

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

Freedom Zoning Board of Adjustment: **March 28, 2023**

Present: Chairman Scott Lees, Karl Ogren, Peter Keenan, Tim Cupka (A) Zoning Officer/Building Inspector Gary Williams, Recording Secretary Stacy Bolduc.

Absent: Vice Chairman Niiler, Jeff Fongemie (A), Denny Anderson (A), Jacob Stephen, Pam Keith (A).

Public:

During this meeting, the following cases will be heard:

Application # 27-26-23 James & Susan Cotter

James and Susan Cotter, the owners of 440 Pequawket Trail, Map 27, Lot 26, appeal the Select Board's decision finding that they must comply with Article 15 of the Town's Zoning Ordinance which requires a conditional use permit for the use of a dwelling as a short-term rental. The applicant's appeal states the Select Board's interpretation of Articles 2, 9, 15, 23, and Sections 2302, No. 17, 19, and 45 of the Town's Zoning Ordinance is in error and their use of their property as a short-term rental is a grandfathered preexisting, nonconforming use.

Application # 40-12-23 Kathleen Lippi & Robert Ducker

Applicant seeks a variance from Article 3 Section 304.2 for relief for a carport 36.06 feet from Poplar Ridge Rd. and 42.16 feet for a farmer's porch facing Milford Ave. The applicant also wishes to remove a existing non-conforming shed to improve the properties aesthetics.

Property is located at 49 Milford Ave. Map 40 Lot 12

Application # 24-14-23 Paul & Joy Nowak

The applicant is seeking to permit a previously constructed foundation drain within the shoreland buffer. Applicant is seeking a Special Exception from Article 3 Section 304.6.3 for erosion control.

Property is located at 181 Haverhill St. Map 24 Lot 14.

Application # 21 Lot 1-1 Camp Cody

The applicant is seeking to permit the installation of erosion and sediment control measures within the shorefront district for the construction of 45"x 100' trampoline activity structure. Applicant is seeking a Special Exception from Article 3 Section 304.6.3 for erosion control.

Property is located at 9 Cody Rd. Map 21 Lot 1-1.

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.

PUBLIC MEETING

Karl Ogren made the motion, seconded by Peter Keenan, to accept the meeting minutes of February 28, 2023, as written.

Karl stated the Selectmen missed the ZBA's recommendation to appoint Daniel Footit as an alternate and asked that it be placed at the beginning of the Selectmen's agenda so it is not overlooked again.

PUBLIC HEARING

Chairman Lees invited Application # 27-26-23 James and Susan Cotter Application # 27-26-23 James & Susan Cotter

James and Susan Cotter, the owners of 440 Pequawket Trail, Map 27, Lot 26, appeal the Select Board's decision finding that they must comply with Article 15 of the Town's Zoning Ordinance which requires a conditional use permit for the use of a dwelling as a short-term rental. The applicant's appeal states the Select Board's interpretation of Articles 2, 9, 15, 23, and Sections 2302, No. 17, 19, and 45 of the Town's Zoning Ordinance is in error and their use of their property as a short-term rental is a grandfathered preexisting, nonconforming use.

The attorney for this application requested this application be continued until April 25th due to only having a four-member board.

Chairman Lees made the motion to continue application 27-26-23 until April 25, 2023; the motion was seconded by Karl; Motion passed 4-0-0. Abutters will have to be noticed again.

Applicants are to pay noticing fees.

Application # 40-12-23 Kathleen Lippi & Robert Ducker

Applicant is seeking a variance from Article 3 Section 304.2 for relief for a carport 36.06 feet from Poplar Ridge Rd. and 42.16 feet for a farmer's porch facing Milford Ave. The applicant also wishes to remove an existing non-conforming shed to improve the aesthetics of the property.

Property is located at 49 Milford Ave. Map 40 Lot 12

Robert Ducker came before the board to present his proposed farmer's porch and carport for his mother for safety concerns. The house layout does not allow for an attached garage and the farmer's porch will add to the houses look. Karl asked if the proposed 2-bedroom house is where it is located on the plan. He also questioned the building labeled *park model*. *There was a lot of discussion around this plan as presented to the board.* The park model is a shed. And there is another shed also on the property.

