

**Zoning Board of Adjustment
February 25, 2020
Minutes**

Members Present: Scott Lees, John Krebs, Craig Niiler, Jake Stephan, Denny Anderson (A), John Quigley (A)

Members Absent: Karl Ogren, John Quigley (A), Tim Cupka (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 January 28, 2020 were reviewed by the board. A motion was made by John Krebs to accept the minutes as written, seconded by Craig.

Alternate Denny Anderson will be sitting in as a voting member for Karl Ogren.

Case # 26-5-19 The View at Lake Ossipee Family, LLC *Continued from January*

Applicant seeks an appeal for a Variance under Article 3, Table 304.5 and Article 7, Section 706.2, side setbacks, A Variance under Article 3, Section 304.6.6.2(a), Maintenance of a Waterfront Buffer (D) (iv) Segment point total must equal or exceed 100 points. Special Exception under Article 3, Section 304.6.4.1 Erosion Control, A Special Exception under Section 304.6.6.4, tree cutting greater than 12.5% slope between 75 and 300 feet of reference line, A Special Exception under Section 304.6.7.3, Exceeds 10% impervious area on lot of record at 7 Cone Drive. The applicant wishes to add one bedroom, one bath, den storage, and unfinished second floor, Map 26, Lot 5.

The board reviewed an updated set of plans and a letter received by Ken Jones. There were no abutters or members of the public present for this application. The vote was unanimous to approve the application at this time.

The board reviewed the **Variance Worksheet for Article 3, Section 304.5** as it pertains to 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. All trees cut are to create space for home and septic**
- 2. Lot is very narrow as are all lots in this area.**
- 3. Lot lines were adjusted because original structure was built across the line**

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

- 1. Per plan titled “The View at Ossipee Family, LLC” plan dated December 27, 2019, stamped “received” 02/05/20**

The board reviewed the **Variance Worksheet for Article 3, Section 304.6.6.2(a)** as it pertains to Maintenance of a Waterfront Buffer (D) (iv) Segment point total must equal or exceed 100 points. .

- | | |
|----------------|------------------------|
| 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. All trees cut are to create space for home and septic**
- 2. Lot is very narrow as are all lots in this area.**
- 3. Lot lines were adjusted because original structure was built across the line**

Based on the foregoing findings of fact, the requested variance from **Article 3, Section 304.6.6.2(a)** as it pertains to Maintenance of a Waterfront Buffer (D) (iv) Segment point total must equal or exceed 100 points in the Town of Freedom Zoning Ordinance be granted with the following conditions:

- 1. Per plan titled “The View at Ossipee Family, LLC” plan dated December 27, 2019, stamped “received” 02/05/20**

The board reviewed the **Variance Worksheet for Article 7, Section 706.2** as it pertains to 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. All trees cut are to create space for home and septic**
- 2. Lot is very narrow as are all lots in this area.**
- 3. Lot lines were adjusted because original structure was built across the line**

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

- 1. Per plan titled “The View at Ossipee Family, LLC” plan dated December 27, 2019, stamped “received” 02/05/20**

The board reviewed the Special Exception Worksheet for **Article 3, Section 304.6.4.1** as it pertains to **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. All trees cut are to create space for home and septic**
- 2. Lot is very narrow as are all lots in this area**
- 3. Lot lines were adjusted because original structure was built across the line**

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 in the Town of Freedom Zoning Ordinance is granted with the following conditions:

- 1. Based on plan titled “The View at Ossipee Family, LLC, plan date December 27, 2019 stamped received 02/05/20**

The board reviewed the Special Exception Worksheet for **Article 3, Section 304.6.6.4** as it pertains to **Tree cutting greater than 12.5% slope between 75 and 300 feet of reference line**.

- | | |
|----------------|----------------|
| 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. All trees cut are to create space for home and septic**
- 2. Lot is very narrow as are all lots in this area**
- 3. Lot lines were adjusted because original structure was built across the 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 greater than 12.5% slope between 75 and 300 feet of reference line in the Town of Freedom Zoning Ordinance is granted with the following conditions:

- 1. Based on plan titled “The View at Ossipee Family, LLC, plan date December 27, 2019 stamped received 02/05/20**
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The board reviewed the Special Exception Worksheet for **Article 3, Section 304.6.7.3** as it pertains to **Exceeds 10% impervious area**

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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. All trees cut are to create space for home and septic**
- 2. Lot is very narrow as are all lots in this area**
- 3. Lot lines were adjusted because original structure was built across the line**

Based on the foregoing findings of fact, the requested Special Exception from **Article 3, Section 304.6.7.3** as it pertains to Tree cutting greater than 12.5% slope between 75 and 300 feet of reference line in the Town of Freedom Zoning Ordinance is granted with the following conditions:

- 2. Based on plan titled “The View at Ossipee Family, LLC, plan date December 27, 2019 stamped received 02/05/20**

Case #27-3-20 Anthony & Darlene Fabrizio

Applicant seeks an appeal for a Special Exception under Article 3, Section 304.6.4.1 Erosion Control, Variance under Article 3, Section 304.5, front and side setbacks, Variance under Article 7, Section 706.2 expansion of a non-conforming structure side setback, and Variance under Article 7, Section 706.3 Exceeding height of existing non-conforming structure. At Map 27, Lot 3, 427 Pequawket Trail.

