

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

Freedom Zoning Board of Adjustment: **December 17, 2024**

Present: Chairman Scott Lees, Karl Ogren, Vice Chair Craig Niiler, Daniel Footit (A), Bryan Fontaine Building Inspector/Zoning Officer, Lindsay Pettengill Recording Secretary

Absent: Peter Keenan, Denny Anderson, Tim Cupka(A), Jacob Stephen (A), Pam Keith (A),

Public: Philip Marbury Esq, Ian Masters, Bryan Walsh, Wayne Delano

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

Chairman Scott 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

Scott Lees made the motion, seconded by Karl Ogren, to approve the meeting minutes of November 19, 2024. All were in favor. APPROVED

The following applications will be heard:

Application 23-40-24 Michael & Patsy-Jo Malaney (*Continued from October*)
Applicant has withdrawn application.
Property is located at 13 Summer St.
Map 23 Lot 40

Application 29-42-1-24 Wayne & Mary Delano (*Continued from November*)
Property is located at Huckins Rd
Map 29 Lot 42-1

Application 37-2-24 The Denise A. Tinguely Rev Trust of 2008 (*Continued from November*)
Property is located at 249 West Bay Rd
Map 37 Lot 2

PUBLIC HEARING

Chairmen Lees notified the applicants that Daniel Footit (alt) would be sitting on the board to make it a 4 person board. The applicants were notified that they can request to be heard by a 5 person board at another time if they so choose.

Application 23-40-24 Michael & Patsy-Jo Malaney

Applicant has formally withdrawn application.

Board approves withdrawal request but also requests the Recording Secretary Notify the Board of Selectmen that this application was withdrawn and there is currently a building that is not in compliance with the town ordinance and therefore the Selectboard can take next steps as they so choose.

Craig made a motion to approve the withdrawal of the application, motion seconded by Karl; motion passed unanimously.

Application 29-42-1-24 Wayne & Mary Delano

Wayne Delano came before the board with an amended plan with all items requested of the board from the last meeting.

- Board wanted note on plan to state septic can be installed at a later date
- Would like letter from abutters stating ok with building
- Add green space to plan

Board agreed applicant met all requests.

There were no abutter or public comment.

Chairman Lees and the Board elected a straight up vote.

Variance from Article 1 Section 104 and Article 3 Section 304.2

Conditions:

1. **Per Plan Zoning Plot by Mark McConkey for Wayne Delano, Huckins Road Freedom Plan. Dated 11/22/2024.**

Findings of Facts:

1. **The Lot is owned in common with the lot across the street**
2. **Applicant has met all conditions established by ZBA**
3. **The lot will support a septic system in case it is ever sold separately from the adjacent lot across the street**

The Board agreed to vote Straight up for the Variances from Article 1 Section 104 and Article 3 Section 304.2. All were in favor. APPROVED 4-0

Application 17-1-24 Scott Brooks Jr

Application continued to January.

Application 37-2-24 The Denise A. Tinguely Rev Trust of 2008

Bryan Walsh from Horizons Engineering came before the board representing the Denise Tinguely Trust. Bryan explained the revisions made at the request of the board.

- Dimensions on structures (w/overhangs)
- Area of the new house within the setback vs area of existing house within 75' of lake
- Show how area is being reclaimed after house is demolished
- Sq. Ft of driveway
- Detail on pavers (size/material)
- What does the 1919 # represent on post construction plan

- Area of impervious if it was not impervious

Board agrees applicant met all requests.

Abutters/public: None

The Board agreed to vote Straight up for the Special Exception from Article 3 Section 304.6.3

Special Exception Article 3 Section 304.6.3

A- 4-0 motion carried	J- 4-0 motion carried
C- 4-0 motion carried	K- 4-0 motion carried
H- 4-0 motion carried	L- 4-0 motion carried

Conditions:

2. **Site Plan prepared for Clean Cut Construction 249 West Bay Rd Freedom, NH. Dated 11/4/2024, with Revision date 12/2/24.**
3. **Per Approval of NHDES Shoreland Permit**
4. **Erosion Control shall be installed prior to any earth moving and shall remain in place until construction is complete and site is stabilized.**

Findings of Facts:

4. **Nonconformity shifts from lakeside to streetside**
5. **Existing non – 1170SF Proposed 895SF = Net reduction**
6. **Proposed Conditions meet impervious with or without permeable pavers**

The Board agreed to vote Straight up for the Variance from Article 3 Section 304.5.

Variance Article 3 Section 304.5

1. **4-0 Motion Carried**
2. **4-0 Motion Carried**
3. **4-0 Motion Carried**
4. **4-0 Motion Carried**
5. **A. 4-0 Motion Carried**
 - i. **4-0 Motion Carried**
 - ii. **4-0 Motion Carried**

Conditions:

5. **Site Plan prepared for Clean Cut Construction 249 West Bay Rd Freedom, NH. Dated 11/4/2024, with Revision date 12/2/24.**
6. **Per Approval of NHDES Subsurface for Septic System**

Findings of Facts:

7. **Nonconformity shifts from lakeside to streetside**
8. **Existing non – 1170SF Proposed 895SF = Net reduction**
9. **Proposed Conditions meet impervious with or without permeable pavers**

The Board agreed to vote Straight up for the Special Exception from Article 3 Section 304.6.3 and the Variance from Article 3 Section 304.5. All were in favor. APPROVED 4-0

PUBLIC MEETING

Bryan – ZO/Building Inspector – clarification on Ordinance and Carports.

The Board requested pricing from individual email addresses for each member. Lindsay to get pricing and bring to next meeting.

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 was adjourned at 8:00 p.m.

Respectfully Submitted,
Lindsay Pettengill
Recording Secretary