. Jamie confirmed this and said that everything else complies. Scott asked if there were any abutters present. Sally Stoops, abutter spoke in favor of the project.

The board reviewed the **Variance Worksheet for Article 7 Section 706.3**

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

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

- 1. Building is not tall.**
- 2. Large addition is below Freedom's height restriction.**
- 3. If not attaching to the house, application would not be before the ZBA.**
- 4. Approval does not exceed 35 feet in height.**

Based on the foregoing findings of fact, the requested variance from **Article 3 Section 304.6.6.4** as it pertains to the Town of Freedom Zoning Ordinance be granted with the following conditions:

- 1. Per plan titled "Haynes-Watts Addition" dated 5/15/18. Received 06/11/18**

Case # 09-16-18(2) Charles Watts III & Holly Haynes. Applicant seeks an appeal for a Variance for barn renovation under Article 3, Section 310.1 lot of record at 12 Black Road, Tax Map 9, Lot 16.

This application is for another structure to be placed on the same lot. This is also located at 12 Black Road. Jamie reviewed the application for this lot. This is for a caretaker apartment and extra bedroom/bathroom space. The lot is 252 acres. There is no new footprint. There is an existing barn that will be renovated, not added to. There will be a kitchen added which is the reason for the application. The property did have a cottage on the property that fell down about 10 years ago so there was a history of multiple living structures on the property. Abutter Sally

Stoops. Katie Watts from the public spoke in favor of the project. None of the board members had an issue with the application.

The board reviewed the **Variance Worksheet for Article 3 Section 310.1**

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

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

- 1. History of multiple dwellings on property.**
- 2. Very large lot. (252 acres)**
- 3. Plan is thorough.**

Based on the foregoing findings of fact, the requested variance from **Article 3 Section 304.6.6.4** as it pertains to the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Per plan titled “Haynes-Watts Addition” dated 5/118. Received 06/11/18

Case # 8-18-1-18 Brandon and Karrie Buttrick. Applicant seeks an appeal for Variances under Article 3, Section 304.2 side setback, and Article 7, sections 706.2 and 706.3, to rebuild garage. An expansion of non-conforming structure at 288 Cushing Corner Road, Tax Map 8, Lot 18-1.

James Rines represents the Buttricks and presented their plan to the board. There is only one abutter and they are in favor of the project. There is a deed restriction on this property stating that no structure will be build less than 25 feet from the boundary line. The project will be 5 inches closer to the boundary line. There were no abutters and current owners sent a notarized ÷Waiver of Restriction÷ releasing the Buttricks from this condition. If the board approves the application, the abutter will have the Waiver of Restriction recorded at the Registry of Deeds. There were no abutters and no one from the public spoke to the application. The board agreed that the addition is not higher than the highest point of the nonconforming structure so 706.3 is not needed. James made a formal request to withdraw the application for a variance under Article 7, lot 706.3. Motion to accept the request was made by Scott, seconded by John Krebs. All were in favor.

The board reviewed the **Variance Worksheet for Article 3 Section 304.6.6.4**

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

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

- 1. Will look very similar from the front.**

2. 0.4 feet closer to the sideline.

Based on the foregoing findings of fact, the requested variance from **Article 3 Section 304.6.6.4** as it pertains to the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Per “Zoning board application plan for Karrie J & Brandon A Buttrick dated June 7, 2018”

The board reviewed the **Variance Worksheet for Article 7 Section 706.3**

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

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

- 1. Will look very similar from the front.**
- 2. 0.4 feet closer to the sideline.**

Based on the foregoing findings of fact, the requested variance from **Article 7 Section 706.2** as it pertains to the Town of Freedom Zoning Ordinance be granted with the following conditions:

- 1. Per “Zoning board application plan for Karrie J & Brandon A Buttrick dated June 7, 2018”**
- 2. A licensed landscaper will locate footings and walls before construction starts.**

Case # 23-7-18 Mark & Susan Goldstein. Applicant seeks an appeal for a Variance under Article 7, Section 706.2, to enclose a breezeway. expansion of nonconforming structure, side setback at 28 Sunset Road, Tax Map #23, Lot #7.

