

TOWN OF FREEDOM

A **PUBLIC MEETING** of the
Freedom Planning Board will be held on
Thursday December 16, 2021
at 7:00 p.m. at the Freedom Town Hall to act upon the following:

AGENDA

- Review minutes of the November 18, 2021, planning board meeting
 - Discuss zoning ordinance changes raised by the ZBA and the zoning officer to determine if the planning board will vote to put these changes on the ballot and hold a public hearing on them during the January 20, 2022, meeting. The board will discuss the following proposals:
 - Allowing the zoning officer to issue permits for tree cutting where the cutting plan meets the point requirement (replacing the current requirement in Section 304.6.5 of obtaining a special exception from the ZBA)
 - Changing the current Freedom tree cutting quadrants (Section 703.4) to bring the system more in conformance with changes the state has made and to better protect water quality in the shorefront.
 - Changing Section 406 to reduce the septic setback from a wetland from 125-feet to 75-feet and clarify the process for obtaining approvals for failed septic systems and approvals in the shorefront districts.
 - Adding a construction setback to Article 6 Stormwater Management for building next to streams and open waters
 - Adding an exclusion to Section 309 Accessory Uses to prohibit vehicles greater than 20,000 pounds GVW (gross vehicle weight) in residential districts
 - Clarifying the slope conditions listed in current Section 305.6.5.3 to better ensure that construction in the shorefront between 75 to 300 feet does not cause stormwater runoff and water quality degradation.
 - Clarifying Article 12 Residential Camping to specify that camping is permitted only on lots with an existing dwelling unit and state approved septic system.
- Specific wording of the ballot questions and ordinance language will be available before the January 20 meeting at the Freedom Town Office (539-6323) or at townoffreedom.net
- Discuss allowed size of detached accessory dwelling units.
 - Review status of STR language
 - Public Comment
 - Other Business that can properly come before the board

TOWN OF FREEDOM
Thursday December 16, 2021
7:00 p.m. at the Freedom Town Hall

Minutes

The meeting was called to order at 7 pm by Anne Cunningham. Present are: Anne Cunningham, Bill Elliott, Carol McIntire, Paul Olzerowicz, Les Babb-Selectmen's Representative, Beth Earle-Alternate—seated for Pam Keith, Jeff Nicoll-Alternate—seated for Jeffrey Towle.

- Review minutes of the November 18, 2021, planning board meeting – delayed for review until the January meeting.
- Discuss zoning ordinance changes raised by the ZBA and the zoning officer to determine if the planning board will vote to put these changes on the ballot and hold a public hearing on them during the January 20, 2022, meeting. The board will discuss the following proposals:
 - Allowing the zoning officer to issue permits for tree cutting where the cutting plan meets the point requirement (replacing the current requirement in Section 304.6.5 of obtaining a special exception from the ZBA) Paul has a concern about the intro. Town attorney has reviewed all of these. The ZBA had a meeting and were given copies of this. Comments were received from one of their members. A motion to move this forward to public hearing in January was made by Beth, seconded by Paul. APPROVED 7-0-0
 - Changing the current Freedom tree cutting quadrants (Section 703.4) to bring the system more in conformance with changes the state has made and to better protect water quality in the shorefront. This will be 25' along the shore and 50' inland, with a second quadrant behind this that is 25'x25'. Freedom has a stricter requirement than the State had. The State has since changed their original 50'. Changes will be made to clarify the segments as Inland and Shorefront sections. The modified article was read. Nancy Christoferi – will this change the number of points? No, the number of points will not change. The shorefront will have 35 points, and the inland section will have 15 points, which equals the 50 points. Paul O. is in favor of this in general, but the complexity we create gets to be difficult. We need to keep that in mind and keep it as simple as possible. He also spoke regarding the points for shrubs and groundcover that go into the sections, with questions about the state requirements. A motion to move this forward to the public hearing in January was made by Paul, seconded by Beth. APPROVED 7-0-0
 - Changing Section 406 to reduce the septic setback from a wetland from 125-feet to 75-feet and clarify the process for obtaining approvals for failed septic systems and approvals in the shorefront districts. Rather than put all of the information in the ordinance Anne can list the regulation section with the date of the statute book. As the date will be listed by the edition of the RSA booklet, State changes in the future will have to be looked at. Paul Elie – why does Freedom want to relax the shorefront? This is in regard to wetlands, not shorefront. Les said that one reason for this change is that septic technology has improved significantly since the zoning ordinance passed in 1987. A

motion to move this forward to the public hearing in January was made by Paul as amended to add additional information, seconded by Jeff. APPROVED 7-0-0

- Adding a construction setback to Article 6 Stormwater Management for building next to streams and open waters – 50’ – should this be added to the ballot question? Anne will add this in at the end of the first line. No construction or land disturbance may be undertaken. This point was clarified. Paul is concerned about the word “lakes.” The meaning is in the ordinance. The section can be added. A motion to move this forward to public hearing in January as amended was made by Beth, seconded by Bill. APPROVED 6-0-1 Paul O abstained.
- Adding an exclusion to Section 309 Accessory Uses to prohibit vehicles greater than 20,000 pounds GVW (gross vehicle weight) in residential districts – Fix the typo of the vehicle weight. A motion to move this forward as amended to public hearing in January was made by Les, seconded by Bill. APPROVED 7-0-0
- Clarifying the slope conditions listed in current Section 305.6.5.3 to better ensure that construction in the shorefront between 75 to 300 feet does not cause stormwater runoff and water quality degradation. – The grade will be made more clear. The ZBA will have to approve a cutting plan if the slope of the lot meets the listed criteria. Paul – in Article 2 we are giving authority to the Zoning Officer, would we want him to have this authority also? Les responded that it was intentional to keep the ZBA involved. Joseph Rogers - question about the vehicle weight above. Anne explained the answer. Mr. Rogers is a builder and regularly gets deliveries to do his work. Les explained that this is for vehicles that are parked at homes. Another resident has the same question. They are concerned about deliveries. Deliveries are allowed, except if they exceed the limits when town roads are posted. A motion to move this forward to public hearing in January was made by Paul, seconded by Jeff. APPROVED 7-0-0
- Clarifying Article 12 Residential Camping to specify that camping is permitted only on lots with an existing dwelling unit and state approved septic system. This is changed from recreational camping to residential camping. This is for the people who live in the house all the time. – A member of the public had a question. Long term camping in trailers is not allowed in Freedom. Mr. Rogers asked about composting toilets. This applies to septic systems. Zenya Hernandez - What would happen to homeless people who are camping? Anne feels that this is a Selectboard issue. Short term rentals will be addressed in another way. A motion to move this forward to public hearing in January was made by Paul, seconded by Jeff. APPROVED 7-0-0

