

TOWN OF FREEDOM

A PUBLIC MEETING and PUBLIC HEARING

Freedom Planning Board

Thursday, November 17, 2022

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

*** minutes***

The meeting was called to order at 7 pm by Anne Cunningham. Present are: Anne Cunningham, Paul Olzerowicz, Brian Taylor, Carol McIntire, Beth Earle-Alternate, Jeff Nicoll-Alternate, Melissa Florio-Selectmen’s Representative. Bill Elliott and Linda Mailhot are absent. Beth is seated for Bill Elliott, Jeff is seated for Linda Mailhot. Bill Elliott has resigned.

Gary Williams is present.

Members of the public: JoJo Howlett and Noreen Sullivan are present

PUBLIC HEARING –

Anne reviewed the changes listed below.

- Discuss four (4) zoning ordinance changes to three articles of the zoning ordinance
 - Article 8, Section 805 to specify conditions for granting permits for driveways – The Board of Selectmen requested that this be added to address the details of the permitting process. Brian feels that the circular driveway is safer than backing into the road. There was a situation where there were three cuts on one lot. Paul O. has concerns about this as well.
Noreen Sullivan – how did this issue come about, and have there been any safety issues that have happened.
Discussion ensued about the reasoning behind this change.
JoJo Howlett – does not understand the concern about the circular driveway. This seems vague. If it has to do with snow, there are already existing limitations.

The hearing was closed at 7:24 pm.

Vote on this or see if we can get better clarifications in order to answer the public questions better. Beth suggests consulting with a civil engineer or someone who designs these types of driveways. A straw vote was held indicating that a majority is not in favor. More information will be requested – what is the reason for restriction of circular driveways? Brian would like to know how more people in the town feel about this restriction. Where does the RSA fall short for the road agent and selectboard. Paul would like to understand the “abuse” or potential problem that a circular driveway would cause. Carol spoke about her driveway and that she feels they are safer. Jeff would like more information. This item will be revisited next month.

- Article 15, Section 1503.1.1 to clarify that any owner may rent the primary residence on a lot. (The owner does not have to be a legal resident of Freedom.) The Planning Board has no comments.

The hearing was opened at 7:35 pm. JoJo Howlett feels that this makes sense. Ms. Sullivan asked how this would apply to an apartment above a garage. This is not allowed.

The hearing was closed at 7:36 pm. Beth made a motion to put this item on the ballot, Paul O. seconded. Approved unanimously.

- Article 15, Section 1503.1.5 to set the permit renewal date as the anniversary of the date the permit is granted rather than on December 31 of each year. No Board comments.

The hearing was opened at 7:37 pm. JoJo Howlett – conditional use permits run with the land. She feels that the annual renewal could be an issue. She doesn't feel that one year permitting runs with the land, that it is more of a license.

The hearing was closed at 7:39 pm.

Brian has concern about the wording “rented” and suggests that it might read “renter occupied”.

Anne is willing to consider changing this to 60 days rather than 45. Beth would go along with the 60 days. Paul would like to understand how if the permit lapses but the property was already rented for said period of time, would they have to be kicked out. He suggests the wording include something about booking new rentals. Beth asks when an item becomes “rented” – whether it is when it is paid for or when the renter arrives at the property. Anne feels that if a permit lapses, the owner may not continue advertising/renting the property or enter into rental agreements. This would not mean that renters would be kicked out. The Board agrees that this wording should be included.

JoJo Howlett suggests that short term rental should be specified, and that the owner would no longer be in compliance with the conditional permit and subject to any fees that go along with that.

Beth made a motion to amend 1503.1.5 as Anne proposed “If the permit lapses the owner may not advertise the property or enter into any new rental agreements until a valid renewal is issued” and to bring to public hearing in December. Jeff seconded.

Jeff suggests a 45 day grace period and then the owner is not in compliance.

Anne supports removing this item completely, and to keep it as is.

The hearing was opened to the public again at 7:56 pm.

Ms. Sullivan spoke about a place that they book out for 5 years. She feels that making it concise is making it easier for the Board.

Jeff made a motion to withdraw the amendment of 1503.1.5 for consideration, Brian seconded. APPROVED unanimously.

- Article 23. Definition 19 to clarify the definition of rental dwelling unit is for long-term rental and lease.

The existing ordinance definition was reviewed.

The hearing was opened to public comment at 7:59 pm.

JoJo Howlett is an attorney and feels that the question was not answered last year. Supreme Court agreements today are about definitions of dwelling units. There is no definition for long term rental in the ordinance. She suggests including wording regarding a term of 30 days or more. If this is not done, then a definition of long term rental needs to be added. Is primary residence meant to indicate a legal domicile?

Ms. Sullivan spoke about travelling nurses being affected by this.

The public hearing was closed at 8:05 pm.

Brian spoke about the definitions of housing that are already in the zoning. He spoke about the 180 day cutoff for State Rooms and Meals Tax.

Anne feels that JoJo has made a good suggestion. She suggests removing “someone not the owner...as primary residence” and adding 30 days or more.

Melissa made a motion to amend this article to as suggested by Anne, and to bring to the public hearing in December. Beth seconded. APPROVED unanimously.

Specific language for these proposals is posted on the town website: townoffreedom.net

The public hearing is closed, and the public meeting is opened at 8:09 pm.