Denny Anderson recused himself from this application. John Quigley will be voting in his place. Scott said that before they started, he wanted to say that as the Zoning Officer looked through the file, he found that there were things happening on the property that weren't part of the original approval. Mr. Goldstein told the board that the roof of the breezeway roof that is between the garage and the house was built when the house was built but was not officially on the plan. Don had told Mr. Goldstein that he needed to go to the ZBA to get approval to close in the breezeway. Mr. Goldstein said that he built the garage first, then built the house a year later. He attached the garage to the house without realizing he shouldn't have done that. The board agreed that they would like to see all the files and minutes as it pertains to this application. Scott requested that this application be continued until the July meeting so that the history of the building could be gathered. Seconded by John Krebs. All in favor.

Case # 24-7-2-18 Stephen & Charlene Becht. Applicant seeks an appeal for a Variance under Article 3, Section 310.1.5 10% rule at Haverhill Street, Tax Map #24, Lot 7-2 for new construction.

Denny Anderson recused himself from this application. John Quigley will vote in his place. Mark McConkey presented this application on behalf of Mr. & Mrs. Becht. They do have their shoreland approval and septic approval. The Bechtø would like to build the home before deciding what trees they want to cut down, where they want to build paths to the water, or if they want a perched beach, or where they want the perched beach. There will be no tree cutting within the 75 foot buffer. Scott verified that the slope of the lot is less than 12.5%. There is an open deck that is part of the 20%. John Krebs questioned the size of the driveway. Scott asked the applicant if he planned to back or drive from the garage to the road as there is no turnaround shown on the plan. The applicant stated he could handle a 3 point turn. Scott told him to do that, he would have to enlarge the driveway on the plan and that would count towards lot coverage. Mark McConkey stepped out to speak with his client, came back, and the applicant told the board the distance from the garage to the road is minimal and the driveway is 19ø wide, there is no need for a turnaround. Scott reminded Mark and the applicant that if the driveway grows in any way, he will be out of compliance. John Krebs asked what the applicant will do to protect the trees during construction if there is no tree cutting plan. Mark stated there is an 11 foot offset from the front of the deck to the trees. No abutters present, no comment from the public. No further questions from the board.

The board reviewed the **Variance Worksheet for Article 3 Section 310.1.5 10% rule**

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

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

- 1. Applicant understands the driveway restraint.**
- 2. Trees will possibly be cut later**

Based on the foregoing findings of fact, the requested variance from **Article 3 Section 310.1.5** as it pertains to the Town of Freedom Zoning Ordinance be granted with the following conditions:

- 1. Per Plan titled “Steve Becht, 20 Ridge Road, Plaistow, NH” dated 06/09/18**
- 2. Trees shown on the plan be protected during construction.**
- 3. Driveway exists per plan.**
- 4. Licensed land surveyor submit a foundation certificate.**

Case # 29-28-18 Sally Hayden. Applicant seeks an appeal for a Variance under Article 7, Section 706.2 setbacks to rebuild a porch over an existing deck. Expansion of a non-conforming structure at 399 Huckins Road, Tax Map 29, Lot 28

Mark and Jake McConkey represent Mrs. Hayden and reviewed this application. Mark explained to the board that Mr. Hayden is deceased so Mrs. Hayden is the only applicant. There is an open deck existing on the home. The applicant would like to infill the deck to match it to the far right side of the house and screen it in. Scott noted the fire pit is not shown in the lot coverage calculation. No abutters present to speak to the application, no comment from the public. No further questions from the board.

The board reviewed the **Variance Worksheet for Article 7 Section 706.2 setbacks**

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

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

- 1. Fire pit should be put on the plan.**
- 2. Small adjustment.**

Based on the foregoing findings of fact, the requested variance from **Article 7 Section 706.2** as it pertains to the Town of Freedom Zoning Ordinance be granted with the following conditions:

- 1. Per plan titled "Property Owner Hayden/Sally dated May 29, 2018**

Case # 20-4-18 Farmer's Lane Association. Applicant seeks an appeal for a Variance under Article 3, Section 304.5 side setbacks to construct a perched beach/waterside structure at Clover Lane, Tax Map 20, Lot 4.

