

TOWN OF FREEDOM

A **PUBLIC MEETING and PUBLIC HEARING** of the
Freedom Planning Board will be held on
Thursday, November 16, 2023
at 6:30 p.m. at Freedom Town Hall at 16 Elm St.

The meeting was called to order at 6:30 pm by Anne Cunningham. Present are: Anne Cunningham, Linda Mailhot, Melanie Glavin, Melissa Florio-Selectmen's Representative, Bobbie McCracken, Jane Davidson-Alternate, Carol McIntire.

Brian Taylor and Jeff Nicoll, Alternate, are absent.

Gary Williams is also present.

PUBLIC MEETING

1. Review and approve minutes of the October 19 Planning Board meeting. – Linda suggests having the minutes reflect the exact wording of the motion. Niiler is Craig's name, page 5 – Larry Claveau – not Barry. Page 6 #4 Jim Rines line – end should be so a special exception for erosion control is needed. A motion ...by Linda. Page 2 – line 64 – still have gardens instead of greenhouses. Linda made a motion to approve as amended, Melanie seconded. APPROVED

PUBLIC HEARING

2. Continued application submitted by Blue Sky Towers III, LLC for Site Plan Review to construct a cell tower on 61 Shawtown Road, Map 6, Lot 8-6. The Board will continue with determining if the application is complete and move to final plan approval if complete.
Mark has submitted more plans. Jane recused herself.

Items missing from last month:

#5 – Area of parcel in square feet – C1 acreage.

#7 – book and page number of abutting owners – C1

#17 – utilities – clarified that new line would be underground, shown on A2 and P1

#19 – catch basins/surface drainage – stone diaphragm on A2

#21- waiver needed – waiver is being sought, Parcel is 101 acres. Compound is in the middle, approx. 1000' away.

The closest the tower is to any setback is 640'. Melissa made a motion to accept the waiver for checklist item 21, Bobbie seconded. APPROVED

The checklist is now complete.

We have the radio frequency expert's report. The conclusion is that LTE coverage gaps exist in the area. The site provides coverage to the areas identified to have gaps at 154' and 174'. Recommends a condition that before building permit is issued a lease agreement and updated coverage map be submitted. Proof of compliance with FCC standards is consistent with the industry.

Fire chief comments have not been received.

Bobbie made a motion to accept the application as complete that an updated coverage map and lease agreement be submitted, as well as positive feedback from the fire chief. Melissa seconded. APPROVED.

PUBLIC HEARING

Section 8 – design standards and required improvements

Architectural – n/a

Bridge and road construction – N/A

Sedimentation/erosion control – BMPs will be followed, necessary permits will be obtained.

Stormwater drainage – diagram

Flood hazard plan – not in floodplain

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Water quality – N/A

Outdoor storage for fuel, etc. – dual wall generator with a void in the middle. A breach of the initial wall will sound an alarm. Immediate inspection will take place. All on impervious pad.

Dust fumes etc. – none

Lighting – none

Glare – none

Noise – generator noise when the test run takes place, when the power is out. Decibels of generator – similar to lawnmower

Sewage – none

Utilities –

Signs – none – 6' chain link with barbed wire fence

Equipment and service areas – identified on plan

Parking – shown on P1, also on A2

Management – N/A

Landscaping – none anticipated

Fencing walls and buffers – ample buffer strip, N/A

Maximum height – exceeded by ZBA variance.

Fall zone – equal to size of tower needed. Francine Dube & Gene Dube – yes there is ample space for parking. The Dubes are OK with the falling tower if it landed on their property. Towers are designed to break halfway.

Visual impact – matte gray finish that cannot be seen outside of the property.

Camouflage – 600' from property line

Color –

Shelter – no shelter. Cabinets and pole on site.

Lighting signage and security – no lighting or signage

Historic buildings/districts – N/A

Driveways – N/A

Antenna types – complies

10 -Complies

11- complies

12 – complies

1708 – abandonment – will comply

Security estimate has been provided.

