

TOWN OF FREEDOM
Planning Board
Thursday, October 21, 2021 7:00 p.m.

The meeting was called to order at 7 pm by Anne Cunningham. Present are: Anne Cunningham, Beth Earle-alternate, Paul Olzerowicz, Bill Elliott, Jeff Nicoll-alternate, Jeffrey Towle (7:05 pm), Ernie Day- Selectmen's Representative. Members of the Zoning Board present are: Craig Niiler and Carl Ogren. Zoning Officer Gary Williams is also present.

Joint meeting of the ZBA and Planning Board. Topics will include

- Special exceptions for tree cutting (section 703) – give authority to the Code Enforcement Officer? A variance would still need to go to the Zoning Board. Beth asked if they are allowed to confirm. They are not allowed to do an actual count. That would be Gary's job. He does not have a problem with looking at these. Jeff asked if any aspects of the ZBA review would no longer be accomplished if Gary took this over. One aspect would be the “healthy, well distributed stand”. This is not clearly defined. The ZBA will still be seeing the plan, but will be focused on the grids that are less than 100 points, not all of the grids. Anne spoke about some permits that the Zoning Officer can grant. In the past they were comfortable with a particular officer doing it, but there may be concern with a different individual. Anne is comfortable with Gary doing this, but should the personnel change, she would hope to be able to send it back to the ZBA. The Planning Board appears to be supportive of moving forward with language for this. Jeff Nicoll asked about noticing of abutters. Abutters do not really have much that they can say about special exceptions. A variance would be different.
- Grid system (section 703) – there is a lot of leeway in a large grid. The State has cut their grid widths in half, but hasn't changed the density. This keeps the trees distributed more evenly. We are more relaxed than the State on the waterfront requirements. Splitting our requirements into smaller units could help. Craig suggests following the State grid requirement, then adding a 25' grid behind that. Jeffrey does not feel that this will make less work. Jeff Nicoll is in agreement that there is a lot of confusion between the State and the Town requirements. There has been increased pressure for tree removal at the shoreline because there are larger trees in the back. He discussed points per square foot. NH requires .020, Freedom option 1 makes .040, option 2 makes .044 and .032 further back from the shore. He feels that option 2 would be the best to protect the trees down by the shorefront. Paul O. asked what the ZBA feels about Option 2 as opposed to what the State has in place. Their original thought was not about increasing the density. Smaller grids will solve the problem of unnecessary counting of trees. Paul O. asked what would be the negative impact if Freedom adopted the State process. Carl feels that if we adopt the State standard we will have better distribution of trees, with approximately the same amount of points. Anne is not supportive of reducing the setback to 50' from our current 75'. Craig is concerned that sloping lots would be cut to 48' or 49'. The Planning Board is supportive of keeping it

protected. This will make this process more effective. The Planning Board will work on addressing this.

- Septic setback from wetlands (section 406) – Freedom currently has a more strict standard than the State does. The ZBA currently issues variances as long as they are meeting the State standards. Scott would like to see this removed. Alan Fall spoke about the history of where this came from and what it has morphed into. Science supports setbacks of 50 feet, 75 feet with poorly drained. Jeff Nicoll asked if when the ZBA reviews placement of septic systems, are they taking soil quality etc, into consideration? This is already done with the State approval. The ZBA may check that the wetlands have been properly delineated, but do not check test pits. Paul O. recommends changing the 125' to 75', or eliminating it entirely. The Board supports moving forward with working on this.
- Accessory uses (section 309) – this is in regards to trucks and large GVW(gross vehicle weight). The Ordinance says that you need a special exception and not a variance. Should we change the ordinance to state that you need a variance. There are no standards for the special exception. Under home occupations, we explicitly stated something that cannot be done. We can make a weight restriction for parking vehicles. This was brought to the ZBA for an 18-acre parcel, and an owner who wants to be able to park his chip truck there. Loaded it is 99000 pounds. This was not granted because there is no way to screen it. Section 309 should state a limit and that a variance is required after that. Beth asked if the variance would stay with the land if the owner left. Yes, unless the use was abandoned for 2 years. A special exception would go with the land as well. Anne is concerned that this may take a little more time than we have, and suggests that we keep it on the list but put it toward the bottom.
- Wetlands Setbacks – the ordinance does not specify a setback for buildings from wetlands. Gary needs some language to assist him. Jeff Nicoll is supportive of this. We can look at some other towns to see what they have for a setback number.
- Septic plans required – this should be added into the checklist. The State has a ruling on file that a new septic approval is required if it is over 20 years old.
- Recreational camping – Anne gave the history on this. We are now needing to address camping on undeveloped lots. Do we want to clarify that recreational camping is for lots that have an existing well. The current ordinance does not say that they cannot do it. The ordinance does say that there must be a State approved septic system on the lot. Jeff Nicoll supports clarification of the ordinance.
- Driveways – there have been some issues with families accepting that they have not been granted the driveway configuration that they want. Section 805 states that the Town working with its representatives along with the Road Agent will issue the permit.
- Food trucks – currently operating at three businesses. Applications could be forthcoming for parking in the village, etc. Gary is asking for regulations. They have to have a permit from the State. They are focused on food safety and cleanliness. They are not as concerned about the parking. Some cities have regulations. Paul O. asked about a permitting process, and the ability to cancel their permit.