Craig Niiler recused himself from this application as he is a part owner of the right of way, but will participate in discussions. Denny Anderson, Alternate will be voting for Craig.

Guy Dixon, Architect for the applicant was present, along with the applicants to present the application. He noted that the shed beside the garage is also to be demolished, and they would like to add a cupola. The cupola will not make the height more than 35 feet.

There were no members of the public or abutters present to speak to this application.

The board asked for distances to show on the plan from the 4 corners of the building closest to the property line. Scott made a motion to continue the application to March 24th, seconded by Jake, all in favor. The board told Mr. Dixon he does not have to attend the March meeting as long as the new plan meets all requirements and is received by the deadline of March 9. Application is continued to March.

Case #05-06-20 Camp Cody

Applicant seeks an appeal for a Special Exception under Article 8, Section 805 Location of off-street parking facilities at Map 5, Lot 6, Ossipee Lake Road. The applicant wishes to construct a parking lot on the property for the camp to use which is across Ossipee Lake Road from the camp. Ultimately installing a well and effluent disposal fields as well.

Alternate Denny Anderson will be sitting in as a voting member for Karl Ogren.

James Rines from White Mountain Survey & Engineering, Inc presented the application as agent for Camp Cody. The parking lot will be built across the road from Camp Cody which makes it a campground. The lot will be used daily by employees and will be paved per the site plan review unless the Planning Board waives the requirement. Denny Anderson asked if the lot would be gated during the winter and James said he will find out.

There were no members of the public or abutters present. There were no further questions from the board.

The board reviewed the Special Exception Worksheet for **Article 8, Section 805** as it pertains to **Location of off-street parking facilities.**

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

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

- 1. **Lot currently has no structures**

Based on the foregoing findings of fact, the requested Special Exception from **Article 3, Section 304.6.7.3** as it pertains to Tree cutting greater than 12.5% slope between 75 and 300 feet of reference line in the Town of Freedom Zoning Ordinance is granted with the following conditions:

- 1. **Per plan titled “Special Exception Application Plan for Camp Cody” dated 02/11/20**

Case # 05-05-20 Lutheran Outdoor Ministries of New England (Camp Calumet)

Applicant seeks an appeal for Special Exceptions under Article 3, section 304.6.1, construction in the shorefront, 304.6.4, erosion control, and Variances under Article 3, section 304.5 rear setback, and Article 304.6.6.2 Tree cutting within 75’ of the reference line. Applicant wishes to construct a retaining wall 511 feet long to stabilize slope erosion at Map 5, Lot 5, 1090 Ossipee Lake Road

John Krebs, Craig Niiler, Jake Stephen, and Denny Anderson (A) represented the board. Denny Anderson sat in as a voting member for Scott Lees. Scott Lees presented this application on behalf of Camp Calumet. Scott presented photos of existing conditions and stated the project has already been approved by DES. He also stated that only 1 tree will be cut.

There were no members of the public or abutters present. There were no further questions from the board.

The board reviewed the Special Exception Worksheet for **Article 3, Section 304.6.1** as it pertains to **Construction in the shorefront.**

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|----------------|----------------|
| A. Carried 4-0 | J. Carried 4-0 |
| C. Carried 4-0 | K. Carried 4-0 |
| H. Carried 4-0 | L. Carried 4-0 |

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

There were none

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** in the Town of Freedom Zoning Ordinance is granted with the following conditions:

- 1. Per plan titled “Lutheran Outdoor Ministries of New England DBA Camp Calumet Lutheran”. Dated 02/07/20**
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The board reviewed the Special Exception Worksheet for **Article 3, Section 304.6.4** as it pertains to **Erosion Control**

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| A. Carried 4-0 | J. Carried 4-0 |
| C. Carried 4-0 | K. Carried 4-0 |
| H. Carried 4-0 | L. Carried 4-0 |

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

There were none

Based on the foregoing findings of fact, the requested Special Exception from **Article 3, Section 304.6.4** as it pertains to **Erosion Control** in the Town of Freedom Zoning Ordinance is granted with the following conditions:

- 1. Per plan titled “Lutheran Outdoor Ministries of New England DBA Camp Calumet Lutheran”. Dated 02/07/20**
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The board reviewed the **Variance** Worksheet for **Article 3, Section 304.5** as it pertains to **Rear Setback.**

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

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

There were none

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

- 1. Per plan titled “Lutheran Outdoor Ministries of New England DBA Camp Calumet Lutheran”. Dated 02/07/20**
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The board reviewed the **Variance Worksheet** for **Article 3, Section 304.6.6.2** as it pertains to **Tree cutting within 75’ of the reference line**

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

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

There were none

Based on the foregoing findings of fact, the requested variance from **Article 3, Section 304.6.6.2** as it pertains to **Tree cutting within 75’ of the reference line** in the Town of Freedom Zoning Ordinance be granted with the following conditions:

- 2. Per plan titled “Lutheran Outdoor Ministries of New England DBA Camp Calumet Lutheran”. Dated 02/07/20**

Other Business: The board discussed available dates of March 16 or March 23 to attend the Selectmen’s Meeting to discuss legal representation for the ZBA. Members will check their calendars and choose a date.

There being no further business before the board, Scott made a motion to adjourn, seconded by Craig. All in favor. Meeting was adjourned at 8:40 pm.

Respectfully Submitted,

Janice Zecher