

TOWN OF FREEDOM

PUBLIC HEARING

Freedom Planning Board

Thursday, January 20, 2022

7:00 p.m. at the Freedom Town Hall

Draft Minutes

The meeting was called to order at 7 pm by Anne Cunningham. Present are: Anne Cunningham, Bill Elliott, Paul Olzerowicz, Carol McIntire, Ernie Day – Alternate Selectmen’s Representative, Jeff Nicoll-Alternate, Beth Earle-Alternate. Pam Keith and Jeffrey Towle are absent. Jeff Nicoll is seated for Jeffrey Towle. Beth Earle is seated for Pam Keith.

The items below will be voted on tonight, as to whether they will be on the ballot this year.

- **Article 1: STR**

Review and accept public comment on the proposed zoning language to regulate Short Term Rentals (STR)

Anne Cunningham – add to public record:

Everyone who lives in Freedom received an anonymous card. There are a couple of items that are not true, and something that was distorted. It says “Stop the Bans” – section 2.1 of the proposed language says that short term rentals will be allowed in all districts. This does not say that short term rentals are prohibited. It also says – Freedom has even considered door to door code enforcement in search of violations. The Planning Board has discussed short term rentals 9 times this year. There has been no indication that there was any idea that we would be searching door to door to find violations. It also says – Freedom wants your tax information. We met on January 6 and tried to determine a way to see if there was compliance with the number of days allowed. We are not looking for tax returns, just a report regarding Rooms and Meals Taxes.

Anne reviewed the changes on the proposed language for the ballot questions. Our attorney recommended removal of section 6.3. On 7.3 he suggested adding language, which has been done. A change was made on page 5 at his suggestion as well. Beth is concerned about language requiring insurance is not there, but this is at the suggestion of the attorney. Jeff sees that there is still a definition of inspections that refers to the Freedom Fire Department, and that inspection requirement has been removed. This could also apply to safety inspections. Anne will check with attorney regarding the housekeeping issues on definitions.

Roberta McCarthy – thanked the Planning Board for doing this. She is in support of this compromise.

Don Johnson – echoed Roberta’s comments. Appreciates the compromise.

Ned Kucera – says the same thing. Appreciates the current version of this, and the compromise.

Margie Amico – looked for the documents on the website and could not find it. Anne went onto the website and showed that the link to the proposed ordinance changes is on the first page of the website.

Tom Wilkinson – has questions about how grandfathering would work. The tax issue – it sounds like you are still requesting a tax document, and he has an issue with that. Anne clarified that there is no grandfathering in this language at this time.

Daymond Steer – Conway Daily Sun – SB249 is currently pending. Does the Board have any stance on whether the ordinance will stand up to the new law if it passes? Would anyone from the Board be going to Concord to testify? Anne explained what is in that proposed bill. The hearing is on Tuesday morning, and Anne is planning to send in some testimony, but not as the Chair of the Planning Board.

Les Babb sent a statement, which Anne read for the Board. He thanked the Board for their work this past year. He restated the purpose of this proposal.

Daymond Steer – has a copy of the amendment to SB249. He will email to Anne, and she will distribute it.

Marcia Santner – has a question about lawsuits – how will the Town of Freedom take care of a lawsuit? The Town has a budget for legal expense.

Daymond Steer – asked Ernie if the Board of Selectmen plans to increase the legal budget. It has been increased \$15000.

Tom Wilkinson – looked for the minutes from the last meeting. Have they been published? The draft is always available 5 days after the meeting.

The hearing was closed at 7:27 pm.

Beth made a motion to put this language on the ballot, Jeff seconded. APPROVED 6-1-0
Paul Olzerowicz

- **Article 2 Detached Accessory Dwelling Units**
Review and accept public comment on the proposed zoning language to allow Detached Accessory Dwelling Units (DADUs) - Paul O. questioned a typo that needs correction.
1104.4 – the language talks about ADU – should it be AADU?
1105.5.7 – granting of an ADU permit – does this include all ADUs or an AADU? This should be a DADU.

This was opened to public hearing at 7:32 pm.

Margie Amico – can apartment on garage be a short-term rental? No, it cannot. It is in section 1104.3.7 of the document.
The hearing was closed at 7:33 pm.

Beth made a motion to put this language on the ballot, Paul seconded. APPROVED 7-0-0

- Review and accept public comment on proposed zoning language for three changes to rules for tree cutting in the shorefront in order to provide greater water quality protection
Article 3 – Change the width of the tree counting quadrants
Anne explained the background for these proposed changes.

The public hearing was opened at 7:37 pm. No comment was received. The hearing was closed at 7:38 pm.

