

Zoning Board of Adjustment
P.O. Box 227
Freedom, NH 03836

Freedom Zoning Board of Adjustment: **July 23, 2013**

Members Present: Scott Lees, Chairman, Craig Niiler, Vice-Chairman, Karl Ogren, Jake Stephan, Tim Cupka, John Quigley, Alternate, Denny Anderson, Alternate

Others Present: Linda Farinella, Recording Secretary

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

During the meeting the following cases were heard:

Case #3-65-13 Eugene M. Corbett

Case #43-2-13 Stephen and Diana Thurston

Case #18-9&9-1-13 Todd Dickinson

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.

Minutes

Motion by Cupka, seconded by Ogren to accept the minutes of the June 25, 2013 with corrections. The motion passed unanimously.

Chairman Lees stepped down. Vice-Chairman Niiler chaired the following case. Quigley joined as a voting member.

Vice Chairman Niiler invited **Case #3-65-13 Eugene M. Corbett** to approach the board with a continued request for a special exception under Article 3 Section 304.6.3.1 of the zoning ordinance to replace an existing retaining wall with natural stone at 192 Freedom Point Road.

Mr. Corbett and his contractor Henry Shaw presented their revised plan with detailed cross section and bottom stones of wall shown toed in. The detail of the proposed erosion control using hay bales, berm and silt fence were reviewed.

Stephan asked for the length of the wall. Shaw responded 16ø which is the same as currently there. The size will remain consistent with present wall, staying within the same footprint.

Vice-Chairman Niiler asked for abutter or public comment, there were none. The hearing was closed to public comment.

The board reviewed the special exception worksheet for Article 3 Section 304.6.3.1:

- | | |
|--------|--------|
| A. 5-0 | J. 5-0 |
| C. 5-0 | K. 5-0 |
| H. 5-0 | L. 5-0 |

Motion by Vice-Chairman Niiler seconded by Ogren that based on the forgoing findings of fact, the requested Special Exception from Article 3 Section 304.6.3.1 of the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Based on Eugene Corbett Plan signed and dated 07/23/2013.
2. All necessary State and Town permits shall be successfully obtained.
3. Erosion control shall be install prior to work and shall remain in place until site is stabilized.

The motion passed unanimously. The applicant was informed of the 30-day appeal period.

Chairman Lees returned as chair.

Chairman Lees invited **Case #43-2-13 Stephen and Diana Thurston** to approach the board with a request for a special exceptions under Article 3 Sections 304.6.3.1 and 304.6.5 of the zoning ordinance to expand existing home, new septic system, remove trees and erosion control at 62 Berry Bay Road.

Chairman Lees read the recommendation by the FCC regarding this case.

Mr. and Mrs. Thurston explained that there is a cottage currently on the property on cement posts, no heat and it does have a septic. They intend to jack up the house and put in a foundation. The single car garage will be built if funds allow and it will not exceed the 10% lot coverage.

The tree cutting request is for construction and the new septic is outside of the 75øsetback; they do request the cutting of a couple of trees within the 75øsetback to improve the view. The tree point count is well over 100 even with the removal of the marked trees.

Chairman Lees asked if there were any patios or outbuildings. Mr. Thurston responded yes; the shed is to be demolished and the pump house will remain.

Mrs. Thurston stated that any tree removal within the 75øsetback will be leaving the stumps.

Stephan questioned about the slope of the lot. It was determined that the area of construction was only approximately 5% grade.

Chairman Lees asked about the septic. Mr. Thurston stated it has been resubmitted to the state, showing the smaller project size because old approval expired in June 2013.

Chairman Lees asked for abutter or public comment.

Scott Cunningham, abutter, stated that they have been long time neighbors and he strongly favors the Thurstonø application.

Jean Marshall, public, stated she is struggling with how the point/grid system for tree cutting works. There was discussion of how to plot the grids. Chairman Lees noted that this particular piece of property has plenty of trees.

The cross section for the erosion control plan drawn on the septic plan will be used by the homeowner.

Chairman Lees closed the hearing to public comment.

