

**Zoning Board of Adjustment
October 23, 2018**

Members Present: John Krebs, Karl Ogren, Craig Niiler Vice Chair, Scott Lees Chair, Jake Stephan, Dennis Anderson (A)

Members Absent: Tim Cupka, (A), John Quigley (A)

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

Meeting called to order at 7:00pm by Scott Lees. Scott introduced the board members to the public, and explained the rules and procedures. There was a quorum present of 5 members.

The minutes from September 25, 2018 were reviewed by the board. A motion was made by Scott Lees to accept the minutes as written, seconded by Karl, all in favor.

Case # 04-17-1-18 John Ostiguy

Applicant seeks an appeal for a Variance under Article 3, Section 304.6.6.4 tree cutting for a 12.5% grade between 75 and 300 feet of reference line in order to meet requirements of Variance application under Article 3, Section 304.6.4 at Porter Road, Map 4, Lot 17-1.

Case # 4, Lot 17-1 John Ostiguy *Continued*

Applicant seeks an appeal for a Special Exception under Article 3, Section 304.6.4 erosion control and section 304.6.6.4 tree cutting for a 12.5% grade within 300 feet of reference line at Porter Road, Map 4, Lot 17-1.

Alan Fall reviewed the complete tree cutting plan. There were no questions from the board, no abutters present, and no questions from the public.

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

- | | |
|----------------|----------------|
| 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 304.6.6.4 as it pertains to tree cutting of the Town of Freedom Zoning Ordinance is granted with the following conditions:

1. Per plan titled "Proposed home, shoreland impact site plan for Hatch Family Holding Trust"
2. Per NHDES shoreland approval.

The board reviewed the Variance Worksheet for Article 3 Section 304.6.6.4 Tree Cutting.

- | | |
|----------------|------------------------|
| 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 |

Conditions:

1. Per plan titled post-construction plan driveway plan, John Ostiguy dated October 27, 2018.
2. Erosion control shall be installed prior to construction and remain until Site is stabilized.

Findings of Facts:

1. Route 25 separates the property from the water.
2. All cutting is beyond 75ø from water.
3. Primary cutting is to allow a driveway to be built.
4. Shoreland permit from DES has been obtained.
5. Driveway permit from DOT has been obtained.

Case # 30-21-18 William & Marguerite Hatch. Continued

Applicant seeks an appeal for a Special Exception under Article 3, Section 304.6.1 construction in the shorefront, and Article 3, Section 304.6.6.4 tree cutting for a 12.5% grade between 75 and 300 feet of the reference line in order to meet requirements of Variance application under Article 7, Section 706.2 at 315 Huckins Road, Map#30, Lot #21

Mr. Hatch reviewed the grids of the tree cutting plan he submitted. Grid 3 will end with 98 points but has a lot of shrubs. Grid 4 will have 65 points, and Grid 6 will have 45. After review, the board agreed that all 3 grids were acceptable.

The board requested a copy of a trust document signed by both Mr. & Mrs. Hatch.

Abutter Mark McConkey asked how many trees had to be counted. He feels this process should be changed. There was no comment from any other abutters or members of the public.

The board reviewed the Special Exception Worksheet for **Article 3 Section 304.6.6.4 Tree Cutting.**

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|----------------|----------------|
| 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 304.6.6.4 as it pertains to tree cutting of the Town of Freedom Zoning Ordinance is granted with the following conditions:

1. Per plan titled "Proposed home, shoreland impact site plan for Hatch Family Holding Trust"
2. Per NHDES shoreland approval.

The board reviewed the Special Exception Worksheet for **Article 3 Section 304.6.1 Construction in the shorefront.**

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|----------------|----------------|
| 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. No trees will be cut within 75 feet of reference line.
2. Proposed house will be farther from sideline than the existing house.

Based on the foregoing findings of fact, the requested Special Exception from Article 3 Section **304.6.1** as it pertains to Construction in the shorefront of the Town of Freedom Zoning Ordinance is granted with the following conditions:

1. Per plan titled "Hatch Family Holding Trust" dated September 10, 2018
2. NHDES approvals must be obtained.

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

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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. No trees will be cut within 75 feet of reference line.
2. Proposed house will be farther from sideline than the existing house.

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 "Proposed home " shoreland impact site plan for Hatch Family Trust dated September 10, 2018.
2. Foundation to be certified at both north and south walls.
3. Provide copy of trust document, and both trustees sign.

Case # 29-33-18 Victor & Carrie Buonfiglio. Continued

Applicant seeks an appeal for variances under Article 3, Table 304.5 shore front right, left and water setbacks, Article 3, Section 310.1.5 10% rule. Also special exception under Article 3, Section 304.6.4 erosion control and section 304.6.4.1 construction at 419 Huckins Road, Tax Map 29, Lot 33.

Mark and Jake McConkey presented a new plan for this application and noted the house is now under 10%.

There were no abutters present and no comments from the public. The board noted that Section 304.6.4.1 is a subtitle of section 304.6.4 so is not necessary. There were no further questions from the board.

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

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| 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. No trees will be cut within 75 feet of reference line.
2. Existing house is closer to both sidelines than the proposed house.
3. Proposed house is 6 feet further back from the reference line.

Based on the foregoing findings of fact, the requested Special Exception from Article 3 Section 304.6.6.4 as it pertains to tree cutting of the Town of Freedom Zoning Ordinance is granted with the following conditions:

1. Per plan titled "Revised Freedom Zoning plot for Victor & Carrie Buonfiglio, Dated 09/27/18.
2. Per approval of NHDES shoreland and Effluent disposal plans.
3. Erosion control shall be installed prior to any earth moving and staying in place until site is stabilized.

The board reviewed the **Variance** worksheet for **Article 3, Section 304.5**

Based on the findings of the variance worksheet the requested Variance from **Article 3 Section 304.5 shoreline, left and right setbacks** of the Town of Freedom Zoning Ordinance be granted with the following Conditions:

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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. No trees will be cut within 75 feet of reference line.
2. Existing house is closer to both sidelines than the proposed house.
3. Proposed house is 6 feet further back from the reference line.

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 "Revised Freedom Zoning plot for Victor & Carrie Buonfiglio dated 09/27/18.
2. Per approval of NHDES shoreland and Effluent disposal plans.

There being no further business, Scott made a motion to adjourn, seconded by Craig.

Meeting was adjourned at 8:10pm.

Respectfully Submitted,

Janice Zecher