

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

Freedom Zoning Board of Adjustment: **July 23, 2024**

Present: Karl Ogren Peter Keenan, Daniel Footit (A), Pam Keith (A),

Absent: Chairman Scott Lees, Vice Chairman Craig Niiler, Denny Anderson(A), Tim Cupka(A) and Jacob Stephen (A), Lindsay Pettingill, Gary Williams Zoning Officer/Building Inspector,

Public: Raymond Melvin, Edward & Wendy Batista, James & Lillian Guido, Romy Maurer, Cathy DiGiampietro, Tracey A. Juda

**The Board voted unanimously to make Karl the Chair for this meeting in absence of the Vice Chair and the Chairman Lees.**

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

Chairman Ogren 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 explained the board consisted of four members and the applicant is entitled to five members. Three members need to concur for an item to pass. The applicant can ask for a continuance if they want a five-member board.

He asked if the applicants understood. Karl also stated where the meeting was posted.

**Peter Kenan made the motion, seconded by Pam Kieth, to approve the meeting minutes of May 28, 2025, as written. All were in favor. APPROVED**

**The following applications will be heard:**

**Application # 29-5- 24- Edgar Batista**

Applicant seeks to permit build a garage.

Applicant is requesting the following:

Variance Article 3 Section 304.5 Sideline Setback

Variance Article 3 Section 304.2 Rear Yard Setback

**Property is located at 444 Huckins Rd Map 29 Lot 5**

**Application# 24-3-24 DiGiampietro/Juda**

Applicant is seeking to relocate and existing, non-conforming detached garage within the front yard setback, as well as the installation of a new permeable patio/firepit within the side and rear setbacks. The

existing driveway will be reconfigured to reduce the slope and to access the new garage location. Tree cutting will be done within the 0-75' and the 75-300' zones. See application for more details.

Applicant is requesting the following:

Variance Table 304.5

Special Exception Article 3 Section 304.6.3.1

Special Exception Article 7 Section 704.4

Special Exception Article 7 Section 704.5

**Property is located at 2 Pauli Point Road  
Map 24 Lot 3**

#### **Application # 29-5- 24- Edgar Batista-**

James Guido came before the board to present this application to the board. He explained the Batista's want to build a garage. With the aid of a plot plan he explained where the garage would be located. The garage will be 22x32 or 22x34. The plan was the original plan used to build the house and showed items on it that are not on the lot now. There is no shed on the property currently. Karl questioned the plan stating a proposed house on the plan and questioned if the house on the plan is the house on the property and asked if there is stairs off the house. James stated the house was built without the proposed garage.

Karl questioned the shed that is on the plan and Mr. Batista said there is no shed on the property. Karl explained that the board needs a plan showing what is on the property currently with exact dimensions also a plan stating what is being proposed. The plans needs to be very specific as to what is on the lot currently and what is being proposed. The board agreed. Peter pointed out there are dimensions on the plan that he does not understand. James responded he was looking for guidance from the board regarding the size of the garage.

Karl said the following items need to be addressed:

1. *Take the shed off the plan. (they have no shed)*
2. *Show the house as it is not proposed.*
3. *Take the proposed garage off and replace it with what is being proposed with dimensions (for the house and if there are stairs and drip edges.*
4. *Need two plans one showing existing conditions and one showing proposed.*

Karl explained again the importance of what you are asking for needs to be very clear and accurate. The size of the garage should be decided before they come to the zoning board. He also explained the town has been called out on this and advised by legal counsel to get the plans exact to avoid lawsuits.

This application is continued until next month August 27<sup>th</sup>. Deadline is August 12<sup>th</sup> for submissions.

**Karl made a motion to continue this application next month, motion seconded by Peter; Motion passed.**

Karl called for a two-minute recess. 7:32 pm.

Meeting reconvene 7:33 pm

#### **Application# 24-3-24 DiGiampietro/Juda**

Karl reminded the applicants they have the right to a five-member board. The applicant proceeded with the application.

Romey Maurera from Mircle Farms presented on behalf of the applicants. Karl read the intent of the applicants into the record as the following:

Applicant is seeking to relocate an existing, non-conforming detached garage within the front yard setback, as well as the installation of a new permeable patio/firepit within the side and rear setbacks. The existing driveway will be reconfigured to reduce the slope and to access the new garage location. Tree cutting will be done within the 0-75' and the 75-300' zones.

Romey explained to the board that by relocating the existing garage the driveway will also be reconfigured to reduce the slope to the garage. The steps existing retaining wall and concrete steps along the shoreline will be patched and veneered in place. Peter asked what the veneer consists of. Romey will update the plan to reflect what the material the veneer is made of.

Peter commented that this is a steep grade. Erosion control was reviewed next. Silt sock will be used. Peter requested both a fence and silt sock be used. Karl asked about digging. Digging will be minimal for the patio to level the area. The slope is too steep for a machine and the plantings will be done by hand. There will also be a rain garden. The machine will be used to set the boulders.

**Erosion Control:**

- Need both silt sock and fence.

**Earth disturbance areas include:**

- The patio
- The boulder wall on the side
- Bringing in 230 cyds of material and removing 310 cubic yards being removed.
- Digging for the slab

The state has approved the project.

**Sidelines:**

Currently, the garage is 15.7 feet from the sideline setback will be moved back to 41.5. Plan L1 has the proposed. The infringement on the sideline setback is reduced. The only relief needed is the front yard setback.

There was discussion if the patio is a structure or not. Karl said no but the firepit would be. The grill has a note material to be determined and will be fixed in place fuel source is a underground fuel tank.

- Need a distance for the grill (considered a fixed structure) to the sideline setback on the plan.
- Need filtration plan/ drip edge on plan for garage.
- Fire pit dimensions needed.
- Retaining wall to the Clough boundary line need maximum dimensions looking down. Need to see side view and answer the question if the wall is a structure.

**Tree Cutting-**

**Shore front tree cutting:**

Plan EX1 has what is currently there and L1 has point totals. Will be removing a tree in quad 1. Quad 2 will increase by 1.

Cutting a 7inch maple because it is in the middle of the patio.

0-50 ft.

Removing 17 trees and supplementing with 10.

75-300 ft. - Need tree inventory for the trees being removed need to include what they are.  
Peter requested a site visit.  
Trees will be ribboned off.

Site visit will be Aug. 27<sup>th</sup> at 6:15 pm.

Karl made a motion to continue this application to the August 27<sup>th</sup> meeting, seconded by Perter; motion passed unanimously.

Stacy will request the FCC review this plan and provide feedback.

The bunkhouse information will be reviewed next month.

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

The meeting adjourned at 8:35 p.m.

Respectfully Submitted,  
Stacy Bolduc  
Town Administrator