

Zoning Board of Adjustment
May13, 2020
Minutes

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

Members Absent: Tim Cupka (A)

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

This meeting was originally scheduled for April 28 but had to be rescheduled due to a technical issue.

Meeting called to order at 7:00pm by Scott Lees. Scott read the following statement:

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting. However, in accordance with the emergency order, this is to confirm that we are: a) providing public access to the meeting by telephone and by access with Zoom, b) All members of the board have the ability to communicate in this meeting through the Zoom platform. The public has access to listen and, if necessary, participate in this meeting by dialing the number in the invitation. c) Providing the public with a mechanism to alert the public body during the meeting if there are problems with access. If the public is unable to access the meeting, we will adjourn the meeting and will have to reschedule it.

Roll call completed.

Case # 27-20-20 The Mogan Irrevocable Trust, Jeffrey & Deborah Mogan Trustees

continued from April

Applicant seeks an appeal for a Variance under Article 3, Table 304.5, front & Side setbacks, and Special Exceptions under Article 3, Section 304.6.4.1 Erosion Control and Section 304.6.7.3 Impervious area requiring storm water drainage plan. Applicant wishes to build a garage 38' X 36' with two 5" overhangs on the 36' ends. At Map 27, Lot 20, 466 Pequawket Trail.

James Rines reviewed the changes made to the plan. The eave of the building was turned, square footage of the building is reduced from 1400 sq ft to 1045 sq ft. The garage was moved back from the road about 5 feet, the building is going from metal to a wood frame construction. distance to right of way is 27 feet vs 15 feet previously, impervious percentage has been reduced, slab elevation has been reduced.

Karl asked about showing construction details of the erosion control on the plan. Jim said that is shown on the application for the shoreland plan. The board agreed to conditionally approve the special

exception. Jim will send over an electronic copy over after the meeting. The board had no further questions or comments, no abutters or members of the public spoke to this application.

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:

Based on the foregoing findings of fact, the requested Variance **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 Variance plan prepared for the Mogan irrevocable Trust dated 04-13-2020.
 2. A letter provided by a licensed land surveyor certifying that the slab was built in the approved location.
 3. Erosion control be installed prior to any earth moving and maintained in place until site is stabilized.
 4. All DES permits to be approved prior to construction.
 5. A letter from White Mountain Survey & Engineering certifying that improvements shown on the plan submitted are complete within 60 days of the completion of the garage, accompanied by photographs of the key areas.
-

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:

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. Per plan titled Variance plan prepared for the Mogan irrevocable Trust dated 04-13-2020.
 2. A letter provided by a licensed land surveyor certifying that the slab was built in the approved location.
 3. Erosion control be installed prior to any earth moving and maintained in place until site is stabilized.
 4. All DES permits to be approved prior to construction.
 5. A letter from White Mountain Survey & Engineering certifying that improvements shown on the plan submitted are complete within 60 days of the completion of the garage, accompanied by photographs of the key areas.
-

The board reviewed the Special Exception Worksheet for **Article 3, Section 304.6.7.3** as it pertains to Impervious area requiring storm water drainage plan.

- | | |
|----------------|----------------|
| 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:

Based on the foregoing findings of fact, the requested Special Exception from **Article 3, Section 304.6.7.3** as it pertains to Impervious area requiring storm water drainage plan in the Town of Freedom Zoning Ordinance is granted with the following conditions:

1. Per plan titled Variance plan prepared for the Mogan irrevocable Trust dated 04-13-2020.
2. A letter provided by a licensed land surveyor certifying that the slab was built in the approved location.
3. Erosion control be installed prior to any earth moving and maintained in place until site is stabilized.
4. All DES permits to be approved prior to construction.
5. A letter from White Mountain Survey & Engineering certifying that improvements shown on the plan submitted are complete within 60 days of the completion of the garage, accompanied by photographs of the key areas.

Case #28-17-20 Richard & Reagan Beudet

Applicant seeks an appeal for a Special Exception under Article 3, Section 304.6.4 Erosion control. Applicant wishes to construct a 28' X 47' home with a 10' deep deck facing the lake at 507 Huckins Road.

Jim Rines from White Mountain Survey & Engineering presented this application as agent for the applicant. There were no questions from the board. Abutters: Kurt Therrien, abutter spoke in favor of the project. No members of the public spoke to the application.

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:

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. Per ZBA Special Exception plan for Richard and Reagan Beaudet dated 04/13/20 and revised through 04/22/20
2. Erosion control shall be installed prior to any earth moving and shall remain in place until site is stabilized.

Case # 09-28-20 William Barrett

Applicant seeks an appeal for a Variance under Article 7, Section 706 expansion of a non-conforming structure and Section 706.1 No portion of the enlargement or expansion of a structure shall further encroach on the front yard setback beyond the existing overhang of the main structure. The applicant wishes to build an ell into space now partially occupied by a front porch and steps at 338 Scarborough Road.

Mr. Barrett reviewed his application with the board. There was a question of the width of the ADA compliance which is 36" of clearance. Bill said he will build the porch wide enough to be ADA compliant if the board will allow, but it will be a little bit closer to the road than shown on the current plan. John Krebs asked Bill for clarification on the location of the septic tank. No abutters or members of the public spoke to the application. Scott would like to see the ramp and steps be ADA compliant. Bill believes he can make adjustments to meet this. Scott would like Bill to revise the plan to show the dimensions of the kickout which is 6 feet and the porch labeled as 7 feet so the plan matches the property when it is finished. The board was in agreement. Craig would like the proposed conditions shown on the plan. John Krebs asked about the front measurements and if it is to the right of way at the road. Bill doesn't know where the right of way is and measured to the center of the ditch. There was discussion about where to properly measure from for a setback number. Bill will measure from the edge of the traveled way, which was defined as the edge of the gravel to the overhang of the building. That will be noted on the plan.

Karl made a motion to continue the application to the May 26 meeting, seconded by John.

There being no further business before the board, Scott requested a closed meeting with the board. Meeting was closed at 8:40 pm.

Respectfully Submitted,

Janice Zecher