

**ZONING BOARD OF ADJUSTMENT
P.O. BOX 227
FREEDOM, NH 03836**

Freedom Zoning Board of Adjustment: **November 30, 2021**

Present: Chairman Scott Lees, Vice Chairman Craig Niiler, Karl Ogren, Denny Anderson (A), Jeff Fongemie (A), Zoning Officer Gary Williams, Recording Secretary Stacy Bolduc.

Absent: Jacob Stephen, John Krebs

Public: Mark McConkey, Jacob McConkey, Eugene Lawnicki, Denise Lawnicki , Gary & Joanne Perwack, Debra Strott, Rick Strott, Jeffrey P Pisani, Dan & Karen Footit.

During this meeting the following cases will be heard:

- Application 26-4-21 Eugene W. & Denise M. Lawnicki** *Continued from October 26, 2021*
- Application 30-12-21 Richard J. & Debra L. Strott** *Continued from October 26, 2021*
- Application 33-38-21 Darlene C. Johnson & John Pisano** *Continued from October 26, 2021*
- Application 22-24-21 Jeffrey & Patricia Pisani** *Withdrew on September 28, 2021*
- Application 22-80-21 Daniel j. & Karen J. Footit** *Continued from October 26, 2021*
- Application 9-5-01-21 Carlton and Michelle Peare**
- Application 12-19-01 Williams Family Trust, Gary & Jo Ann Williams**

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

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.

Chairmen Lees made the motion, seconded by Niiler to accept the minutes of the October 26, 2021 meeting as written.

PUBLIC HEARING

Chairman Lees invited Application # **26-4-21 Eugene W. & Denise Lawnicki at 380 Pequawket Trail.**

Applicant seeks an appeal for the following:

Applicant wishes to demolish existing home, construct a new home with attached breezeway/garage and reconstruct existing stairs and changing room.

Applicant seeks the following Special Exceptions:

Article 3, Section 304.6.3 for Erosion Control

Article 3, Section 304.6.5.1 Tree cutting within 75 feet of the reference line in the Shorefront District.

Article 3, Section 305.6.5.3 for any cutting between 75-300 feet of the reference line.

Applicant seeks the following Variances:

Variance from Article 3, Section 304.5 Table of the Zoning Ordinance to permit the side setback for the house and changing room from a reference line. Variance from Article 3 Section 305.6.5.3 for tree cutting in excess of points allowed in grid 6.

Lees read a letter from the Hussey Family Trust into the minutes. (See attached). The letter stated the applicants had decided not to meet with the abutters regarding the location of their proposed house. Marc and Jacob McConkey came before the board to present the changes to the plan since the last meeting. Updates include rotated south-east turnaround on driveway to save pine tree, labeled existing wells, confirmed oak tree next to existing house, moved the septic tank to save a tree in grid 6, fixed arithmetic in grids 2 & 6, revised changing room to not expand and added bulkhead to the proposed house. Paul Kings stamp is on all the plans as well and the path has been reconfigured to a six-foot path and moved it forward.

Points discussed:

- Chairman Lees questioned what Paul King's stamp is certifying? There is nothing on the plan stating what he is certifying. Mark confirmed that he was certifying the lot lines because that information came from his survey. Chairman Lees asked that Paul King add information to the plan, stating what he is certifying. Accurate boundary lines and setback distances?
- Tree cutting- Grid 6 the septic tank was moved slightly to save a tree. Grid 6 now meets the Special Exception standard of a hundred points. And the driveway was reconfigured to also save a tree. The variance Article 3 Section 305.6.5.3 is no longer needed.

Chairman Lees asked if any abutters in favor of the project would like to speak. There were none. Abutters opposed. Joanne Purwak on behalf of the Hussey Family Trust at 382 Pequawket Trail stated that she was hoping to come to this meeting being able to support this proposal but the Lawnicki's declined to speak with them and instead sent a letter to the Board outlining their position. (See attached) Joanne stated she is confused by the reconfigured path. She explained that her 5th generation granddaughter is eleven and is very upset about the disturbance of the path. She thanked the board for time and consideration. Chairman Lees reiterated the path is not within the Zoning Boards' control.

Ogren stated he was disappointed the parties did not talk to come to a resolution.

Chairman Lees asked if there were any abutters in favor?

None

Abutter opposed?

None

The board elected to review the Variance worksheet for Article 3, Section 304.5 Table for the side setback for the house only. ***The changing room is not a part of this variance:***

The ZBA has the power to authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

1. The variance will not be contrary to the public interest. **Carried 5-0.**
2. The spirit of the ordinance is observed if the variance is granted. **Carried 5-0.**
3. Substantial justice is done by granting the variance. **Carried 5-0.**
4. The value of surrounding properties is not diminished if the variance is granted. **Carried 5-0.**
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - A. Unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - i. No fair and substantial relationship exists between the general public purposes of the zoning ordinance provision and specific application of that provision to the property, and

Motion Carried 5-0.

(ii) The proposed use is a reasonable one. **Motion carried 5-0.**

Conditions:

1. **Per the Plan titled: Zoning plot for Eugene W. & Denise M. Lawnicki 7 Hastings Rd. Winchester, MA 01890 Pg. 3 Tree Cutting, Pg.2 Erosion Control Plan dated 11/13/2021.**
2. **Foundation Certification done by a Land Surveyor sent to the Zoning Officer.**
3. **Obtain NHDES Shoreland permits.**
4. **Paul King needs to clarify on the plan what he is certifying (a statement regarding boundary lines and setbacks).**
5. **Revise Grid 7- point value to reflect 200 points of trees remaining.**

Chairman Lees asked if they should have done the stairs because the configuration has changed? Ogren responded no because the closest point is 37' from the setback.

Findings of Facts:

1. **The proposed house will be further from the sideline than the existing house.**
2. **The pathway will be re-established when construction is complete.**

Motion: Chairman Lees made a motion that, based on the foregoing findings of fact, the requested Variance from Article 3, Section 304.5 Table of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 5-0.

The Special Exception for 304.6.5.2 was removed. Gary has the authority to grant it.

Ogren questioned if they had to do anything for the rear or front setbacks for the stairs? Chairman Lees responded that's what he was asking the first time. Ogren responded he was referring to the sideline setbacks in the first comment about the stairs. Lees referred to the plan and pointed out the configuration of the steps are different from the changing room to the lake. Ogren stated if they need a variance they will have to come back. Gary stated they have the sideline setback prior and they are within it and the steps are being moved further back from the lake. Denny added that they meet the sideline setback and the stairs are going back in almost the same place so he did not think a variance was needed. Ogren asked Mark why the changing room and the landing are a little off. Mark responded the architect pulled them back a little to make a gentler turn going down to the water and it was not a side setback issue. The question is still do they need relief for the setback from the lake. After some discussion on the stairs, it was decided the stairs could be built as presented on the plan and no further action is needed.

The board elected to review the Special Exception worksheet for Article 3, Section 304.6.3 pg. 2 Erosion Control, 304.6.5.1 and 305.6.5.3 tree cutting pg.3

A- 5-0 motion carried
C- 5-0 motion carried

J- 5-0 motion carried
K- 5-0 motion carried
L- 5-0 motion carried

Motion: Chairman Lees made a motion that, based on the foregoing findings of fact, the requested Special Exception from Article 3 , Section 304.6.3, 304.6.5.1, and 305.6.5.3 of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 5-0.

Conditions:

1. **Per Plan titled: Zoning plot for: Eugene W. & Denise M Lawnicki 7 Hastings Rd. Tree cutting Pg.3 and Erosion Control pg. 2**

Finding of Facts:

1. **All grids meet Town standards for cutting. No variance is necessary.**

Chairman Lees explained the 30- day appeal period and the Special Exception expires 11/30/2023

Ogren asked that the agenda reflect ongoing history of the dates when an application is continued. He suggests seeing all the dates that an application has come before a board.

Chairman Lees invited **Application# 30-12-21 Richard J. & Debra L. Strott**

Applicant seeks an appeal for a **Special Exception under Article 3 Section 304.6.3.2** for erosion control in the shorefront and **Article 3 Section 304.6.5.1** for Grid 8 tree cutting meeting the Special Exception standard.

The applicant also seeks an appeal for the following variances:

Article 3 Section 304.2 side & front setbacks for house.

Article 3 Section 304.5 (water side) setback house.

Article 3 Section 304.2 side and front setbacks garage.

Article 3 Section 304.5 rear (water side) setback garage.

Article 4 Section 406 Septic closer than 125' to water (3 tanks and 1 field)

Article 3 Section 305.6.5.3 Tree cutting over 75' on lots over 12.5% slope in SF not meeting score requirement.

Article 9 Section 906.1 Expansion of Non-Conforming structure front setback house.

Article 9 Section 906.2 Expansion of Non-Conforming structure side and rear setback house.

Article 9 Section 906.1 Expansion of Non-Conforming structure front setback garage.

Article 9 Section 906.2 Expansion of Non-Conforming structure side and rear setback garage.

Article 9 Section 906.3 Expansion of Non-Conforming structure height increase garage.

Mark and Jacob McConkey presented this application to the board. Jacob explained the changes made to the plan since last time it was presented. The overhang over the entire stairs has been removed, they also removed the enclosure underneath stairs on garage, the garage size remained the same garage size as existing aside from deck and stairs. The owners are proposing to keep the deck and the stairs outside. No changes were made to the house from the last presentation. They are still requesting to put an 8' wide deck on the back and reasonable access to the proposed bunkhouse to be built on top of the garage.

The owners were present to speak to the application. Mark explained this is a peninsula lot and there is no zoning envelope for this lot. He went into detail about the lot. Gary confirmed if the stairs are outside, and need to be covered. Ogren recapped he did not have a problem with the house but he did not want to see the garage change at all. And that is still his position. If the garage and bunkhouse are going to be an accessory to the house then it will get bigger.

The owners were present to speak. Richard Strott commented he did not understand the boards objections to the garage. Chairman Lees explained his position is that the Strott's bought a house that is already a non-conforming structure and at some point, a lot reaches its limits. If you feel you need more space then this may not be the lot for you because at what point do you stop adding to the lot. Mr. Strott explained all they want to

do is add 6' to their house. He explained the house is very small and he and his wife are living here full time and they want to expand the house to give them more space to live in. They are keeping the footprint of the garage the same but want to expand the house six feet. He explained further that he is trying to work with the board. Mrs. Strott asked if it exceeds the allowed lot coverage? Chairman Lees responded for him the issue is that they bought a house that is non-conforming that could not be built today without coming for a variance. So, when you say you're trying to meet the need you already have something that the Town voted to not allow. He understands the lot and the house existed before zoning and a house has certain rights because it is there. Lees went on to explain the definition of a variance. Lees is fine with the house but when it comes to the garage, he is not fine with it. Mr. Strott said the motivation for the bunkhouse is not to bring up more people but to have more storage. Lees responded the plan states a bunkhouse, not storage. Mark recapped for the owners that the reason Chairman Lees is clarifying if it is a bunkhouse or storage is if you want to have a bunkhouse and it is staying in the same footprint that in his opinion if you need stairs to access that space then the stairs should be in the garage.

Ogren reiterated for the applicants the concern of the board for this application has always been the proposal for the garage. The board was not concerned so much with the height of the garage but more with what was being added on the outside of the garage being so close to the water. The proposal for the house is not the problem. If the stairs were not added to the side and the deck was not on the side of the garage, they may be closer to being able to vote on the garage. Chairman Lees voiced his concern for Mark McConkey that there are board members who are disappointed that this application keeps coming back with the same thing. He does not feel that the board's requests are being heard. Mark summarized for the applicants the board's position on this application tonight is that they will not vote for this application as it is presented and it will have to come back substantially different. Board members do not support this application as presented. Ogren suggested if this application is coming back, the requests be cleaned up based on tonight's discussion.

After a brief discussion that the board has had an issue with the garage since the first time the application was presented and the application keeps coming back with the board's concern about the garage not being addressed Mark asked the board to withdraw the application without prejudice.

Chairman Lees made a motion to allow this application to be withdrawn without prejudice, motion seconded by Ogren; Motion passed 5-0-0.

**Chairman Lees call for a five-minute break before the next application was heard at 7:11 p.m.
Meeting reconvened at 7:15 p.m.**

Chairman Lees invited Case # 33-38-21 Darlene C. & John Pisano

Application# 33-38-21 Darlene C. Johnson & John Pisano *Continued from October 26, 2021.*

The applicant wishes to replace the existing home with a new home, garage, and septic system that will be further from the waterfront and construct retaining walls that will break or soften the slope and lessen stormwater flowing down the hillside unabated. The new construction meets town zoning regulations. The applicant seeks an appeal for the following:

Special Exceptions under Article 3 Section 304.6.5.1 tree cutting within 75' of the reference line. **Special Exception under Article 3 Section 304.6.3** for erosion control or cutting and removal of trees.

Applicant also seeks the following **Variances:**

Article 3 Section 304.5 Variance sideline and rear (water) setbacks.

Article 3 Section 305.6.5.3 Variance for tree cutting on a lot greater than 12.5% grade

Presenters Marc McConkey and Jacob McConkey presented this application. The following updates were made:

- Added stairs to the headwall.
- Changed Os to 0's on tree plan.
- Well radius shown bold.
- First Floor Elevation's shown
- Roof on the garage clarified.

Chairman Lees explained to Denny and Jeff Fongemie that this is another application that has been before the board several times. And he explained the differences in the application since it was first presented. The retaining walls have been reduced back to the one abutters' property line and there is a headwall between the house and the garage to help reduce and minimize some of the site disturbance from having to remove a hill to build the new house and garage. The plan also has a lot more detail regarding what the proposed and finished contours are going to be. Mark addressed Bruce Howlett's concern about best practice management regarding retaining wall #2 and erosion concerns will be addressed through the States Shoreland permit process. Wall heights have been reduced so when kayaking down the river you don't see exposed walls. Mark continued to explain the measures taken for erosion control. Planting plan is also in place for anything that may not survive. Ogren asked if Jacob could foresee the State asking for any adjustments or changes? Jacob's opinion is that the plan meets all their standards. Mark responded that they will take into consideration and make sure that the stairway doesn't contribute to any erosion or stormwater runoff. If the State makes changes the board wants to see the changes.

There were no abutters or public present.

The Howlett letter was reviewed. (See attached).

The variance for Article 3 Section 304.5 is just for the sideline and front setbacks for the retaining walls 1 and 2. The variance for Article 3 Section 305.6.5.3 is for grid #8 and #6 for the septic system and house.

Questions from the board:

None.

Questions from the abutters or public:

None.

The board elected to review the Variance worksheet for **Article 3, Section 304.5 Table**

The ZBA has the power to authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

1. The variance will not be contrary to the public interest. **Carried 5-0.**
2. The spirit of the ordinance is observed if the variance is granted. **Carried 5-0.**
3. Substantial justice is done by granting the variance. **Carried 5-0.**
4. The value of surrounding properties is not diminished if the variance is granted. **Carried 5-0.**
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - A. Unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - ii. No fair and substantial relationship exists between the general public purposes of the zoning ordinance provision and specific application of that provision to the property, and

Motion Carried 5-0.

- (ii) The proposed use is a reasonable one. **Motion carried 5-0.**

. Conditions:

1. **Per Zoning Plan for John Pisano & Darlene Johnson 4 Bradford Rd. Natick, MA 01710. Dated 11/14/2021.**
2. **Obtain NH DES shoreland permit.**
3. **Existing home and deck to be removed.**
4. **Any changes to the plan caused by approvals must be reviewed by the Zoning Board at a public hearing.**

Findings of Facts:

1. **Retaining wall heights have been reduced to minimize visual impact.**
2. **Trees to be cut in grids 8 and 6 is where the septic system and house will be built.**

Chairman Lees made a motion, That, based on the foregoing findings of fact, the requested Variance from article 3, section 304.5 Table and Article 3 section 304.6.5.3 of the Town of Freedom Zoning Ordinance be granted, motion seconded by Karl; motion passed 5-0-0.

The board elected to review the Variance worksheet for **Article 3, Section 305.6.5.3**
 The ZBA has the power to authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

1. The variance will not be contrary to the public interest. **Carried 5-0.**
2. The spirit of the ordinance is observed if the variance is granted. **Carried 5-0.**
3. Substantial justice is done by granting the variance. **Carried 5-0.**
4. The value of surrounding properties is not diminished if the variance is granted. **Carried 5-0.**
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - A. Unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - iii. No fair and substantial relationship exists between the general public purposes of the zoning ordinance provision and specific application of that provision to the property, and **Motion Carried 5-0.**
 - (ii) The proposed use is a reasonable one. **Motion carried 5-0.**

Conditions:

1. **Per Zoning Plan for John Pisano & Darlene Johnson 4 Bradford Rd. Natick, MA 01710. Dated 11/14/2021.**
2. **Obtain NH DES shoreland permit.**
3. **Existing home and deck to be removed.**
4. **Any changes to the plan caused by approvals must be reviewed by the Zoning Board at a public hearing.**

Findings of Facts:

1. **Retaining wall heights have been reduced to minimize visual impact.**
2. **Trees to be cut in grid 8 and 6 is where the septic system and house will be built.**

Chairman Lees made a motion, That, based on the foregoing findings of fact, the requested Variance from article 3, section 304.5 Table and Article 3 section 304.6.5.3 of the Town of Freedom Zoning Ordinance be granted, motion seconded by Karl; motion passed 5-0-0.

The board elected to review the Special Exception worksheet for **Article 3 Section 304.6.5.1 and Article 3 Section 304.6.3** and are combined as one vote.

A - 5 -0 motion carried
C - 5-0 motion carried

H- 5-0 motion carried
K- 5-0 motion carried
L- 5-0 motion carried

Condition:

Same as the variance.

Findings of Facts:

Same as the variance.

Chairman Lees made a motion, That, based on the foregoing findings of fact, the requested Special Exceptions from article 3, section 304.6.5.1 and Article 3 section 304.6.3 of the Town of Freedom Zoning Ordinance be granted, motion seconded by Karl; motion passed 5-0-0.

Chairman Lees explained the 30-day appeal process. These Special Exceptions/Variations will expire 11/30/2023.

Chairman Lees recused himself from them Pisani application # 22-24-21 and stepped away from the table as a voting member.

Vice-Chairman Niiler invited case # 22-24-21 Applicant withdrew without prejudice on Sept. 28th. This is a new application.

Applicant would like to build a garage and seeks a variance under **Article 3, Section 304.2 table**. The proposed garage does not meet setbacks.

Niiler explained this is a board of four voting members and will need three positive votes for approval. Applicant agreed. Mark and Jacob McConkey presented this application and Mark reviewed the details of the applicants wishes. They have downsized their garage from the first proposal and the closest point is now 15' off the property line for a sideline setback. The temporary structure will be taken down. The abutter Scott Peters has submitted a letter in favor of the application. Mark continued to explain currently there is an 8' wide access door to the front of the home, unfortunately, the foundation basement wall height is only 7' tall, and provides limited access for anything larger than a motorcycle. Because the lot next door is an unbuildable lot no one from the public passing by will notice the lessened offset as requested.

Denny explained the first time this application came before the board the concern was how close it was to the property line. He supports this new application and stated it's a good compromise.

**There were no abutters opposed to this application .
Abutters in favor.**

Dan Footit supports the application if it gets rid of the temporary garage.

No members of the public were opposed.

There were no further concerns for the board.