1708.4 – will comply

Removal – will comply

Failure to remove – will comply

The planning board has no additional comments.

Public hearing was opened at 7:10 pm.

Members in support – Raelene Newbury – reception is spotty. Looking forward to having reception.

Michelle Churchill – looking forward to the service as soon as possible.

6 hands in favor

Jane Davidson – neither for or against. Has questions –

Width at the top of the tower? 8' – definitely no more than 10'. A response listed 12.5'

What is the height of the other tower in town? – 145'

RF report – is the coverage the same at 150 and 174 feet?

Who are the providers? Not signed up yet, could be as many as 4 or as little as 1

How much higher is the pole than the tallest tree in that area? Avg tree height is 63'

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Lawrence Claveau – feels 100’x100’ is too small for fall area. Once the carriers are stacked on the antenna, it will not be a good thing in the future – the RF output is a concern.
John Grinell – improvements in 911 service would be good
The hearing was closed at 7:20 pm.

Approve without conditions, with conditions, or deny are the options the Board has.

Maximum height, security bond, no lighting, all necessary federal state and local permits.
If the fire chief has any problems with this, there will be a process whereby the applicant will have to satisfy his concerns about any fire hazard related to this.

Linda made a motion as follows: *I make a motion to approve the Site Plan Review Application submitted by Blue Sky Towers III, LLC to construct a new cell tower with a maximum height of 174ft plus a 4ft lightning rod, with the following conditions – no lighting will be installed as part of this application; only one back-up generator will be installed; a security bond in the amount of \$36,930 will be provided; all necessary federal, state & local permits will be in place prior to construction; Prior to a building permit being issued the applicant will submit a copy of a lease agreement with a cell carrier and an updated coverage map for that particular cell carrier; the new proposed electrical line from the existing utility pole to the leased premises will be underground; that any comments the Fire Chief have be satisfied prior to a building permit being issued..* Bobbie seconded. APPROVED

Jane returned to the table.

PUBLIC MEETING

- 3. Continued Informal discussion of an application for a minor (two-lot) subdivision owned by Seacoast RV Resort, LLC at 33 Eaton Road (Map 40, Lot 10) in the residential/light commercial district. Applicant did not provide paper plans as required. This is continued to December 21 meeting, 6:30 pm at Freedom Town Hall

PUBLIC HEARING

- 4. Continued discussion of a site plan application submitted by Camp Cody located at Ossipee Lake Road (Map 21, Lots 1-1 and 1) to continue to improve facilities needed to maintain pace with the expectations of staff, campers, and their parents. Plan was not received. Continued to December 21 meeting, 6:30 pm at Freedom Town Hall.

PUBLIC MEETING

- 5. Informal discussion of an application for a minor (three-lot) subdivision owned by Jeffrey Hertel at the intersection of Cold Brook and Swett Hill Roads (Map 17, Lot 5) in the rural residential district. This is a minor subdivision. 3rd party review – a motion to waive 3rd party review was made by Melanie, seconded by Linda. APPROVED
Table 1 – square footage requirements based on soils and slope. Show total acres, size of wetlands, steep slopes to get net of usable land. Soil data is given for entire lot as opposed to individual lot. Anne - Provide net usable land and a soil table for each lot. Ossipee is misspelled. Anne made a motion to continue this application to December 21 at 6:30 at Freedom Town Hall, Linda seconded. APPROVED

PUBLIC HEARING

- 6. If the Planning Board agrees to allow Jeffrey Hertel to submit the final plat following the informal discussion, the Board will consider whether the proposed subdivision meets the requirements in Section 9, General Application Requirements of the subdivision regulations.

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7. Application for a pole mount solar system in the back yard of the property at 19 Porter Road (Map 4, lot 27) owned by John Eric Brunelle.

Dale McConkey is presenting.

