

**ZONING BOARD OF ADJUSTMENT**  
**P.O. Box 227**  
**Freedom, NH 03836**

**Minutes**

Freedom Zoning Board of Adjustment: **May 23, 2023**

Present: Chairman Scott Lees, Vice Chairman Craig Niiler, Karl Ogren, Zoning Officer/Building Inspector Gary Williams, Pam Keith sitting in for Peter Keenan, Denny Anderson, Recording Secretary Lindsay Pettengill.

Absent: Jacob Stephen, Peter Keenan, Tim Cupka (A), Daniel Footit (A)

Public: Nadine Chapman, Paul Elie, John Immediato

During this meeting, the following cases will be heard:

**Application # 51-33-23 Pamela Clemons-Keith, Barry H. Keith, and John L. Manning DBA PB&J Company**

Applicant wishes to appeal an administrative decision from Article 7 Section 702 for change in non-conforming use. Applicant is seeking to have one bedroom apartment on one floor and six offices on another.

**Property is located at 11 Elm St. Map 51 Lot 33.**

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**

**Chairman Lees made the motion, seconded by Karl Ogren, to postpone acceptance of the meeting minutes of April 25, 2023 to the June meeting, due to the complexity of the minutes. All were in favor.**

**PUBLIC HEARING**

**Application # 51-33-23 Pamela Clemons-Keith, Barry H. Keith, and John L. Manning DBA PB&J Company**

Applicant wishes to appeal an administrative decision from Article 7 Section 702 for change in non-conforming use. Applicant is seeking to have one bedroom apartment on one floor and six offices on another. Applicant is requesting the following:

Appeal for a Variance from Article 7 Section 702

**Property is located at 11 Elm St. Map 51 Lot 33.**

Pamela removed herself from the board and sat as an applicant for this application.

Continued from last month, Pamela stated that they have an interested buyer for the property, but the interested buyer will not make an offer unless the variance is approved for a one-bedroom apartment and 5 offices on the other. They currently have 11 offices in the building. They are looking for a change of use. In 2000, they were granted an option for 2 one-bedroom apartments on the second and the third floor. In 2020, the use was changed from existing offices to rental apartments. The approval has expired and they had not changed the use. They would like these options to remain available for future buyers.

Karl – can we approve a septic capacity limit of 400 gallons per day.  
Craig mentioned asked for clarification as the Variance being requested is in regard to Shoreland Protection – Pam states she must have used the same information from her initial application for her septic approval. The board would not be able to grant and would have to re-notice.

Store is operating on a variance from 2009.  
Article 3 Table 304.1 would be suggested to come back in front of the board for a mixed use. Store, then the 2<sup>nd</sup> and 3<sup>rd</sup> floor can support 300 gallons total per day.

The sale should be made contingent on the variance so the buyer gets what they want.

Pamela requested to Withdraw Without Prejudice.

No Public or Abutter comment.

**Chairman Lees made a motion to accept the Withdrawal Without Prejudice; Motion passed 4-0-0.**

Zoning Officer Gary Williams came to the board for clarification for a resident, Benjamin McKillop.  
- An original plan they believed required only a foot of foundation to show on front of house and they wanted clarification if they had to only have 1ft or if they could do two feet in order to raise the ceiling in the basement.  
- The plan they were working off of was the incorrect plan  
- During last month’s meeting they were approved for Erosion Control, but also stated a year ago, they came to ZBA to move garage, attach it to the house and put a 2nd floor on, now the garage is staying. Under the variance that was granted at that time they are just putting the second floor on.  
-Site will be more conforming  
-As long as overall height of the home does not exceed 35 feet above the average grade the board agrees they are clear for building

Paul Elie asked for clarification on the 35ft they spoke of.

Zoning Ordinance: 308.3 Height Restrictions 308.3.1 The height of any building shall be measured from the average finished grade. In no instance shall a building be more than thirty-five (35) feet above the average grade.

**Miscellaneous**

- **Communication and miscellaneous.**

There was no mail.

It was agreed to postpone the election of a Chair and Vice Chair until June's meeting.

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

The meeting adjourned at 7:56 p.m.

Respectfully Submitted,  
Lindsay Pettengill,  
Recording Secretary