The board elected to review the Variance worksheet for Article 3, Section 304.2:

The ZBA has the power to authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

1. The variance will not be contrary to the public interest. **Carried 4-0.**
2. The spirit of the ordinance is observed if the variance is granted. **Carried 4-0.**
3. Substantial justice is done by granting the variance. **Carried 4-0.**
4. The value of surrounding properties is not diminished if the variance is granted. **Carried 4-0.**
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - A. Unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - i. No fair and substantial relationship exists between the general public purposes of the zoning ordinance provision and specific application of that provision to the property, and

Motion Carried 4-0.

- (ii) The proposed use is a reasonable one. **Motion carried 4-0.**

Conditions:

1. **Per Plan for Jeffrey & Patricia Pisani 37 Intervale Ave. Freedom NH, 03836 dated 11/8/2021.**
2. **Foundation survey by a licensed Land surveyor.**
3. **Footings must be inspected by the Zoning officer before they are poured.**
4. **Removal of the existing temporary garage.**

Findings of Facts:

None

Motion: Vice Chairman Niiler made a motion that, based on the foregoing findings of fact, the requested Variance from Article 3, Section 304.2 of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 4-0.

Niiler explained the 30 days appeal process and the Variance expires 11/30/2023.

Chairman Lees returned to the table as a voting member.

Chairman Lees invited application # 22-80-21 Daniel J. & Karen J. Footit *Continued from October 26, 2021*
Applicant wishes to add a 12x22 third bay garage with matching trim and rooflines.
Applicant is seeking the following:
Variance for 310.1.6 footprint not to exceed 15% of the lot.
Variance for Table 304.2 side and rear setbacks.

Dan & Karen Footit came before the board to present their application for adding a third bay. Dan apologized for any discrepancies in his last application and explained he was seeking a variance for a rear setback only. He is under 15% of the lot size and the side setback is not an issue. He is seeking relief for a 6.5' encroachment into the rear yard setback. Dan went on to explain they are looking at retiring in a year and making Mountain View their

home and need additional space to consolidate their home in Massachusetts with the home here in Mountain View.

Ogren questioned the calculations for the 15% lot coverage because that was the problem with the first application. Dan confirmed that has been satisfied and he is only asking for a rear setback. Zoning Officer Gary Williams confirmed the lot coverage is fine. The variance for 310.1.6 for a footprint not to exceed 15% was removed.

The boards concern about this application have been satisfied and the board elected to review the Variance worksheet for Article 3, Section 304.2:

The ZBA has the power to authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

1. The variance will not be contrary to the public interest. **Carried 5-0.**
2. The spirit of the ordinance is observed if the variance is granted. **Carried 5-0.**
3. Substantial justice is done by granting the variance. **Carried 5-0.**
4. The value of surrounding properties is not diminished if the variance is granted. **Carried 5-0.**
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - A. Unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - ii. No fair and substantial relationship exists between the general public purposes of the zoning ordinance provision and specific application of that provision to the property, and

Motion Carried 5-0.

- (ii) The proposed use is a reasonable one. **Motion carried 5-0.**

Conditions:

1. **Per the Plan for Daniel & Karen Footit #1**
2. **No closer than 28' from the property line.**

Findings of Facts:

1. **Proposed lot coverage will not exceed 15%**
2. **Addition will not be visible from the road.**
3. **All abutters have written letters voicing no concerns.**

Motion: Chairman Lees made a motion that, based on the foregoing findings of fact, the requested Variance from Article 3, Section 304.2 of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 4-0.

Chairman Lees explained the 30-day appeal process. Variance and Special Exception expire 11/30/2023.

Chairman Lees invited Application # 9-5- 01-21 Carlton and Michelle Peare

Applicant wishes to build a three-season porch off the back of the home on the frame of the existing deck and no larger than the current footprint of the deck. Applicant seeks the following:

Variance under 304.1 Table Village Residential District.

Variance under Article 9 Section 906.2 Expansion of a non-conforming structure.

Zoning officer Gary Williams is not the agent for this application but was able to speak to it if the board had questions. One of the applicants has COVID and therefore the neither of the applicants could be present. If the board has questions Gary will call them and the board can ask the questions to the applicant.

Gary explained the house is small and there is a deck off the back that they would like to turn it into a three-season porch to give them a little more room with two kids. The house was built prior to zoning so he is building on a non-conforming structure but will stay in the same footprint. Only the height is increasing and he is only going to the roofline. Chairman Lees read the language for 301.1 Table and Article 9 Section 906.2 and the board concluded the applicant does need both. The board has no issues with this application.

The board elected to review the Variance worksheet for Article 3, Section 304.1 and Article 3 Section 906.2:

The ZBA has the power to authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

1. The variance will not be contrary to the public interest. **Carried 5-0.**
2. The spirit of the ordinance is observed if the variance is granted. **Carried 5-0.**
3. Substantial justice is done by granting the variance. **Carried 5-0.**
4. The value of surrounding properties is not diminished if the variance is granted. **Carried 5-0.**
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - A. Unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - iii. No fair and substantial relationship exists between the general public purposes of the zoning ordinance provision and specific application of that provision to the property, and
Motion Carried 5-0.
 - (ii) The proposed use is a reasonable one. **Motion carried 5-0.**

Conditions:

1. Per the Plan proposed to build a three-season porch on existing deck dated 10/21/2021.

Findings of Facts:

Enclosed porch will be built on the existing deck frame and will not further encroach on the setback.

Motion: Chairman Lees made a motion that, based on the foregoing findings of fact, the requested Variance from Article 3, Section 304.1 and Article 9 Section 906.2 of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 5-0.

Chairman Lees explained the 30-day appeal process. These Special Exceptions/Variations will expire 11/30/2023.

Chairman Lees invited Application # 12 Lot 19-1 Williams Family Trust, Gary & Jo Ann Williams at 703 Eaton Rd.

Applicant seeks an appeal for a **variance under Article 4 Section 406** for a septic tank to be 37' from poorly drained soils and the leach field to be 42' from poorly drained soils.

Gary presented this application. The sewer is 20 years old. It failed due to being installed incorrectly. He needs a variance for a setback due to wetlands. The Board has no issues with this application. It was discussed with the proposed zoning language changes to the Planning Board, the Zoning Code Officer will be able to approve these applications.

No questions from the public or abutters.

The board elected to review the Variance worksheet for Article 3, Section 304.2:

The ZBA has the power to authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

1. The variance will not be contrary to the public interest. **Carried 5-0.**
2. The spirit of the ordinance is observed if the variance is granted. **Carried 5-0.**
3. Substantial justice is done by granting the variance. **Carried 5-0.**
4. The value of surrounding properties is not diminished if the variance is granted. **Carried 5-0.**
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - A. Unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - iv. No fair and substantial relationship exists between the general public purposes of the zoning ordinance provision and specific application of that provision to the property, and

Motion Carried 5-0.

- (ii) The proposed use is a reasonable one. **Motion carried 5-0.**

Conditions:

1. **Per plan titled Septic System Design for failed system approval CA2001032153. Tax Map 12, Lot 19-1 dated November 8, 2021.**

Findings of Facts:

1. **The existing septic system has failed.**
2. **Proposed system is approved by the State of NH.**

Motion: Chairman Lees made a motion that, based on the foregoing findings of fact, the requested Variance from Article 3, Section 304.2 of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 5-0.

Chairman Lees explained the 30-day appeal process. These Special Exceptions/Variations will expire 11/30/2023.

Miscellaneous

Chairman Lees update board members that Selectmen have asked him to look into what other Towns charge for noticing meetings and application fees and he will call the NHMA to see if an application keeps coming back multiple times can the Town charge additional fees. There was a brief discussion on the noticing process and the expense associated with it.

Stacy will break out all the applications on a spreadsheet and the payments received for each applicant.

The meeting schedule was reviewed and accepted as proposed taking into consideration holidays.

Stacy will email Jeff Fongemie the proposed Zoning Language to review. Board members will respond to Chairman Lees with any feedback they may have regarding the proposed language by Monday, December 6th.

Craig reported that John Krebs posed a question to him in regards to a job that he is working on for DJH Investments that the board approved. When he went to stake out the foundation, he decided it was too close to the lake even though it is in the location of where the other house is. But now given the fact that they are digging a full foundation he did not want to dig that close to the lake and wants to push the house back. Craig referred him to the zoning officer. Gary explained he did speak with John and Gary reached out to Jim Rines and was informed it was fine because it's moving away from the lake. It was discussed having him come back to the board because one of the conditions is "Per Plan" however the foundation is already poured. The history of the project was reviewed.

Other problems with the lot are the trees have been cleared on the lot and Gary never got a call to inspect the garage foundation.

Chairman Lees stated he needs to come back to the board. Niiler responded what are we asking him to do. Ogren responded he didn't think the board was asking him to do anything but the Town may have something to say about moving the building. Chairman Lee's understanding is if he has not built what is approved then he is in violation and subject to the Town taking action. The issue will be when they go to sell it or refinance, they may not be able to if the job is not correct. Chairman Lees advised he should stop working on it and resubmit an application and come before the board for what he is going to build. Discussion ensued around foundation survey's and if one was done that it would not match the plan therefore, he would be in violation.

There was no mail.

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

The meeting adjourned at 10:30 p.m.

Respectfully Submitted,
Stacy Bolduc,
Recording Secretary

DO NOT WRITE IN THIS SPACE

APPLICATION # _____

DATE FILED _____

FEE PAID _____

RECEIVED BY _____

**APPLICATION TO ZONING BOARD
OF ADJUSTMENTS
FREEDOM, NEW HAMPSHIRE 03836**

Name of Applicant(s) EUGENE & DENISE LAWNICKI

Mailing Address 7 HASTINGS ROAD, WINCHESTER MA 01890

Telephone Number(s) _____

Property Owner(s) SAME

(If same as applicant, write "Same")

Mailing Address SAME

Location of Property: Tax Map # 26 Lot # 4 Zoning District 1F RES WTRFRNT

Physical Address of Property 380 PEQUAWKET TRAIL, FREEDOM NH 03836

Name, Address and Map/Lot of all abutters whose property adjoins or is directly across the street or stream from the property of the applicant. Additional pages may be added.

MAP#/LOT# NAME and ADDRESS

ATTACHED

This application has been completed in accordance with the Zoning Ordinance of the Town of Freedom.

Date: 10/12/2021 Signed: Eugene Lawnicki
Agent (If agent, owner must still sign)

Date: 10/12/2021 Signed: Denise Lawnicki
Owner (If agent, owner must still sign)

Date: _____ Signed: _____
Owner (If agent, owner must still sign)

**Application
Page 2**

New Hampshire State law requires the ZBA to hold a hearing within 30 days of the filing of this application unless the applicant agrees to extend that period. The undersigned hereby waives the 30-day time limit with the understanding this application will be heard within 60 days of the date of filing.

Signed: _____
Signed: _____

Attach Plot Plan: Specify ALL dimensions, locate wells, septic system, label abutters and all structures.

Note: Attach copy of **Zoning Officers denial** as well as the **Plot Plan**. This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

Complete Section 1, 2, 3 or 4.

Section 1. APPEAL FROM AN ADMINISTRATIVE DECISION

Relating to the interpretation and enforcement of the provision of Article _____
Section _____ of the Zoning Ordinance in question describe decision of the officer to be reviewed:

Also submit a **Plot Plan** – see page 7.

OR

Section 2. APPEAL FOR SPECIAL EXCEPTION

Describe proposed use requiring a special exception from Article 3 _____ Section 304.6.3 of the Zoning Ordinance:

STANDARDS FOR EROSION CONTROL

ARTICLE 3 SECTION 304.6.5.1 TREE CUTTING OR CLEARING WITHIN 75 FEET OF THE REFERENCE LINE IN THE SHOREFRONT DISTRICT

* SEE ATTACHED FOR MORE SPECIAL EXCEPTION

Section 2. APPEAL FOR SPECIAL EXCEPTION CONTINUED

Article 3 Section **305.6.5.3** of the zoning any cutting between 75-300 feet of the reference line

Article 3 Section 304.6.5.2 Erosion control less than 100,00 sq feet

Also continue to **Page 6**; submit a **Plot Plan** – see **page 7**.

OR

Section 3. APPEAL FOR VARIANCE

A variance is requested from Article 3 Section 304.5 TABLE of the zoning ordinance to permit ^{House} ~~THE SIDE SETBACK AND CHANGING ROOM FROM REFERENCE LINE~~

*** SEE ATTACHED FOR OTHER VARIANCES**

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public **interest** because:

ATTACHED

2. If the variance were granted, the **spirit** of the ordinance would be observed because:

ATTACHED

3. Granting the variance would do substantial **justice** because:

ATTACHED

4. If the variance were granted, the **values** of the surrounding properties would not be diminished because:

ATTACHED

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary **hardship** because:

- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

ATTACHED

and:

- ii. The proposed use is a reasonable one because:

ATTACHED

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

ATTACHED

Section 3. APPEAL FOR VARIANCE CONTINUED

Article 3 Section 305.6.5.3 For lots in the floodplain or lots sloping toward the lake at greater than 12.5% grade, any cutting between 75 and 300 feet to the reference line

APPLICATION FOR A VARIANCE: For the Lawnicki's tree cutting

FACTS TO SUPPORT THIS REQUEST:

1. Granting the variance will not be contrary to the public interest because:

The owners are able to maintain sufficient tree counts in all but one grid. Grid 6 is where the home, garage and breezeway will be constructed, and the septic tank will be installed. There will be seven trees in left place with a total tree value of 85 points.

2. The spirit of the ordinance is observed because:

The Freedom Zoning Ordinance Preamble states that the purpose of the ordinance is to promote the health, safety, and general welfare of the inhabitants of the Town of Freedom.

The cutting of trees in grid 6 permits the proposed construction and still leaves seven trees in place with a total tree value of 85 points. The proposed tree cutting will not diminish the health, safety, and general welfare of the inhabitants of the Town of Freedom.

3. Substantial justice is done because:

The test for a variance is that: any loss to the individual which is not outweighed by a gain the general public is an injustice.

The tree cutting is for the purpose of constructing the home, garage, breezeway and installing a new septic tank that meets current NHDES Subsurface standards.

Residents driving by will see a lot similarly developed. Neighbors walking to visit with one another will still stroll across the front Lawnicki's home to visit friends and see many trees remaining between the Hussey and the Lawnicki's property. After the cutting is complete in grid 6, seven trees will remain.

4. The values of the surrounding properties will not be diminished because:

The proposed construction will not diminish the values of the surrounding properties as other homes in the neighborhood have undergone similar tree cutting and they have not lowered the neighboring home values.

- 5. Unnecessary Hardship A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because: i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:**

The Lawnicki's property and the home was established prior to the towns zoning and subdivision regulations. To apply the current town zoning standards to pre-existing lots of records is an unfair obligation and in itself warrants zoning relief. In the General Residential zone there are no tree cutting standards but because the property is also zoned in a shoreland district and the lot slopes in excess of 12% to the water, all grids (even those that are level ground and more than 150' from the reference line) must conform to the towns shoreland, 100-point rule. The area that this tree cutting is proposed is on level ground and should be permitted a variance, in this specific case. The proposed tree cutting plan is a compromise, mindful of the neighbor's privacy and a robust tree cover still remains.

A. Owing to special conditions of the property that distinguish it from other AND ii; The use is a reasonable one because: The tree count conforms in all of the remaining grids, I suggest with seven trees remaining in this grid, the tree cutting is for the purposes of the new construction, none of the trees being removed are to enhance a view and the use remains residential this is a reasonable request.

APPLICATION FOR A VARIANCE for the Lawnicki's

FACTS TO SUPPORT THIS REQUEST:

1. Granting the variance will not be contrary to the public interest because:

The proposed house with the deck is offset 115.44 from the reference line nearly in the same footprint as the old home and preserves a walking trail between. The Lawnicki's intend to retire here and age in place, the addition of the garage and connecting breezeway will make their year-round residence more pleasant during the winter months. The existing stairs to the water will be reconstructed nearly in-place for safety with a slight adjustment of the changing room. A mature tree cover will remain, and no primary water view will be denied by the neighbors when this home is constructed. The owner's proposed improvements will not alter the essential character of the neighborhood and will not threaten the health, safety, or general welfare of the public.

2. The spirit of the ordinance is observed because:

The Freedom Zoning Ordinance Preamble states that the purpose of the ordinance is to promote the health, safety, and general welfare of the inhabitants of the Town of Freedom.

The variances requested will not alter the essential character of the neighborhood and will not threaten the health, safety, or general welfare of the public. This proposal is in keeping with the spirit of the ordinance.

3. Substantial justice is done because:

The test for a variance is that: any loss to the individual which is not outweighed by a gain the general public is an injustice.

The owner proposes to:

Remove the existing home, construct a new home, with a breezeway and garage further from one sideline than the existing home, replace the stairs and the changing room leading to the water to improve safety.

The Lawnickis' have listened to their neighbors, complied with many of their request.

Residents driving by will see a lot similarly developed and no abutting owner will lose a primary water view after it is constructed. Neighbors walking to visit with one another can still stroll across the Lawnicki's property to visit friends on either side.

The proposed home is similarly to new waterfront home construction on Ossipee lake. Following a robust conversation over the course of two months with the Board and neighbors it is our position to deny Lawnicki's request as amended would be a substantial injustice.

4. The values of the surrounding properties will not be diminished because:

The proposed construction will not diminish the values of the surrounding properties as other homes in the neighborhood have undergone similar construction and they have not lowered the neighboring home values.

5. Unnecessary Hardship A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because: i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

The Lawnicki's property and the home was established prior to the towns zoning and subdivision regulations. To apply the current town zoning standards to pre-existing lots of records is an unfair obligation and in itself warrants zoning relief. In the General Residential zone, the zoning offsets were intended for newly created lots that would be required to be two acres in size with 200' frontage. This lot is only .76 acres and only has 100' of frontage. No neighbor's home in this immediate neighborhood conforms to sideline setbacks and the proposed home is more nearly conforming than their homes. If you compare the four homes nearest to Lawnicki's the average offset to the adjoining property line is only 8.75', in contrast if you measure Lawnickis home property line offset to their nearest neighbor the Hussey's is 14.91' and from the View... is 30.93'. The proposed building envelope is a compromise, is respectful of the neighbor's privacy and preserves a walking trail between properties. ✓

A. Owing to special conditions of the property that distinguish it from other

AND ii; The use is a reasonable one because: Both the Hussey's and the View... were granted variances from the Freedom ZBA to build or construct additions to their homes with less sideline setbacks than we have requested, and they both received approvals permitting their nonconforming construction.

The proposed use continues to be residential; no primary view will be taken away from the neighboring properties. The construction is tasteful, the homeowner will construct a new septic system that meets town standards, the house will now have stormwater detention and the stairs and decking leading to the shore will be engineered and constructed with a gap between the planking to permit rainwater to pass through. The use and this request is reasonable.

NOTE TO APPLICANT AND ZONING BOARD REGARDING THE UNNECESSARY HARDSHIP TEST: If the above criteria for unnecessary hardship cannot be met, then the Zoning Board can still find unnecessary hardship if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, (a) the property cannot be reasonably used in strict conformance with the ordinance, and (b) a variance is therefore necessary to enable a reasonable use of the property. See VARIANCE WORKSHEET and RSA 674:33,1(b).

Also continue to **Page 6**; submit a **Plot Plan** - see **page 7**.

