

ZONING BOARD OF ADJUSTMENT

P.O. Box 227

Freedom, NH 03836

Minutes

Freedom Zoning Board of Adjustment: **October 24, 2023**

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

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

Public: Paul Elie, James Rines, Sean & Nancy Munnely, Charlene MacCurtain, Keith Vellante, Amy White, Peter Cooke, Richard Martin, Robin Kebernack, Sandra Marcinkowski, Wendy Batista, Brian Taylor, Larry Foss, Ben Delorge. Martha Petit, Mark Petit

During this meeting, the following cases will be heard:

Application # 28-24-23 GMR Holdings of NH, LLC (*Continued from August 22, 2023*)

Applicant seeks to permit, construct, and operate a wireless telecommunications service facility at 375 Pequawket Trail.

Applicant is requesting the following:

Variance Article 17 Section 1706.3 Height

Variance Article 17 Section 1707.10 Mounting

Property is located at 375 Pequawket Trail. Map 28 Lot 24

Application # 41-16-23 Sean & Nancy Munnely (*Continued from September 26, 2023*)

Applicant seeks a variance for 9' of relief of front yard setback for the front stairs in order to replace the current camper on the property with a 28' by 48' double wide manufactured home. Applicant requests the following:

Variance from Article 3 Section 304.2 Table Front Yard Setback

Property is located at 7 Noodnick Rd. Map 41 Lot 16.

Application # 59-26-23B Robin Kebernack & Richard Martin

Applicant is seeking a Variance for relief to construct a front porch that was on the original house plan for their newly constructed residence. This variance was required in order to be in compliance with the decision made at the June 27, 2023 meeting, Application 59-26-23, where all future building was to come before the Zoning Board of Adjustment for approval.

Applicant is requesting the following:

Approval to construct front porch per plan

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

Application # 21-1-23B Camp Cody Inc.

Applicant is seeking a Variance to permit the construction of an addition onto the owner's existing nonconforming cottage within the 75' setback. Additionally, the applicant is seeking to permit the installation of erosion control and sediment control within the shorefront district for the construction of said addition to the owner's nonconforming cottage, the construction of two directorial cabins and the construction of a storage shed to replace a previously existing shed used to store life preservers and other water equipment.

Applicant is requesting the following:
Variance from Article 9 Section 906.2
Special Exception from Article 3 Section 304.6.3
Property is located at 9 Cody Rd. Map 21 Lots 1 and 1-1

Chairman Lees called the meeting to order at 7:00 p.m.

Chairman Lees introduced the Board to the Public. Noted that Dan Footit was an alternate and would be sitting with the board however would not be voting on the applications.

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

Craig Niiler made the motion, seconded by Karl Ogren, to approve the meeting minutes of September 26, 2023. All were in favor. APPROVED

Application # 28-24-23 GMR Holdings of NH, LLC (*Continued from August 22, 2023*)

Peter Cooke, appeared before the board representing GRM Holdings of NH, LLC in the request for Variances from Article 17 Section 1706.3 for height and from Article 17 Section 1707.10 for mounting of proposed Cell Tower at 375 Pequawket Trail.

Peter was joined by Amy White, project consultant with Verizon and Keith Vellante RF engineer.

Peter had submitted supplemental documents that were requested by the board at the August 22, 2023 hearing.

Peter reviewed the following supplemental documents:

- Revised Site Plans
 - NH Resources Bureau recommended the site be moved approximately 50ft further from Pequawket Trail due to scrub pine area
- Radio Frequency Emissions Report
- Estimation of existing tree canopy
- Generator spec sheets including noise levels, along with a printout showing noise level equivalents
- Visibility Study

Board discussion:

- Was Balloon float completed in the new location – Yes
- Concerns are not regarding monopole design but the visibility of the tower from many locations
- How much more coverage will this bring – Will reach Rte 25 and over the lake
- 4 carriers max on pole
- If tower is shorter how does it affect coverage – Run risk of losing carriers to lease off tower as the lower they get on the pole the less coverage they will receive. Coverage along 25 and Pequawket trail would suffer

Abutters:

Larry Foss – Now that the location has moved in the pit it is more visible and wrecking the land value in the area. Also moving closer to his property line

Public:

Charlene MacCurtain – Tower is an eyesore and she is against it.

