

**Freedom Planning Board
January 17, 2019
Freedom Town Hall**

Members Present: Chairman Anne Cunningham, Paul Olzerowicz, Bill Elliott, Paul Elie, Dale McConkey Jeffrey Towle, Les Babb

Members Absent: Peter Park (A)

Others Present: Mark McConkey

Quorum: Met

With a quorum having been declared the meeting was called to order at 7:00 p.m. with Chairmen Anne Cunningham presiding.

Minutes:

Bill made a motion, seconded by Paul E. to accept the December 20,2018 minutes as written. All were in favor.

PUBLIC HEARING

Proposed Solar Ordinance to add to Freedom Zoning Ordinance

Anne reviewed what was in the Solar Ordinance and asked if there were any questions from the board. After a brief discussion, Anne opened the public hearing at 7:03 there was no public, so the hearing was closed, and Anne asked if the board would vote to put the ordinance on the March ballot.

Bill made a motion, seconded by Jeffrey to put on the ballot, the Solar Ordinance draft as written and gone over by the Planning Board to be on the ballot for the March vote. Motion passed unanimously.

Proposed Change to Section 310 of the Freedom Zoning Ordinance

Anne reviewed the proposed language changes to 310.1.5 which would be added as a new section and referred to if the zoning ordinance allows another residential use, e.g., accessory dwelling unit would read as below:

310.1.5 If it has an accessory dwelling unit (ADU), the lot meets the ADU requirements of section 904 of the zoning ordinance.

In section 310.1 John Ratigan (the town counsel) suggested moving *as defined by Section 1902, Number 18 to the beginning of the sentence so it reads: As defined by Section 1902, Number 18 any lot of record may be used for one single family dwelling (unless the zoning ordinance allows another residential use, e.g., accessory dwelling unit).*

Mark McConkey entered the meeting at 7:09 p.m.

After a brief discussion, Anne opening the meeting up to public comment at 7:11 p.m. there being no public comment the meeting went back into a public meeting at 7:11 p.m.

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

Paul O. made a motion, seconded by Bill to include the proposed changes to Section 310 Lot of Record in the ballot for the March 2019 vote. Motion passed unanimously.

Continued discussion of changes to the 10% coverage rule (existing section 310.1.5) and changes to the stormwater management requirements in section 304.6.7 Impervious Surfaces on Shorefront Lots.

Anne reviewed what Dale and Jeffrey proposed at last month's meeting for lot coverage and the threshold for needing an engineer for a stormwater management plan.

Their proposal would capture more people in the shorefront district to require them to have stormwater management plans. They are proposing no more than 20% of the area of a lot located within the protected shoreland shall be composed of impervious surfaces, unless a stormwater management system is designed and certified by a professional engineer is implemented, the current number is 30%.

Dale entered the meeting at 7:15 p.m.

Anne asked the board if they supported going up to 15% of the total area of the lot in section 310.1.5. Discussion ensued around runoff and what made up the 87% that Paul E. mentioned. Anne stated it is not direct runoff from the shorefront lots, its runoff from the watershed. The bays and Danforth Pond produce a lot of direct runoff. Les feels that these changes will improve the situation. Paul O. supports the 15% but questioned if the requirement to have an engineer designed plan at 20% of impervious coverage will increase the cost to anyone who plans on doing any improvement to their property. Les answered it would be cost prohibitive. Discussion ensued around pro and cons.

Paul E. asked if 304.6.7.1 should reference as published in NH Planning and Land Use Regulations 2017-2018 Edition (currently states 2016-2017). Anne will make the change.

304.6.7.4 discussion ensued around based on climate change that has been documented if a 10-year 24- hour storm event is sufficient. Anne stated she felt more comfortable with a 25- year 24-hour storm event and explained when the cell tower was put up, the board changed the site plan review regulations to a 50-year storm event (up from a 25- year event).

Bill stated he does not support going to the proposed 15%.

Anne suggested a change that was proposed by the attorney. In section 304.6.7.1 the attorney proposed where it reads *These provisions mirror* **replace mirror with** *meets or exceeds the minimum standards.*

306.6.7.6 Anne is proposing to change where reads *if the waterfront buffer does not meet the point score requirement* to reference the towns zoning ordinance 304.6.6.2 not the State RSA because state RSA changes the town ordinance does not.

Anne then proposed adding another section 304.6.6 to state *that it is the property owner's obligation to maintain the approved stormwater management system to prevent runoff that would degrade the water quality, failure to do so is a violation of these regulations and may be subject to enforcement action by the town.* Dale supported the addition and Jeffrey did not support it. After a brief discussion, it was decided to add it to the ordinance.

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Les made a motion, seconded by Bill to add the proposed enforcement piece in the ordinance. The motion passed 6-1-0.

Mark McConkey agrees with the language to maintain the stormwater management system and is glad that the board is considering a number higher than 10% but is concerned with lowering the threshold from 30% to 20% and feels better about 30% to 25% to bring in an engineer for stormwater management.

An engaging discussion ensued around what the thresholds should be.

Les made a motion, seconded by Jeffrey in 304.6.7.3 to change the proposed number from 20% area of a lot to 25% area of a lot and the stormwater management plan to be able to accommodate 25- year storm event (updated from a 10-year storm). The motion passed 6-1-0.

304.6.7.4 was discussed next.

Les made a motion, seconded by Dale with the change voted in 304.6.7.4 to change the existing language in 304.6.7.5 to change the range of impervious surface coverage that triggers a stormwater management system from 20% to 30% to 15% to 25%. Motion passed 6-1-0.

304.6.7.5

Les made the motion, seconded by Paul E. to change the reference of 304.6.7.6 from the state RSA to section 304.6.6.2 of this ordinance. The motion passed unanimously.

There will be a special meeting on January 31st for a public hearing regarding the proposed ordinance language for 310.1.5 and 304.6.7.

Anne handed out Planning Board Ballot Questions for voting March 12, 2019 to review and discuss. Article #4 will reflect the percentages voted on at tonight's meeting.

304.6.7.4 will read to require a stormwater management system on lots with impervious surface coverage between 15%-25%.

304.6.7.3 change 30% to 25% and require that the plan will accommodate a 25- year storm.

Anne will get the changes to Janice tomorrow morning.

The Master Plan will be on Feb. agenda.

There being no other business to come before the board, Les made a motion, seconded by Bill to adjourn the meeting at 8:00 p.m.

Respectfully Submitted,
Stacy Bolduc
Recording Secretary