OR

Section 4. APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

An Equitable Waiver of Dimensional Requirements is requested from Article _____
Section _____ of the Zoning Ordinance to permit:

1. Does the request involve a dimensional requirement, not a use restriction?
 Yes No If you answer "No" you are not entitled to an equitable waiver of dimensional requirement. These waivers may not be granted from use restrictions.
2. Explain how the violation has existed for 10 years or more with no enforcement action, including written notices, being commenced by the town or by any person directly affected:

-OR-

If the violation has not existed for 10 years without enforcement action, you must:

- A. Explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser, and
- B. Explain how the nonconformity was not an outcome of ignorance of the law or bad faith but was instead caused by a legitimate mistake:

A. _____

B. _____

NA

Also, you must:

- 3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area:

- 4. Explain how the cost of correction far outweighs any public benefit to be gained:

PLOT PLAN GUIDELINES

A) Submit a plan, drawn to scale, 1" = 20', font must be at least 8pt, showing a minimum of the following:

- 1. Property lines and distances
- 2. Setbacks for front, side and rear yards
- 3. Show all existing and proposed buildings
- 4. Wells
- 5. Septic tank and leach field
- 6. Indicate building dimensions to overhang
- 7. Height of buildings
- 8. Indicate all structures with dimensions including but not limited to:
 - Porches
 - Sheds
 - Decks
 - Garages
 - Stoops
 - Retaining walls
 - Patios
 - Impervious surfaces within 150' of the shoreline
 - Unique features
- 9. Water reference line (Ossipee Lake elevation 407')
- 10. Road names
- 11. Abutters names in proximity to property

B) If seeking special exception or variance in the shorefront district you must include:

- Fill – Temporary or Permanent
- Cut – Temporary or Permanent
- Tree removal
- Erosion control
- Docks
- Stairs
- Contours – Temporary or Permanent
- Retaining walls – Temporary or Permanent
- Lake level (Ossipee Lake elevation 407')

C) Lots under 5 acres:

Total area of lot in square feet 33,105.6
Square feet of lot coverage (including all structures) 2,960.20
% of lot covered 8.97%

D) In addition to the list above it is your option to submit:

- Photographs
- Abutter's letters

I assume full responsibility for the accuracy of all plans and supporting information submitted with this application. I understand that I may be required to move/remove any improvement if an exact determination of any aspects of this application are found to be false or inaccurate.

I am aware that a state shoreland permit is required prior to initiating many types of construction, excavation or filling activities within the protected shoreland and any variance granted by the Freedom ZBA is contingent on approval and issuance of a permit from the NHDES (if applicable). The approved permit needs to be supplied to the Freedom Zoning Officer prior to any activity.



Property Owner/ Authorized Agent

10/12/2021
Dated



Property Owner/ Authorized Agent

10/12/2021
Dated

Property Owner/ Authorized Agent

Dated

Property Owner/ Authorized Agent

Dated

Before planning or undertaking any construction, excavation or filling within the protected shoreland, contact NHDES:

Visit the DES web site below to determine if your property comes under the protection of the Comprehensive Shoreland Protection Act (CSPA). Read DES fact sheet, water bodies Under the Protection of the CSPA.

NH Department of Environmental Services
Wetlands Bureau
603-271-2147
www.des.nh.gov

Denial Letter Map 26 Lot 4 Name Lawnick.

- 304.5 TABLE "SF" SHORE FRONT DISTRICT for Lakes & Ponds over 10 acres & Ossipee River
- House side setback
- Garage _____
- Other Bathroom setback from Ref. line
- 304.6.3. Special Exception Standards for Erosion Control
- 304.6.5.1 Tree Cutting: Any cutting or clearing of trees within seventy-five (75) feet of the reference line in the shorefront district shall require a special exception from the Zoning Board of Adjustment. and shall be subject to the provisions of Article 7 Shoreland Protection, section 703.
- 305.6.5.3 For lots in the floodplain or lots sloping toward the lake at greater than a 12.5% grade, any cutting between seventy-five (75) and three hundred (300) feet of the reference line shall also require a cutting or clearing plan to be approved by the Zoning Board of Adjustment. The cutting plan shall meet the intent of this ordinance as stated in Section 701 and using a methodology similar to that set out in Section 703 augmented for the larger area involve
- Section 406 Septic Tank or Leach Field Setback No Septic Tank or Leach Field may be constructed or enlarged closer than one hundred twenty-five (125) feet to any wetland. In the case of a failed system, the septic tank may be a minimum of (50) feet from any wetland providing all joints are sealed and approval of Water Supply & Pollution Control Division is obtained to the extent required by law.
- 704.3 As required in section 310.1.6, structures cannot exceed 15% of the total area of a lot of record.
- Section 906 Expansion of Non-Conforming Structure A structure which is nonconforming as to one or more dimensional requirements (setback and height limit or either) may be enlarged or expanded with the following conditions:
- 906.1 No portion of the enlargement or expansion of a structure shall further encroach on the front yard setback beyond the existing overhang of the main structure
- 906.2 The expansion or extension shall not violate the side yard setback or rear yard setback requirements for the district in which the lot is located the main structure
- 906.3 No portion of the enlargement may exceed the height of the existing non-conforming structure.
- Section 907 Expansion of Pre-Existing Non-Conforming Seasonal Dwellings 907.1 Purpose and Intent It is the purpose section to acknowledge the existence of non-conforming seasonal dwellings, the use of which pre-dates the original adoption of these zoning ordinances in 1987. It is further the purpose of this section to permit the continued use of these non-conforming dwellings within the requirements enumerated in Article 5; to permit expansion of certain non-conforming seasonal dwellings to year-round use under limitations enumerated in Section 907.4; and to prohibit expansion to year-round use of more than one (1) seasonal dwelling per lot, while limiting their pre-existing use to their continuous, uninterrupted and unenlarged seasonal nature, as enumerated in Sections 907.3 and 907.5. It is the purpose of these ordinances to regard the temporal expansion of more than one (1) non-conforming seasonal dwelling per lot to year-round use as a substantial change in use such that the vested right to the non-conforming use is discharged and the lot and its use must conform to current requirements of these ordinances.
- Other _____

Denial Letter Map 26 Lot 4 Name Lawnicki

- 304.5 TABLE "SF" SHORE FRONT DISTRICT for Lakes & Ponds over 10 acres & Ossipee River
- House _____
- Garage _____
- Other _____
- 304.6.3. Special Exception Standers for Erosion Control
- 304.6.5.1 Tree Cutting: Any cutting or clearing of trees within seventy-five (75) feet of the reference line in the shorefront district shall require a special exception from the Zoning Board of Adjustment. and shall be subject to the provisions of Article 7 Shoreland Protection, section 703.
- 305.6.5.3 For lots in the floodplain or lots sloping toward the lake at greater than a 12.5% grade, any cutting between seventy-five (75) and three hundred (300) feet of the reference line shall also require a cutting or clearing plan to be approved by the Zoning Board of Adjustment. The cutting plan shall meet the intent of this ordinance as stated in Section 701 and using a methodology similar to that set out in Section 703 augmented for the larger area involve
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- 906.2 The expansion or extension shall not violate the side yard setback or rear yard setback requirements for the district in which the lot is located the main structure
- 906.3 No portion of the enlargement may exceed the height of the existing non- conforming structure.
- Section 907 Expansion of Pre-Existing Non-Conforming Seasonal Dwellings 907.1 Purpose and Intent It is the purpose section to acknowledge the existence of non-conforming seasonal dwellings, the use of which pre-dates the original adoption of these zoning ordinances in 1987. It is further the purpose of this section to permit the continued use of these non-conforming dwellings within the requirements enumerated in Article 5; to permit expansion of certain non- conforming seasonal dwellings to year-round use under limitations enumerated in Section 907.4; and to prohibit expansion to year-round use of more than one (1) seasonal dwelling per lot, while limiting their pre-existing use to their continuous, uninterrupted and unenlarged seasonal nature, as enumerated in Sections 907.3 and 907.5. It is the purpose of these ordinances to regard the temporal expansion of more than one (1) non-conforming seasonal dwelling per lot to year-round use as a substantial change in use such that the vested right to the non-conforming use is discharged and the lot and its use must conform to current requirements of these ordinances.

Other _____

Map: 26, Lot: 3-2 & Lot: 22
HUSSEY FAMILY REALTY TRUST
HUSSEY TRUSTEES, JOHN
JOANNE PERWAK & MEG COOPER
108 STOW ROAD
HARVARD, MA 01451

Map: 26, Lot: 4 & Lot: 21
LAWNICKI, EUGENE W
LAWNICKI, DENISE M
7 HASTINGS ROAD
WINCHESTER, MA 01890

Map: 26, Lot: 5 & Lot: 20
THE VIEW AT OSSIPEE FAMILY LLC
702 GOODRICH AVENUE
ST PAUL, MN 55105

Map: 28 Lot: 24
BOLDUC, DEVIN
BOLDUC, LANCE
765 OSSIPEE LAKE ROAD
FREEDOM, NH 03836

Parcel ID: 000026 000004 000000 (CARD 1 of 1)
 Owner: LAWNICKI, EUGENE W
 LAWNICKI, DENISE M
 Location: 380 PEQUAWKET TRAIL
 Acres: 0.760

General

Valuation		Listing History	Districts
Building Value:	\$47,300	<u>List Date</u> <u>Lister</u>	<u>District</u> <u>% In Dist.</u>
Features:	\$8,200	01/04/2016 BJLX	village 0
Taxable Land:	\$473,800	12/17/2010 BJLX	
Card Value:	\$529,300	04/22/2009 BJLX	
Parcel Value:	\$529,300	12/05/2005 JARX	

Notes: 4/09 NOH PU SHED BJL 4/10 REPLACE STAIRS NVC BJL 12/10 NOH BJL WTR 7 1/16 NOH BJL

History Of Taxable Values

Tax Year	Building	Features	Land	Value Method	Total Taxable
2020	\$47,300	\$8,200	\$473,800	Cost Valuation	\$529,300
2019	\$49,400	\$8,200	\$312,900	Cost Valuation	\$370,500
2018	\$49,400	\$8,200	\$312,900	Cost Valuation	\$370,500
2017	\$49,400	\$8,200	\$312,900	Cost Valuation	\$370,500
2016	\$49,400	\$8,200	\$312,900	Cost Valuation	\$370,500
2015	\$47,700	\$8,400	\$314,200	Cost Valuation	\$370,300
2014	\$47,700	\$8,400	\$314,200	Cost Valuation	\$370,300
2013	\$47,700	\$8,400	\$314,200	Cost Valuation	\$370,300
2012	\$47,700	\$8,400	\$314,200	Cost Valuation	\$370,300
2011	\$47,700	\$8,400	\$314,200	Cost Valuation	\$370,300
2010	\$57,200	\$9,200	\$382,700	Cost Valuation	\$449,100
2009	\$57,200	\$9,200	\$382,700	Cost Valuation	\$449,100
2008	\$57,200	\$7,500	\$382,700	Cost Valuation	\$447,400
2007	\$57,200	\$7,500	\$382,700	Cost Valuation	\$447,400
2006	\$57,200	\$7,500	\$382,700	Cost Valuation	\$447,400

Notes: There Are No Sales For This Card

Land
 Size: 0.760 Ac. Site: FAIR
 Zone: 09 - OSSIPEE LK GEN RES Driveway: DIRT
 Neighborhood: AVG +10 110% Road: DIRT
 Land Use: 1F RES WTRFRNT Taxable Value: \$473,800

Land Type	Units	Rate	NC	Adj	Site	Road	Dway	Topo	Cond	Valorem	SPI	R	Value	Notes
RES WTRFRNT	0.760 AC	38,040	F	110	100	100	100	100	100	41,800	0	N	41,800	V STEEP
RES WTRFRNT	100.000 WF	4,800	X	100	0	0	0	100	90	432,000	0	N	432,000	WF/TOPO

(i)

(i)

(i)

(i)

Building

1.00 STORY CAMP/COTTA Built In 1940

Roof:	GABLE HIP	Bedrooms:	3	Quality:	AVG+10
	ASPHALT	Bathrooms:	1.0	Size Adj.	1.3620
Exterior:	NOVELTY	Fixtures:	0	Base Rate:	55.00
		Extra Kitchens:	0	Building Rate:	1.3484
Interior:	CUSTOM WOOD	Fireplaces:	0	Sq. Foot Cost:	74.16
		Generators:	0	Effective Area:	817
Flooring:	PINE/SOFT WD	AC:	NO	Gross Living Area:	778
Paint:	NONE				
	NONE			Cost New:	\$60,589

Depreciation

Normal AVERAGE	Physical	Functional	Economic	Temporary	Total Dpr.	Assessment
22%	0%	0%	0%	0%	22%	\$47,300

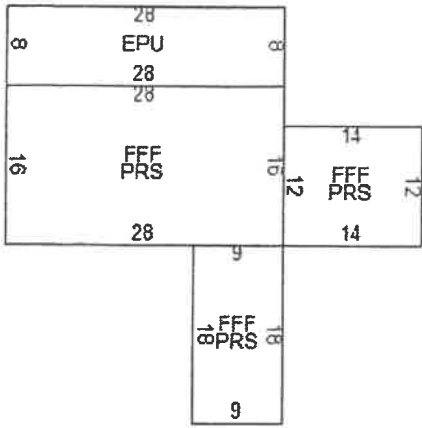
Features

Feature Type	Units	Length x Width	Size Adj	Rate	Cond	Value	Notes
SHED-WOOD	96	8 x 12	227	7.00	100	\$1,525	
REPLACE 1-1 STAND	1		100	2500.00	100	\$2,500	
ATTACHED DECK	64	8 x 8	310	10.00	62	\$1,230	
ATTACHED DECK	168	12 x 14	155	10.00	62	\$1,614	
SHED-WOOD	64	8 x 8	310	7.00	98	\$1,361	
				Total:		\$8,200	

Photo



etch



Code	Description	Area	GL Area	UL Area
EPU	ENCL PORCH UNFIN	224	78	0
FFF	FST FLR FIN	778	778	778
PRS	PIERS	778	-39	0
Totals			817	778

nted on 10-12-21

EXISTING CONDITIONS

TAX MAP: 26 LOT: 4 is 0.76 ACRES
Or 33,105.00 SQ'
Of which 25,871.48 SQ' or 77.54% is within the Protected Shoreland

EXISTING SETBACKS
EXISTING COTTAGE
LAKE: 137.63'
REAR/ROAD: 157.77'
NORTH WEST (LEFT) SIDE: 44.42'
SOUTH EAST (RIGHT) SIDE: 13.91'
NUMBERS ARE NON - CONFORMING

EXISTING SETBACKS
EXISTING DECK & STAIRS
LAKE: 21.43'
REAR/ROAD: 237.50'
NORTH WEST (LEFT) SIDE: 33.87'
SOUTH EAST (RIGHT) SIDE: 44.20'
NUMBERS ARE NON - CONFORMING

MAP 28 LOT: 24
BOLDUC, DEVIN
785 OSSPEE LAKE ROAD
FREEDOM, NH 03836

MAP 28 LOT 20
THE VIEW AT OSSPEE FAMILY LLC
782 GOODRICH AVENUE
ST PAUL, MN 55105

MAP 28 LOT: 21
LAWNICK, EUGENE W
LAWNICK, DENISE M
7 HASTINGS ROAD
WINCHESTER, MA 01890

EXISTING SETBACKS
EXISTING CHANGING ROOM
LAKE: 37.31'
REAR/ROAD: 288.09'
NORTH WEST (LEFT) SIDE: 48.87'
SOUTH EAST (RIGHT) SIDE: 44.31'
NUMBERS ARE NON - CONFORMING

EXISTING FREEDOM Structures Coverage
EXISTING COTTAGE: 1,026.00 SQ' SQ'
EXISTING DRIVEWAY: 2,341.42 SQ'
SHED: 100.90 SQ'
PATH: 452.13 SQ'
EXISTING BATH HOUSE: 68.60 SQ'
EXISTING DECK & STAIRS: 533.30 SQ'
Existing Lot Coverage: 4,522.35 SQ' or 13.65%

EXISTING FREEDOM Structures Coverage
EXISTING COTTAGE: 1,026.00 SQ'
EXISTING DRIVEWAY: 2,341.42 SQ'
SHED: 100.90 SQ'
PATH: 452.13 SQ'
EXISTING BATH HOUSE: 68.60 SQ'
EXISTING DECK & STAIRS: 533.30 SQ'
Existing SHORELAND Lot Coverage: 4,332.46 SQ' or 16.87%

EXISTING SHORES SHORELAND Coverage
EXISTING COTTAGE: 1,026.00 SQ' SQ'
EXISTING DRIVEWAY: 2,151.53 SQ'
SHED: 100.90 SQ'
PATH: 452.13 SQ'
EXISTING BATH HOUSE: 68.60 SQ'
EXISTING DECK & STAIRS: 533.30 SQ'
Existing SHORELAND Lot Coverage: 4,332.46 SQ' or 16.87%

MAP 26 LOT: 5
THE VIEW AT OSSPEE FAMILY LLC
702 GOODRICH AVENUE
ST PAUL, MN 55105



OSSPIEE LAKE

MAP 28 LOT: 32
HUSSEY FAMILY REALTY TRUST
HUSSEY TRUSTEES, JOHN
JOANNE PERVAK & MEG COOPER
106 STOW ROAD
HARVARD, MA 04451

LEGEND
Property Line
Reference / Buffer Lines
Erosion Control
Zoning Envelope
Overhead Utility Lines
Tree to be Removed

KEY
S = SIBIRCH
H = HEMLOCK
M = MAPLE
O = OAK
P = PINE
S = SPRUCE

SITE PLAN
SCALE: 1" = 40'

PLOT PLAN DRAWN FROM TAX MAP, "PLAN OF LAND PROPERTY OF EUGENE W AND DENISE M LAWNICK PREPARED NOVEMBER 2020 BY PAULL L. KING, A EQUAL EXCHANGE BOUNDARY LINE ADJUSTMENT BETWEEN LANDS OF THE VIEW AT OSSPEE FAMILY LLC AND PHILIPS B. BODDIE AND EUGENE AND DENISE LAWNICK RECORDED IN THE CARROLL COUNTY REGISTRY OF DEEDS ON 10/29/2018 IN PLAN BOOK 242 PAGE 18"

SEE TREE G.R.D. ATTACHMENT FOR EXPANDED VIEW OF TREE GRID



TYPE OF FREEDOM SETBACKS
SHOREPROTECT: 7C
SIDE OF STREET: 4C

PREPARED BY:
Jacob Marc MacCarthy
702 OLIVER LANE #1
FREEDOM, NH 03836
(603) 851-0204
jmac@jmacsurvey.com

PROPERTY LOCATION:
300 PEQUAWKET TRAIL
FREEDOM, NH 03836
Tax Map 26 Lot 4

PLAN FILED: ZONING PLOT FOR:
EUGENE W. & DENISE M. LAWNICK
7 HASTINGS ROAD
WINCHESTER, MA 01890

DATE: 7/13/2021
FILE: LAWNICK Existing ZONING PLOT.dwg

*Not to scale

PROPOSED CONDITIONS

TAX MAP: 26 LOT 4 is 0.76 ACRES

Or 33,105.60 SQ'

Of which 25,671.40 SQ' or 77.54% is within the Protected Shoreland

PROPOSED CHANGING ROOM SETBACKS
LAKE: 34.30'
REAR/ROAD: 230.10'
NORTH WEST (LEFT) SIDE: 42.07'
SOUTH EAST (RIGHT) SIDE: 42.17'
NUMBERS IN RED REQUIRE A VARIANCE

PROPOSED DECK / STAIRS SETBACKS
LAKE: 22.02'
REAR/ROAD: 230.42'
NORTH WEST (LEFT) SIDE: 34.33'
SOUTH EAST (RIGHT) SIDE: 37.93'
NUMBERS IN RED REQUIRE A VARIANCE

