

**ZONING BOARD OF ADJUSTMENT
TOWN OF FREEDOM
Tuesday, March 9, 2021**

Public Meeting

The meeting was called to order at 7 pm by Chairman Lees. Present are: Scott Lees, John Krebs, Jacob Stephan, Tim Cupka and Denny Anderson. Tim is seated for Craig Niiler, Denny is seated for Karl Ogren.

- **Review minutes from January 26, 2021** - pg 3 - space in the paragraph that doesn't belong. Mountview should be one word. Scott made a motion to accept as amended, John seconded.
Scott – yes
John – yes
Jake – yes
Denny – yes
Tim – yes
- **Unfinished Business**
- **New Business**

Public Hearings

Case # 01-01-01-20 Devin & Lance Bolduc *continued from December 15*

Applicant seeks an appeal for a Variance under Article 4, Section 406 as it pertains to septic tank or leach field being closer than 125 feet to a wetland. The applicant wishes to subdivide 3.32 acres from lot 01-01-01, construct a septic system and 2-bedroom garage/apartment on the new lot. Mark McConkey presented information. A new plot was given to the Board. The surveyor stamp and the wetland scientist stamp, as well as additional details are included on this plot. The proposed well line is now coming into the driveway and the driveway was moved further from the edge of the wetland. The well slurry will be pumped away from the wetland area.

Denny is not sitting for this, as he is an abutter. There are 4 sitting members, so Mr. McConkey is advised that he has a right to 5 members. He declined the opportunity to wait.

Steve Becht - on Zoom we are not able to view the plan. Can a screen be shared? He would like someone to define what is being done in a temporary impact area that is shown. Mr. McConkey explained that there is no other place to do this. His concern is with the driveway, and he asked if it would be able to be closer to Haverhill Street. Mr. McConkey explained that there are wetlands that affect this decision.

Dan F. - abutter – supports the variance.

Planning Board felt that the lot configuration was unique and will not establish a precedent.

Public input was closed.

Vote on variance:

Scott - yes

John - yes

Jacob - yes

Tim – yes

Conditions - per plan dated 2/1/21, erosion control shall be used and stay in place until construction is done and site is stabilized. Paul King must provide documents showing tank and piping to be outside of the setback before it is backfilled.

Conditions - vote

Scott - yes

John - yes

Jacob - yes

Tim - yes

Denny is now back on the Board.

Case #15-6-21 Heidi & Matthew Glavin *continued from January 26*

Applicant seeks an appeal for a Special Exception under Article 9, Section 904-904.2 as it pertains to Accessory Dwelling Unit, and a Variance under Article 3, Section 304.3 as it pertains to setbacks. The applicant wishes to build a detached barn with an accessory dwelling unit at Map 15, Lot 6, 311 Burnham Road. The Glavins spoke regarding the project. John Ray sent a letter. He is an abutter. He is in support of the variance. There is also a letter from the Planning Board. The letter was read out loud. The square footage of the proposed apartment would be 576 square feet. Denny spoke about the above ground pool and asked if the apartment could go on the other side of the house. This is because of the bulkhead and sewer line. Denny is inclined not to approve it due to the fact that it could be put on the other side of the house. John originally felt the same way as Denny, but feels that it is a big lot in a rural location. The rear abutter does not appear to care that the structure would be closer to the lot line.

Anne Cunningham spoke about the variance and the section it is for. She asked about septic requirements and parking requirements. The septic approval is for 4 bedrooms. The current home has 3 bedrooms and one bedroom proposed for the addition. The occupant will not have a car.

The notice is flawed, but was originally correct.

Vote on variance: 9.04.2 -

The five items were read through.

* not contrary to public interest –

Scott – yes

John – yes

Jake – yes

Denny – no

Tim – yes

Passed 4-1

* spirit of ordinance observed –

Scott – yes
John – yes
Jake – yes
Denny – no
Tim – yes
Passed 4-1

* justice is done –

Scott – yes
John – yes
Jake – yes
Denny – no
Tim – yes
Passed 4-1

* surrounding property values –

Scott – yes
John – yes
Jake – yes
Denny – yes
Tim – yes
Passed 5-0

* unnecessary hardship –

Scott – yes
John – yes
Jake – yes
Denny – no
Tim – yes
Passed 4-1

* use is reasonable

Scott – yes
John – yes
Jake – yes
Denny – no
Tim – yes
Passed 4-1

Condition 1 - dated plan with today's date, Glavin plan.

In Favor of granting the variance-

Scott – yes
John – yes
Jake – yes
Denny – no
Tim – yes
Passed 4-1

Reducing setback –
Scott – yes
John – yes
Jake – yes
Denny – no
Tim – yes
Passed 4-1

Per Glavin Plan 3-9-21
Variance Vote
Scott – yes
John – yes
Jake – yes
Denny – no
Tim – yes
Passed 4-1

Case #12-34-21 Joseph, Samuel, and Michael Rogers *rescheduled from February 23*
Applicant seeks an appeal for a Variance under Article 3, section 304.4 to have a commercial business in the rural residential district. (Proposal is not a home occupation because it exceeds the standard set in Article 15, Section 1504.7.)