Solar Installation Conditional Use Permit Checklist

The applicant must provide a plan of the lot and installations that includes the following information:

1. The perimeter boundaries of the lot including compass bearings, distances, and lot areas. Page 5
2. The shape, size, height, and location of all existing and proposed structures located on the lot. Page 5
3. The location of natural features such as streams, marshes, lakes, ponds or wetlands and manmade features such as existing roads, paths, trails, sidewalks, and structures. Shown on the map.
4. The abutting properties within 100 feet of the boundaries of the lot and their use shall be shown on the plan; roads and driveways within 200 feet of the boundaries of the lot. Abutters map provided
5. Setbacks mapped on the lot. Shown on plan
6. Contours (five feet) on the lot. Shown on plan, at 2'.
7. Location of proposed ground or pole mount system. On plot
8. A plan showing existing and proposed exterior lighting and signs with location. Shown on main plot, on building and garage. No lighting on proposed project
9. Existing and proposed landscaping. Shown on map. No proposed landscaping. Photos were distributed. Height of house is 14'. Height of array is 30'.
10. Plans for fire protection. – narrative on page 12 of application.
11. If any portion of the ground or pole mount system is within a special flood hazard area the plan shall show the Basic Flood Elevation and special flood hazard area. Shown on plan, answer is NO
12. If any portion of the lot is in the shorefront district (300 feet from the shore), the applicant must obtain a DES shoreland permit. If the project is eligible for a permit by notification, only the Zoning Officer's approval is required (Section 702.1) If the project exceeds the standards in Section 702.3, it must obtain a special exception from the ZBA (304.6.3 Special Exception Standards for Erosion Control). DES correspondence – there is nothing as it is more than 250' from water edge, also more than 300' per town requirement.

Section 2202 Ground and Pole Mount Restrictions

Because Freedom recognizes the importance of solar energy systems and the need to balance state solar energy regulations with the wishes of the community to “retain the rural character and small- town feel,” the following restrictions are placed on solar energy systems as authorized by the state:

2202.1 Location: All ground-mount and pole-mount systems shall be located in inconspicuous locations, such as the side and rear yards, low to the ground and screened to limit visibility. In the rear yard.

2202.2 Buffers: All solar systems shall have a reasonable visual buffer providing screening along public ways and from abutting views – WAIVER request was submitted. Planning Board can not act on this. ZBA would have to grant a variance. Applicant feels that it is reasonable. It will be 19.5 feet midday. Panel is 27.5'x 41 ft 4.5 inches. Plan shows a different measurement (15.5x41.5). Jim Shannon (Bright Spot Solar) provided details about how the panel works. Will be approx. 22' high.

Anne suggests a site visit.

2202.3 Setbacks: All solar systems shall comply with building setback requirements from lot lines for the entire system – including the panels – shown on plan.

2202.4 Lighting: All solar systems lighting shall be minimal, limited to access and safety, downcast and shielded from abutting properties – none proposed.

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A site visit will be scheduled. The application is continued to the December 21 meeting, 6:30 at the Freedom Town Hall.

PUBLIC MEETING

8. Do we want to change the number of points in the quadrant?

The ZBA proposal was explained by Gary Williams. Their proposal would make the plans easier for them to read. It would be changing it (lowering) to the State level. The risk would be having less trees. Propose to change the points in the shorefront segment from 35 to 25 and make the segment run 50' not 75' from the shore. This would not allow structures closer than 75'. The Board supports leaving this as is.

Erosion control – There are applications that go to ZBA for erosion control that need a bigger approval. Change ordinance – section 304.6 to say that special exception for erosion control – would be a permitted use, therefore Gary could give the approval. Other instances that require special exceptions would go to Zoning Board (ex. Lot coverage more than 15%).

Change the word church to place of worship. Change tables, definitions and in parking.

Concern about ground or pole mount system – pole mount requires conditional use. Could be changed to permitted use but could have impact on neighbors and area. Special exception would send it to Zoning Board. Leave AS IS.

Proposed ordinance changes for March 2024 ballot.

Proposed Zoning Amendment: Storage Containers and Portable Structures

Define Structures to Storage Containers and Portable Structures

Rationale for PB—Placement of temporary structures (cloth garages and shipping containers) have proliferated in the setbacks on lots all over Freedom. This change would prohibit placement of these structures in the setbacks without a variance.