HOUSE / GARAGE / BREEZEWAY SETBACKS
LAKE: 178.24'
REAR/ROAD: 125.08'
NORTH WEST (LEFT) SIDE: 30.93'
SOUTH EAST (RIGHT) SIDE: 14.91'
NUMBERS IN RED REQUIRE A VARIANCE

Proposed FREEDOM STRUCTURES Coverage
PROPOSED HOUSE / BREEZEWAY / GARAGE: 2,759.30 SQ'
RECONSTRUCTED BATH HOUSE: 100.00 SQ'
SHED: 100.00 SQ'

Proposed Structural Lot Coverage:
2,960.20 SQ' or 8.94%

Proposed FREEDOM Lot Coverage
PROPOSED HOUSE / BREEZEWAY / GARAGE: 2,759.30 SQ'
RECONSTRUCTED DRIVEWAY: 3,049.00 SQ'
SHED: 100.00 SQ'
RECONSTRUCTED BATH HOUSE: 100.00 SQ'
RECONSTRUCTED DECK & STAIRS: 678.72 SQ'

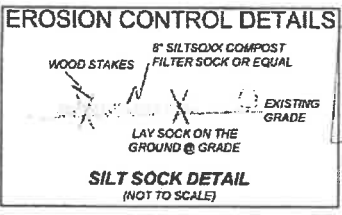
Proposed Lot Coverage: 6,587.02 SQ' or 20.20%

Proposed NIDES Lot Coverage
PROPOSED HOUSE / BREEZEWAY / GARAGE: 2,759.30 SQ'
RECONSTRUCTED DRIVEWAY: 2,018.74 SQ'
RECONSTRUCTED BATH HOUSE: 100.00 SQ'
RECONSTRUCTED DECK & STAIRS: 678.72 SQ'

Proposed Lot Coverage: 5,557.66 SQ' or 22.04%

- 09/2021 AMENDMENTS**
- MOVED HOUSE BACK TO ACCOMMODATE KEEPING THE EXISTING PATH
 - RECONFIGURED HOUSE
 - RECONFIGURED DRIVEWAY
 - REMOVED RETAINING WALLS
 - REMOVED PATIO
 - RECONFIGURED STAIRS
 - SWITCHED SILT FENCE TO SILT SOCK
 - ADDED DRIP LINE TRENCH

- 10/8/2021 AMENDMENTS**
- RECONFIGURED STAIRS
 - MOVED BATH HOUSE TO EXISTING LOCATION
 - REMOVED BATH HOUSE TO CHANGING ROOM PKG (WATERSEWER)
 - ADDED SEPTIC SYSTEM
 - RECONFIGURED RECONFIGURED DRIVEWAY SO AS THE DRIVEWAY ENTERS THE GARAGE FROM THE ROAD SIDE
 - ADJUSTED HILLS TO BE CUT REE ATTACHED SHEET



SEE TREE C.R.D. ATTACHMENT FOR EXPANDED VIEW OF TREE GRIDS

MAP 26 LOT 5 THE VIEW AT OSSISPEE FAMILY LLC 702 GOODRICH AVENUE ST PAUL, MN 55105



OSISPEE LAKE

REAR/ROAD REFERENCE

CHANGING ROOM NO WATERSEWER

DRIP LINE TRENCH DETAILS

DRIP LINE

- KEY**
- B = BIRCH
 - H = HEMLOCK
 - M = MAPLE
 - D = OAK
 - P = PINE
 - S = SPRUCE

- LEGEND**
- Property Line
 - Reference / Buffer Lines
 - Erosion Control
 - Zoning Envelope
 - Overhead Utility Lines
 - Drip Line Trench

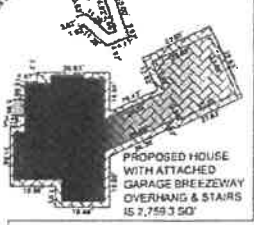
SITE PLAN

SCALE: 1" = 20' @

PLOT PLAN DRAWN FROM TAX MAP. PLAN OF LAND PROPERTY OF EUGENE WAND DENISE M LAWRENCE PREPARED NOVEMBER 2020 BY PAUL L. KING, & EQUAL EXCHANGE BOUNDARY LINE ADJUSTMENT BETWEEN LANDS OF THE VIEW AT OSSISPEE FAMILY LLC AND PHILLIPS B. MOORE AND EUGENE AND DENISE LAWRENCE RECORDED IN THE CARROLL COUNTY REGISTRY OF DEEDS OR 10292018 IN PLAT BOOK 242 PAGE 18.

RE-CONST. CHANGING ROOM IS 100.00 SQ'

RECONFIGURED STEPS/LANDINGS IS 678.72 SQ'



1,135.31 SQ' of New Impervious Area.

PLAN PROVIDED TO SHOW THE HOME ADJUSTMENT APPROXIMATE WITH EXISTING DRIVEWAY & GARAGE, AS WELL AS ATTACHED AIRCRAFT TRENCH AND BATH HOUSE TO BE REMOVED.

PREPARED BY:
Jacob Mars McCormack
300 COVERLAND #1
PINE ROCK SPRING
MINN 55120
COUNTRY@MCCORMACK.COM

Property Location:
380 PEQUAWKET TRAIL
FREEDOM, MN 55928
Tax Map 26 Lot 4

PLAN FILED: JOURNAL PLAT FOR
EUGENE W. & DENISE M. LAWRENCE
WINCHESTER, MA 01890

PAGE 7 OF DATE 10/8/2021

FILE: LAWRENCE PROPOSED revised 10/27/2021

*Not to Scale

STROTT TREE GRIDS

KEY

B = BIRCH
H = HEMLOCK
M = MAPLE
O = OAK
P = PINE
S = SPRUCE

1-3" 1 PNT
4-6" 5 PNT
7-12" 10 PNT
13"+ 15 PNT

TREE CUTTING ATTACHMENT FOR:

RICHARD L. & DEBRA L. STROTT
229 SAGAMORE ROAD
RYE, NH 03870-2040

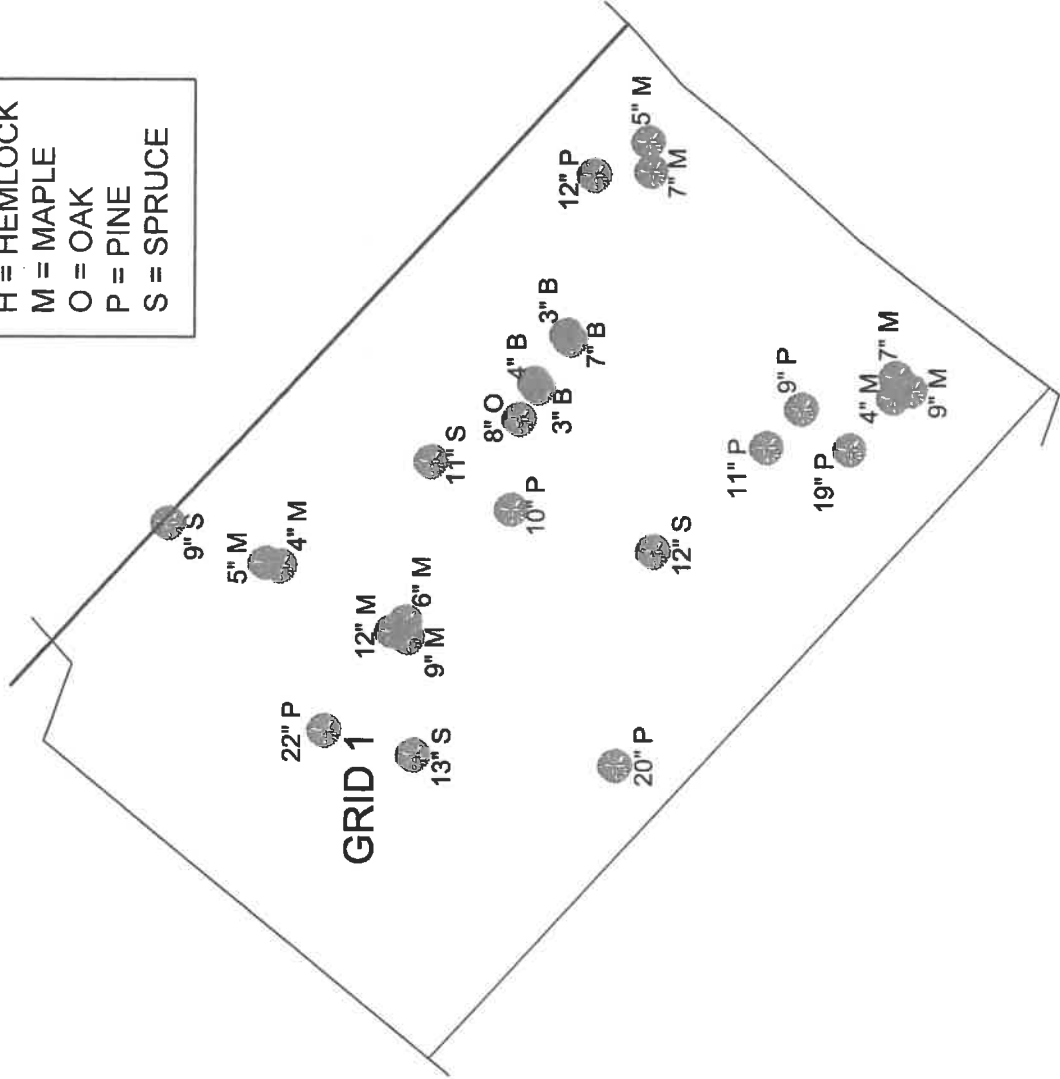
PREPARED BY: **Jacob Marc McConkey**

NH PERM. SEPTIC INSTALLER # 5586 NH LIC. SEPTIC INSPECTOR # 185
ME CERT. SEPTIC INSPECTOR # 814 ME LIC. SITE EVALUATOR # 428

DATE: 6/4/2021

KEY

- B = BIRCH
- H = HEMLOCK
- M = MAPLE
- O = OAK
- P = PINE
- S = SPRUCE



TOTAL POINTS: 222
 TO CUT: 0
 PROPOSED POINTS: 222

GRID 1

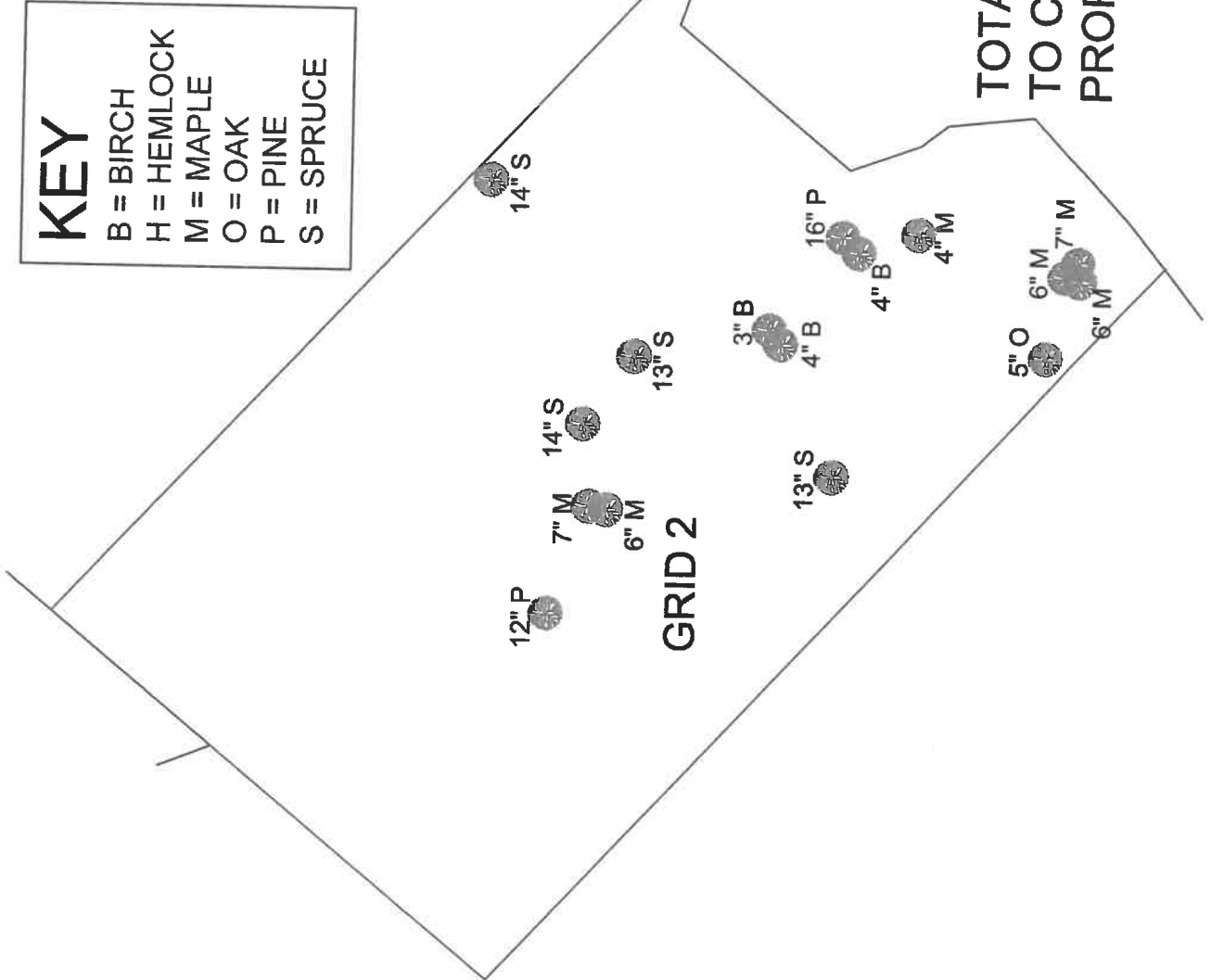
- 9" S. 10 PNT
- 5" M. 5 PNT
- 4" M. 5 PNT
- 22" P. 15 PNT
- 13" S. 15 PNT
- 12" M. 10 PNT
- 6" M. 5 PNT
- 9" M. 10 PNT
- 11" S. 10 PNT
- 10" P. 10 PNT
- 8" O. 10 PNT
- 4" B. 5 PNT
- 3" B. 1 PNT
- 3" B. 1 PNT
- 7" B. 10 PNT
- 12" P. 10 PNT
- 7" M. 10 PNT
- 5" M. 5 PNT
- 20" P. 15 PNT
- 12" S. 10 PNT
- 11" P. 10 PNT
- 9" P. 10 PNT
- 19" P. 15 PNT
- 4" M. 5 PNT
- 7" M. 10 PNT
- 9" M. 10 PNT

GRID 2

KEY

B = BIRCH
 H = HEMLOCK
 M = MAPLE
 O = OAK
 P = PINE
 S = SPRUCE

14" S. 15 PNT
 12" P. 10 PNT
 7" M. 10 PNT
 14" S. 15 PNT
 6" M. 5 PNT
 13" S. 15 PNT
 13" S. 15 PNT
 3" B. 1 PNT
 4" B. 5 PNT
 16" P. 15 PNT
 4" B. 5 PNT
 4" M. 5 PNT
 5" O. 5 PNT
 6" M. 5 PNT
 6" M. 5 PNT
 7" M. 10 PNT

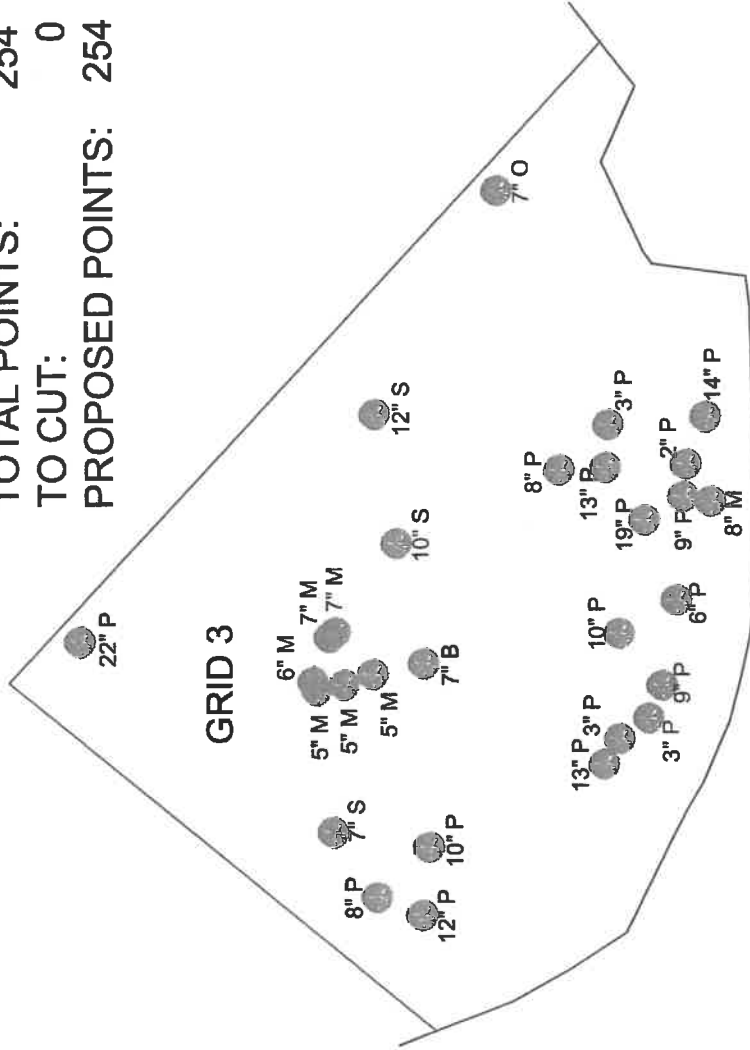


TOTAL POINTS: 141
 TO CUT: 0
 PROPOSED POINTS: 141

GRID 3

22" P.	15 PNT
8" P.	10 PNT
7" S.	10 PNT
12" P.	10 PNT
10" P.	10 PNT
6" M.	5 PNT
7" M.	10 PNT
7" M.	10 PNT
5" M.	5 PNT
5" M.	5 PNT
5" M.	5 PNT
7" B.	10 PNT
10" S.	10 PNT
12" S.	10 PNT
7" O.	10 PNT
13" P.	15 PNT
3" P.	1 PNT
3" P.	1 PNT
9" P.	10 PNT
10" P.	10 PNT
6" P.	5 PNT
8" P.	10 PNT
13" P.	15 PNT
3" P.	1 PNT
19" P.	15 PNT
9" P.	10 PNT
2" P.	1 PNT
8" M.	10 PNT
14" P.	15 PNT

