

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

Minutes

Freedom Zoning Board of Adjustment: **June 27, 2023**

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

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

Public: Kathy Koziell, Nancy Trombini, Lindsey Archila, Denise Savoie, Kevin Vater, Don Smith, Bryan Berlind

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**, Motion for Rehearing of Zoning Board of Adjustment's April 25, 2023 Denial. The Cotter's original application wished to 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 # 59-26-23 Robin Kebernek & Richard Martin

Applicant is seeking an Equitable Waiver of Dimensional Requirements from Article 304.2 Table for relief of the sideline setback for an existing structure from 30 ft to 24.4ft.

Applicant is requesting the following:

Equitable Waiver of Dimensional Requirements from Article 304.2 Table

Property is located at 106 Pleasant Drive. Map 59 Lot 26.

Application # 37-7-23 Lindsey Archila & Denise Savoie

Applicant wishes to add an attached 16 by 24 single car garage with finished space over and adding an entryway covered deck 4'9" by 6'6". Applicant is requesting the following:

Variance Article 3 Section 304.5 Table

Variance Article 9 Section 906.1 Front Yard Setback

Variance Article 9 Section 906.2 Side yard Setback

Special Exception Article 3 Section 304.6.3 Erosion Control

Property is located at 291 West Bay Rd. Map 37 Lot 7.

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 made the motion, seconded by Denny Anderson, approve the meeting minutes of April 25, 2023. All were in favor. APPROVED

Karl made the motion, seconded by Denny Anderson, to approve the meeting minutes of May 23, 2023. All were in favor. APPROVED

Application # 27-26-23 James & Susan Cotter

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Motion: Chairman Lees, after the board had time to review the Motion for Rehearing submitted by Attorney Johnson, motioned to uphold the Boards Decision from the April 25, 2023 meeting, therefore denying the request for rehearing. Karl seconded. All were in favor. 5-0

Application # 59-26-23 Robin Kebernek & Richard Martin

Attorney Don Smith with Bryan Berling of Land Tech, represented the owners.

- House was built as it was located on the original septic plan where it showed it was within the setbacks
- Cost to fix this mistake would be costly to homeowner

Karl states that both new and old plans measure the same distance for the setback. Bryan stated that was the mistake, the setback was originally drawn as the 25ft not 30ft.

All abutters were properly notified. Attorney states his client spoke with all neighbors who did not object to application.

No public or abutters present for comment.

Motion: Karl makes a motion to approve Equitable Waiver with conditions that all future building must come before the ZBA. Denny seconded; Motion carried 5-0.

Variance from Article 304.2 Table

- 1. 5-0 Motion Carried**
- 2. 5-0 Motion Carried**
- 3. 5-0 Motion Carried**

- 4. 5-0 Motion Carried
- 5. A. 5-0 Motion Carried
 - i. 5-0 Motion Carried
 - ii. 5-0 Motion Carried

Conditions:

- 1. Per Plan titled, Plan in Support of Equitable Waiver Application for Richard A. Martin & Robin Kebernick and Dated, March 30, 2023.
- 2. Any further building on the lot requires an application to come before the ZBA

Findings of Facts:

- 1. Small Mistake
- 2. Future Building must come before ZBA

Application # 37-7-23 Lindsey Archila & Denise Savoie

Homeowner Lindsey spoke about the new plan they are proposing since conducting much research on the zoning and ZBA process. Applicants believes new plan satisfies all concerns from the April meeting and is substantially different from that application.

Changes from April 2023 application:

- Garage size reduced by 43%
- Lot Coverage reduced to 12.47%
- No tree cutting required
- Only 7.4% of the garage is now in the zoning envelope (appx 25 sq ft)
- Roadside variance reduced to 13.7'. They currently have a 37.6' variance, seeking to add 8'
- Side setback – currently 25' on left boundary, seeking to add 7.3'

Abutter Nancy Trombini of 287 West Bay Rd spoke in opposition, as she previously had agreed to the current home being built with a variance and she does not wish to give even more property to the applicant.

Abutter Kevin Vater of 295 West Bay Rd spoke in favor, stating the owners are an asset to the community and has no problem with the application.

Peter proposes a site visit.

Chairman Lees motions to continue the application with the stipulation to meet at 6pm before the next ZBA meeting for a site visit. This will be August 8, 2023 due to board availability. Karl seconded this motion. All approved.

Miscellaneous

- **Communication and miscellaneous.**

There was no mail.

Appointment of Chair and Vice Chair-

- Karl made a motion, seconded by Peter to appoint Scott Lees as Chair. Approved 4-1
- Vice Chair will be voted on at next meeting

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

The meeting adjourned at 8:10 p.m.

Respectfully Submitted,
Lindsay Pettengill,
Recording Secretary