

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

Freedom Zoning Board of Adjustment: **November 29, 2022**

Present: Chairman Scott Lees, Denny Anderson, Peter Keenan, Pam Keith (A), Zoning Officer Gary Williams, Recording Secretary Stacy Bolduc.

Absent: Vice Chairman Craig Niiler, Karl Ogren Jeff Fongemie (A), Jacob Stephen (A)

Public: Greg & Megan Broderick on behalf of Friends of Danforth Ponds, a community-based group focused on preserving water quality in the Danforth Ponds, Jacob McConkey Agent, and JoJo Howlett.

During this meeting, the following cases will be heard:

**Application # 32-36-22 Edward & Lisa Falanga**

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.

**Chairmen Lees made the motion, seconded by Peter, to accept the minutes of the October 2022 meeting as written; Motion passed 4-0-0.**

**PUBLIC HEARING**

Chairman Lees invited Application # **32-36-22, Edward & Lisa Falanga.**

Applicant seeks an appeal for the following:

The applicant wishes to permit a shed to remain in a place that does not meet front and side yard setbacks. Applicant is asking for a Variance for Article 3 Section 304.5 Table for front and side yard setbacks. At Map 32 Lot 36, located at 11 East Danforth Bay Rd. Zone: Danforth Pd. Gen Res.

Chairman Lees explained that only four board members were present, and the applicant is entitled to five. Jacob McConkey stated he would go forward with the application.

Jacob reviewed the application and explained that they were back because they should have noticed the variance for the setback for the shed. DES has approved the shoreline application. No trees will be cut. Denny recapped that the shed was not noticed, so the application is before them tonight. The board reviewed two letters from the Friends of Danforth Ponds regarding concerns for the retaining walls and stairs that were approved last month.

Pam Keith questioned the setback and confirmed it was the front and side yard setback. There was brief discussion on what those setbacks are. It was also discussed there was no place else for the shed to go on the property.

## **Abutters**

Greg Broderick spoke on behalf of the Friends of Danforth Ponds. He summarized that this group is concerned about runoff going into the lake and contributing to cyanobacteria blooms. He explained the concerns about the stairs on the plan from last month, showing that they are a straight shot to the lake and look concrete. The group is requesting more mitigation be put in place to minimize runoff. Chairman Lees stated the plan was approved last month, so that ship has sailed, Greg asked that in the future when the ZBA board is presented with an application for property located on Danforth ponds, they look closely at runoff mitigation.

Chairman Lees recommended that the Friends of Danforth Bay also reach out to the Freedom Conservation Commission because they review all the waterfront applications before the ZBA.

Jacob pointed out they have added stormwater management to areas where there was none.

Chairmen Lees asked if the board had any other questions.

**There were no further questions from the public or other abutters.**

The board elected to review the Variance worksheet for Article 3, Section 304.5:

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

## **Conditions:**

1. **Per plan dated, 10-8-22 Zoning and shoreland plot for Edward Jr. & Lisa Falanga 88 Dudley St. Medford, MA 02155**

## **Findings of Facts:**

1. **Per plan dated, 10-8-22 Zoning and shoreland plot for Edward Jr. & Lisa Falanga 88 Dudley St. Medford, MA 02155**

**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. Denny seconded the motion; Motion carried 4-0.**

## **Public Meeting**

The recording secretary handed out the 2023 meeting schedule. The 2023 schedule will be reviewed in January 2023. Stacy will send an email to see who can attend the December ZBA meeting. Denny will be out in February and March.

There was no mail.

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

The meeting adjourned at 7:30 p.m.

Respectfully Submitted,

Stacy Bolduc,

Recording Secretary