- Tree cutting between 75' and 300'. We currently require a cutting plan for sloped lots. Gary has presented a couple of ideas of how to approach this to achieve the goal of the ordinance. We will revisit this when Les is present at the meeting. Anne requested that the ZBA send any additional ideas to her for consideration.

Mark McConkey thanked the Board for making this information available, and agrees with most points that have been brought forward. Wetlands – if you are going to set a standard, make it a performance standard. Special exception – you need to change that because people are led down the path that it is a special exception, if it doesn't meet, what do you do? Septic plan required is a State standard. Recreational camping – what does ordinance say you can do for temporary housing? There is a provision for this only if the home has been destroyed by fire, not new construction. Tree cutting is very important, because there are a lot of lots that slope. Putting people through the expense of counting trees when they don't want to build in an area is unnecessary. If you choose to go with smaller grids, you will need to adjust the total points for that grid. A lot of the changes being proposed are reasonable.

- Review minutes of the September 16, 2021, planning board meeting – Beth made a motion to approve, Jeffrey seconded. APPROVED
- Review options for setting sizes for DADUs - we do not have the sizes for this proposal. Anne found that there are 360 conforming lots. Finished first floor seemed to be the most sensible. Numbers were presented that show what lots would look like for DADUs depending on the percentage that is used. Jeffrey spoke about 600 square feet not being large enough. He feels that a DADU should be limited to 2800 square feet. Paul O. spoke about wondering what we are trying to accomplish with this. He calculated that 400 square feet would make a suitable studio. At 60% of most of the properties, this would work. Jeff Nicoll agrees with Paul's statement. Beth supports 60% up to 800 or 900 square feet. Discussion ensued about considerations for sizing. The Board is polled to see how they feel about this topic. Mark McConkey questioned if the only place to have a detached unit is if you have an existing garage or barn. New construction is allowed for this purpose. He feels that 800 square feet is too small to build. He believes in 1000 or 1200 square feet. Paul Wheeler disagrees with Mark. This is an accessory use and he wants the town to retain its rural character. He will only vote for this if it is small. Anne will continue to work on this. Jeffrey recommends writing down some sizes that seem reasonable, and that we draw first, second and third choices if we cannot reach a consensus.
- Review options for allowing STRs as total number of days per year – The Board of Selectmen is working on the licensing requirements. We have not determined how many days per year we are going to allow short term rentals. We have not put into our language that we want to allow people to earn some money from short term rentals that they use for part of the time. A summary document of STR models was distributed and reviewed. Beth is in favor of the 45 day limit. Jeff commends the level of detail that has been put into this. He is not interested in supporting these as investment properties. His work showed that 19 days would cover the expenses. Anne's charts show that if we go much higher than 45 days, there could be some properties in Freedom that could be purchased as investment properties. Paul

Wheeler feels that 45 days is not enough. He suggests limiting the summer and being less restrictive in the winter months. Paul asked about how all of this will be enforced. Ernie stated that enforcement would have to be paid through licensing fees. The purpose of limiting days is to eliminate investment properties. Mark McConkey suggested going with 45 days. Should we add to the intent: allowing people who are part time residents of Freedom to rent their homes in order to earn some money toward their taxes and maintenance. We will stick with the 45 days for the draft ordinance. Anne will send it to the Town Attorney and we will have a public hearing in November.

- Public Comment – Linda Mailhot – short term rentals – likes the idea of 45 days, but wonders if that number should be a multiple of 7 (42 or 49). More days will make it more attractive for properties to become investment properties. DADU – where she lived before, ADU only, no more than 50% of the home, less than 1000 square feet. Daymond Steer – would the permit process make you state the days that you plan to rent? Paul O. wonders if the Town would be able to get the rooms and meals tax reports. Daymond also spoke about the theoretical models. Is this a public document? It is a discussion draft so Anne feels that we are able to withhold it. Daymond feels that it is a public document,
- Other Business that can properly come before the board

Bill made a motion to adjourn at 9:34 pm, Jeff seconded. The meeting was adjourned.

Respectfully submitted,
Melissa Donaldson
Recording Secretary