

**ZONING BOARD OF ADJUSTMENT
P.O. BOX 227
FREEDOM, NH 03836**

Freedom Zoning Board of Adjustment: **February 22, 2022.**

Present: Chairman Scott Lees, Karl Ogren, Jacob Stephen, Zoning Officer Gary Williams, Recording Secretary Stacy Bolduc.

Absent: Vice Chairman Craig Niiler, John Krebs, Jeff Fongemie (A), Denny Anderson (A),

Public: Mark McConkey, Jacob McConkey, Vincent Beedle, Miranda Sandahl, Suzanne Dubroff, Bill McIntire, Sara Tabor, Rick and Debra Strott, Jane Davidson, Ron, and Raylene Newbury, Betsy Eaton, Barbara Veglia, Frank Veglia, Anne, and Scott Cunningham, Diane Claveau, Arthur White, Joyce Newman, Steven Hoyt, Wayne, and Jose Kemper, Katherine, and John Gaunt, Barbra McEvoy

During this meeting, the following cases will be heard:

Application 30-12-22 Richard & Debra Strott

Application 6-1-1 Vincent Beedle

Application 24-12-22 DJH Investments Trust

Chairman Lees called the meeting to order at 7:00 p.m.

Chairman Lees introduced the Board to the Public.

Chairman Lees explained that the board tonight consists of only three members vs. five. He explained if you are the applicant coming before the board, you can request to continue your application to the next meeting. If the applicant chooses to have their application heard, they have to have the vote of all three board members for the application to pass. Chairman Lee's apologized for the inconvenience to the applicants.

Notification of this meeting was published in the Conway Daily Sun and posted at the Freedom Town Office and the Freedom Post Office.

Karl made the motion, seconded by Jake to, accept the minutes of the January 25, 2022 meeting as written; Motion passed 3-0. Jake abstained from making any comments about the minutes due to not being at the meeting.

PUBLIC HEARING

Chairman Lees invited Application # **30-12-22, Richard & Debra Strott**

The applicant wishes to augment the existing home by adding one foot of width on two sides of the existing deck, increase the width of the home on the off-water side by six feet (same roofline), install a new septic system, reconstruct the existing garage, add an upper story bunkhouse, with an interior stairway to access that space.

Applicant seeks the following Variances and Special Exception:

Article 3, Section 304.2 Side & Front Setbacks House
Article 3, Section 304.5 Rear (waterside) Setback House.
Article 3, Section 304.2 Side & Front Setback Garage.
Article 3, Section 304.5 Rear (waterside) Setback Garage.
Article 3 Section 304.6.5.3 Tree Cutting over 75' on lots over 12.5% slope in Shorefront.

Article 9, Section 906.1 Expansion of a Non-Conforming Structure Front Setback House
Article 9, Section 906.2 Expansion of a Non-Conforming Structure Side and Rear Setback House.
Article 9, Section 906.1 Expansion of a Non-Conforming Structure Front Setback Garage.
Article 9, Section 906.2 Expansion of a Non-Conforming Structure Side & Rear Setback Garage.
Article 9, Section 906.3 Expansion of a Non-Conforming Structure Height Increase Garage.

Mark and Jake McConkey came before the board and requested on behalf of the Strott's to continue their application until March 22, 2022.

Chairmen Lees made a motion to continue Case# 31-12-22 until March 22, 2022 motion seconded by Karl; Motion passed unanimously.

Chairmen Lees invited case # 6-1-1-22, Vincent Beedle

Applicant wishes to reopen an abandoned non-conforming commercial use property to serve the Town of Freedom and its residents in a General Residential Zone.

Applicant seeks the following variances:

Article 3, Section Table 304.2 Proposed Commercial use in General Residential.
Article 5, Section 507 Existing non-conforming uses.

Map 6 Lot 6-1
Located at 612 Ossipee Lake Rd.
Zone: General Residential

Vincent Beedle came before the board to present his application. Vinney explained the points of his application, stating he intends to reopen the store as a convenience store/ deli and sell dry goods and pizza he has also started pulling permits to make upgrades to the electrical and plumbing. Pending the certificate of occupancy, he is also replacing the septic system; the well will stay where it is.