Beth made a motion to put this language on the ballot, Carol seconded. 7-0-0

Article 4 – Allow the zoning officer to approve tree cutting plans in compliance with the ordinance.

The public hearing was opened at 7:40 pm.

Jean Marshall supports this wholeheartedly. Compliance took an incredible amount of time.

Marcia Santner – agrees with Jean. This is an important thing, to have trees.

The hearing was closed at 7:42 pm.

Jeff made a motion to put this language on the ballot, Paul seconded. 7-0-0

Article 5 – Refine criteria for measuring slope for tree cutting from 75 to 300 feet from the shore

Anne explained these changes.

The public hearing was opened at 7:45 pm.

Jean Marshall – in support

The hearing was closed at 7:46 pm.

Jeff made a motion to put this language on the ballot, Beth seconded. 7-0-0

- **Article 6: Septic Setbacks**

Review and accept public comment on proposed zoning language changes to setbacks for septic tank and leach field setbacks to conform with state rules and to specify procedures for failed septic systems. (These changes do not affect requirements for setbacks in the protected shorefront.)

Anne explained this item.

The public hearing was opened at 7:49 pm.

Jean Marshall – wants to know why this is a good thing now. Anne explained that there have been no instances of anyone not being granted a variance. Secondly, the septic technology has much improved. The State has carved out the shorefront and protected that. Jean supports this item.

The public hearing was closed at 7:51 pm.

Beth made a motion to put this language on the ballot, Carol seconded. 7-0-0

- **Article 7 Construction setback**

Review and accept public comment on proposed zoning language to add a fifty (50) foot setback for construction near waterbodies subject to Stormwater Management regulations. (These changes do not affect requirements for setbacks in the protected shorefront.)

Anne explained this issue.

The public hearing was opened at 7:54 pm.

Jean Marshall – spoke in support of this.

The public hearing was closed at 7:54 pm.

Beth made a motion to put this language on the ballot, Bill seconded. 7-0-0

- **Article 8 Add Exclusion in Accessory Use Article to limit trucks >20,000 GVW**

Review and accept public comment on an ordinance change to exclude trucks greater than 20,000 pounds GVW (gross vehicle weight) as an accessory use

Anne explained this issue. This does not apply to vehicles that are public services.

The public hearing was opened at 7:57 pm.

Jean Marshall commented about this issue, and what was spoken of at the ZBA meeting.

Ned Kucera – does this pertain to being in a residential district, or a private road? This is in residential districts. Is there a variance available for this? It is an exclusion, so there is a possibility.

The public hearing was closed at 8:00 pm.

Paul made a motion to put this language on the ballot, Beth seconded. 7-0-0

- **Article 9: Residential Camping**

Review and accept on an ordinance change to the Residential Camping zoning rules to specify that camping is allowed only on lots with an existing dwelling unit and a NH state approved septic system.

Anne explained this issue.

The public hearing was opened at 8:03 pm.

Ned Kucera – definition of camping? Does that include campers, tents, all of the above? If the purpose of this is septic, he hates to see an exclusion if there is a house with septic on the adjacent lot. Anne spoke with that person today and told him that we would deal with his complicated situation next year, and that a variance would be obtainable.

Mary Lord – not in favor of restricting someone's land. There are composting toilets, and other ways to get around it. If the State approves a composting toilet, that will allow this.

The public hearing was closed at 8:06 pm.

Paul O. asked about 1201.3 – the end of the sentence refers to season – can that be “period allowed.” Anne will check into changing this.

Paul made a motion to put this language on the ballot, Bill seconded. 7-0-0

- Public comment
- Other Business that can properly come before the board

Merger of Lots for Map 40 Lots 27 and 27-1

There is no house on either lot. Nicole and James Blute are the owners of both properties.

The Board reviewed the information.

Carol made a motion to approve this lot merger for Map 40 Lot 27 and 27-1, Bill seconded.

APPROVED 7-0-0

Anne distributed a letter received from Mary Ellen Brennan in support of the short-term rental regulation. Darlene Johnson sent a letter against STRs.

Minutes of November 18, 2021, meeting – moved to February meeting

Minutes of December 16, 2021, meeting – moved to February meeting

Paul made a motion to adjourn at 8:18 pm, Jeff seconded. The meeting was adjourned.

Respectfully submitted,
Melissa Donaldson
Recording Secretary

Note: The full text of the ballot questions and the zoning language for DADUs, STR, and other ballot questions are available on the town's website (townoffreedom.net) and by request at the Freedom town office (539-6323) during regular office hours.

