

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

Freedom Zoning Board of Adjustment: **August 27, 2013**

Members Present: Scott Lees, Chairman, 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 case was heard:

Case #44-6-1-13 Estate of Linnie Lawler

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.

Motion by Chairman Lees, seconded by Cupka to accept the minutes of the July 23, 2013 as written. The motion passed unanimously.

Chairman Lees invited **Case #44-6-1-13 Estate of Linnie Lawler** to approach the board with a request for a variance under Article 3 Section 304.2 of the zoning ordinance to place a cabin within the setbacks on Parsons Road.

Mr. Joseph Parsons, agent and potential property buyer, and Susan Dube, realtor, approached the Board with a request to place a 16øx20ø cabin within the setbacks. The lot is an odd triangle shaped lot of record. The cabin would be placed on the high point of the land, allowing for the well to one side and the septic to the opposite. Mr. Parsons is trying to limit the impact to the land and does not want to disturb the stone walls or remove more trees than necessary. The cabin would be placed at 25ø from the front and 33ø from the rear.

Chairman Lees asked if the 16øx20ø cabin includes overhangs and stairs. Mr. Parsons stated no; the cabin would actually be 18øx22ø

Chairman Lees and Anderson asked if the house was repositioned would a variance still be necessary. Mr. Parsons stated that to keep room for the well and septic and to stay away from the Freedom Village Condominium parking area some sort of variance would be needed.

Stephan stated he can see both sides; it is a small lot. Stephan would rather see the house more centered. Cupka agreed that centering the house would keep the home away from neighbors.

Chairman Lees asked for a butter and public comment.

Evelyn Connolly, abutter, presented history of their property and questioned the ownership of the land Mr. Parsons is purchasing. Paul Connolly, abutter, stated his concern that the septic be located as to not impact their property.

Barbara Talbot, abutter, wanted to be sure that the project would not affect the road or the use of their property.

Ellie Stokes, public, asked if the owner would be allowed to add extra buildings to the lot? If the owner meets zoning, yes they would be allowed.

Mr. Connolly, abutter, stated that he is concerned about the location of the septic and cabin.

Mr. Parsons reiterated that his intent is to keep any impact at a minimum and keep the cabin central on the lot.

Chairman Lees closed the hearing to public comment.

The board reviewed the variance worksheet for Article 3 Section 304.2:

1. 4 to 1 Lees opposed
2. 4 to 1 Lees opposed
3. 4 to 1 Lees opposed
4. 5 to 0
- 5Ai. 3 to 2 Lees and Cupka opposed
- 5Aii. 5 to 0

Motion by Chairman Lees seconded by Stephan that based on the forgoing findings of fact, the requested Variance from Article 3 Section 304.2 of the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. A revised plan containing new distances, date and signature shall be submitted.
2. If at all possible, the septic shall be placed to the east side of the structure.

The motion passed 4 to 1 with Chairman Lees opposed. The applicant was informed of the 30-day appeal period.

A letter will be sent to the Planning Board requesting that they look into how structures are handled in the Zoning Ordinance.

Chairman Lees thanked Quigley and Anderson for covering for Ogren and Niiler.

Meeting adjourned at 8:04pm.