Chairman Lees confirmed Vinney is not changing the exterior of the building and asked if there would be seating. Vinney stated there would be no seating and the building has been brought up to code and passed inspections for permits pulled. Vinney explained, because the store has been empty for two years he has to come before the board for a variance.

Chairman Lees asked if there were any abutters present who are opposed to this application. There were no abutters opposed.

Chairman Lees asked if there were any abutters in favor of the application.

Ron Newbury is not a direct abutter but stated he and Raylene are excited to see the store restored and support this application.

Public opposed.
None.

Public in favor.

Miranda Sandahl has lived in town for 17 years and spoke in favor of this application, citing work that Vinney has done with 7 Elm and the Freedom Village Store and supports this application.

Sara Tabor spoke in favor of this application and also stated how Vinney was conscious of neighbors while restoring 7 Elm. She supports this application.

Jane Davidson can't wait to have the store open and also supports this application.

Frank Veglia spoke in favor of this application.

Scott Cunningham spoke in favor of this application.

Barbara McEvoy is an abutter in favor of the store.

Joyce Newman is in favor of having a store close to home.

Diane Claveau stated the store has been an eyesore for a long time and is excited with what Vinney is doing to improve the store and the area.

Paul Eli- stated based on prior projects Vinney has done, he wholeheartedly supports this application.

Kathy Gaunt- the store has been a mess for years and supports the work Vinney is doing to clean up the area.

Wayne Kemper- wanted to thank Vinney for his hard work and supports this application.

Winston Morrow- stated he is a character witness for Vinney and his work. There is nothing that Vinney puts his hand to that doesn't come out well.

Jake McConkey stated he agrees with what everyone has said and can't wait for the store.

If approved tonight, this application will go before the Planning Board for site-plan review.

With no further questions or comments from the public or board the board, elected to review the Variance worksheet for Article 3 Section 406 and Article 5 Section 507:

The ZBA has the power to authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

1. The variance will not be contrary to the public interest. **Carried 3-0.**
2. The spirit of the ordinance is observed if the variance is granted. **Carried 3-0.**
3. Substantial justice is done by granting the variance. **Carried 3-0.**
4. The value of surrounding properties is not diminished if the variance is granted. **Carried 3-0.**
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - A. Unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - i. No fair and substantial relationship exists between the general public purposes of the zoning ordinance provision and specific application of that provision to the property, and **Motion Carried 3-0.**
 - (ii) The proposed use is a reasonable one. **Motion carried 3-0.**

Motion: Chairman Lees made a motion that, based on the foregoing findings of fact, the requested from Article 3, Section Table 304.2 and Article 5 Section 507 of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 3-0.

Conditions:

1. No exterior change to the building
2. For the sale of dry goods, take out deli, pizza and ice cream.
3. Obtain all applicable State licenses.

Finding of Facts:

1. Overwhelming support from the public.
2. The site has been cleaned up.
3. New septic.

Chairman Lees explained the 30-day appeal process. Variance expires 2/22/2024

Application # 24-12-22 DJH Investment Trusts/ David & Laura O'Brien

Applicant wishes to raze an existing house and garage, relocate an existing shed, construct a new house with an attached garage and install a new individual sewage disposal system and reconfigure the existing driveway.

Applicant seeks the following Variance and Special Exceptions:

Variance:

Article 3, Section Table 304.5 to permit the construction of a patio 68' from the shoreline, but 44.2' further from the shoreline that the existing non-conforming home which will be removed.

Special Exceptions:

Article 3, Section 304.6.3 for erosion control.

Article 4, Section 406 to permit the installation of a septic tank /pump chamber within 125' of poorly drained wetland.

Map 24 Lot 12

Located at 167 Haverhill St.

Zone: SF and General Residential

Jim Rines submitted a letter requesting a continuance.

Chairman Lees made a motion to continue this application until next month as requested by Jim Rines, Karl seconded the motion; Motion passed unanimously.

Miscellaneous

At the request of Chairman Lees and Ogren, Jake agreed to stay on as an alternate for another year.

- **Communication.**

None

There was no mail.

There being no new business to come before the board, the Motion by Karl, seconded by Scott to adjourn the meeting; Motion passed unanimously.

The meeting adjourned at 7:30 p.m.

Respectfully Submitted,
Stacy Bolduc,
Recording Secretary