

Zoning Board of Adjustment
PO Box 227
Freedom, NH 03836

Freedom Zoning Board of Adjustment: **November 25, 2014**

Members Present: Chairman Scott Lees; Karl Ogren; Craig Niiler; Tim Cupka; Jake Stephan; John Quigley, Alternate.

Others Present: Linda Farinella, Recording Secretary; Ned Hatfield, Zoning Officer

Chairman Lees called the meeting to order at 7:05 pm.

Notification of this meeting was posted at the Freedom Town Office, Freedom Post Office and published in the Conway Daily Sun.

Chairman Lees introduced the Board to the public.

Motion by Chairman Lees, seconded by Ogren to accept the minutes of the October 28, 2014 meeting as written. The motion passed.

During the meeting the following cases were heard:

Case #24-6-1-14 Paul and Elizabeth Pappas

Case #23-7-14 Mark and Susan Goldstein

Case #1-18-14 George Hecker

Case #22-28-14 Sandra M. Drea

Case #22-28-1-14 Sandra M. Drea

Chairman Lees invited **Case #24-6-1-14 Paul and Elizabeth Pappas** to approach the board with a continued request for a special exception under Article 3 Section 304.6.3.1 and a variance under Article 3 Table 304.5 of the zoning ordinance to install stone wall, replace stones at beach, replace brick patio, and add stepping stones all within the setbacks and requiring erosion control at 121 Haverhill Street.

Farinella reported that Mr. Papas has contacted the office and is working with Stony Ridge Environmental to have plans for the December meeting. Motion by Chairman Lees, seconded by Ogren to continue this case to the December meeting. The motion passed unanimously.

Chairman Lees invited **Case #23-7-14 Mark and Susan Goldstein** to approach the board with a continued request for a special exception under Article 3 Section 304.6.3.1 and a variance under Article 3 Table 304.2 of the zoning ordinance to replace existing stone retaining wall including relocating, reorganizing and replacing stones and stairs within the setbacks and requiring erosion control at 28 Sunset Road.

Chairman Lees explained that copies of the 2013 approved plan were sent to members to take and review the current condition of the property.

Mr. Goldstein noted that he has met the two requirements with his plan submission; an erosion control plan and a total square footage of the retaining wall before and after. Mr. Goldstein stated that the new wall has less total square footage.

There were no abutter or public comments. There were no additional questions from the board.

Chairman Lees closed the hearing to public input.

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

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

Motion by Chairman Lees seconded by Niiler 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. Per plan titled "Plot Plan for Freedom ZBA Mark Goldstein" dated 11/10/2014.

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

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

- 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 Chairman Lees seconded by Niiler 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. Per plan titled "Plot Plan for Freedom ZBA Mark Goldstein" dated 11/10/2014.
2. All necessary State permits shall be successfully obtained.

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

Chairman Lees invited **Case #1-18-14 George Hecker** to approach the board with a continued request for a special exception under Article 3 Section 304.6.3.1 and a variance under Article 4 Section 406 to replace a septic system within 125' of a wetland and requiring erosion control at 5 Kenison Drive.

Mark and Dale McConkey explained that Mark McConkey had met with abutter Kenison about the location of his well. The well is located over 75' from the proposed septic as noted on the

plan dated 11/24/2014. The plan notes spot elevations with the septic below grade; any water will not flow differently than before the work. The erosion control detail is on the plan.

Ogren asked McConkey if this was the same plan submitted on the November 10th deadline. McConkey stated no, this plan has the well neighbor's well location. McConkey explained that he had made several attempts to mark the well with a butter Kenison but it did not happen until after the deadline.

Motion by Chairman Lees, seconded by Niiler to accept the plan of 11/24/2014 as a reference plan. The motion passed unanimously.

Stephan asked the actual distance instead of the required 125'. McConkey stated that the distance will be 99.62' instead of the required 125'.

There were no abutters or public comments.

Chairman Lees closed the hearing to public comment.

The board reviewed the variance worksheet for Article 4 Section 406:

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 Chairman Lees seconded by Ogren that based on the forgoing findings of fact, the requested Variance from Article 4 Section 406 of the Town of Freedom Zoning Ordinance be granted with the following conditions:

1. Per plan titled "Zoning Plot Plan for George Hecker" dated 11/9/2014, with reference plan titled "Zoning Plot Plan for George Hecker: dated 11/24/2014.
2. NHDES Subsurface approval and any other necessary State of NH Environmental permits shall be successfully obtained.
3. Soil erosion control to be installed prior to any earth moving and shall remain in place until vegetation has been established.

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

Motion by Chairman Lees seconded by Cupka 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. Per plan titled "Zoning Plot Plan for George Hecker" dated 11/9/2014, with reference plan titled "Zoning Plot Plan for George Hecker: dated 11/24/2014.

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

Chairman Lees recused himself, Vice Chairman Niiler stepped in.

Vice Chairman Niiler invited discussion of **Case #22-28-14 Sandra M. Drea** and **Case #22-28-1-14 Sandra M. Drea** to approach the board with a continued request for an appeal for a variance under Article 4 Section 406 to construct a septic system or leach field within 125' of a wetland on Intervale Ave on each lot respectively.

Mark McConkey, agent, requested that this case be continued. Motion by Vice Chairman Niiler, seconded by Quigley that this case be continued to the December meeting. The motion passed 4-0.

Chairman Lees returned to the board.

The board discussed **Case #30-1-2-12 Walbridge**. The applicant has not yet met the conditions of approval. The board will write a letter to the Board of Selectmen requesting that the appropriate enforcement action is taken.

Meeting adjourned at 7:56 pm.