

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

Freedom Zoning Board of Adjustment: **March 22, 2022**

Present: Chairman Scott Lees, Karl Ogren, John Krebs, Jacob Stephen (A), Zoning Officer Gary Williams, Recording Secretary Stacy Bolduc.

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

Public: Mark McConkey, Jacob McConkey, William Larson, Rose Larson, Nicholas Oberti, Richard Strott, Debra Strott, Brian Nolan, Jane Rafferty, and Bob Rafferty.

During this meeting the following cases will be heard:

Application # 30-12-22 Richard & Debra Strott

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

Application # 19-8-22 William Larson Property Trust Motion for Reconsideration

Application # 47-7-22 Mark S. Morrow Revocable Trust

Application # 24-4-1-22 Kingsley Family Trust

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

Chairman Lees introduced the Board to the Public.

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

Jake made the motion, seconded by Karl to accept the minutes of February 22, 2022, meeting as written. Motion passed 3-0-1. Krebs abstained due to not being at the meeting.

PUBLIC HEARING

Chairman Lees invited Application # **30-12-22 Richard & Debra Strott Continued from February.**

Mark and Jacob McConkey came before the board to present a new application. The applicants wish 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 an appeal for the following:

Variances:

Article 3, Section 304.2 Side & Front Setbacks House.

Article 3, Section 304.5 Rear (waterside house) 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 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.

~~Special Exception Article 4, Section 406 Septic closer than 125' to water (3 septic tanks connected to one field).~~

Map 30 Lot 12
Located at 23 Marjorie Point Rd.
Zone: Broad Bay General Residential.

Mark and Jacob McConkey came before the board to present a new application on behalf of the Strotts. Mark opened by giving a brief overview of the project and the history of this lot.
Points discussed:

- Removed stairs and deck from the proposed garage and added tree count to the existing conditions.
- The Strotts are now full-time Freedom residents.
- The project has been scaled back.
- The outside dimensions of the garage will not change just the height.
- The height of the garage will not exceed 35' measured from the average finished grade per Freedom Zoning Ordinance Article 3, Section 308.3.1. there was discussion around the height and that it needed to be nailed down at to what the exact height would be.
- The septic is for 4 bedrooms, and the soil is excessively well drained soil.
- This is plan is not a survey plan. Jacob stated there is a survey from 1960 done by John F. Chick and son recorded at the Registry of Deeds on 11-25-1960 in plan book 6 page 35, page 2 and points found on the ground.

There were no abutters or public present to speak.

Questions and concerns from the board:

Karl questioned if relief was needed for the side and front setbacks for the garage if it's not changing. The board agreed that Articles 3, Sections 304.2 & 304.5 and Articles 9, Sections 906.1 & 906.2 could be removed. It was also agreed that the Special Exception for the septic could also be removed.

The rear of the house is growing by 6' and the front deck is expanding by 1'. Krebs questioned why the deck is expanding 1'. The deck is currently 9'. Karl questioned if they should be looking at a surveyed plan because there are a lot of areas marked 8.3' or 6.1'. Chairman Lee's explained to the applicants if the board approves this application the owners will need to have a survey done because this lot is tight and on the shorefront. The survey has to show the distances from the house to the lot line match what you are going to build in the field.

Karl also wants to clarify the height increase since they asking for relief for the height. John stated he is good with an additional 10' for height and is good with the 1' addition to the deck but not good with the 6' to the rear of the house.

Jake is fine with the proposed project. Chairman Lees is good with no more than 34' on the garage height and is more concerned with the 1' increase to the deck than the 6' increase to the back of the house.

Mark thought the height increase would be 23' the compromise was 24' total measuring from the slab in the front of the garage door.

The board elected to review the Variance worksheet for Article 3, Section 304.2 Side & Front setbacks house:

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 3-1.**
2. The spirit of the ordinance is observed if the variance is granted. **Carried 3-1.**
3. Substantial justice is done by granting the variance. **Carried 3-1.**
4. The value of surrounding properties is not diminished if the variance is granted. **Carried 3-1.**
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 3-1.**
 - (ii) The proposed use is a reasonable one. **Motion carried 3-1.**

Conditions:

1. **Per the Plan titled Zoning Plot for Richard L. & Debra L. Strott 23 Marjorie Point Road Freedom, NH dated 2/1/2022.**
2. **To add 6.0' to the rear of the house.**
3. **The lot shall be surveyed by a Licensed Land Surveyor to ensure the 6-foot addition meets the distance to the property line as shown on the plan. Owner shall provide a certified letter from land surveyor that the condition has been met before the work begins.**

Findings of Facts:

1. **This proposed project is a lot smaller than what was proposed in the original application.**
2. **The lot has not been surveyed but, pins will be placed by licensed land surveyor.**
3. **This is a very unique lot.**
4. **Trees will be removed in grids 8 & 9 for septic (4 bedrooms).**

Motion: Chairman Lees made a motion that, based on the foregoing findings of fact, the requested Variance from Article 3 , Section 304.2 of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 3-1-0.