Wendy Batista – Against, she is concerned about what it will do to the wildlife and the health of those closest to the tower. Also, that other carriers will not want to collocate on the tower. Peter with GMR does not believe it will be a problem as long as the tower stays the height they are requesting.

Martha Petit – Against

Lawrence Claveau – Questioned how much power the FCC was allowing – Keith RF engineer says they meet the requirements. Lawrence also has a problem with the 100’ by 100’ footprint but not so much problem with height. Board states that is more of a Planning Board discussion than a Zoning Board discussion.

Sandra Marcinkowski – Against

Further Board discussion:

- Alternative sites: Amy White from Verizon says the team identifies the area based on the need and the coverage, then they have to find areas that meet all of the requirements and you have to have a willing landowner. After the initial eval the RF engineers were looking for a tower at 150’ to meet the need for coverage in this area.
- Scott – Public is not in favor of height and neither is he
- Denny – Would like to see coverage shown at 130’ but knows if we all want coverage, we will see the tower.
- Peter – requests continuance to address height. Would like to see coverage and example of what tower would look like at 20ft increments down the tower
- Karl – Biggest eyesore will be from lake, would like to see a view of tower from North, South and middle of the lake.

Karl, seconded by Peter made a motion to continue this application to the December 19, 2023 meeting. All were in favor. APPROVED 5-0

Application # 41-16-23 Sean & Nancy Munnely (*Continued from September 26, 2023*)

Sean and Nancy appeared before the board requesting a variance for relief of the front yard setback in order to replace the current camper with a 28’ by 48’ double wide manufactured home. Due to the stairs needed to enter the home from the front yard they need a variance for 9’ of relief.

The board reviewed the updated plan provided by Sean and had no problem with the application

No Abutters or Public present for comment.

Variance from Article 3 Section 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 Certified Plot Plan Tx Map 41 Lot 16 with hand drawn dimensions. Dated august 18, 2023**

Findings of Facts:

- 1. Lot Lines have been surveyed**
- 2. Home no closer than 47' to front line**
- 3. Stairs no closer than 41' to front line**

Chairman Lees, motioned to approve the Variance from Article 3 Section 304.2 Table. All were in favor. APPROVED 5-0

Application # 59-26-23B Robin Kebernick & Richard Martin

Robin and Richard came before the board to request approval to construct the front porch to their new home. The front porch meets all requirements but they were required per the decision made on application 59-26-23 at the June 27, 2023 Zoning Board meeting, to come before the board for an approval for any future building on their property.

There was no board discussion as the building meets all requirements.

No Abutters or Public present for comment.

Findings of Facts:

- 1. Proposed porch meets all setbacks**
- 2. No variance necessary**

Chairman Lees, motioned to approve the request to permit construction of the front porch. All were in favor. APPROVED 5-0

Application # 21-1-23B Camp Cody Inc.

Jim Rines appeared before the board, representing Camp Cody Inc seeking a variance to permit the construction of an addition onto the owner's existing nonconforming cottage within the 75' setback. Additionally, the applicant is seeking to permit the installation of erosion control and sediment control within the shorefront district for the construction of said addition to the owner's nonconforming cottage, the construction of two directorial cabins and the construction of a storage shed to replace a previously existing shed used to store life preservers and other water equipment.

Jim noted that this application was heard at the October 19, 2023 Planning Board where a fire site visit by Chief Cunio was requested. He stated the site visit was completed and there were no issues.

Board Discussion:

- What is the foundation made of or is there even one?
- Square footage of cottage is going from 1400sq ft to app. 3600sq ft

- Concern is that the cottage will be demolished and returned to the same spot when it could be moved back on the property to meet all requirements.
- Would like the charm of the camp to stay intact.

No Abutters or Public present for comment.

Jim requests a continuance to obtain more information from the Camp.

Board would like Detailed construction plans including architectural, drainage, landscaping and foundation.

Karl, seconded by Denny made a motion to continue this application to the November 28, 2023 meeting. All were in favor. APPROVED 5-0

Miscellaneous

- **Communication and miscellaneous.**

There was no mail.

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

The meeting adjourned at 9:05 p.m.

Respectfully Submitted,
Lindsay Pettengill,
Recording Secretary