

**Zoning Board of Adjustment**  
**October 27, 2020**  
**Minutes**

**Members Present via Zoom:** Scott Lees, John Krebs, Craig Niiler, Jake Stephan, Karl Ogren,  
**Members Absent:** Tim Cupka (A), John Quigley (A), Denny Anderson (A)  
**Others Present:** Janice Zecher, Recording Secretary,

Scott called the meeting to order at 7:00 pm, Roll call completed, and Scott reviewed rules of procedure for the meeting.

Minutes of the September 24 meeting were reviewed by the board: On page 1 top, Remove “via zoom”. Change roll call from John to Craig. Remove the last 2 lines above “new business”. Motion to accept minutes as amended made by Karl, seconded by Craig.

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

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.

The changes requested were acceptable to the board. There were no abutters or members of the public who wished to speak to this application.

The board reviewed the **Variance** Worksheet for Article 3, Section 304.5 as it pertains to side 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. Retaining wall will end 12’ from western property line and 20’ from eastern property line.
2. Retaining wall will be 19’ from each corner of foundation.

Based on the foregoing findings of fact, the requested variance from Article 3, Section 304.5 be granted with the following conditions:

1. Per plan titled retaining wall – Cristoferi with a received date stamp of 10/07/20
2. NHDES permits must be obtained prior to receiving town permits
3. Erosion control shall be installed prior to any earth disturbance and shall remain in place until site is stabilized

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 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. Retaining wall will end 12' from western property line and 20' from eastern property line.
2. Retaining wall will be 19' from each corner of foundation.

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 retaining wall – Cristoferi with a received date stamp of 10/07/20
2. NHDES permits must be obtained prior to receiving town permits
3. Erosion control shall be installed prior to any earth disturbance and shall remain in place until site is stabilized.

**Case # 22-78-20 Kevin & Linda Curry**

Applicant seeks an appeal under article 3, Section 304.2, front yard setback. Applicant wishes to replace deck and extend 4-feet toward the road frontage at Map 22, Lot 28, 15 Deer Run Drive.

Mr. Curry presented his application for expansion of his deck. He would like to expand the deck an additional 4 feet which encroaches on the front setbacks. The board asked Mr. Curry to show the distance from the edge of the property line to the edge of the proposed deck, and to draw the plan to scale. There were no members of the public or abutters to speak to this application. A motion was made by Karl, seconded by Craig. This application will be continued to the November meeting.

**Case # 51-33-20 PB&J Company**

Applicant seeks an appeal for a variance under Article 7, Section 702, change of non-conforming use. Applicant wishes to convert existing office space into two apartments at Map 51, Lot 33, 11 Elm Street.

Pamela Keith reviewed the application. She went through the history of the store in the town explaining that at one time, it had an apartment on the second floor. The apartment was remodeled to hold offices. The store is up for sale and PB&J Company is applying for a change of use. This will enable a buyer of the property to return the upper levels of the store back to either one- 2 bedroom apartment, or two-1 bedroom apartments if they choose.

It was noted that the septic allowances will not support two-1 bedroom apartments. Pam will change her application to specifically say one-2 bedroom apartment. The first floor will remain a dry goods store.

There were no members of the public present to speak to the application. Barbara McEvoy, abutter spoke in favor of the application.

The board reviewed the **Variance** Worksheet for Article 6, Section 607.1 as it pertains to Approval to Increase Load on a Sewage Disposal System.

- |                |                        |
|----------------|------------------------|
| 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. The office space in question was an apartment prior to 1997
2. State approved septic system will accommodate a single 2 bedroom apartment
3. The space may be office space or an apartment but not both

Based on the foregoing findings of fact, the requested variance from Article 6, Section 607.1 be granted with the following conditions:

- 1. This approval is to allow the continued use of the first floor as a dry goods store, and allow the second and third floors to be converted to a 1 or 2 bedroom apartment, provided that the NHDES septic approvals are met.**

#### **Other Business:**

Mark McConkey approached the board regarding an application that was not on the agenda. The application was not on the agenda as the application copies were not provided as part of the process. Attempts had been made to contact Mr. McConkey with time to make the deadline.

Scott asked if the Board of Selectmen had suggested an alternative to coming to the ZBA meeting to discuss legal representation and enforcement of zoning laws. Janice had not received anything but will go back to Ellen White to ask for suggestions.

The November 24 meeting was discussed. Because of the potential for lack of a quorum, it was decided to change the meeting date to December 1 but keep the deadline for submission the same.

Respectfully Submitted,  
Janice Zecher