PUBLIC MEETING

- Review and approve minutes of the October 20, 2022 planning board meeting minutes. – Paul O. – page 3, 4th paragraph – this was added to allow 50 % - of what? Workforce housing is allowed in at least 50% of the residential districts. Beth made a motion to approve as amended, Melissa seconded. APPROVED
- Continue reviewing the proposed zoning ordinance changes –

Article 2 – amendment 1 – Town attorney is fine with this, except that the language in the table, the last sentence should be removed because it is in the ballot question. A motion to remove that sentence was made by Beth, and to bring to a hearing in December. Melissa seconded. APPROVED

Per attorney, if the change above is done, it needs to be changed in section 703. Anne will bring this back to the Attorney because she doesn't feel that we need to change the ballot question. All the language needs to be consistent.

A vote to add more language to amendment one to make the changes in sections 702 and 703 was made by Brian, seconded by Melissa. Anne will ask the Attorney if those changes need to be added to the ballot question. APPROVED

Tree cutting – to allow Gary to approve tree cutting, the system needs to be determined. The State has a different regime – 150'. An amount of vegetation-woodland buffer area – at least 25% needs to be maintained as natural woodland. The attorney said that we are allowed to move the grid system back for the 300' area. Would we rather do this or the State system of woodland buffer area. Gary Williams, Zoning Officer, is more comfortable with the grids.

The Board supports using the point system. Language will be drawn for review in December.

Poorly drained vs. Very poorly drained soils – a document was distributed to assist with this process. We have a 75' setback requirement from a leachfield or a tank with poorly drained soils. The State has 75' from very poorly drained soils and 50' from poorly drained soils. Does the season change the type of soil? Differences in the types were described – very poorly drained typically has standing water, muck. DES requires septic designers to map wetlands on site. Subdivisions are different, but the plats have to demonstrate that there is a 400K area available for septic systems. Should the setback be different for tanks vs leachfields? The State is more willing to grant waivers for tanks than leachfields. The State has become stricter. Standards have become better, Freedom and Sandwich had 125' and were taken to Supreme Court and won. Now both towns have changed their setbacks. DES has a provision for some very difficult lots. If wetlands delineation is more than 5 years old, it must be redone. Will we keep the 75' and then add a sentence about septic tanks and leachfields, constructed 50' from poorly drained soils if tank is sealed. The Board is supportive of this change. Anne will check with the

Attorney to see if this is a big enough change to post again. Anne made a motion to change section 406 to allow septic tanks to be constructed within 50' of poorly drained soils if tank is sealed, as is currently the DES practice, and to bring this to a public hearing in December if adding "or a leachfield" is not a barrier to do this. Beth seconded. APPROVED

Article 6 – floating monolithic slabs – a distinction is added between one and two story manufactured homes. New language was posted for this meeting. Ms. Sullivan spoke about the manufactured homes being allowed to be built at more stories if they are ordered that way. The wording should be changed to greater than one story, or multi-story. Multi-story is chosen as the wording.

Anne made a motion to move this approve Article 6 amendment 5 and move it to public hearing in December if the Town Attorney says this can be changed without reposting the language. Melissa seconded. APPROVED

Re: Transfer Station – short term rentals – 1506.7 – do we need to add anything to this? Leave the STR as is.

Article 1507.2

Article 1507.3 – this section shall read "short term rental properties shall not be used for special events". Special event is not defined in the ordinance. We need a definition for this. Events that occur from time to time....sports, religious, political gatherings. Music festivals. Including but not limited to. Anne found language that was acceptable, and will include it and post it for next month. It will be voted on in January.

Article 9 – discuss on December 1 at the work session.

Article 10 – changes to section 406 last year – changes need to move to section 402 as well. Melissa made a motion to move Article 10 with the addition of section 402 to a December hearing, Beth seconded. APPROVED

Article 11 – Attorney's view was that most of this is not land use. All of this would be new language. Brian made a move to adopt Article 11 amendment 10 and forward it to December public hearing. Melissa seconded.

- Budget Review – proposed budget has no change from last year – postage is going up on January 1 – Beth made a motion to propose this budget to the Board of Selectmen, Brian seconded. APPROVED
- Review STR Applications

Steadman-161 W Bay Rd – carbon monoxide detectors are not indicated or shown, no emergency person listed within one hour. Basically an owner occupied STR. Grandfather status is not requested. Send to Selectboard with no grandfathered days above 90

Rymer – had not checked boxes on application for last month. Boxes are checked now. Send to Board of Selectmen with no planning board comments.

Cunniff-30 Pauli Point Rd – had a window that was not compliant. The loft was closed off, ladder removed. One bedroom has been removed, which will modify the number of occupants to 8. Anne feels

that we should send this to the Selectmen with maximum allowed occupancy to be 6. Beth questioned carbon monoxide detector. No is marked, but there is one shown. Grandfather status of 115 days.

Teixeira – 21 Abenaki Dr – RENEWAL – nothing has changed. No comments. Send to Board of Selectmen.

Danielson – 30 Milford Ave – Gary checked this. The window is on the first floor, that room is now locked. The Attorney opinion is that we cannot require a Rooms and Meals tax number because we do not have it in the ordinance. Emergency contact is listed. Grandfather is not requested. Forward to Selectmen, room to remain locked until window is changed.

Mooney – discussion revolved around septic – Anne sent language to the Attorney about this. Her opinion was that this may be out of Planning Board range. The Health Officer would be involved if there is a septic issue. This applicant has met the requirements of the permit, fixed a problem window, and is not allowing renters to use the transfer station. He has met all requirements. He has requested grandfather status for 173 days. A new design is at the State and approved, and there is a sale pending on the house. Legal opinion is needed as to whether grandfathered amount of days would go with the new owner. This will go to the Selectboard with 173 days allowed

- Public Comment
- Other Business that can properly come before the board.

Brian made a motion to adjourn at 9:38 pm, Melissa seconded. The meeting was adjourned.

Respectfully submitted,
Melissa Donaldson
Recording Secretary