The board elected to review the Variance worksheet for Article 3, Section 304.5 (waterside) setback house.

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 4-0.**
2. The spirit of the ordinance is observed if the variance is granted. **Carried 4-0.**

3. Substantial justice is done by granting the variance. **Carried 4-0.**
4. The value of surrounding properties is not diminished if the variance is granted. **Carried 4-0**
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:
 - ii. 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 4-0.
 - (ii) The proposed use is a reasonable one. **Motion carried 4-0.**

Conditions:

1. **Per the Plan titled Zoning Plot for Richard L. & Debra L. Strott 23 Marjorie Point Road Freedom, NH dated 2/1/2022.**
2. **Addition of 1' to the deck on the north side of the house**
3. **Survey done by a licensed land surveyor and provide certified letter stating that the addition of 1' foot of deck is closer to the lake as shown on the plan 71.01' and 40.62'**
4. **Obtain NHDES Shoreland approval**

Findings of Facts:

1. **This proposed project is a lot smaller than what was proposed in the original application.**
2. **The lot has not been surveyed but, pins will be placed by licensed land surveyor.**
3. **This is a very unique lot.**
4. **Trees will be removed in grids 8 & 9 for septic (4 bedrooms).**

Motion: Chairman Lees made a motion that, based on the foregoing findings of fact, the requested Variance from Article 3 , Section 304.5 of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 4-0.

The board elected to review the Variance worksheet for Article 3, Section 304.6.5.3 tree cutting over 75' on lots over 12.5%.

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 4-0.**
2. The spirit of the ordinance is observed if the variance is granted. **Carried 4-0.**
3. Substantial justice is done by granting the variance. **Carried 4-0.**
4. The value of surrounding properties is not diminished if the variance is granted. **Carried 4-0**
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 4-0.

Conditions:

1. Per the Plan titled Zoning Plot for Richard L. & Debra L. Strott 23 Marjorie Point Road Freedom, NH dated 2/1/2022.
2. Obtain NHDES Shoreland approval

Findings of Facts:

1. This proposed project is a lot smaller than what was proposed in the original application.
2. This is a unique lot.
3. Trees will be removed in grids 8 & 9 for septic (4 bedrooms).

Motion: Chairman Lees made a motion that, based on the foregoing findings of fact, the requested Variance from Article 3 , Section 304.6.5.3 of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 4-0.

The board elected to review the Variance worksheet for Article 9, Section 906.1 Expansion of a Non-conforming structure front setback house.

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 4-0.**
2. The spirit of the ordinance is observed if the variance is granted. **Carried 4-0.**
3. Substantial justice is done by granting the variance. **Carried 4-0.**
4. The value of surrounding properties is not diminished if the variance is granted. **Carried 4-0**
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 4-0.

- (ii) The proposed use is a reasonable one. **Motion carried 4-0.**

Conditions:

1. Per the Plan titled Zoning Plot for Richard L. & Debra L. Strott 23 Marjorie Point Road Freedom, NH dated 2/1/2022.
2. To add 6.0' to the rear of the house.
3. Lot shall be surveyed by a Licensed Land Surveyor to ensure the 6-foot addition meets the distance to the property line as shown on the plan. Owner shall provide a certified letter from land surveyor that the condition has been met before the work begins.

Findings of Facts:

1. This proposed project is a lot smaller than what was proposed in the original application.
2. The lot has not been surveyed but, pins will be placed by licensed land surveyor.
3. This is a unique lot.
4. Trees will be removed in grids 8 & 9 for septic (4 bedrooms).

Motion: Chairman Lees made a motion that, based on the foregoing findings of fact, the requested Variance from Article 9, Section 906.1 of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 4-0.

The board elected to review the Variance worksheet for Article 9, Section 906.2 Expansion of a Non-conforming structure side and rear setback house.

