

Zoning Board of Adjustment
July 28, 2020
Minutes

Members Present via Zoom: John Krebs, Jake Stephan, Karl Ogren, John Quigley (A), Denny Anderson (A), Tim Cupka (A)

Members Absent: Scott Lees, Craig Niiler

Others Present: Janice Zecher, Recording Secretary,

In the absence of Chairman Scott Lees, the meeting will be chaired by John Krebs. John called the meeting or order at 7:00 pm.

Roll call completed, and John reviewed rules of procedure for the meeting.

Minutes of the June 23 meeting were reviewed by the board. Karl made a motion to accept the June 23 minutes as written, seconded by Jake, all in favor.

Case #24-9-17 Ronna Werner Revocable Trust *continued from June*

Applicant seeks an appeal for Variances under Article 7, Section 706.2, side setbacks, 706.3 exceeding height of a non-conforming structure, Article 3, Section 304.6.7.3 % of impervious surface. Special Exceptions under Article 3, Section 304.6.4.1 Erosion Control, and Section 304.6.6.2 tree cutting. Applicant wishes to demolish the existing home, replace with a new structure, no closer than the old structure to the front and side setbacks. Concrete walkway/boat ramp is being replaced in kind and in place setbacks. At Map 24, Lot 9-17, 151 Haverhill Street.

Denny Anderson recused himself for this application and Tim Cupka sat in for him. Erica Werner spoke as representative for Ronna Werner's continued application. She said the biggest change in submission this month is the added bioretention schematics. They have provided more information on how to deal with any stormwater runoff and drainage. The house is being moved back 5 feet.

John asked if there were any abutters or members of the public who would like to speak to the application. There were none.

The board reviewed the Variance Worksheet for Article 7, Section 706.2 as it pertains to expansion of a nonconforming structure (side setbacks).

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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. Changes suggested at the May Meeting
2. Very little increase in size
3. Much better drainage and water control than is currently on site
4. Tree is dying, in grid 2

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 dated 07/09/20 titled Zoning Plot for Ronna Werner Revocable.
 2. All state permits must be received before construction begins.
 3. Foundation certification to be submitted for footings.
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The board reviewed the Variance Worksheet for Article 3, Section 304.6.7.3 as it pertains to percentage of impervious structures.

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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:

Based on the foregoing findings of fact, the requested variance from Article 3, Section 304.6.7.3 as it pertains to percentage of impervious structures in the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Per plan dated 07/09/20 titled Zoning Plot for Ronna Werner Revocable Trust
 2. All state permits must be received before construction begins.
 3. Foundation certification to be submitted for footings.
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The board reviewed the Special Exception Worksheet for Article 3, Section 304.6.4.1 as it pertains to Erosion Control.

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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. Changes suggested at May meeting were implemented
2. Very little size increase
3. Much better drainage and water control than present

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 dated 07/09/20 titled Zoning Plot for Ronna Werner Revocable.
 2. All state permits must be received prior to construction beginning.
 3. All erosion control shall be installed prior to any earth moving and remain until the project is completed and is stabilized
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The board reviewed the Special Exception Worksheet for Article 3, Section 304.6.6.2 as it pertains to Tree Cutting or clearing of trees within seventy-five (75) feet of the reference line

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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. Changes suggested at May meeting were implemented
2. Very little size increase
3. Much better drainage and water control than present
4. Tree is dying, in grid 2

Based on the foregoing findings of fact, the requested Special Exception from Article 3, Section 304.6.6.2 as it pertains to Tree Cutting or clearing of trees within seventy-five (75) feet of the reference line in the Town of Freedom Zoning Ordinance is granted with the following conditions:

1. Per plan dated 07/09/20 titled Zoning Plot for Ronna Werner Revocable.
2. All state permits must be received prior to construction beginning.
3. All erosion control shall be installed prior to any earth moving and remain until the project is completed and is stabilized

Case #39-10-20 Joe Callanan & Deborah Stark *continued from June*

Applicant seeks an appeal for a Variance under Article 7, Section 706.2, Expansion of a non-conforming structure (rear setback) 47 feet. Applicant wishes to replace deck wood with Trex and take one side of deck (10 ft) and extend it 3 feet with cantilever construction at Map 39, Lot 10, 121 West Bay Road.

Deborah Stark had sent in a request to withdraw the application as she was unable to get state approval. She stated she will make repairs to the existing deck. Application was withdrawn without prejudice.