TOTAL POINTS: 254
 TO CUT: 0
 PROPOSED POINTS: 254

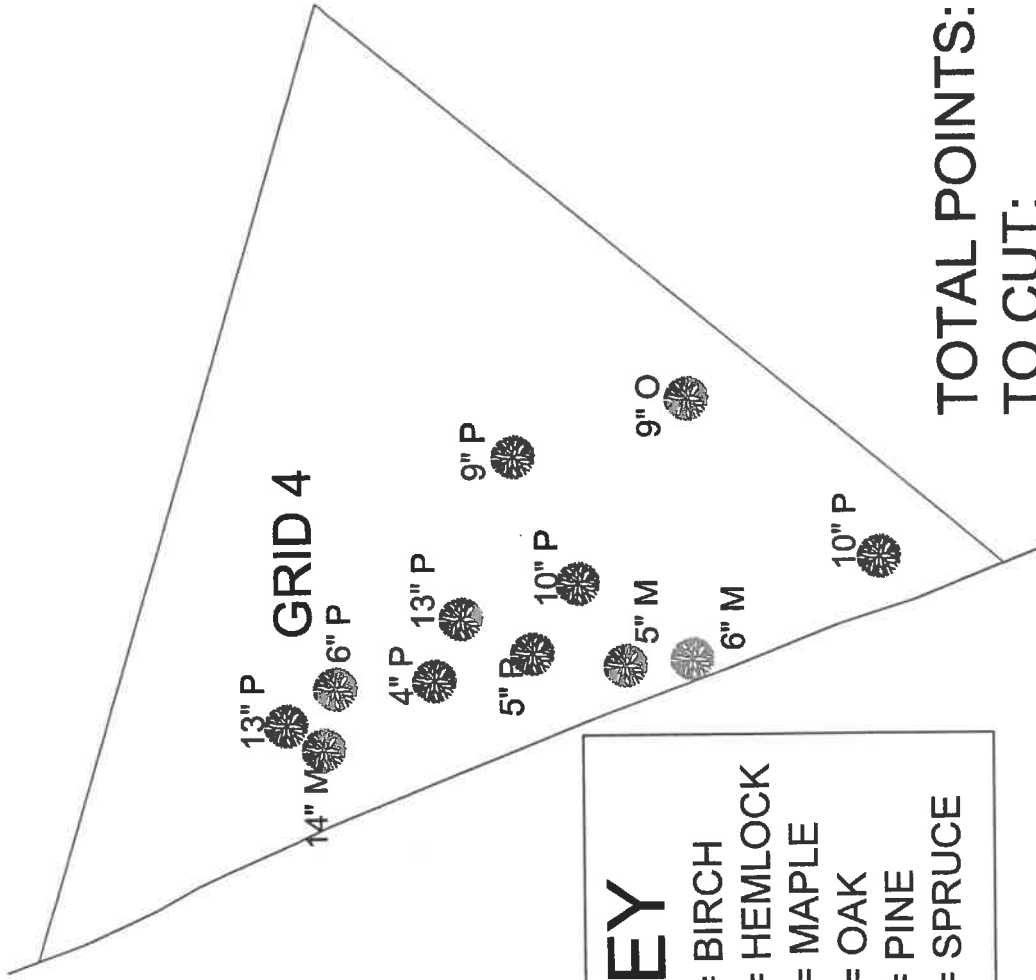


KEY

B = BIRCH
 H = HEMLOCK
 M = MAPLE
 O = OAK
 P = PINE
 S = SPRUCE

GRID 4

- 13" P. 15 PNT
- 14" M. 15 PNT
- 6" P. 5 PNT
- 4" P. 5 PNT
- 13" P. 15 PNT
- 9" P. 10 PNT
- 5" P. 5 PNT
- 10" P. 10 PNT
- 5" M. 5 PNT
- 6" M. 5 PNT
- 9" O. 10 PNT
- 10" P. 10 PNT



KEY
B = BIRCH
H = HEMLOCK
M = MAPLE
O = OAK
P = PINE
S = SPRUCE

TOTAL POINTS: 110
 TO CUT: 0
 PROPOSED POINTS: 110

GRID 5

- 5" M. 5 PNT
- 14" P. 15 PNT
- 7" P. 10 PNT
- 9" P. 10 PNT
- 12" M. 10 PNT
- 5" M. 5 PNT
- 8" M. 10 PNT
- 7" M. 10 PNT
- 10" S. 10 PNT
- 13" P. 15 PNT
- 10" P. 10 PNT
- 13" P. 15 PNT
- 12" P. 10 PNT
- 9" P. 10 PNT
- 3" P. 1 PNT
- 12" P. 10 PNT
- 7" P. 10 PNT
- 5" M. 5 PNT
- 4" M. 5 PNT
- 15" P. 15 PNT
- 7" P. 10 PNT
- 13" S. 15 PNT
- 5" M. 5 PNT
- 12" O. 10 PNT



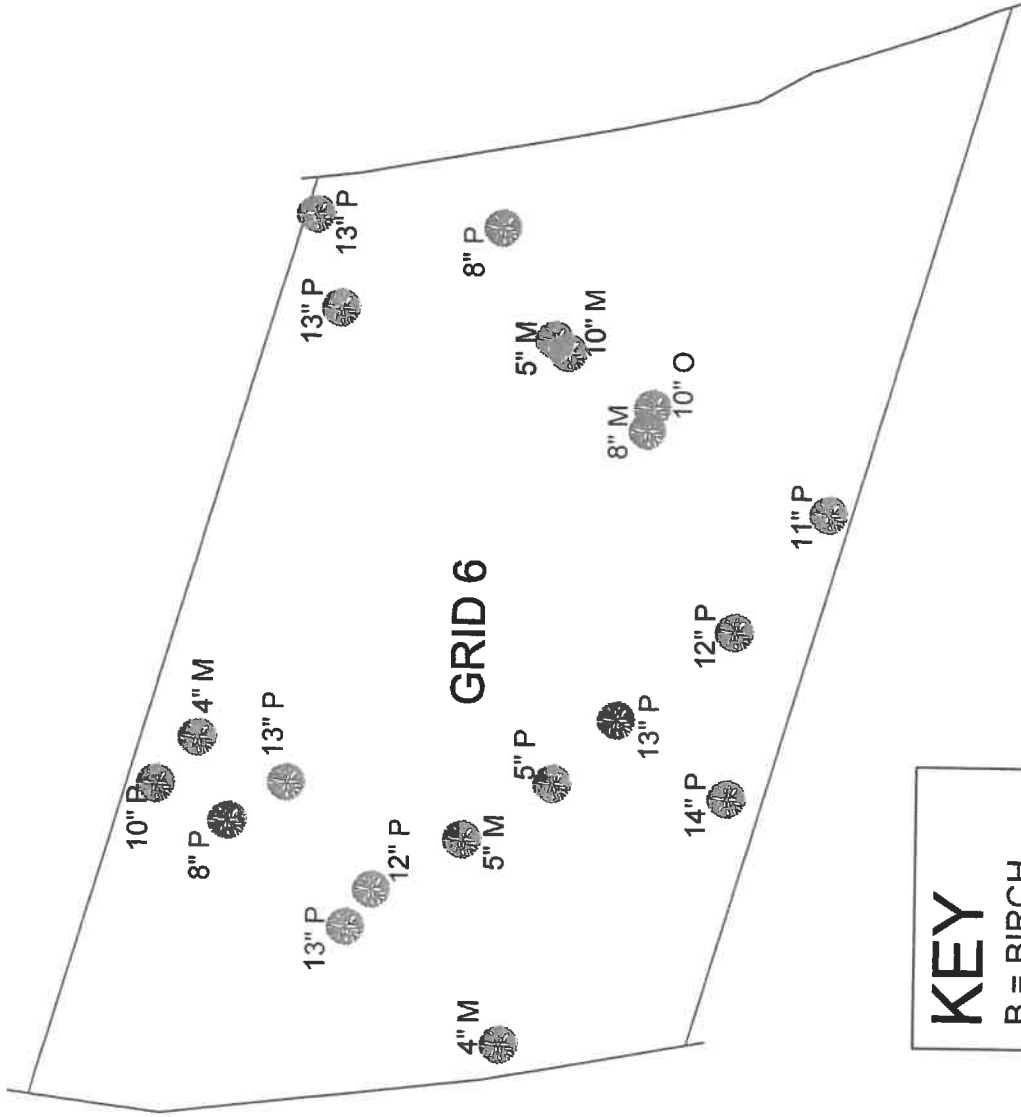
GRID 5

KEY	
B	= BIRCH
H	= HEMLOCK
M	= MAPLE
O	= OAK
P	= PINE
S	= SPRUCE

TOTAL POINTS: 231
 TO CUT: 0
 PROPOSED POINTS: 231

GRID 6

10" P. 10 PNT
 8" P. 10 PNT
 4" M. 5 PNT
 13" P. 15 PNT
 13" P. 15 PNT
 12" P. 10 PNT
 4" M. 5 PNT
 5" M. 5 PNT
 5" P. 5 PNT
 13" P. 15 PNT
 14" P. 15 PNT
 12" P. 10 PNT
 11" P. 10 PNT
 10" O. 10 PNT
 8" M. 10 PNT
 10" M. 10 PNT
 5" M. 5 PNT
 8" P. 10 PNT
 13" P. 15 PNT
 13" P.

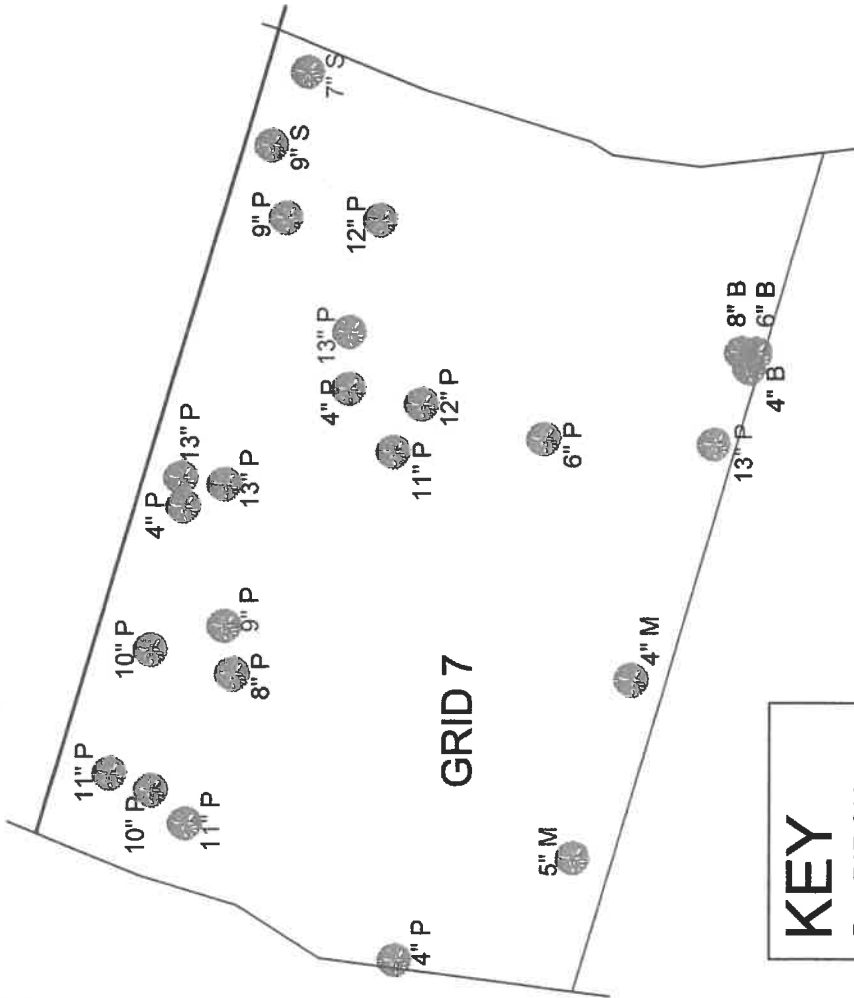


KEY	
B = BIRCH	
H = HEMLOCK	
M = MAPLE	
O = OAK	
P = PINE	
S = SPRUCE	

TOTAL POINTS: 205
 TO CUT: 0
 PROPOSED POINTS: 205

GRID 7

- 11" P. 10 PNT
- 10" P. 10 PNT
- 11" P. 10 PNT
- 10" P. 10 PNT
- 8" P. 10 PNT
- 9" P. 10 PNT
- 4" P. 5 PNT
- 13" P. 15 PNT
- 13" P. 15 PNT
- 9" P. 10 PNT
- 9" S. 10 PNT
- 7" S. 10 PNT
- 4" P. 5 PNT
- 13" P. 15 PNT
- 12" P. 10 PNT
- 11" P. 10 PNT
- 12" P. 10 PNT
- 4" P. 5 PNT
- 5" M. 5 PNT
- 4" M. 5 PNT
- 6" P. 5 PNT
- 13" P. 15 PNT
- 4" B. 5 PNT
- 8" B. 10 PNT
- 6" B. 5 PNT



GRID 7

KEY
B = BIRCH
H = HEMLOCK
M = MAPLE
O = OAK
P = PINE
S = SPRUCE

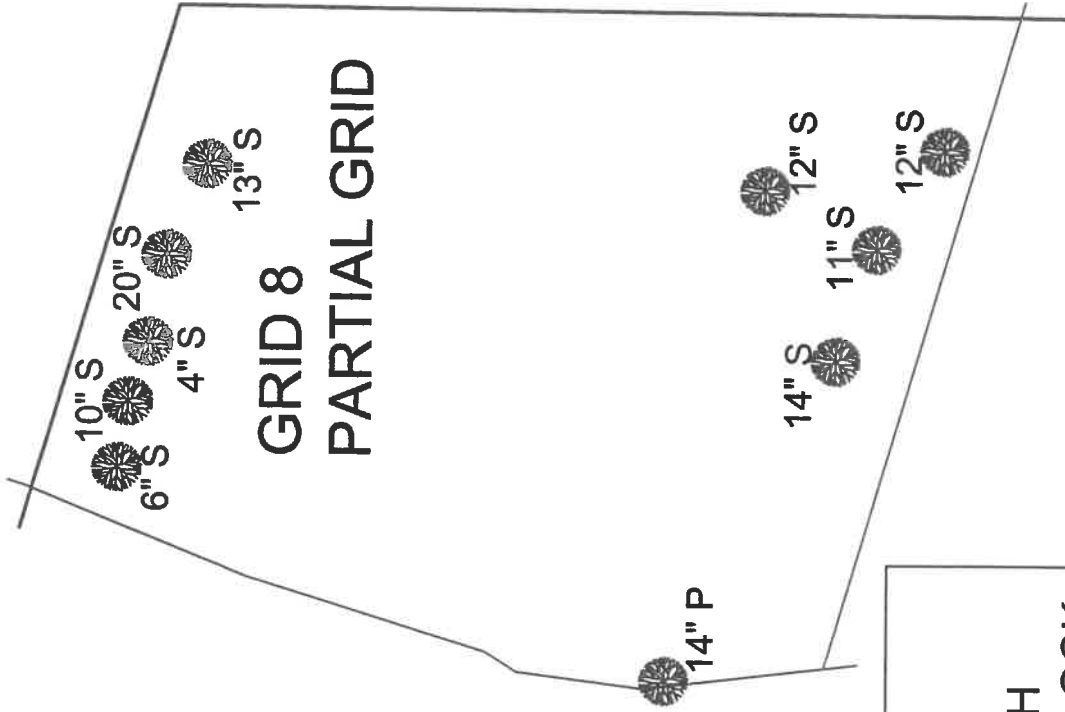
TOTAL POINTS: 230
 TO CUT: 0
 PROPOSED POINTS: 230

GRID 8

- 6" S. 5 PNT
- 10" S. 10 PNT
- 4" S. 5 PNT
- 20" S. 15 PNT
- 13" S. 15 PNT
- ~~14" P. 15 PNT~~
- ~~14" S. 15 PNT~~
- ~~11" S. 10 PNT~~
- ~~12" S. 10 PNT~~
- ~~12" S. 10 PNT~~

TOTAL POINTS: 110
 TO CUT: 60
 PROPOSED POINTS: 50

GRID 8 PARTIAL GRID

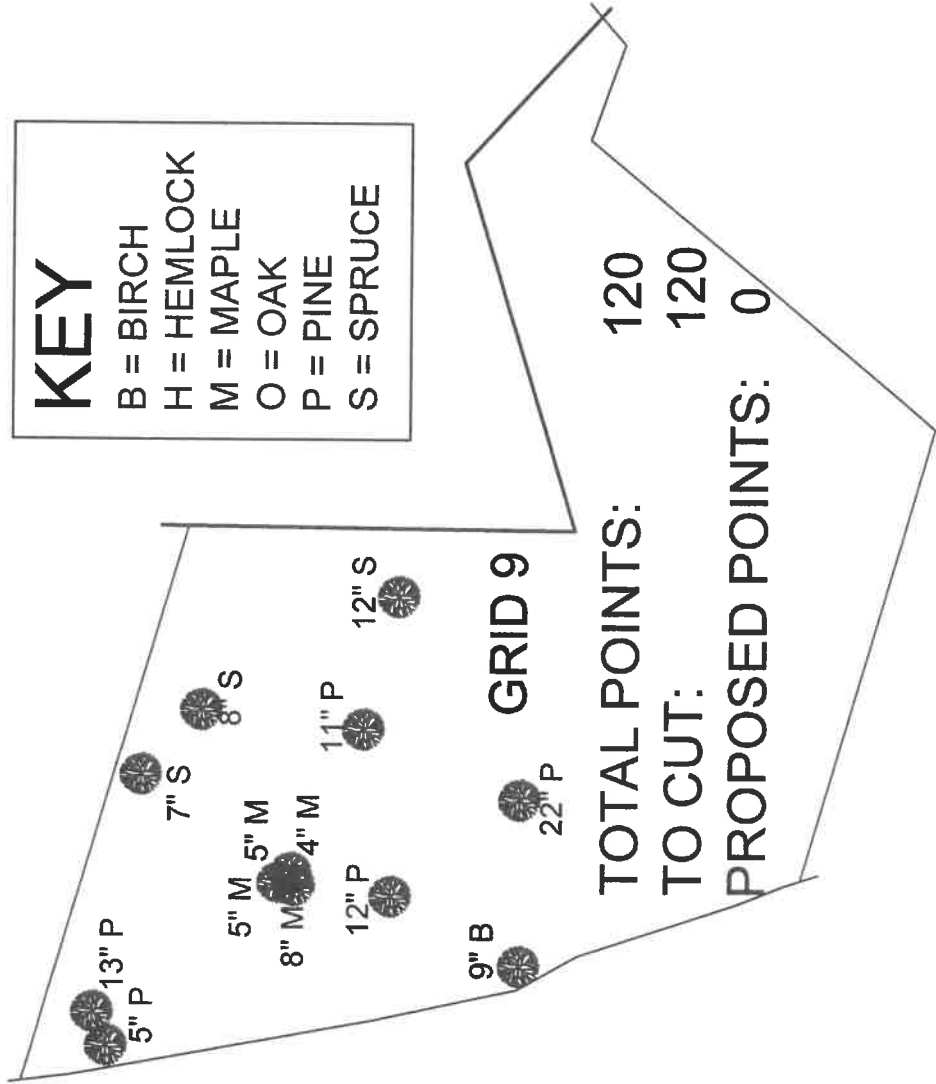


KEY

- B = BIRCH
- H = HEMLOCK
- M = MAPLE
- O = OAK
- P = PINE
- S = SPRUCE

KEY

B = BIRCH
H = HEMLOCK
M = MAPLE
O = OAK
P = PINE
S = SPRUCE



GRID 9

TOTAL POINTS: 120
TO CUT: 120
PROPOSED POINTS: 0

GRID 9

~~5" P. 5 PNT~~
~~13" P. 15 PNT~~
~~7" S. 10 PNT~~
~~8" S. 10 PNT~~
~~5" M. 5 PNT~~
~~5" M. 5 PNT~~
~~8" M. 10 PNT~~
~~4" M. 5 PNT~~
~~12" P. 10 PNT~~
~~11" P. 10 PNT~~
~~12" S. 10 PNT~~
~~9" B. 10 PNT~~
~~22" P. 15 PNT~~



GRID 10

GRID 10

NO POINTS

TOTAL POINTS: 0

TO CUT: 0

PROPOSED POINTS: 0

DO NOT WRITE IN THIS SPACE

APPLICATION # _____

DATE FILED _____

FEE PAID _____

RECEIVED BY _____

**APPLICATION TO ZONING BOARD
OF ADJUSTMENTS
FREEDOM, NEW HAMPSHIRE 03836**

Name of Applicant(s) RICHARD & DEBRA STROTT

Mailing Address 229 SAGAMORE ROAD RYE NH 03870

Telephone Number(s) _____

Property Owner(s) "SAME"

(If same as applicant, write "Same")

Mailing Address "SAME"

Location of Property: Tax Map # 30 Lot # 12 Zoning District GEN RES WATERFRONT

Physical Address of Property 23 MARJORIE POINT ROAD

Name, Address and Map/Lot of all abutters whose property adjoins or is directly across the street or stream from the property of the applicant. Additional pages may be added.