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 4-0.**
2. The spirit of the ordinance is observed if the variance is granted. **Carried 4-0.**
3. Substantial justice is done by granting the variance. **Carried 4-0.**
4. The value of surrounding properties is not diminished if the variance is granted. **Carried 4-0**
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:
 - ii. 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 4-0.

(ii) The proposed use is a reasonable one. **Motion carried 4-0.**

Conditions:

1. **Per the Plan titled Zoning Plot for Richard L. & Debra L. Strott 23 Marjorie Point Road Freedom, NH dated 2/1/2022.**
2. **Addition of 1' to the deck on the north side of the house**
3. **A survey done by a licensed land surveyor and provide a certified letter stating that the addition of 1' foot of deck is closer to the lake as shown on the plan 71.01' and 40.62'**
4. **Obtain NHDES Shoreland approval.**

Findings of Facts:

1. **This proposed project is a lot smaller than what was proposed in the original application.**
2. **The lot has not been surveyed but, pins will be placed by licensed land surveyor.**
3. **This is a very unique lot.**
4. **Trees will be removed in grids 8 & 9 for septic (4 bedrooms).**

Motion: Chairman Lees made a motion that, based on the foregoing findings of fact, the requested Special Exception from Article 9, Section 906.2 of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 4-0.

The board elected to review the Variance worksheet for Article 9, Section 906.3 Expansion of a Non-conforming structure height increase garage.

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 4-0.**

2. The spirit of the ordinance is observed if the variance is granted. **Carried 4-0.**
 3. Substantial justice is done by granting the variance. **Carried 4-0.**
 4. The value of surrounding properties is not diminished if the variance is granted. **Carried 4-0**
 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:
 - iii. 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 4-0.**
- (ii) The proposed use is a reasonable one. **Motion carried 4-0.**

Conditions:

1. **Peak height of structure to 24' as measured from the slab at the front of the garage to the highest point of the roof .**

Findings of Facts:

1. **This proposed project is a lot smaller than what was proposed in the original application.**
2. **The lot has not been surveyed but, pins will be placed by licensed land surveyor.**
3. **This is a very unique lot.**
4. **Trees will be removed in grids 8 & 9 for septic (4 bedrooms).**

Motion: Chairman Lees made a motion that, based on the foregoing findings of fact, the requested Special Exception from Article 9, Section 906.3 of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 4-0.

Chairman Lees explained the 30- day appeal period and the Variances expires 3/22/2024.

Chairman Lees invited **Application# 24-12-22 DJH Investment/ 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.

Jim Rines from Horizons Engineering formally known as White Mount Engineering presented this application to the board. Jim explained that this property is under purchase and sales agreement. The new owners the O'Brien's be replacing the existing non-conforming home with a conforming home and relocating the shed. The only thing the owners are asking for is a patio in the front. A small portion of the patio will lie forward of the 75' setback. But still sits further back than the existing patio. The applications for the new septic and shoreland application have been submitted to the State.

A letter from the Conservation Commission was read into the minutes (see attached). They had a concern that the proposed open lawn would do little to slow stormwater into the lake collected over its area and adjacent land. They would like to see a hybrid approach implemented that would include native ground cover vegetation, succulents, landscaping features, and other measures to capture, absorb and divert water run-off instead of a simple grass lawn.

John and Jake know the property and shared with the board their opinion, Jake stated where the house sits there is swale and the water comes off and runs to the side, John shared that the lot is not that steep and there are woods and wetlands on either side of the lot. Jake pointed out that there is a wall on the plan that will stop the water from going into the lake.

The board elected to review the Variance worksheet for Article 3, Section 304.5 to permit construction of a patio 68' from the shoreline.

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 4-0.**
2. The spirit of the ordinance is observed if the variance is granted. **Carried 4-0.**
3. Substantial justice is done by granting the variance. **Carried 4-0.**
4. The value of surrounding properties is not diminished if the variance is granted. **Carried 4-0**
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:
 - iv. 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 4-0.
 - (ii) The proposed use is a reasonable one. **Motion carried 4-0.**

Conditions:

1. Per plan titled Zoning Board of Adjustment Application Plan titled David & Laura O'Brien 167 Haverhill St. Freedom, New Hampshire dated 2/7/2022.
2. Erosion Control shall be installed prior to any earth disturbance and remain in place until work is complete and site is stabilized.
3. NHDES Shoreland and subsurface permits shall be obtained.