Case #38-01-20 Bella 13, LLC, Robert & Karen Monaco, *continued from June*

Applicant seeks an appeal for a Special Exception under Article 3, Section 304.6.4 Erosion Control and a Special Exception under Article 3, Section 304.6.6, tree removal. Applicant wishes to build a new 6-bedroom house and new garage at Map 38, Lot 1 West Bay Road.

Tim Cupka sat for Denny Anderson for this application.

Bryan Berlind with Land Tech presented the updated application for 2 special exceptions on behalf of Robert & Karen Monaco, who were also present. Bryan reviewed changes requested by the board in the June meeting. John Krebs noted a question asked of the Conservation Commission about stump removal. Bryan stated that stumps will not be removed within the 50 foot staked grid, and that the Monacos don't intend to do stumping within the 75 foot grid. He said that stumps would be removed in the retaining area.

There were no comments from the public, and no abutters present. The board had no further questions as the request for specific information had been provided.

The board reviewed the Special Exception Worksheet for Article 3, Section 304.6.4.1 as it pertains to Erosion Control.

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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. Requirements for special exception have been met
2. There is not a big slope on the lot.

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 revised 06/27/20 entitled "Proposed home ZBA SE Plan for Bella LLC"
2. All state permits must be received prior to construction beginning.
3. All erosion control shall be installed prior to any earth moving and remain until the project is completed and is stabilized

The board reviewed the Special Exception Worksheet for Article 3, Section 304.6.6.2 as it pertains to Tree cutting or clearing of trees within seventy-five (75) feet of the reference line.

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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. Requirements for special exception have been met
2. There is not a big slope on the lot.

Based on the foregoing findings of fact, the requested Special Exception from Article 3, Section 304.6.6.2 as it pertains to Tree cutting or clearing of trees within seventy-five (75) feet of the reference line in the Town of Freedom Zoning Ordinance is granted with the following conditions:

1. Per plan revised 06/27/20 entitled “Proposed home ZBA SE Plan for Bella LLC”
2. All state permits must be received prior to construction beginning.
3. All erosion control shall be installed prior to any earth moving and remain until the project is completed and is stabilized

Case # 23-4-3-20 Warren & Pierina Parece

Applicant seeks an appeal under Article 3, Section 304.2, 304.5 setbacks , and 304.6 setbacks. Applicant wishes to build an addition to existing garage at Map 23, Lot 4-3, 225 Haverhill Street.

Mark and Jacob McConkey presented the application as agents for Warren & Pierina Parece. The ZBA application requested appeal for a special exception under Article 3, section 304.6.4 erosion control, a variance under article 3, section 304.6.7.3 and section 310.1.6 structures cannot exceed 15% of the total area of a lot of record.

Shoreland permit has been approved, existing septic system will be used. Karl asked if Mark should also be applying for a side setback, Mark agreed.

John said he didn't think the board could act on the application until Mark applied for a variance under article 3, section 304.6.7.4. A role call vote was taken and it was unanimously agreed to continue the application to July.

Case # 38-8-20 Nancy & Tom Cristoferi

Applicant seeks an appeal under article 3, Section 304.5 by the ZBA. Applicant wishes to build a 2 foot retaining wall, level off the area around the house to plant grass at Map 38, Lot 8, 15 Birchwood Shores Road.

Tim Cupka sat in for Denny Anderson for this application.

Nancy reviewed her application for a retaining wall. She confirmed that the wall would come very close to being from property line to property line. There will be an approximate 10 foot walkway installed. John Krebs pointed out that Nancy needs a special exception for erosion control as well. Nancy said the denial did not tell her what she needed to apply for so she took her best guess. Jake said the plan also needs to show exactly where the wall is going. Karl further explained that the plan needs to be in great detail because of it is in the shoreline. Jake also said Nancy needs to apply for sideline setbacks.

John verified that Nancy needs a special Exception for erosion control, detail on where and how the wall is going to be built, dimensions from the house to the wall and the wall to the water. Distances

from the sidelines, calculate the impervious coverage of the lot. A roll call vote was taken and it was unanimously agreed to continue the application to July.

Case # 32-2-20 Troy & Stacy Fortier

Applicant seeks an appeal under article 3, section 304.2 setbacks and 304.5 setbacks. Applicant wishes to remove two existing, non-conforming residences and replace with a more conforming home and garage, still non-conforming at Map 32, Lot 2, 498 Ossipee Lake Road.

Tim Cupka sat in for Denny Anderson for this application.

Jim Rines from White Mountain Survey & Engineering reviewed the application as agent for Troy & Stacy Fortier. Jim is applying for the shoreland permit and the state criteria is to install fencing along the shore front. There were no members of the public or abutters present.