This item was withdrawn without prejudice via email from the applicant.
Scott – yes
John – yes
Jake – yes
Denny – yes
Tim – yes
Passed 5-0

Case #01-01-01-21 Devin and Lance Bolduc *rescheduled from February 23*
Applicant seeks an appeal for a Variance under Article 3, Section 304.2 as it pertains to constructing a retaining wall in the setbacks for a driveway entrance off Haverhill Street. Denny is not participating in this. Mr. McConkey is satisfied with only 4 members. The plan is shared on the screen. Mr. McConkey reviewed the plan. The height of the wall was incorrect. Scott Brooks was consulted. Driveway and retaining wall cross sections were included. A negative pitch back from the road has been designed. Discussion was held about not paving the driveway in the future. Super-elevating gravel was also discussed. Mr. Krebs is concerned about the size of the stone and that it will be filled with silt. Perforated pipe with a silt sock is mentioned. A larger stone requirement is agreeable to Mr. McConkey. There is also discussion about the general feeling that the drive should be paved, and the stone should be at least an inch or an inch and a half. There is a feeling that the wall should be block, not boulders. The wall is 3' tall. The Board has been interested in a higher wall, but Mr. Brooks was against that. There is concern that the height could cause a car to roll over. Coleman could engineer something for the strength of the wall. A railing could be installed. Discussion was held about the drainage on the sides of the garage.

Steve Becht asked about the 15" culvert, and what that is. He also asked if a variance was needed for the wetlands.

Anne Cunningham spoke about the article she sent to the Board regarding the stormwater article that was being voted on.

John Panagiotakos - is agreeable to paving the front drive if needed.

John would like the wall poured in place or Redi Rock. There are no other concerns about the wall.

Regarding the stormwater, paving and drip edge are mentioned. John would like to have the applicant come back next month with ready rock detail, drip edge showing 1 1/2" minimum stone, note on plan for paved driveway, and a grading plan showing that the driveway is crowned from both the garage and Haverhill Street to the low spot and that it is super elevated at 20' either side of the swale. Spot grade needs to be more specific; Mr. McConkey clarified that spot grades be provided along the center line of the driveway and on the edge of the driveway 10' of either side of the culvert. Clarify gutter across the front of the building or a grate in the pavement shall be provided. He would also like to see the drip edge eliminated where it is not needed. Jacob agrees with John. Tim likes the idea of paving and 1 1/2" stone. Scott agrees also.

Recap of John's requests:

Retaining wall ready rock or another similar stone

Stone - 1.5" minimum with fabric under trench

Driveway paved

Crowned driveway from garage to low point and edge of right of way to low point.

10' on either side of drive super elevated

Directed to swale

Spot grading

Gutter across front trench or grate in paving

Scott made a motion to continue this to the April meeting. April 12th is the deadline. Tim seconded the motion.

Scott – yes

John – yes

Jake – yes

Tim – yes

All in favor 4-0

Denny was brought back in as voting member.

Case #24-14-21 Paul & Joy Nowak *rescheduled from February 23*

Applicant seeks an appeal for a special exception under Article 3, Section 304.6.4 erosion and sediment control plan, Article 304.6.6 cutting and removal of trees and natural vegetation—owner proposes to cut trees and disturb the soil to construct a new home, well, driveway and septic system. John Krebs recused himself. Mark McConkey presented the information. The septic issue has been settled. Erosion control and a silt sock, drip line trenches have been added. Trees to be cut are shown. Slope does not

exceed 12%. Scott Brooks has issued a driveway permit. The Board had no questions for Mr. McConkey.

No abutters spoke. No public comment was received.

A foundation survey is requested. Tim notes that the legend has an error in it.

Special exception 304.6.6 Tree Cutting

Scott – yes

Jake – yes

Denny – yes

Tim – yes

Passed 4-0

No Condition - plan titled Paul Nowak 11 Orchard Lane 2/7/20 -

Scott – yes

Jake – yes

Denny – yes

Tim – yes

Passed 4-0

Special exception - Erosion control

Scott – yes

Jake – yes

Denny – yes

Tim – yes

Passed 4-0

Conditions Paul Nowak 11 Orchard Lane 2/7/20

Erosion control must be installed prior to any earth movement

Must remain in place until construction is completed and site is stabilized

Scott – yes

Jake – yes

Denny – yes

Tim – yes

Passed 4-0

Mr. McConkey thanked the Board and Gary Williams.

Case #37-7-21 Lindsey Archilla and Denise Savoie *rescheduled from February 23*

Applicant seeks an appeal of a Variance from Article 3, Sections 304.2 and 304.5 as it pertains to constructing a shed in the setback. Mr. Krebs is re-seated.

Ms. Archilla presented the plan. They are seeking a variance to allow the setback be reduced to 4' from the property line. Note 6 is incorrect on the plan. Side and rear setbacks should be 30'. Lot coverage will be 9.5%. Shoreland setbacks were clarified.

No abutters or public commented.

Nancy Trombini is present on the phone. We explained to her where the shed would be. The Board and the applicant explained the location. She is supportive of the proposal.

Vote on variance -
Scott – yes
John – yes
Jake – yes
Denny – yes
Tim – yes
All in favor 5-0

Conditions per plan titled West Bay Road Archilla Savoie 9/3/19

John would like to correct plan note 6 and add a note explaining what the variance is being given for - a shed on a lot under .5 acre for a 15' front and side setback. The cost is prohibitive for the owner. The Board is OK with leaving the plan as is. John noted that there is also a mistake in the locust map referring to Bay Point Rd. Lindsey will consider becoming an alternate.

Scott – yes
John – yes
Jake – yes
Denny – yes
Tim – yes
All in favor 5-0

Public Meeting

- **Communication and miscellaneous.**
- **Alternates are needed**

Respectfully submitted,
Melissa Donaldson
Recording Secretary