Findings of Facts:

1. The lawn was discussed.
2. Much approved lot conformity.

The board elected to review the Special Exception worksheet for Article 3, Section 304.6.3 for erosion control and Article 4 Section 406 to permit the installation of a septic tank/pump chamber within 125' of poorly drained wetland:

A- 4-0 motion carried	J- 4-0 motion carried
C- 4-0 motion carried	K- 4-0 motion carried
H- 4-0 motion carried	L- 4-0 motion carried

Conditions:

1. Per plan titled Zoning Board of Adjustment Application Plan titled David & Laura O'Brien 167 Haverhill St. Freedom, New Hampshire dated 2/7/2022.
2. Erosion Control shall be installed prior to any earth disturbance and remain in place until work is complete and site is stabilized.
3. NHDES Shoreland and subsurface permits shall be obtained.

Findings of Facts:

1. The lawn was discussed.
2. Much approved lot conformity.

Motion: Chairman Lees made a motion, that, based on the foregoing findings of fact, the requested variance from Article 3, Section 304.5 to permit the construction of a patio 68' from the shoreline; Motion passed 4-0.

Motion: Chairman Lees made a motion, that, based on the foregoing findings of fact, the requested Special Exception from Article 3 Section 304.6.3 and Article 4, Section 406 of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 4-0.

Chairman Lees explained the 30-day appeal process. These Special Exceptions expire 3/22/24

Motion for Reconsideration for Application # 19-8-22 William Larson Trust Property.

The applicant is seeking a rehearing of the variance application denied by the Zoning Board of Adjustment on January 25, 2022 meeting with a Notice of Decision dated 1/31/2022, for a variance under Article 9 Section 906.3 as it pertains to height to add a second story onto the main house.

After the board was given time to evaluate the application that was in their packet for the motion for reconsideration the board concluded there was information that was not available to them in the first application.

Both John and Karl share the opinion that there is enough new information to support a rehearing that was not available to them in the first application.

Jake did not hear the first application so he was not sure what was not available. Chairman Lees summarized that he was not sure that there was anything in the application that would change his opinion and still feels there is space on the lot to build without a variance. But he does feel there is information in the application that the board as a whole was questioning and would consider it new information.

There was no input from the public or the agent.

Motion: Chairman Lees made a motion that based on the information provided to the board, that a rehearing be granted, motion seconded by Karl; Motion passed 4-0-0.

Chairman Lees explained to the public what this means is that the applicant can provide another application, plans with documentation and should be based on what was presented to the board tonight. This is not saying that the board will vote yes, it is just saying the board will listen to the new information. Mr. Rafferty was given a copy of what the board reviewed tonight.

Chairman Lees invited application # 47-7-22 Mark S. Morrow Revocable Trust

Applicant wishes to construct a free-standing deck, and stairs within 75' of the shore-line and the widening of an existing driveway within 300 feet of the shoreline.

Applicant seeks the following variances and special exceptions:

Variance under Article 3 Section Table 304.5

Special Exception Article 3 Section 304.6.3

Special Exception Article 3, Section 304.6.5

Location 21 Swasey Rd.

Nicholas Oberti from White Mountain Survey/ Horizons Engineering presented this application. He explained the Morrows wish to build a free-standing deck on piers, approximately 597 square feet in size and stairs within the 75' shoreline setback. This request will be for a variance and special exception. They also wish to expand and improve their driveway to their camp making it slightly wider. There will be only one tree removed that will be replaced with a one-inch diameter maple tree.

Points discussed:

- The size of the deck. The board questioned why does the deck have to be so big. Nick responded for recreational purposes and there are kayaks and other water accessories stuff stored down there. The area is very flat and then it gets steep leading to the water. The applicants want a place to host within 75' of the waterfront. It will increase the value of this lot and currently the way they are using the lot, the soil is getting very compact. The deck will be no higher than 30" above the ground elevation because there will be no railings.
- The proposed ramp is 108 square feet with 25 square feet of proposed stairs.
- Chairman Lees questioned if they get this approved are they going to come back to request for a house?

