

Zoning Board of Adjustment
August 25, 2020
Minutes

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

Members Absent: Scott Lees, Tim Cupka (A)

Others Present: Janice Zecher, Recording Secretary,

In the absence of Chairman Scott Lees, the meeting will be chaired by Craig Niiler, co-chaired by Karl Ogren. Craig called the meeting to order at 7:00 pm.

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

Minutes of the July 28 meeting were reviewed by the board: On page 5, last word for Cristoferi application, change “continued to July” to “continued to August”. Page 8, Add to beginning of DJH discussion: John Krebs recused himself, Tim Cupka sat in for John, Karl Ogren chaired this application.

A motion was made to accept the minutes as revised by Karl Ogren, seconded by Jake Stephan.

Case # 23-4-3-20 Warren & Pierina Parece *continued from July*

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.

Jake and Mark McConkey reviewed the revised plan. They pulled the building further back from the property line, the lot coverage is reduced and added a note asking for a variance. The original application was not denied under article 3, section 310.1.6 but will be noticed for the September meeting. Denial for this was decided by the ZBA. John Krebs feels there is already too much on the property line and feels this could easily be built on the other side. Jake felt it could be built on the left side and still have space. Karl felt it could be built smaller and that there are also other options. Mark asked the board to continue the application to September 22. There were no abutters or members of the public present to speak to the application. Jake made a motion to continue, seconded by Craig. All in favor.

Case # 38-8-20 Nancy & Tom Cristoferi *continued from July*

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.

Craig read a letter from the FCC outlining their concerns, which were as follows: “Length of silt net (turbidity curtain) at least 94’; infiltration ditch for stormwater runoff from roof onto 16’ long walkway and also along top of wall; will drain pipes be installed in the wall; any

native vegetation/plantings; SWQPA stipulates that only low phosphate, slow release nitrogen fertilizers may be applied within 50' of the reference line by licenses applicators.

After reviewing the revised plan with Nancy, the board asked her to revise her plan to show what the stormwater runoff plan is, that the wall will go to treeline on both sides, ¾ washed stone underneath 8" behind and below wall, 1 block should be buried below grade, construction detail and erosion control, setback dimensions, draw wall walkway steps, silt sock. Details from 8 ½ X 11, show infiltration trench, or how water will flow from walkway. Nancy will also need state shoreland approval. There were no abutters or members of the public present to speak to the application. Motion was made by Karl to continue to September, seconded by Jake. All in favor.

Case # 33-14-20 Fred & Patricia Laspisa

Applicant seeks an appeal by the ZBA. Applicant wishes to build a 22' X 24' garage at Map 33, Lot 14, 7 Abenaki Drive.

The board reviewed application for a variance under article 3, section 304.5 setbacks with the applicant, there were no members of the public or abutters present to speak to the application. No questions or concerns from the board.

The board reviewed the Variance Worksheet for Article 3, Section 304.5 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: None

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: None

Case # 38-06-03-20 John Ligouri

Applicant seeks an appeal under Article 3, Section 304.6.5.2. Applicant wishes to remove a healthy tree within 75 feet of water at Map 38, Lot 6-3, 6 Ligouri Drive.

John Ligouri presented his plan to the board stating his concern that the tree will come down on the house.

The board read the concerns from the FCC that state "Height of tree not listed, distance of tree from house not listed. SQWPA tree removal point score affected.

The applicant said that this tree is 110 feet tall and approximately 50 feet from the house, and 21 feet from the water. He stated it has pine borer beetles. John Krebs asked if he would be willing to plant two 3" caliber trees that measure 6" above the rootball. One tree within 10 feet behind and one to the left within 50' of the tree being removed, and would like to have a licensed arborist to declare the tree diseased. Mr. Ligouri is amenable to this and said he will plant apple trees of this size.

The Zoning Officer will follow up to verify that these trees have been planted.

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

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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: None

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

1. Plant two 3” caliber trees that measure 6” above the rootball. One tree within 10 feet behind and one to the left within 50’ of the tree being removed.
2. Have a licensed arborist to declare the tree diseased.

Other Business:

The board tabled discussion about a joint meeting with the Planning Board until the September meeting when everyone on the board would be present.

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