Before discussion with the ZBA began, Scott Lees read correspondence received from the Conservation Commission's special meeting which was a site visit to Farmer's Lane where the perched beach is to go. There is also a letter to the state written by the Conservation Commission that Scott asked Mark to address each one. Mark began by addressing the application itself.

The application has been revised over the past few years by Mark and the association to accommodate the 25% rule, leave sufficient room on the McConkey side of the property for other residents of the association to launch boats. Location of the perched beach is a compromise between slope and still permitting access. Applied for a wetlands permit, it has been reviewed, gone through a second line of questioning, and the association is now waiting for

the answer. Applied to the state for a shoreland permit which shows on the map as a dotted line. This would gain access to the block to build and for the temporary impact to construct the wall.

NOTE: The letter below was sent to the State of NH DES by the Conservation Commission. Chairman Scott Lees asked Mark McConkey to address each item individually. Mr. McConkey's replies to each number is written in bold.

Dear Darlene,

The Freedom Conservation Commission (FCC) met last evening, 5/1/2018, to review Wetlands permit 2018-00904. Mark McConkey (agent and abutter), Steve Maxfield (President of Association) and abutters Mr. and Mrs. Raynes, as well as several community members and the FCC. The concerns with the application from the FCC are the following:

1. The application states the perched beach is to be 180.84 SF of permanent impact but the beach itself is (according to the drawings, 368.38 SF. According to Mr. McConkey, the 180 number reflects the wall itself, not the entire beach area. We are not familiar with this methodology, so we wanted to note the inconsistency. The abutters Raynes did mention that they think the Redi-Rock is not natural looking and would prefer another material.

The calculations Mark used with shoreland and wetland when they put the application together is the state's standard. When the state reviewed the application with these notes, the state did not find a discrepancy.

2. The application notes the frontage to be 75', the tax map lists 70', another inconsistency which impacts the maximum shoreline entryway of 20%. The deed does state that the frontage is 75', so the opening of 13.2' meets the perched beach requirements per DES publication WD-WB-18.

No issue.

3. The hillside behind the proposed perched beach is bare ground with low growing grasses, having been cut years ago. Its slope according to the maps rises an additional 20 feet, allowing for a swift deluge of water down the hillside, which the abutters state happens with heavy rain. The application states several places that the wall will divert water into the ground (#4, 6, 13). Per the plot drawings, there will be 1 foot of crushed rock behind the wall. The FCC is not knowledgeable as to the adequacy of this depth/width of rock to adequately absorb the rainwater and asks DES to assure that is the appropriate amount of crushed rock. The FCC was asked by the abutters Raynes to note that planting of vegetation would also positively impact the flow of water. A member of the FCC noted that the original deed described the natural state of the land.

The ground is pourous to start with. Many rain events, not significant events, are captured in the turf and never come down to the lake. We have 2

gullies that we have described on the plan and sends it behind the wall of crushed rock. The blocks are an average of 2,000 lbs per block. We, and the state are comfortable with what we show for drainage. It is not shown in our letters to answer the questions.

4. The construction is set to be above the full lake operation level of 407.25', with the entrance to the perched beach to be at 408.99'. Per the records of DES found at <http://www4.des.state.nh.us/rivertraksearch/search.html> , the lake level reaches as high as 411', particularly in the spring. This would breach the opening and provide for backwash of the beach sand into the lake, exactly what a perched beach is designed to prevent. The FCC notes that due to the steep slope, pushing the structure back further would likely mean that the slope impacted is greater than 25%, which would compromise this project. Mr. McConkey noted that the dam for Lake Ossipee is scheduled for reconstruction this year, and he believes that with the computerization of the dam operation that the lake levels will not exceed the perched beach.

The Conservation Commission has members that have a concern that during high water events, that sand from inside the perched beach will wash out. It is that same concern that you have at Mountview, Wabanaki, Camp Calumet. What happens when water comes up and sand washes out. When I asked the state specifically about this question when we went through our two pre-applications on this, their point was: a perched beach is constructed up above and most times, the sand stays up above and you are not dumping sand into the lake. They have no way, and they make no correction for sand from a perched beach for sand if it makes it's way because it is typically an act of God that takes the water to such a height. What I told the Conservation Commission is that we could put a hatchway into it so that we drop boards down into it during the off season which would keep the sand inside. We would be happy to make that condition. The state does not press for that condition, but we would be happy to do that to make them happy.