MAP#/LOT# NAME and ADDRESS

ATTACHED

This application has been completed in accordance with the Zoning Ordinance of the Town of Freedom.

Date: 10/2/21 Signed: [Signature]
Owner (If agent, owner must still sign)

Date: 10/2/21 Signed: [Signature]
Owner (If agent, owner must still sign)

Date: _____ Signed: _____
Owner (If agent, owner must still sign)

**Application
Page 2**

New Hampshire State law requires the ZBA to hold a hearing within 30 days of the filing of this application unless the applicant agrees to extend that period. The undersigned hereby waives the 30-day time limit with the understanding this application will be heard within 60 days of the date of filing.

Signed: _____
Signed: _____
Signed: _____
Signed: _____

Attach Plot Plan: Specify ALL dimensions, locate wells, septic system, label abutters and all structures.

Note: Attach copy of **Zoning Officers denial** as well as the **Plot Plan**. This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

Complete Section 1, 2, 3 or 4.

Section 1. APPEAL FROM AN ADMINISTRATIVE DECISION

Relating to the interpretation and enforcement of the provision of Article _____
Section _____ of the Zoning Ordinance in question describe decision of the officer to be reviewed:

Also submit a **Plot Plan** – see page 7.

OR

Section 2. APPEAL FOR SPECIAL EXCEPTION

Describe proposed use requiring a special exception from Article 3 Section 304.6.3.2
of the Zoning Ordinance: 304.6.5.1

ERROSION CONTROL IN THE SHOREFRONT

& GRID 8 TREE CUTTING MEETING THE SPECIAL EXCEPTION STANDARD

Also continue to **Page 6**; submit a **Plot Plan** – see **page 7**.

OR

Section 3. APPEAL FOR VARIANCE

A variance is requested from Article S.A. _____ Section S.A. _____ of the zoning ordinance to permit SEE ATTACHED (S.A.) DENIAL

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public **interest** because:

ATTACHED

2. If the variance were granted, the **spirit** of the ordinance would be observed because:

ATTACHED

3. Granting the variance would do substantial **justice** because:

ATTACHED

4. If the variance were granted, the **values** of the surrounding properties would not be diminished because:

ATTACHED

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary **hardship** because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

ATTACHED

and:

ii. The proposed use is a reasonable one because:

ATTACHED

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

ATTACHED

STROTT APPLICATION FOR A VARIANCE

The undersigned hereby requests Variances from:

Article 3

- 304.2 Side & Front Setbacks House
- 304.5 Rear (Water Side) Setback House
- 304.2 Side & Front Setbacks Garage
- 304.5 Rear (Water Side) Setback Garage
- 305.6.5.3 Tree Cutting over 75' on lots over 12.5% Slope in Shore Front

Article 4

- 406 Septic Closer than 125' to Water (3 Septic Tanks connected to one Field)

Article 9

- 906.1 Expansion of Non-Conforming Structure Front Setback House
- 906.2 Expansion of Non-Conforming Structure Side & Rear Setback House
- 906.1 Expansion of Non-Conforming Structure Front Setback Garage
- 906.2 Expansion of Non-Conforming Structure Side & Rear Setback Garage
- 906.3 Expansion of Non-Conforming Structure Height Increase Garage

FACTS TO SUPPORT THIS REQUEST:

1. Granting the variance will not be contrary to the public interest because:

Like many of the neighboring properties this home predates zoning, state shoreland regulation and many of these lakeside properties have buildings that do not meet front and or side setbacks. The owner's proposed improvements will not alter the essential character of the neighborhood and will not threaten the health, safety or general welfare of the public.

2. The spirit of the ordinance is observed because:

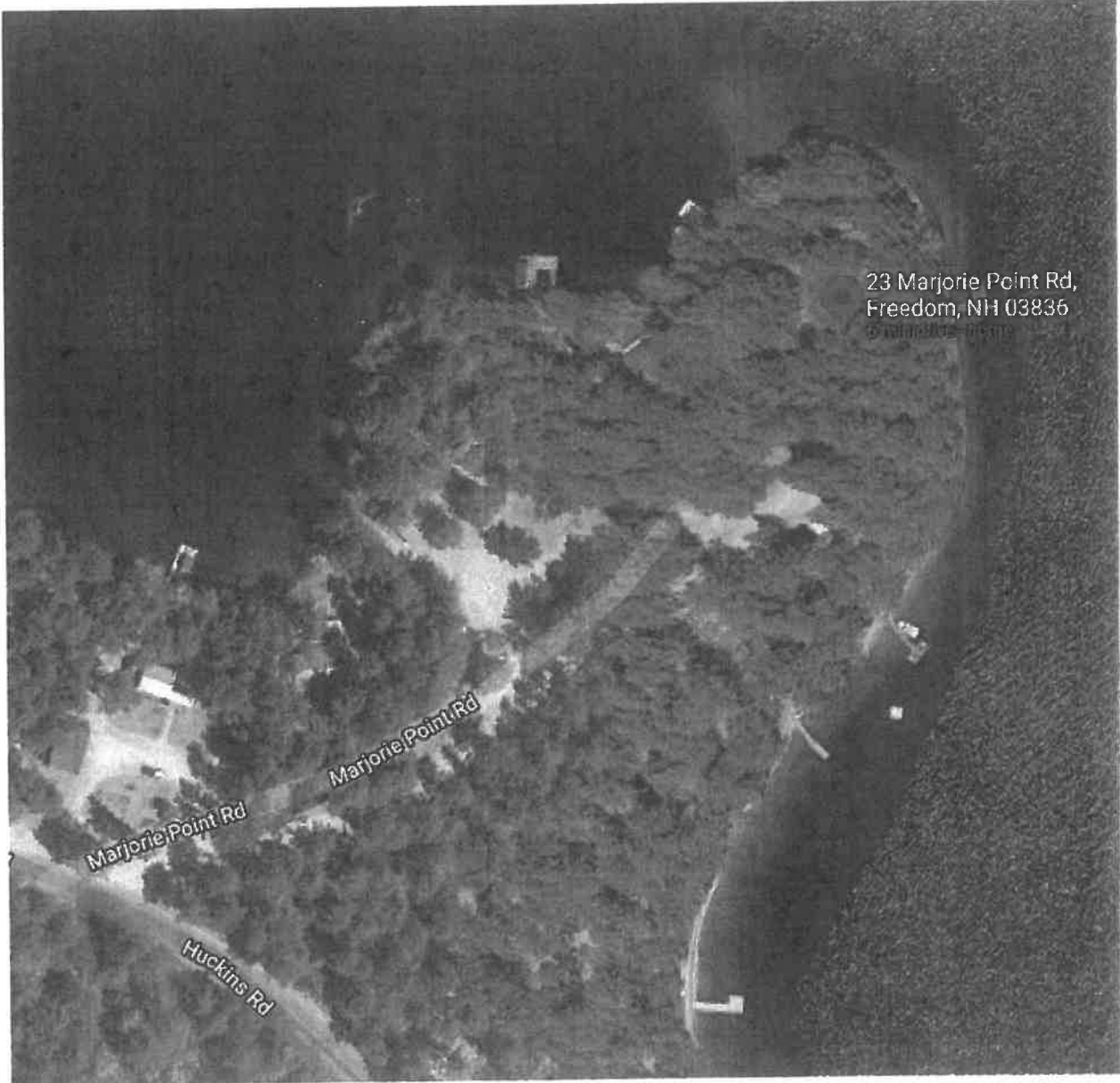
The Freedom Zoning Ordinance Preamble states that the purpose of the ordinance is to promote the health, safety and general welfare of the inhabitants of the Town of Freedom.

This home was constructed prior to town zoning and state shoreland regulations. The Strott's want to reside here full time (age in place) and want to alter their property to accommodate their full-time residential needs.

The variances requested will not alter the essential character of the neighborhood and will not threaten the health, safety or general welfare of the public. This proposal is in keeping with the spirit of the ordinance.

3. Substantial justice is done because:

The test for a variance is that: any loss to the individual which is not outweighed by a gain the general public is an injustice. While the home is architecturally pleasing to the eye, the home is a bit narrow for year-round living. The bunkhouse is meant to provide



23 Marjorie Point Rd,
Freedom, NH 03836



ATTACHED FOR VARIANCES
FOR RICHARD & DEBRA STROTT

Variances:

Section 3 Article 304.2- Side and front house setbacks

Section 3 Article 304.5- Rear (water side) house setback

Section 3 Article 304.2- Side and front garage setbacks

Section 3 Article 304.5- Rear (water side) garage setback

Section 3 Article 305.6.5.3- Tree cutting over 75' on lots over 12.5% slope in SF not meeting score requirement

Section 4 Article 406- Septic closer than 125' to water (3 tanks and 1 field)

Section 9 Article 906.1- Expansion of non-conforming structures front house setback

Section 9 Article 906.2- Expansion of non-conforming structures side and rear house setback

Section 9 Article 906.1- Expansion of non-conforming structures front garage setback

Section 9 Article 906.2- Expansion of non-conforming structure side and rear garage setback

Section 9 Article 906.3 Height increase garage

Zoning Officer Decision

The zoning officer is required to deny an application under Section 2303, if:

- The application is for a use that requires a special exception
- The application requires a variance

Only the ZBA is the body that can grant either of the above.

Approved _____ Date _____ Zoning Officer _____

Denied Date 6-6-2021 Zoning Officer [Signature]

Reason for denial See Attached

If the zoning officer denies the application, the applicant may appeal this decision to the Zoning Board of Adjustment. Please use the Zoning Board Application at <https://townoffreedom.net/wp-content/uploads/2019/03/ZBA-APPLICATION.pdf>

ZBA Tips:

- Application and Appointment of Agent Form must be completed and signed by all owners of the property.
- Abutter letters go directly to ZBA at PO Box 227, Freedom, NH 03836
- The applicant is responsible to fulfill all requirements from the ZBA and provide the necessary information. The applicant is responsible for reading the regulations. The Zoning Officer's role is to help the applicant complete the application if the applicant requests help.
- To be considered by the ZBA, an application must be significantly different from a previous application which the ZBA has previously denied.
- If the ZBA approves the special exception or variance, the application will come back to the zoning officer for action. The zoning officer will determine that the applicant has met all conditions imposed by the ZBA and sign below.
- The ZBA approval can be appealed within 30 days of the decision.

Once the zoning officer has signed the application, it can go to the Building Department.

FOR USE IF THE APPLICANT'S ORIGINAL APPLICATION IS DENIED AND THE ZBA HAS APPROVED THE PROPOSED PROJECT

Approval below signifies that the applicant has submitted proof that they have met all conditions listed by the zoning board of adjustment.

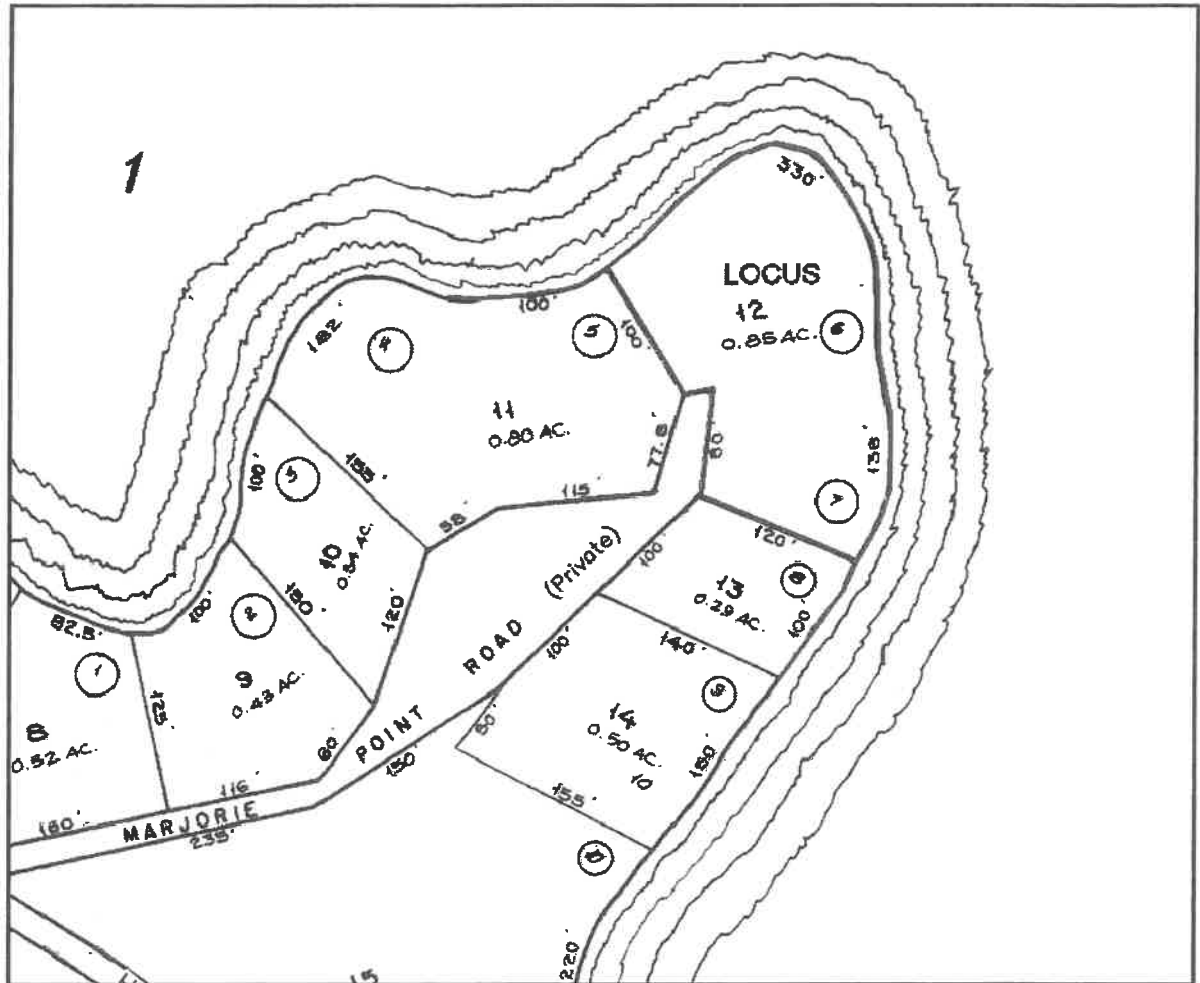
Approved _____ Date _____ Zoning Officer _____

Per ZBA decision dated: _____

Abutters List

For Tax Map: 30 Lot: 12

FOR RICHARD L. & DEBRA L. STROTT, 229 SAGAMORE ROAD, RYE, NH 03870-2040



Agents
MARK & JACOB MCCONKEY
10 CLOVER LANE #1
FREEDOM, NH 03836

Owners:
RICHARD L. & DEBRA L. STROTT
229 SAGAMORE ROAD
RYE, NH 03870-2040

Prepared By Jacob Marc McConkey, 10 Clover Lane #1, Freedom, NH 03836

Agent for RICHARD L. & DEBRA L. STROTT

Richard L. & Debra Stott

Map 30 Lot 12

Denial

Special Exceptions:

304.6.3.2 Erosion Control in the Shorefront (SF)

304.6.5.1 Tree Cutting in the SF meeting the Special Exception Standard

Variances:

304.2 Side & Front Setbacks House

304.5 Rear (Water side) Setback House

304.2 Side and Front Setbacks Garage

304.5 Rear (Water Side) Setback Garage

406 Septic closer than 125' to Water (3 Tanks and 1 Field)

305.6.5.3 Tree Cutting over 75' on lots over 12.5 % slope in SF not meeting score requirement

906.1 Expansion of Non-Conforming Structure Front Setback House

906.2 Expansion of Non-Conforming Structure Side and Rear Setback House

906.1 Expansion of Non-Conforming Structure Front Setback Garage

906.2 Expansion of Non-Conforming structure side and Rear Setback Garage

906.3'

' height increase Garage

NOTE TO APPLICANT AND ZONING BOARD REGARDING THE UNNECESSARY HARDSHIP TEST: If the above criteria for unnecessary hardship cannot be met, then the Zoning Board can still find unnecessary hardship if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, (a) the property cannot be reasonably used in strict conformance with the ordinance, and (b) a variance is therefore necessary to enable a reasonable use of the property. See VARIANCE WORKSHEET and RSA 674:33,I(b).

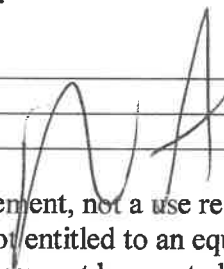
Also continue to **Page 6**; submit a **Plot Plan** - see page 7.

OR

Section 4. APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

An Equitable Waiver of Dimensional Requirements is requested from Article _____
Section _____ of the Zoning Ordinance to permit:

N/A



1. Does the request involve a dimensional requirement, not a use restriction?
 Yes No If you answer "No" you are not entitled to an equitable waiver of dimensional requirement. These waivers may not be granted from use restrictions.
2. Explain how the violation has existed for 10 years or more with no enforcement action, including written notices, being commenced by the town or by any person directly affected:

-OR-

If the violation has not existed for 10 years without enforcement action, you must:

- A. Explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser, and
- B. Explain how the nonconformity was not an outcome of ignorance of the law or bad faith but was instead caused by a legitimate mistake:

A. N/A

B. _____

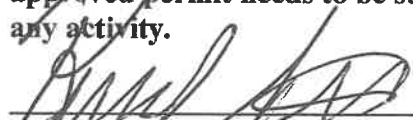
Also, you must:

- 3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area:

- 4. Explain how the cost of correction far outweighs any public benefit to be gained:

I assume full responsibility for the accuracy of all plans and supporting information submitted with this application. I understand that I may be required to move/remove any improvement if an exact determination of any aspects of this application are found to be false or inaccurate.

I am aware that a state shoreland permit is required prior to initiating many types of construction, excavation or filling activities within the protected shoreland and any variance granted by the Freedom ZBA is contingent on approval and issuance of a permit from the NHDES (if applicable). The approved permit needs to be supplied to the Freedom Zoning Officer prior to any activity.



Property Owner/ Authorized Agent

10/2/21

Dated



Property Owner/ Authorized Agent

10/2/21

Dated

Property Owner/ Authorized Agent

Dated

Property Owner/ Authorized Agent

Dated

Before planning or undertaking any construction, excavation or filling within the protected shoreland, contact NHDES:

Visit the DES web site below to determine if your property comes under the protection of the Comprehensive Shoreland Protection Act (CSPA). Read DES fact sheet, water bodies Under the Protection of the CSPA.