There was a brief discussion on if further restrictions could or should be part of the conditions for future building if this application is approved. Lees stated the purpose of the deck to protect the ground against erosion is good but he is struggling with the size of it. Nick responded in terms of the State for a shoreline permit this deck would be allowed under their accessories structure within the 50 ' mark but they would not be able to add any living space. The ramp is to aid Mr. Morrow because he has bad knees. The deck is shaped to the area. Jim said if the board was considering no future development on this lot as a condition, he would have to ask for a continuance so he can have a conversation with the owner to explain the board's view. Jake pointed out there is no hardship with this application the proposed project is 20.7' from the water and there is room at 75'.

There were no abutters or public to speak.

Gary Williams stated that he has been on the property and said what is being proposed fits into the area and looks nice and is not offensive. It was decided that a site visit would benefit the board.

The questions for Jim to ask the applicants:

- Does the deck have to be the proposed size.
- If this application is approved, restrict any future building 100 ft. from the water. Chairman Lees supports not giving any variances or special exceptions for this lot in the future.

There was discussion that the next meeting falls during April vacation week. It was agreed to move the April meeting date to May 3, 2022, as most board members will not be available for April. A site visit will take place on May 3, 2022, at 6:00 p.m. at 21 Swasey Rd.

Motion: John made a motion to continue the Morrow application until May 3, 2022, motion seconded by Karl; Motion passed 4-0-0.

Motion: Chairman Lees made a motion to move the 4/26/2022 ZBA meeting to May 3, 2022, motion seconded by Karl; Motion passed 4-0-0.

John pointed out that Kathleen Hirsch needs to sign the application.

Application 25-4-1-22 Kingsley Family Trust

Applicant wishes to construct a small addition to the garage and obtain an approval for a new ISDS that will not be installed at this time because the existing system is functioning.

Applicant seeks the following:

A Special Exception Article 3 Section 304.6.3 for Erosion Control.

Location 60 Pauli Point Rd.

Jim Rines presented this application. Kingsley's wants to construct a small addition to their existing garage to create an office space above the garage. The structure coverage will increase from 9.1% to 10.3%, but still below the 15% allowed structure coverage. The overall lot coverage will increase from 23.6% to 23.9% which remains below the 25% allowed. The existing sewage disposal system has an operational approval from the NHDES, but it is more than 20 years old, so they must have a design replacement system that will not have to be installed. They are seeking a special exception for erosion control. This property received a variance in 1988 to build the home but it was not clear for what because the file was not available to the board to review.

The board elected to review the Special Exception worksheet for Article 3, Section 304.6.3 for erosion controls.

Special Exceptions- The special exception requests for Article 3, section 304.6.3 for erosion control.

A - 4 -0 motion carried	H- 4-0 motion carried
B- 4-0 motion carried	J - 4-0 motion carried
C - 4-0 motion carried	K- 4-0 motion carried
	L- 4-0 motion carried

Conditions:

1. Per the Plan titled Zoning Board of Adjustment Plan Prepared for Kingsley Family Trust Michael R. & Deborah A. Kinsley, Trustees. 60 Pauli Point Rd., Freedom, NH.
2. Erosion Control shall be installed prior to construction and remain in place until construction is complete.

Findings of Facts:

1. Both are on the plan.

Motion: Chairman Lees made a motion, that, based on the foregoing findings of fact, the requested Special Exception from Article 3 Section 304.6.3 of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 4-0.

Miscellaneous

Request for the Board appointment. Peter Keenan has submitted an application to be on the ZBA Board.

Discussion: He would serve as an alternate. Currently, Jake has switched places with Denny Anderson, Denny is now full time and Jake will finish out his term as an alternate. Denny stayed on because the board needed the help, when Denny's term is up, Peter can move into Denny's spot if Denny does not want to serve another term.

Chairman Lees made a motion to accept Peter Keenan's application as an alternate, motion seconded by Karl; Motion passed 4-0-0.

Heidi Glavin was also approved as an alternate. She needs to fill out the application.

Karl made a motion to appoint Scott Lees as Chairman, for the ZBA, motion seconded by Jake; Motion passed 4-0-0.

John made a motion to appoint Craig Niiler as Vice Chair, motion seconded by Karl; Motion passed 4-0-0.

John Rattigan is no longer the town attorney. Chairman Lees suggested doing research on the new attorney and discussing at the next meeting approaching selectmen about the ZBA having their own attorney.

- **Communication and miscellaneous.**

There was no mail.

There being no new business to come before the board, the Motion by Chairman Lees, seconded by Karl that this meeting adjourns; Motion passed unanimously.

The meeting adjourned at 9:45 p.m.

Respectfully Submitted,
Stacy Bolduc,
Recording Secretary