The board reviewed the Variance Worksheet for Article 3, Section 304.2

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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. Clean plan, no tree cutting
2. Clean up lot

Based on the foregoing findings of fact, the requested variance from Article 3, Section 304.2 in the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Per plan titled ZBA Variance application for Troy C. and Stacy L. Fortier, dated July 13, 2020
 2. All state permits All state permits must be received prior to construction beginning.
 3. All erosion control shall be installed prior to any earth moving and remain until the project is completed and is stabilized
 4. Foundation location to be certified by a NH Licensed Land Surveyor prior to start to ensure compliance with the plan.
 5. All existing buildings to be razed prior to start of construction.
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Case # 42-12-20 Daniel and Stephanie Welch

Applicant seeks an appeal under Article 3, Section 304.5. Applicant wishes to remove trees within 75 feet of the shoreline at Map 42, Lot 12, 41 Packard Drive.

Jim Rines from White Mountain Survey and Engineering reviewed this applicant as agent for Daniel & Stephanie Welch. The application is for a special exception under article 3, section 304.6.6, and a special exception under article 3, section 306.1. Grids were reviewed and the points are adequate. There were no members of the public or abutters present to speak to this application.

Jim verified for the board that stumps would be ground flush within 50 feet and remove stumps beyond 50 feet.

The board reviewed the Special Exception Worksheet for Article 3, Section 304.6.6.2 as it pertains to tree cutting or clearing of trees within seventy-five (75) feet of the reference line, and a special exception under article 3, section 306.1 as it pertains to erosion control.

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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. 21 trees are within 75 feet

Based on the foregoing findings of fact, the requested Special Exception from Article 3, Section 304.6.6.2 as it pertains to Tree cutting or clearing of trees within seventy-five (75) feet of the reference line in the Town of Freedom Zoning Ordinance is granted with the following conditions:

1. Per plan revised 06/27/20 entitled “Proposed home ZBA SE Plan for Bella LLC”
 2. All state permits must be received prior to construction beginning.
 3. All erosion control shall be installed prior to any earth moving and remain until the project is completed and is stabilized
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The board reviewed the Special Exception Worksheet for Article 3, Section 304.6.1 as it pertains to tree cutting or clearing of trees within seventy-five (75) feet of the reference line

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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. 21 trees are within 75 feet

Based on the foregoing findings of fact, the requested Special Exception from Article 3, Section 306.1 as it pertains Erosion Control in the Town of Freedom Zoning Ordinance is granted with the following conditions:

1. Per plan revised 06/27/20 entitled “Proposed home ZBA SE Plan for Bella LLC”
2. All state permits must be received prior to construction beginning.
3. All erosion control shall be installed prior to any earth moving and remain until the project is completed and is stabilized

Case # 24-12-20 DJH Investment Trust

Applicant seeks an appeal for a variance under Article 3, Section 304.5 setbacks and a special exception under article 3, section 306.1 erosion control. Applicant wishes to remove 4 existing, non-conforming structures and replace with a new home with setback violations at Map 24, Lot 12, 167 Haverhill Street.

Jim Rines from White Mountain Survey and Engineering reviewed this application as agent for DJH Investment Trust.

Jake mentioned there is no cross section for the silt fence. Jim said there is a cross section attached to the shoreland application and he can email it to the office in the morning.

Paul Nowak, abutter asked Jim Rines a clarifying question on the application. No members of the public spoke to the application.

The board reviewed the Variance Worksheet for Article 3, Section 304.5 setbacks

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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:

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 ZBA variance application for DJH Investment Trust dated 07/13/20
 2. All buildings are to be removed except garage before construction. Garage to be removed before final inspection.
 3. All erosion control shall be installed prior to any earth moving and remain until the project is completed and is stabilized
 4. Foundation location to be certified by a NH Licensed Land Surveyor prior to start to ensure compliance with the plan.
 5. All town and state permits to be obtained prior to construction.
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The board reviewed the Special Exception Worksheet for Article 3, Section 304.6.1 as it pertains to erosion control

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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. Lot is not steep.

Based on the foregoing findings of fact, the requested Special Exception from Article 3, Section 306.1 as it pertains Erosion Control in the Town of Freedom Zoning Ordinance is granted with the following conditions:

1. Silt fence detail to be emailed to town office the day following this meeting.
2. All erosion control shall be installed prior to any earth moving and remain until the project is completed and is stabilized

Other Business: The board reviewed details required on the denial of a zoning application in order for the application to be accepted by the ZBA.

There being no other business before the board, a motion to adjourn was made by John Quigley, seconded by Jake Stephan. Meeting was adjourned at 9:00 pm.

Respectfully Submitted,
Janice Zecher