ARTICLE 1 PREAMBLE AND TITLE

Section 101 Preamble

In pursuance of authority conferred by New Hampshire Revised Statutes Annotated, Chapter 674, Section 16, for the purpose of promoting the health, safety, and general welfare of the inhabitants of the Town of Freedom, now therefore the following ordinance is hereby enacted by the voters of the Town of Freedom, New Hampshire.

Section 102 Title

This ordinance shall be known and may be cited as the Zoning Ordinance of the Town of Freedom, New Hampshire, 1987

Section 103 Land Use Limited to Specific Listed Uses

No structure shall be constructed, erected, placed, or maintained and no land use commenced or continued within the Town of Freedom except as specifically or by necessary implication authorized by this Ordinance. There is no provision for any private solid waste facility. Only a municipal solid waste facility may exist in Freedom to serve the Town. In the adoption of this Ordinance, which excludes certain uses of land, the voters have considered the unique topography of the Town, its soils, the lack of central water and sewer systems, and the present character of the Town.

Section 104 New Structures

New structures must meet setbacks, lot coverage, and building permit requirements of this Zoning Ordinance.

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ARTICLE 2 EXISTING USES AND STRUCTURES

Section 201 Existing Uses and Structures

Any lawful building or use of a building, or land, or parts thereof in existence at the time of the adoption of this Ordinance, or of any amendment thereto, may be continued although such building or use does not comply with the provisions herein. Such building or use shall be lawful if there was compliance with existing Regulations in effect. This Zoning Ordinance shall not apply to existing structures or to the existing use of any building or land. It shall, however, apply to any alteration of an existing structure or for a use which is substantially different from the existing use or from the existing structure prior to alteration. Nonconforming uses and structures shall be subject to the provisions of Article 9, Non-Conforming Uses and Structures.

Section 202 Storage Containers and Portable Structures

Storage containers and portable structures as defined in Section 2402(64) in existence at the time of the adoption of this Zoning Ordinance or of any amendment thereto, may be continued although such structure or use does not comply with the provisions herein. If a storage container or portable structure is moved, the structure must comply with all current requirements of the zoning ordinance.

Section 906 Expansion of Non-Conforming Structure

A structure which is nonconforming as to one or more dimensional requirements (setback and height limit or either) may be enlarged or expanded with the following conditions:

906.1 No portion of the enlargement or expansion of a structure shall further encroach on the front yard setback beyond the existing overhang of the main structure.

906.2 The expansion or extension shall not violate the side yard setback or rear yard setback requirements for the district in which the lot is located.

906.3 No portion of the enlargement may exceed the height of the existing non- conforming structure.

Amended 3/14/00 Amended 3/12/02 Amended 3/11/2008

Section 906. A Relocation of Storage Containers and Portable Structures

Storage containers and portable structures as defined in Section 2402 #64 in existence at the time of the adoption of this Zoning Ordinance or of any amendment thereto, may be continued although such structure or use does not comply with the provisions herein. If a storage container or portable structure is moved, the structure must comply with all current requirements of the Zoning Ordinance.

ARTICLE 24 DEFINITIONS

Existing and Proposed Language:

64. Structure: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include storage containers and portable sheds, garages, carports, barns, gardens, and storage enclosures which remain on the land for a period in excess of thirty (30) days.

9. Public Comment

10. Other Business that can properly come before the board.

Planning Board budget – distributed and reviewed. Melanie made a motion to approve the operating budget for \$5000 and \$1000 for other expenses, seconded by Linda. APPROVED

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Taylor STR – septic plan was received, now meets the requirements.

Third party reviewer – Anne has been contacting interested parties. LRPC – a request has been sent, no reply as yet.

Letter re: second cell tower application, distributed to Board.

Linda made a motion to adjourn at 9:36 pm, Melanie seconded. The meeting was adjourned.

Respectfully submitted,
Melissa Donaldson
Recording Secretary

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