Points discussed:

- The roofline and how it transitions out over the farmer's porch. The eve of the carport will be 36.06 ft. to property line on the Poplar Ridge RD side and, the covered walkway will be 42.16 to the property line on the Milford Rd. side
- The shed that is being removed is larger than what is being added.
- How the roofline transitions and the walkway was discussed
- Five hundred and eighty square feet is being added to lot coverage.

This application was continued because the plan needs more information such, as dimensions and total lot coverage. Instead of a highlighted area the plan should have the lines drawn in for the roof with its dimensions for it and where the drip line is.

Karl made the motion to continue this application until the April 25th ZBA meeting, motion seconded by Tim; Motion passed 4-0-0.

Application # 24-14-23 Paul & Joy Nowak

The applicant is seeking to permit a previously constructed foundation drain within the shoreland buffer. Applicant is seeking a Special Exception from Article 3 Section 304.6.3 for erosion control.

Property is located at 181 Haverhill St. Map 24 Lot 14.

Jim Rines from Horizons presented this application and explained there is a foundation drain within the shoreline buffer. The foundation drain was not included in the original permit for the house in 2021. It was, however constructed within the limits of existing boat ramp. Jim stated a shoreland amendment had been filed for the project and is currently being reviewed by NHDES, and he has been verbally told that it should be approved.

Peter stated this is an after- the- fact permit for the drain and asked if it was on the original plan, if the Board would have approved it, and if any other neighbors had the same problem. It was cleared up that this drain is a perimeter drain, and the applicant is asking for erosion control because the town requires erosion control. This application is to bring the property into compliance with the town requirements. There was erosion control plan in place when they did the original permit in 2021 but the drain was not on the plan. Discussion ensued around if the drain is a structure and would they have approved it in the original application. Scott suggested continuing this application until he can talk to the attorney to clarify if the 8-inch pipe is a structure. It was discussed if the pipe should be cut back and some sort of filter in place to protect the lake. Jim responded it will be more disturbance to the shorefront more than the existing pipe and the site is currently stabilized.

It was agreed to continue this application until next month and get some clarification from the attorney. Karl would like to see if Jim gets approval from NHDES and struggles with an 8-inch pipe sticking out of the ground. If this was on the original application the board may have handled the pipe differently such as using a dry well.

Karl made a motion, seconded by Peter to continue this application until April 25th ; Motion passed 4-0-0.

Application # 21 Lot 1-1 Camp Cody

The applicant is seeking to permit the installation of erosion and sediment control measures within the shorefront district for the construction of 45"x 100' trampoline activity structure. Applicant is seeking a Special Exception from Article 3 Section 304.6.3 for erosion control.

Property is located at 9 Cody Rd. Map 21 Lot 1-1.

Karl clarified with Jim he is the appointed agent because along time ago Alan Stoltz stated he was the only person to represent Camp Cody Inc. There is an appointment of agent letter in the application.

Jim explained the camp is looking to construct a 45'x100' trampoline activity structure within the shorefront district in an area that is all gravel and not much bigger than a flower bed. The trampoline activity is playing volleyball on the trampoline. There are four trampolines on either side of a net.

The Board had no issues with this application.

The board elected to review the Special Exception Worksheet for Article 3, Section 304.6.3:

- | | |
|------------------------------|------------------------------|
| 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 Overview Zoning Application Plan Camp Cody Tax Map 21 lots 1 & 1-1 dated**
- 2. Erosion Control shall be installed prior to any earth moving and shall remain in place until site is stabilized.**
- 3. No work shall happen until NHDES Shoreland permit has been issued.**

Findings of Facts:

- 1. Lot coverage is well under**
- 2. No sign of increase in water infiltration**
- 3. Infiltration trench on two sides**
- 4. Silt log used for the pitch on infiltration**

Motion: Chairman Lees made a motion that, based on the foregoing findings of fact, the requested Special Exception 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.

It was agreed to postpone the election of a Chair and Vice Chair until April's meeting. Scott will contact Jeff Fongemie, an alternate to see if he still wants to be on the board or resign.

Miscellaneous

- 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 8:30 p.m.

Respectfully Submitted,
Stacy Bolduc,
Recording Secretary