NH Department of Environmental Services
Wetlands Bureau
603-271-2147
www.des.nh.gov

Map: 30, Lot: 11
ESPOSITO, GAIL
49 CARRIAGE HILL CIRCLE UNIT 49
SOUTHBORO, MA 01772

Map: 30, Lot: 13
MCKILLOP, BENJAMIN
44 KING STREET
NORFOLK, MA 02056

Parcel ID: 000030 000012 000000 (CARD 1 of 1)
 Owner: STROTT, RICHARD L
 STROTT, DEBRA L
 Location: 23 MARJORIE POINT ROAD
 Acres: 0.850

General

Valuation		Listing History		Districts	
Building Value:	\$210,700	<u>List Date</u>	<u>Lister</u>	<u>District</u>	<u>% In Dist.</u>
Features:	\$9,800	01/17/2017	BJLX	village	0
Taxable Land:	\$547,500	08/02/2011	BJLX		
Card Value:	\$768,000	01/30/2006	JARX		
Parcel Value:	\$768,000	09/08/1900	RW		

Notes: GREY / SMALL SANDY BEACH CHG WF PER PLAN RW WTR7 1/17 P/U DOCK & OPF BJJ

History Of Taxable Values

Tax Year	Building	Features	Land	Value Method	Total Taxable
2020	\$210,700	\$9,800	\$547,500	Cost Valuation	\$768,000
2019	\$148,600	\$9,800	\$405,700	Cost Valuation	\$564,100
2018	\$148,600	\$9,800	\$405,700	Cost Valuation	\$564,100
2017	\$148,600	\$9,800	\$405,700	Cost Valuation	\$564,100
2016	\$145,700	\$9,400	\$405,700	Cost Valuation	\$560,800
2015	\$145,700	\$8,000	\$469,000	Cost Valuation	\$622,700
2014	\$145,700	\$8,000	\$469,000	Cost Valuation	\$622,700
2013	\$145,700	\$8,000	\$469,000	Cost Valuation	\$622,700
2012	\$145,700	\$8,000	\$469,000	Cost Valuation	\$622,700
2011	\$145,700	\$8,000	\$469,000	Cost Valuation	\$622,700
2010	\$154,400	\$9,900	\$788,100	Cost Valuation	\$952,400
2009	\$154,400	\$9,900	\$788,100	Cost Valuation	\$952,400
2008	\$154,400	\$9,900	\$788,100	Cost Valuation	\$952,400
2007	\$154,400	\$9,900	\$788,100	Cost Valuation	\$952,400
2006	\$154,400	\$9,900	\$788,100	Cost Valuation	\$952,400

Notes

Sale Date	Sale Type	Qualified	Sale Price	Grantor	Book	Page
5/18/2012	IMPROVED	YES	\$569,000	CONWAY, GERARD	2999	245

Notes

Address: 10 - BROAD BAY GEN RES
Neighborhood: AVG +10 110%
Land Use: 1F RES WTRFRNT

Driveway: DIRT
Road: DIRT

Taxable Value: \$547,500

Land Type	Units	Base Rate	NC	Adj	Site	Road	Dway	Topo	Cond	Ad Valorem	SPI	R	Tax Value	Notes
RES WTRFRNT	0.850 AC	37,800	F	110	100	100	100	100	POOR/STEEP	100	41,600	0	N	41,600
RES WTRFRNT	100.000 WF	3,350	X	100	0	0	0	100		100	335,000	0	N	335,000 WF
RES WTRFRNT	340.000 WF	3,350	X	100	0	0	0	100		15	170,900	0	N	170,900 WF SHAPE

Building

1.00 STORY RA RANCH Built In 1970

Roof: GABLE HIP METAL/TIN	Bedrooms: 3	Quality: AVG+20
Exterior: PREFAB WD PNL	Bathrooms: 2.0	Size Adj. 1.0175
Interior: PANEL	Fixtures: 0	Base Rate: 113.00
Flooring: LINOLEUM OR SIM	Extra Kitchens: 0	Building Rate: 1.1600
Heat: OIL FA DUCTED	Fireplaces: 0	Sq. Foot Cost: 131.07
	Generators: 0	Effective Area: 1,869
	AC: YES 100%	Gross Living Area: 1,416
	Cost New:	\$244,970

Depreciation						
Normal GOOD	Physical	Functional	Economic	Temporary	Total Dpr.	Assessment
14%	0%	0%	0%	0%	14%	\$210,700

Attributes

Attribute Type	Units	Length x Width	Size Adj	Rate	Cond	Value	Notes
REPLACE 1-1 STAND	1		100	2500.00	100	\$2,500	
DOCK	150	150 x 1	100	10.00	25	\$375	EST
DRORAGE	720	30 x 24	82	28.00	42	\$6,943	
Total:						\$9,800	

Photo



10/2/2021

I Richard and Debra Strott of 23 Marjorie Point Road Freedom NH, 03836 Tax Map 30 Lot 12, authorize Mark McConkey and or Jacob McConkey to act as our agents for the purposes of securing a building permit, zoning relief from Freedom ZBA.

Representations made by my agent may be accepted as though made by us personally and I understand that I am bound by any official decision made on such representations.

Agents: Mark and or Jacob McConkey

10 Clover Lane Unit 1

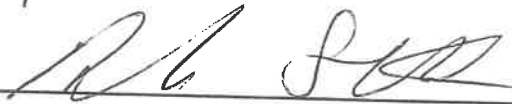
Freedom, NH. 03836

Richard Strott

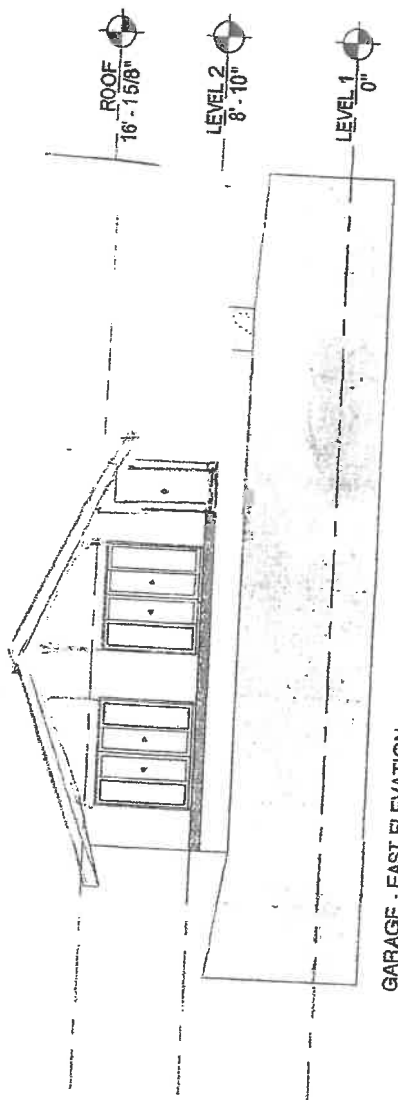


Date 10/2/2021

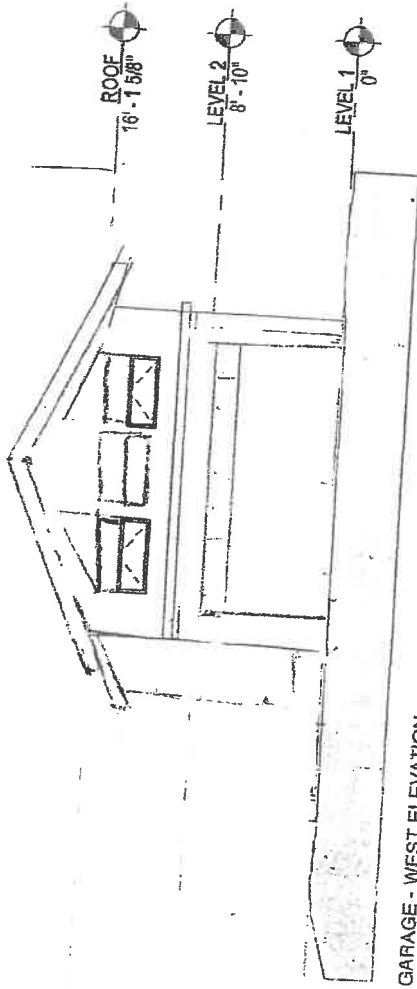
Debra Strott



Date 10/2/202



GARAGE - EAST ELEVATION



GARAGE - WEST ELEVATION

Handwritten notes:

148
 1/8
 3' 3"

DO NOT WRITE IN THIS SPACE

APPLICATION # _____

DATE FILED _____

FEE PAID _____

RECEIVED BY _____

**APPLICATION TO ZONING BOARD
OF ADJUSTMENTS
FREEDOM, NEW HAMPSHIRE 03836**

Name of Applicant(s) DANIEL J & KAREN F FOOTIT

Mailing Address 14 STONE ST. MIDDLEBORO, MA 02346

Telephone Number(s) HM. 508 947 3012 MBL 508 577 0269

Property Owner(s) SAME
(If same as applicant, write "Same")

Mailing Address _____

Location of Property: Tax Map # 22 Lot # 80 Zoning District _____

Physical Address of Property 23 DEER RUN DRIVE

Name, Address and Map/Lot of all abutters whose property adjoins or is directly across the street or stream from the property of the applicant. Additional pages may be added.

- | MAP#/LOT# | NAME and ADDRESS |
|---------------------------|---|
| <u>LEFT LOT 79</u> | <u>GARY ROBINSON 12 MONTGOMERY ST. HAVERHILL MA 01830</u> |
| <u>RT. LOT 81</u> | <u>JAMES BEICHERT PO BOX 701 W. OSSIPPEE NH 03890</u> |
| <u>REAR MAP 1 LOT 1-1</u> | <u>DEVIN BOLDUC 765 OSSIPPEE LAKE RD. FREEDOM 03836</u> |
| <u>ACROSS LOT 61</u> | <u>JOSEPH GIBBONS 24 DEER RUN DR. FREEDOM 03836</u> |

This application has been completed in accordance with the Zoning Ordinance of the Town of Freedom.

Date: 10.3.21 Signed: [Signature]
Owner (If agent, owner must still sign)

Date: 10.3.21 Signed: [Signature]
Owner (If agent, owner must still sign)

Date: _____ Signed: _____
Owner (If agent, owner must still sign)

Application
Page 5

NOTE TO APPLICANT AND ZONING BOARD REGARDING THE UNNECESSARY HARDSHIP TEST: If the above criteria for unnecessary hardship cannot be met, then the Zoning Board can still find unnecessary hardship if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, (a) the property cannot be reasonably used in strict conformance with the ordinance, and (b) a variance is therefore necessary to enable a reasonable use of the property. See VARIANCE WORKSHEET and RSA 674:33,I(b).

Also continue to **Page 6**; submit a **Plot Plan - see page 7**.

OR

Section 4. APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

An Equitable Waiver of Dimensional Requirements is requested from Article _____
Section _____ of the Zoning Ordinance to permit:

1. Does the request involve a dimensional requirement, not a use restriction?
 Yes No If you answer "No" you are not entitled to an equitable waiver of dimensional requirement. These waivers may not be granted from use restrictions.

2. Explain how the violation has existed for 10 years or more with no enforcement action, including written notices, being commenced by the town or by any person directly affected:

-OR-

If the violation has not existed for 10 years without enforcement action, you must:

- A. Explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser, and
- B. Explain how the nonconformity was not an outcome of ignorance of the law or bad faith but was instead caused by a legitimate mistake:

A. _____

B. _____

Also, you must:

- 3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area:

- 4. Explain how the cost of correction far outweighs any public benefit to be gained:

PLOT PLAN GUIDELINES

A) Submit a plan, drawn to scale, 1" = 20', font must be at least 8pt, showing a minimum of the following:

- 1. Property lines and distances
- 2. Setbacks for front, side and rear yards
- 3. Show all existing and proposed buildings
- 4. Wells
- 5. Septic tank and leach field
- 6. Indicate building dimensions to overhang
- 7. Height of buildings
- 8. Indicate all structures with dimensions including but not limited to:
 - Porches
 - Sheds
 - Decks
 - Garages
 - Stoops
 - Retaining walls
 - Patios
 - Impervious surfaces within 150' of the shoreline
 - Unique features
- 9. Water reference line (Ossipee Lake elevation 407')
- 10. Road names
- 11. Abutters names in proximity to property

B) If seeking special exception or variance in the shorefront district you must include:

- Fill – Temporary or Permanent
- Cut – Temporary or Permanent
- Tree removal
- Erosion control
- Docks
- Stairs
- Contours – Temporary or Permanent
- Retaining walls – Temporary or Permanent
- Lake level (Ossipee Lake elevation 407')

C) Lots under 5 acres:

Total area of lot in square feet 14,645 \pm FT.
Square feet of lot coverage (including all structures) 1622
% of lot covered 11%

D) In addition to the list above it is your option to submit:

- Photographs
- Abutter's letters

I assume full responsibility for the accuracy of all plans and supporting information submitted with this application. I understand that I may be required to move/remove any improvement if an exact determination of any aspects of this application are found to be false or inaccurate.

I am aware that a state shoreland permit is required prior to initiating many types of construction, excavation or filling activities within the protected shoreland and any variance granted by the Freedom ZBA is contingent on approval and issuance of a permit from the NHDES (if applicable). The approved permit needs to be supplied to the Freedom Zoning Officer prior to any activity.

AA
Property Owner/ Authorized Agent

10.3.21
Dated

David Zocchetti
Property Owner/ Authorized Agent

10/3/2021
Dated

Property Owner/ Authorized Agent

Dated

Property Owner/ Authorized Agent

Dated

Before planning or undertaking any construction, excavation or filling within the protected shoreland, contact NHDES:

Visit the DES web site below to determine if your property comes under the protection of the Comprehensive Shoreland Protection Act (CSPA). Read DES fact sheet, water bodies Under the Protection of the CSPA.

NH Department of Environmental Services
Wetlands Bureau
603-271-2147
www.des.nh.gov

**Application
Page 2**

New Hampshire State law requires the ZBA to hold a hearing within 30 days of the filing of this application unless the applicant agrees to extend that period. The undersigned hereby waives the 30-day time limit with the understanding this application will be heard within 60 days of the date of filing.

Signed: NA Signed: M. P. [Signature]
Signed: _____ Signed: _____

Attach Plot Plan: Specify ALL dimensions, locate wells, septic system, label abutters and all structures.

Note: Attach copy of **Zoning Officers denial** as well as the **Plot Plan**. This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

Complete Section 1, 2, 3 or 4.

Section 1. APPEAL FROM AN ADMINISTRATIVE DECISION

Relating to the interpretation and enforcement of the provision of Article _____
Section _____ of the Zoning Ordinance in question describe decision of the officer to be reviewed:

304.2

Also submit a **Plot Plan** – see page 7.

OR

Section 2. APPEAL FOR SPECIAL EXCEPTION

Describe proposed use requiring a special exception from Article _____ Section _____
of the Zoning Ordinance:

304.2

Also continue to Page 6; submit a Plot Plan – see page 7.

OR

Section 3. APPEAL FOR VARIANCE

A variance is requested from Article _____ Section _____ of the zoning ordinance to permit REAR SET BACK

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public interest because:

BY ADDING THIS ADDITION, I AM NOT HURTING ANYONE IN ANY WAY. I AM NOT ENCRORCHING ON ANYBODY OR ANYBODY'S PROPERTY. IT IS NOT CONTRARY TO PUBLIC INTEREST.

2. If the variance were granted, the spirit of the ordinance would be observed because:

IT WILL BE A CONTROLLED DEVELOPMENT OF THE PROPERTY. I DO THINK THIS ADDITION IS WITHIN REASON BY ALLOWING THE CONSTRUCTION WITH NO OBSTRUCTIONS

3. Granting the variance would do substantial justice because:

IT WILL ALLOW US TO STORE OUR BELONGINGS (CURRENTLY STORED OUT DOORS) INSIDE, IE GARDEN TOOLS, GOLF CART, OFF SEASON GOODS, TOOLS ETC.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

THE NEW ADDITION IS ALL WITHIN THE DESIGN OF THE HOUSE. IN FACT THE ADDITION WILL INCREASE THE VALUE OF OUR HOME, THEREFORE INCREASING THE VALUE OF PROPERTY & HOMES THROUGHOUT.

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

THERE WOULD BE NO PLACE TO KEEP OUR BELONGINGS INSIDE POSSIBLY CREATING CLUTTER TO THE EXTERIOR OF OUR PROPERTY

and:

ii. The proposed use is a reasonable one because:

IT IS AN ACCESSORY STRUCTURE OF GARAGE SPACE

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

STORAGE USE

October 3, 2021
Daniel J Footit and Karen J Footit
Re: for ZBA Application

Listing of abutters to 23 Deer Run Drive, Freedom, NH 03836:

Left side: Lot 79

Gary Robinson
12 Montgomery St.
Haverhill, MA 01830-2122

Right Side: Lot 81

James Reichert
P.O. Box 781
West Ossipee, NH 03890

Rear: Map 1 Lot 1-1

Devin Bolduc
765 Ossipee Lake Rd.
Freedom, N.H. 03836

Across the Street: Lot 61

Joeseeph Gibbons
24 Deer Run Drive
Freedom, NH 03836

TOWN OF FREEDOM

33 Old Portland Road • P.O. Box 227 • Freedom, NH 03836
603-539-6323 • Fax: 603-539-8270

July 12, 2021

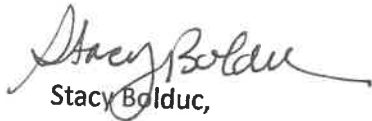
Daniel Footit
Karen Franko
14 Stone St.
Middleboro MA, 02346

Dear Mr. Footit & Ms. Franko

Please find enclosed your Town of Freedom Zoning Permit Application. Your application has been denied; however, you can take the next step and go before the ZBA to discuss the denial.

If you have any questions, please feel free to contact the Zoning Officer Gary Williams at 603-986-0486 or email freedomzoning@gmail.com.

Sincerely,



Stacy Bolduc,

Administrative Assistant

Zoning Officer Decision

The zoning officer is required to deny an application under Section 2303, if:

- The application is for a use that requires a special exception
- The application requires a variance

Only the ZBA is the body that can grant either of the above.

