

**A PUBLIC HEARING AND A PUBLIC MEETING** of the  
Freedom Planning Board will be held  
On **Thursday, November 19, 2020**  
at 7:00 p.m. at the Freedom Town Hall

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04 and following the declaration of an emergency by the Chair of the Freedom Planning Board, , this Board is authorized to allow to meet electronically.

*This meeting will be held at the Freedom Town Hall (16 Elm Street) and can also be accessed via zoom or telephone. To join the meeting via Zoom, please go to <https://us02web.zoom.us/j/87339273294> Meeting ID: 873 3927 3294*

*If you do not have internet access, please use this phone number: 929 205 6099. If anyone wanting to join the meeting has a problem accessing the meeting, please call 603-539-3858 at the time of the meeting.*

The meeting was called to order at 7 pm by Anne Cunningham. Present are: Anne Cunningham, Pam Keith, Bill Elliott, Carol McIntire, Paul Olzerowicz, Les Babb. Carol is sitting in for Paul Elie, who is absent. Jeffrey Towle is also absent.

**PUBLIC HEARING**

- Determine if the Planning board, acting on a motion for limited remand that has been approved by Carroll Country Superior Court, will move to reconsider its decision of June 18, 2020 on its own motion regarding its approval of a reduced deck as part of a minor subdivision application for Ms. Linda Worthen, Map 38, Lot 3-3.

The history of this application was reviewed. The attorney suggested that the Board review their decision. In August, Attorney Sager filed a complaint with the Court, including a complaint that the Planning Board did not hold a hearing, but held a meeting. This hearing tonight has been scheduled for that purpose.

The building inspector indicated that the distance must be 36" plus the width of the railing. The Planning Board felt that increasing the depth of the deck by one foot would remedy the problem.

The meeting was opened to the public. Richard Sager, attorney for the applicant, addressed the Board and gave some additional history to this application. The applicants would still like to have a 14' deck. Photos were shared to show the pathway for location of the deck. Under to covenants of the condo association, the clients are allowed to expand into common area.

Anne asked if the Board would like to entertain reconsidering the width of the deck. The Board does not indicate that they want to do this. The Selectmen wrote a letter to the Planning Board, which was distributed. The letter urged the Board to not reconsider their decision and shared options for hot tubs that will fit in the space.

Robert Trepsas, resident at the property, spoke about their plan for the hot tub. The last page of the packet handed out shows the exact size of the tub they are planning to use. He feels that it is not the Planning Board's place to design his deck for him.

Attorney Sager spoke about the letter from the Selectmen, in which he feels indicates that they are speaking to an application for a hot tub. This is an application for a deck. He asked what is being violated by having a 14 foot deck.

Anne indicated that this hearing is for the purpose of correcting the code violation and that the Court has been given the concerns about the wish of the owners in regards to the size of the deck.

Mr. Trepsas feels that the Court asked the Planning Board to reconsider the original application for a 14' deck, not just to correct the code violation created by the decreased size of the approval. Mr. Trepsas has concerns that another property owner has done some building with no issues. Mr. Babb denies this.

Anne made a motion that the Planning Board will extend the outside length of the deck from 19 to 20 feet to cure the building code violation, and request that the Building Inspector approve only the minimum size railing allowed in the building code. Pam seconded.

The hearing was closed and the Board returned to the regular meeting.

The motion was approved

Pam Keith – aye

Bill Elliott – aye

Carol McIntire – aye

Les Babb – aye

Paul Olzerowicz – aye

Anne Cunningham – aye

Mr. Sager would like a copy of the recording of this meeting.

### **PUBLIC MEETING**

- Senior housing-Theresa Kennett - unable to attend this month. Mr. Harrison, Mt. Washington Valley Housing Authority, will come to our December meeting.
- Review minutes of October 15, 2020 meeting- Paul Elie - page 1 last paragraph, ad"in" between is/town. Insert Lees after Scott's name. Insert Craig Niiler instead of other member. 3rd pg 2nd paragraph - 4th line - Shoreland Water Quality Protection Act. Streams of level 4 or above is for the next line, not level 6. Public comment - fix this per Anne's notation – “The issue was reported to the DES and is being investigated by the Hazardous Materials Inspector.” Pam made a motion to approve the minutes as amended, seconded by Bill. APPROVED
- Review and decide on conditions for allowing detached ADUs - Discussion is held regarding current nonconforming lots. (904.5.2) 68% of lots are nonconforming. Sketches were shared that showed what this would look like if DADUs were allowed on lots that are at least half acre. With the half acre limit, 82% of lots would be allowed to build a DADU. If you use .6 acre as the guideline, the numbers are slightly better.  
Pam feels that it would be best to eliminate the DADU option. Bill seconds that opinion. Carol likes the option of the .6 acre lot. Les is concerned about detached units on nonconforming lots, how to preserve the rural character, and mentions the density. Paul wants to provide options for families of different types of means, but also has a concern about rural character. Pam has mixed feelings about whether she would be supportive of DADUs for conforming lots. Bill does not want to see DADU, no matter how many restrictions. Jean Marshall asked what nonconforming definition is, if it is just on lot size. Anne will check the legality of the nonconforming language. Anne would like to do something that will increase the housing options in the town, and is OK with doing something with the conforming lots.  
Pam would like to table this project for now. Bill and Carol agree, as does Les. Paul is in favor of allowing them on conforming lots and watching that for a number of years to see how it progresses.

- Review proposed shoreland protection ordinance language (and revised Section 304.6) - this will be done at the December meeting.
- Review language for adding a restriction on auto repair shops as a Home Occupation (article 15) - page 17 - Pam has an issue with small engines being in this restriction. Les spoke about special exceptions that may not fall under home occupation. He feels that we should add that uses allowed by special exception should not be considered a home occupation. Anne made a motion to tht the changes to Article 15 Home Occupations as shown on the material for this months meeting, plus the addition of the statement that uses allowed by special exception will not be considered a home occupation, will be put forward in December in a public hearing as a proposed Zoning ordinance change. Bill seconded. APPROVED
- Discuss how and where to include requiring a foundation survey for any application that is requesting a variance from any setback. This could fit in Section 21.01. Suggested language is presented. Anne would like to review this with the ZBA. Les recommends language that mentions any foundation permitted by variance that encroaches 25% or more into any setback would be required to have a foundation survey prior to the pouring of concrete. The Zoning officer shall review the survey. Anne made a motion to put this forward to a public hearing at the December meeting. Les seconded. APPROVED
- Review final stormwater management language - as distributed. Les made a motion to move the Proposed Stormwater Management Ordinance to a public hearing in December. Pam seconded. APPROVED
- Review schedule for ballot question review and approval - Anne compiled a list. Detached ADUs and Senior Housing will be removed.
- Review Planning Board 2021 Budget - the proposed budet was distriuted. She would like to ask the Board to ask the Selectmen to encumber the \$600 of mapping money. Paul made the motion to request encumbrance of \$650 for mapping for 2021. Bill seconded. APPROVED Pam made a motion to approve the proposed budget for 2021, Paul O. seconded. APPROVED

Pam made a motion to adjourn at 8:41 pm, Paul O. seconded. The meeting was adjourned.

Respectfully submitted,  
Melissa Donaldson  
Recording Secretary