January 31, 2022

Good Afternoon,

As Freedom residents who own two homes, one on Berry Bay and another on Danforth Road, we have a vested interest in the Ossipee Watershed. We are committed to defending the Effingham Groundwater Protection Ordinance, which would prevent a gas station from being located in the town's groundwater protection district.

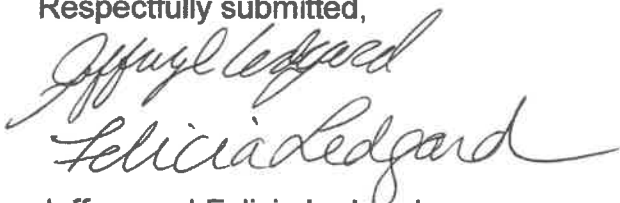
Under the supervision of the Green Mountain Conservation Group, we collect data and water samples from Phillips Brook off Route 25, which is less than 200 feet from a proposed gas station to be built by Meena, LLC. The brook is shallow and has a sandy bottom, making it sensitive to ground water contamination. The fragility of the ecosystem is a great concern to us as well as the preservation of pure well water of the families in Freedom on Leavitt Bay.

On August 23, 2021 we observed disruption in Phillips Brook when a large nearby lot that abuts the Effingham salt and sand facility was being clear cut by several pieces of heavy equipment. As compared to measurements made two weeks prior and following 8-23-2021, the collected data show an increase in conductivity (a measure of salinity), turbidity (measurement of particulate matter in water), and a decrease in oxygen. We reported these data and our concerns of the impact of clear cutting near the stream. How much worse would a nearby gasoline leak or contamination impact Phillips Brook, which empties into Leavitt Bay?

We are requesting that you urge the Effingham Planning Board to uphold the Groundwater Protection Ordinance and prevent a gas station from being located that is adjacent to Phillips Brook, Leavitt Bay and the towns of Ossipee and Freedom. As our Freedom representatives, we additionally request that you urge the Effingham Planning Board to treat this situation as having regional impact.

Thank you for your time and careful consideration of our concerns.

Respectfully submitted,

Handwritten signatures of Jeffrey and Felicia Ledgard in cursive script.

Jeffrey and Felicia Ledgard
130 West Danforth Road
Freedom, NH 03836

August 27, 2021

Anne Cunningham, Chair
Freedom Planning Board
33 Old Portland Road
Freedom, NH 03836

Dear Ms. Cunningham,

Thank you for all the work that you and your colleagues undertake on behalf of the residents of Freedom.

I am writing to share my concerns about Short Term Rentals. I was born and brought up in New Hampshire and we have been in Freedom for 26 years, and Conway before that. We live on Abenaki Drive, which is (was) a peaceful, quiet road. There are currently five STRs on our small road, with plans for a sixth to begin soon. Is the town of Freedom aware of all of these rental businesses?

These are our concerns:

1. Many of these homes or camps have very old septic systems which are never tested or inspected. Our neighbor has a home listed on VRBO for a max of 6 people, yet there have been up to 12 adults staying there using a septic system that should have been replaced over 12 years ago. The previous owner told us it needed to be replaced but she couldn't afford to do it. Who regulates this? There was talk of using dye to assess septic systems. Please do so at 21 Abenaki Drive, 19 Dale Drive and the Danforth Campground. Feel free to test ours, also.
2. There are fireworks going off at all hours of the night, any night of the week, even though fireworks are illegal in Freedom (except around July 4th). The owners live in other states and naturally don't care.
3. Occupied campers have been parked and used on the side of the road. Is it legal to just pull over and camp on the side of any road? Is it legal to dump waste from the camper on the side of the road?
4. Some of these rental properties are solidly booked from June 1st through November 1st, indicating that these are thriving commercial businesses, not simply residential homes. Abenaki Drive is not zoned for commercial use. It is a residential road.
5. We, and our neighbors (including two single widows), no longer feel that this neighborhood is safe due to the weekly influx of unvetted transients with cars coming and going at all hours of the night. We have even found transients parked on our property. Our nice, peaceful neighborhood no longer exists.

What recourse do we have to protect our properties?

Sincerely,



Mary Brennan

mbrennan227@gmail.com 978-807-5443

Town of Freedom

From: lucievill2@gmail.com
Sent: Wednesday, February 2, 2022 11:56 AM
To: office@townoffreedom.net
Subject: Attn Selectmen/Planning Board

Hi,

Our family lives at 51 York Lane and we just read a postcard sent to us earlier in January regarding rental restrictions and property rights.

It may be too late to voice our opinion but please know that we feel strongly about restricting vacation home rentals as we would prefer friendly year-round resident neighbors over disruptive party neighbors.

Lucy (and Peter) Villeneuve and Family
603-528-0136

Sent from Yahoo Mail on Android