5. The sand depth according to the plot drawings is 8". We noted to Mr. McConkey that the maximum depth is 6" according to the DE Factsheet WD-WB-18.

The application that was sent along to the state as part of this wetlands process and then wetlands then asked 4 question of us for further information. But it is in the state's approval process and I feel confident that we are going to come out with an approval within a week's time.

End of Letter to state by Conservation Commission

Karl asked to verify that the board is approving 2 sideline setbacks and a setback that is less than 75' from the water. Mark verified. Karl asked if the setbacks were to the rocks or to the beach. Karl believes the redi-rocks are being called a structure so the setbacks would be to those. Mark said he would say it was a setback to the whole thing from 75' of the water. Mark also believes if the variance is granted, they should be applying for a special exception for construction.

Scott asked if there were any abutters present that would like to speak. Abutter Anthony Raynes stood and introduced himself. Mr. Raynes passed around photos and correspondence between the state and the association. The picture is of a 30ø sandy beach which exists on the site of the proposed perched beach now. He feels that with proper conservation to reduce erosion, that the existing beach can be used satisfactorily and will be larger than the proposed perched beach. He is against the project based on previous activity and noncompliance with orders by the state.

Paul Elie stated that this application has been in process since 1988. The conservation Commission had several issues and having several new members, wanted to review this completely. They had questions about the depth of the sand because it is a very hilly area. The 30 foot setback was never mentioned so he is interested to see how the 30 foot setbacks will factor into the area of the beach, or if it does at all. The other issues are the use of sand so close to the water, and deeded access.

Mark McConkey explained the history of the violation and resulting damage that happened in 1988. He said the junipers that were planted per order of the state did not òtakeö but a lawn did grow in. He said the state announced the association was in compliance and closed the case. Mark said the sandy beach is only present when the lake goes below 407.25.

Scott noted the plan shows 8 inches of sand. He asked Mark why they show 2 more inches of sand. Mark said they will comply with the state. Scott asked if they will comply with the FCCø request of 6ö. Mark said they will.

John Krebs asked if the entire area is grassed in. John asked if additional planting of 6 or 8 3ö trees would help the situation. He would like to see trees planted along the steep bank to keep the bank in. Mark said a reasonable planting in that area would be acceptable. He said the culvert from the road is also a problem. Mark would like to consult with the Conservation Commission. John said preferably not a bush that can be mowed over, would like to see trees. Mark will speak with the FCC.

The following list is information that the board would like to see coming back next month.

Drain outlet

Tree planting

Runoff calculation to show infiltration behind the wall

Bring gravel up flush with the grade

Note that the sand will be at a 6ö inch depth as required by State DES.

Karl mentioned that the associationø president has given permission for Mark to speak for them. Is there anything that states the association as a whole is in support of the president as spokesman. Mark said they had to prove to the state that the president of the association is the current president and that the association made him president.

Motion to continue this application to the July meeting made by Scott, seconded by John.

Case # 22-41-18 Brian Abbott. Applicant seeks an appeal for a Variance under Article 3, Section 304.2 side setback to build a new home on Mountview Avenue, Tax Map 22, Lot 41.

Denny Anderson recused himself for this application, John Quigley will step in.

Mark McConkey presented this application for Brian Abbott explaining the front and rear setback is fine, but will miss the side setbacks by 2.5 feet on each side.

Scott asked what the hardship is and why he cannot rotate the house 90 degrees. Mark said this is the wish of his client. Scott noted that the driveway is not adequate. Mark said he will consult with his client to make the needed changes to the driveway. John noted the plan for the second floor is missing. Mark will get that to the board.

Mark asked to continue the application until the July meeting. Board was in favor of continuing.

Scott and Craig will not be at the July meeting.

There being no further business before the board, a motion to adjourn was made by Scott, seconded by John.

Meeting was adjourned at 11:00 pm.

Respectfully submitted,

Janice Zecher
Administrative Assistant