The board reviewed the special exception worksheet for Article 3 Section 304.6.5:

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| A. 5-0 | J. 5-0 |
| C. 5-0 | K. 5-0 |
| H. 5-0 | L. 5-0 |

Motion by Vice-Chairman Niiler seconded by Ogren that based on the forgoing findings of fact, the requested Special Exception from Article 3 Section 304.6.5 of the Town of Freedom Zoning Ordinance be granted with the following condition:

1. Tree cutting shall conform to Exhibit C dated 07/23/2013.

The motion passed unanimously. The applicant was informed of the 30-day appeal period.

The board reviewed the special exception worksheet for Article 3 Section 304.6.3.1:

- | | |
|--------|--------|
| A. 5-0 | J. 5-0 |
| C. 5-0 | K. 5-0 |
| H. 5-0 | L. 5-0 |

Motion by Vice-Chairman Niiler seconded by Ogren that based on the forgoing findings of fact, the requested Special Exception from Article 3 Section 304.6.3.1 of the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Erosion control shall be installed in the location and per the detail as shown on Thurston Plan prepared by Alan Fall dated 06/27/2008.
2. Erosion control shall be installed prior to any earth disturbance and remain in place until construction is complete and site is stabilized.

The motion passed unanimously. The applicant was informed of the 30-day appeal period.

Chairman Lees stepped down. Vice-Chairman Niiler chaired the following case. Quigley joined as a voting member.

Vice-Chairman Niiler invited **Case #18-9 & 9-1-13 Todd Dickinson** to approach the board with a request for a special exception under Article 3 Section 304.6.3.1 and a variance under Article 3 Section 304.4 of the zoning ordinance to reconstruct steps within the shorefront setback at 95 Babcock Road.

Ogren and Niiler stated that they know the applicant, their statements were duly noted.

Vice-Chairman Niiler read the recommendation from the FCC regarding this case.

Scott Lees, agent for Todd Dickinson, explained that the applicant owns abutting lots 18/9 and 18/9-1. 18/9 has a seasonal dwelling developed prior to zoning and 18/9-1 is vacant.

The applicant plans to replace deteriorating steps to stop water running down and eroding the beach. The new steps will be moved 4ø away from lot line, be 6ø wide, have handrails and wing

walls. Spoils from the original stair construction will be used with a goal of no negative impact on existing trees; no trees will be removed. Some runoff will be diverted onto lot 9-1. The steps will be constructed of Allan block or similar materials. The base material will be geotech fabric and coarse sand.

This project has been approved by the shoreland bureau and does not require a wetlands bureau permit. The silt fence will be installed at the bottom of the stairs; no silt fence detail is submitted, the applicant hopes that submission of the detail can be a condition of approval.

Vice-Chairman Niiler asked for abutter or public comment. There was none.

Vice-Chairman Niiler closed the hearing to public comment.

The board reviewed the variance worksheet for Article 3 Section 304.4:

- 1.5 to 0
- 2. 5 to 0
- 3. 5 to 0
- 4. 5 to 0
- 5Ai. 5 to 0
- 5Aii. 5 to 0

Motion by Vice-Chairman Niiler seconded by Quigley that based on the forgoing findings of fact, the requested Variance from Article 3 Section 304.4 of the Town of Freedom Zoning Ordinance be granted with the following condition:

1. Based on pages 3 of 4 and 4 of 4 of Plan submitted with application dated 12/29/12.

The motion passed unanimously. The applicant was informed of the 30-day appeal period.

The board reviewed the special exception worksheet for Article 3 Section 304.6.3.1:

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|--------|--------|
| A. 5-0 | J. 5-0 |
| C. 5-0 | K. 5-0 |
| H. 5-0 | L. 5-0 |

Motion by Vice-Chairman Niiler seconded by Quigley that based on the forgoing findings of fact, the requested Special Exception from Article 3 Section 304.6.3.1 of the Town of Freedom Zoning Ordinance be granted with the following condition:

1. Silt fence must be in place prior to earth disturbance and remain in place until site is stabilized.

The motion passed unanimously. The applicant was informed of the 30-day appeal period.

The Board will write a letter to the Planning Board regarding Article 3 Section 304.6.5 looking for clarification of tree cutting.

Discussion of Structure 6 this was tabled

Meeting adjourned at 9:03pm.