

ZONING BOARD OF ADJUSTMENT

P.O. Box 227

Freedom, NH 03836

Minutes

Freedom Zoning Board of Adjustment: **August 8, 2023**

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

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

Public: Nancy Trombini, Lindsey Archila, Denise Savoie, Kevin Vater, Brian Taylor, Carole Taylor, Peter Cooke, Ben Delorge, Mark Beaudoin

Site Visit

Present: Chairman Scott Lees, Vice Chairman Craig Niiler, Karl Ogren, Pam Keith, Denny Anderson, Peter Keenan, Recording Secretary Lindsay Pettengill

Public: Scott Pettengill, Lindsey Archila (Applicant), Nancy Trombini (Abutter)

Site visit began at 6pm at 291 West Bay Rd. The site of the proposed garage was staked out and labeled. Applicant walked Board members through the site.

During this meeting, the following cases will be heard:

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.

Application # 6-8-6-23 Blue Sky Towers III, LLC

Applicant seeks to construct and operate a wireless telecommunications tower at 61 Shawtown Road, in the Town of Freedom. The Project Site consists of an approximately 100' by 100' are to be leased from Jean and Francine Dube (together, the "Landowner"). The facility would consist of a 174' tall tower (plus an optional 5' tall lightning rod), together with other site improvements, all as shown on the site plan prepared by ProTerra Design Group, LLC. Applicant is requesting the following:

Variance Article 17 Section 1706.3 Height

Property is located at 61 Shawtown Rd. Map 6 Lot 8-6.

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 Denny Anderson, to approve the meeting minutes of June 27, 2023. All were in favor. APPROVED

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

Homeowner Lindsey spoke about site visit and that the shed that currently is located near the proposed garage will be moved within setbacks on the other side of the home.

- Lot Coverage reduced to 12.47%
- 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, she believes this garage is too big and too close to the road/her property.

Abutter Kevin Vater of 295 West Bay Rd spoke in favor, stating he has no problem with the application.

Peter and Denny believe the garage fits well with the neighborhood.

Variance from Article 3 Section 304.5 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 Variance Plan dated May 23, 2023**
- 2. All State Permits**

Findings of Facts:

- 1. Character of the area: There are several other properties in the area with garages closer to the road.**
- 2. This plan reflects revisions that scale the addition down.**
- 3. Shed on the north property line will be moved to the other side.**

Variance from Article 9 Section 906.1

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 Variance Plan dated May 23, 2023
2. All State Permits

Findings of Facts:

1. Character of the area: There are several other properties in the area with garages closer to the road.
2. This plan reflects revisions that scale the addition down.
3. Shed on the north property line will be moved to the other side.

Variance from Article 9 Section 906.2

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 Variance Plan dated May 23, 2023
2. All State Permits
3. Revised plan showing calculation for lot coverage

Findings of Facts:

1. Character of the area: There are several other properties in the area with garages closer to the road.
2. This plan reflects revisions that scale the addition down.
3. Shed on the north property line will be moved to the other side.

**Chairman Lees, seconded by Karl made a motion to approve the Variances from Article 3 Section 304.5 Table, Article 9 Section 906.1 and Article 9 Section 906.2 with conditions and to continue the requested Special Exception from Article 3 Section 304.6.3 to the September Meeting. All were in favor.
APPROVED 5-0**

Application # 6-8-6-23 Blue Sky Towers III, LLC

Mark Beaudoin, appeared before the board representing Blue Sky Towers LLC in the request for a Variance from Article 17 Section 1706.3 for height of proposed Cell Tower at 61 Shawtown Rd.

Chairman Lees questioned Mark about the required Appointment of Agent form. In the application there was a Land Lease however there was not Appointment of Agent form and there was discrepancy through the board whether this was acceptable or not as Mark was not specifically listed as a representative for the Landowner. Due to this the board elected to request an Appointment of Agent form be supplied for the September meeting and hear the application in order to make any further requests for the September meeting.

Mark was in agreement and requested he be able to submit to the board a map of projected service coverage to review tonight, board allowed.

Points of Discussion:

- The Tower will support more capacity and give better coverage for the amount of users in the area pulling from the tower.
- No signed agreement with any carrier at this time.
- Located in a heavy forest area.
- Monopole design, gray in color
- Found no way to coapply on another tower
- No impact to town/environment
- No lights as it will not be over 200'
- Routine maintenance will be performed every couple of months or as needed
- Engineering test will be completed if Variance is granted
- Decommission process – in lease agreement – Town will require Bond as required in Zoning Ordinance
- Average tree height 63.7' – asking 174' for tower

Board discussion:

- Question what 125' tower coverage would look like
- If it would be seen from across town/in the hills
- More coverage would be beneficial for towns Emergency Services
- Balloon Test on a Saturday
- Any major excavation work to be done to site? - Mark unsure but it is a level area so he does not believe so
- This is one of 2 tower application this month, is there a reason? – Mark states demand is high for better coverage

Abutters: None

Public: Brian Taylor – Does the Conservation Commission have any comment – Craig states it is not on town property so FCC is not affected.

Chairman Lees and the board request the following:

- Appointment of Agent form from Landowner
- Map with coverage area for a tower at 125' and 150'
- A Balloon Test on a weekend

Chairman Lees, seconded by Karl made a motion to continue the application to the September 26, 2023 Meeting. All were in favor.

Miscellaneous

- **Communication and miscellaneous.**

There was no mail.

Request from Anne Cunningham, Planning Board Chair, for a joint meeting. All in favor of attending the October 19, 2023 Planning Board Meeting.

Appointment of Vice Chair-

-Denny made a motion, seconded by Karl to appoint Craig Niiler as Vice Chair. Approved unanimously.

Zoning Officer, Gary Williams discussed a project on Loon Lake Rd where homeowner wishes to use permeable pavers instead of what was originally approved. Board was in favor of giving Gary the authority to approve new plan.

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 8:50 p.m.

Respectfully Submitted,
Lindsay Pettengill,
Recording Secretary