Approved _____ Date _____ Zoning Officer _____

Denied Date 7-9-2021 Zoning Officer [Signature]

Reason for denial 310.1-6 Foot Print not to exceed 15% of lot
Table 304.2 side and rear setbacks

If the zoning officer denies the application, the applicant may appeal this decision to the Zoning Board of Adjustment. Please use the Zoning Board Application at <https://townoffreedom.net/wp-content/uploads/2019/03/ZBA-APPLICATION.pdf>

ZBA Tips:

- Application and Appointment of Agent Form must be completed and signed by all owners of the property.
- Abutter letters go directly to ZBA at PO Box 227, Freedom, NH 03836
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- If the ZBA approves the special exception or variance, the application will come back to the zoning officer for action. The zoning officer will determine that the applicant has met all conditions imposed by the ZBA and sign below.
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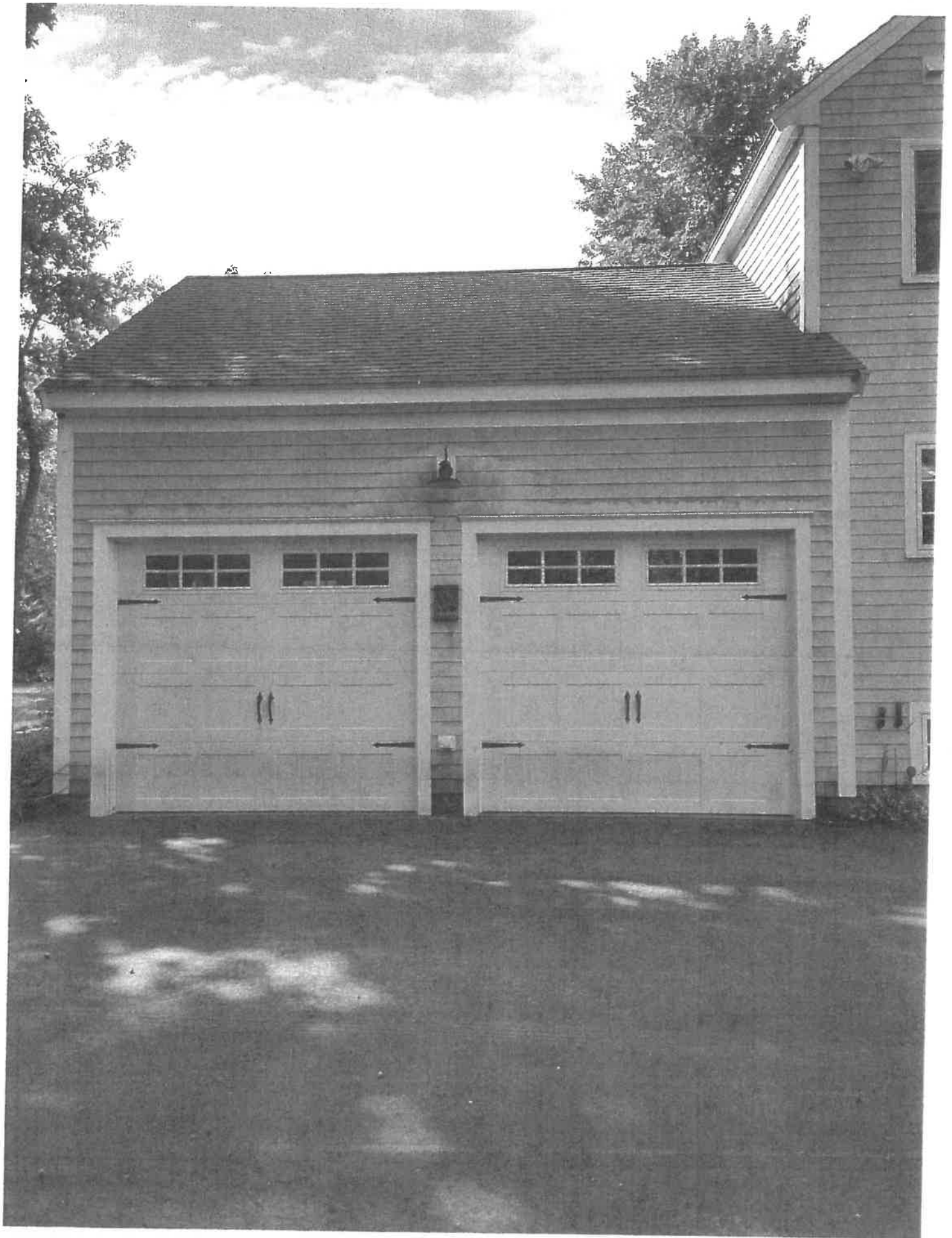
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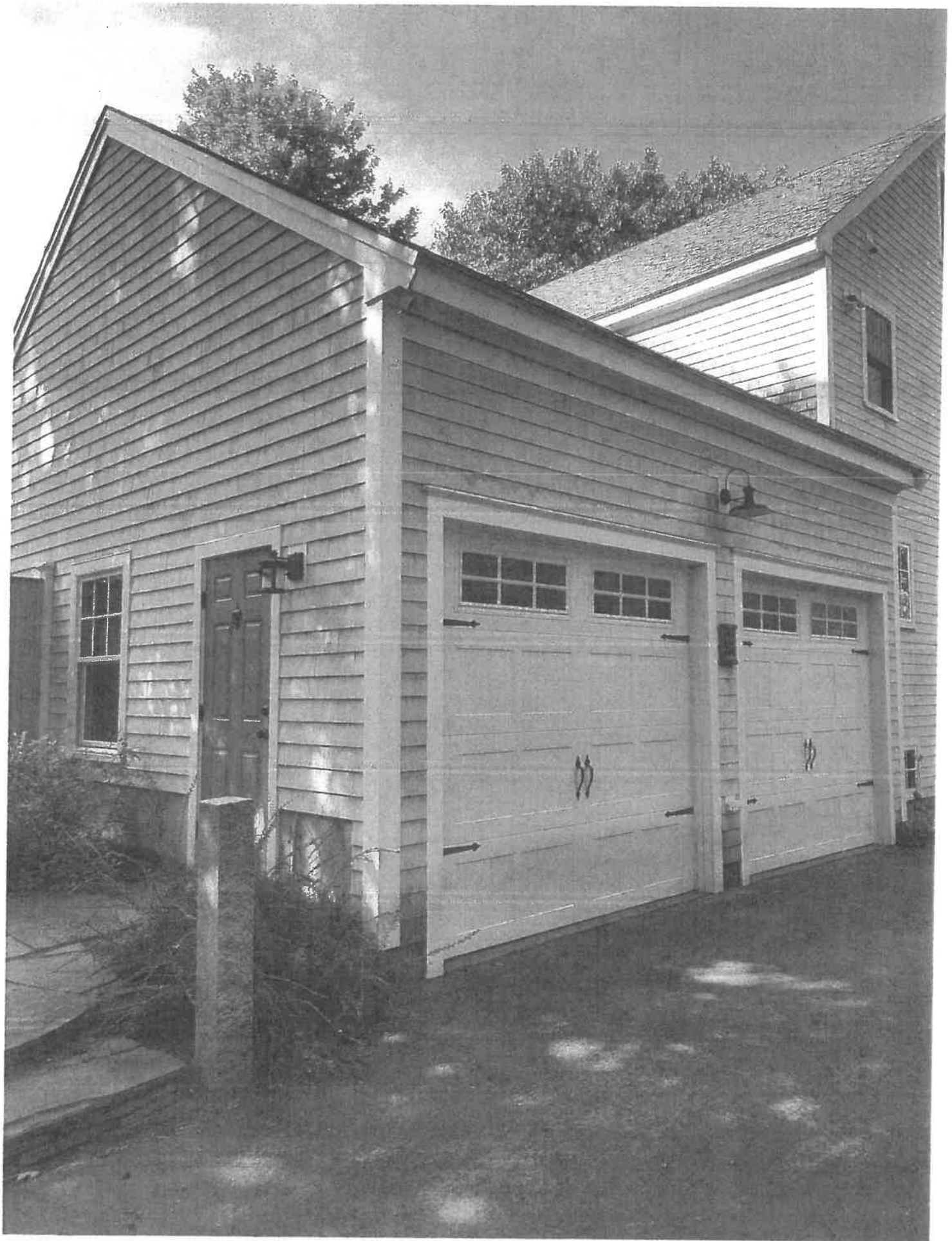
FOR USE IF THE APPLICANT'S ORIGINAL APPLICATION IS DENIED AND THE ZBA HAS APPROVED THE PROPOSED PROJECT

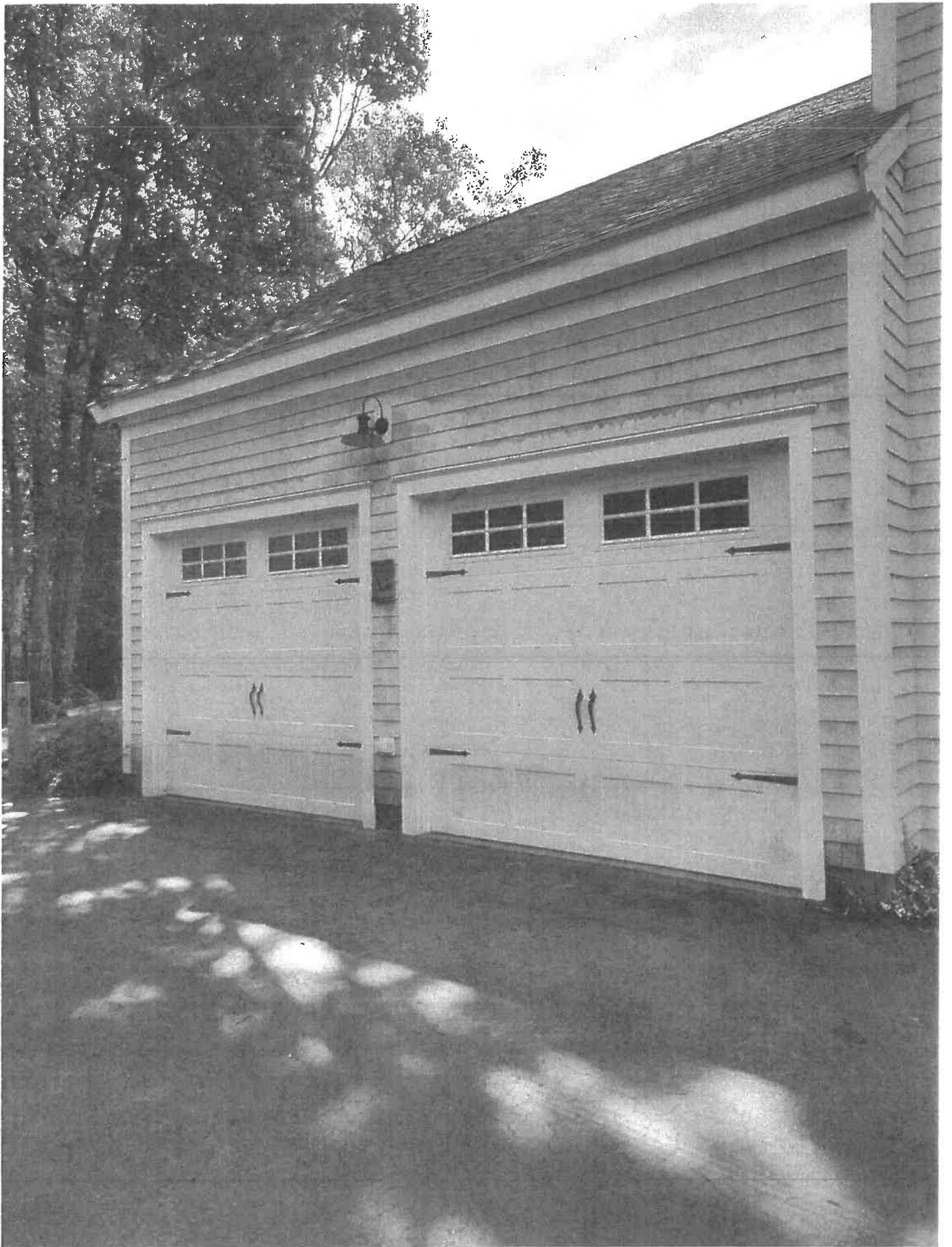
Approval below signifies that the applicant has submitted proof that they have met all conditions listed by the zoning board of adjustment.

Approved _____ Date _____ Zoning Officer _____

Per ZBA decision dated: _____

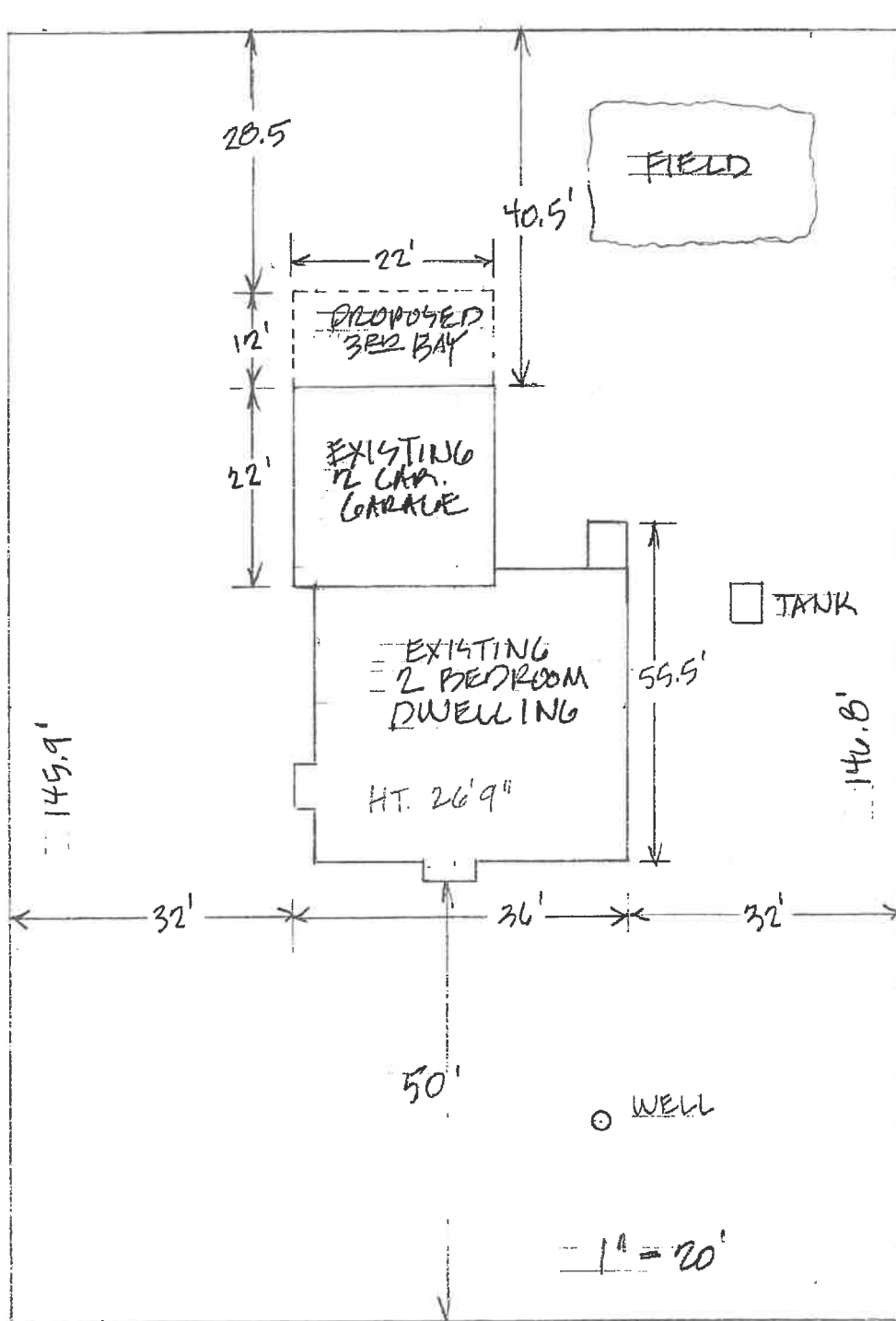






BOLDUC PROPERTY
MAP 1 LOT 1-1

100'

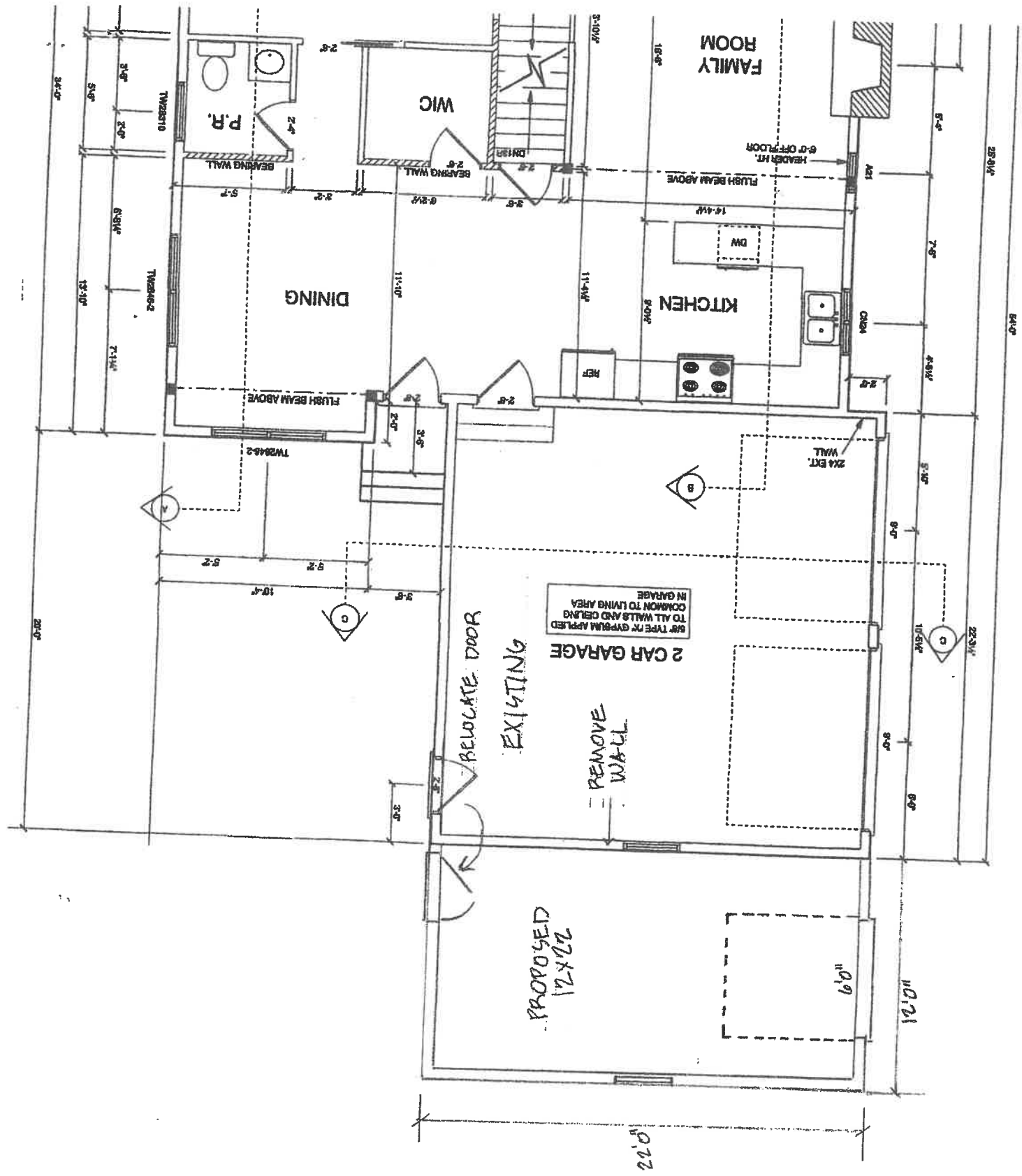


GARY
ROBINSON
LOT 79

JAMES
REICHERT
LOT 81

DEER RUN DR. LOT 80

FOOTIT RESIDENCE 23 DEER RUN DR.



FAMILY ROOM

KITCHEN

DINING

P.R.

W.C.

2 CAR GARAGE
 REMOVE WALL
 EXISTING
 RELOCATE DOOR
 PROPOSED 12x22

5/8" TYPE "X" GYPSUM APPLIED TO ALL WALLS AND CEILING COMMON TO LIVING AREA IN GARAGE

2x4 EXT. WALL

B

C

110'21"

22'0"

16'0"

110'6 1/2"

9'0"

5'10"

4'8 1/2"

4'8 1/2"

7'8"

5'4"

22'3 1/4"

64'0"

22'8 1/4"

2

1

TW2048-2

TW2048-2

TW2048-2

TW2048-10

TW2048-10

TW2048-10

FLUSH BEAM ABOVE

FLUSH BEAM ABOVE

HEADERS HT. 8'-0" OFF FLOOR

REF

STOVE

SINK

DW

RELOCATE DOOR

EXISTING

REMOVE WALL

PROPOSED 12x22

5/8" TYPE "X" GYPSUM APPLIED TO ALL WALLS AND CEILING IN GARAGE

2x4 EXT. WALL

B

C

110'21"

22'0"

16'0"

110'6 1/2"

9'0"

5'10"

4'8 1/2"

4'8 1/2"

7'8"

5'4"

22'3 1/4"

64'0"

22'8 1/4"

2

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