Specific wording of the ballot questions and ordinance language will be available before the January 20 meeting at the Freedom Town Office (539-6323) or at townoffreedom.net.

- Discuss allowed size of detached accessory dwelling units. – we were nearly finished but were hung up on the maximum size. 70% of the finished and unfinished first floor space (not the footprint) and up to “x”. That value has not been determined. Beth feels that 1000 square feet is acceptable for that value. Paul is on board as well. He is anxious to use the percentage.

Les feels that 70% may be too high. Les made a motion that we propose that Freedom allow Detached Accessory Dwelling Units (DADUs) up to 70% of the finished first floor plus unfinished first floor area up to 1000 square feet. Second by Beth. APPROVED 7-0-0

- Review status of STR language – we held a public hearing last month. We have an opinion from the Town counsel suggesting that Freedom use a conditional use permit instead of a license. RSA 674:21-II describes conditional use permits under RSA 674:16 innovative land use control adopted. All standards will have to be in the ordinance. We have proposed language that addresses obtaining a permit, etc.

The Board will meet on January 6 for a public hearing to take public comment on this. January 20 is the last day that this Board will be refining and voting whether to put the language on the ballot. Discussion was held regarding the work that has been done.

The suggestion that numbers of STR by district being set by the Board of Selectmen is not in the law, per the Attorney. He suggested another option of not allowing them in the village residential district or there could be an overlay district. Paul suggested using a percentage of the number of properties in a district. Some towns have rules that require certain distances from other rentals. The Attorney recommended removing standard 4 or making the Planning Board responsible for this (limiting the number of rental properties). Anne suggested that a couple of members of the Board take this on and produce options for the Board to look at in a couple of weeks. Paul and Jeff are going to look at other options for configurations.

The proposed process was described. The law allows the planning board to have the ability to review of the application as this is a land use.

Beth asked about what would happen if someone purchased a property in October, would this deadline of September 30 prohibit them from renting the next year. The date is for renewals. It will be changed to state “permit renewals.”

Paul asked about written reports from the Fire Department being submitted to the Board of Selectmen. Rob could create a checklist that would be used. The Fire Chief or his deputy shall provide a report on this inspection. Any deficiencies must be remedied before the application can be considered complete. Septic requirements are discussed.

Paul - Will the permit fee of \$300 supply enough to cover compliance if needed? Infractions will be dealt with by fines. Jeff asked about limits and needing to respond, is it possible to have a fee schedule outside of the ordinance in the event that it needs to be changed? Anne will research this. Construction prior to “xxx” – held for input from Dave Senecal – he would leave out the section about the timeframe. He suggested that if the Fire Chief goes in first, he may not need to see all of them. This would need to be added if we choose to do this. Paul asked what if the code has changed since a set date, would you require the owner to update it to make it available, or would it be grandfathered? Remove the part about the building code? Leave it, put in a date, and put in something for life safety? That is already in there. Beth – will the Fire Chief be checking decks, etc for safety? Jeff feels that we should not skimp when it comes to Safety. Take the date out and have inspection is decided on.

Mr. Ratigan made changes to the violation fees and penalties. First offense \$275, subsequent offenses \$550 per day, third offense revoke the permit for the rest of the year or 6 months, whichever is longer. Failed septic systems will be violations. Anne will check whether the fee amount has to be written in here or if it can be left as is, being set by the Selectboard. Jeff would like State added in. He also spoke about fire inspection and would like it to read life safety fire inspection. He also asked about the issue of putting the fees in here. Anne reviewed changes to the standards. Numbering needs to be corrected.

45 days will allow most to pay their taxes and generate another two times that amount. Some people that are not able to vote are very against any type of restriction. The purpose of putting in some limit on days is to prevent there being large numbers of investor-owned STR properties in Freedom. Paul understands that we must be mindful of the different groups and opinions in town, but we must be conscious that we are looking at the next 40 or more years. Jeff has done a lot of financial research. He agrees that 45 days is more than enough to pay the tax, service fees, etc. that will allow this to have moderate income but be below the threshold of investment property. Les suggested that 90 days would be possible. While this might mean some investors would buy a single property, 90 days might not be enough to attract investors who would buy up multiple properties. Anne commented that at that rate, it would be 90 days, which would make nearly every property in Freedom a rental property. Paul feels that 90 days would open the majority of properties to investors and would change the character of the town. He would support the 45-day limit. Anne suggested that if other members of the Board would like to discuss this, we are going to have to come up with the acceptable number. The number will have to be chosen by January 6. Every Board member should talk to a half dozen townspeople to see what their feelings are.

New definitions have been added because they have to come out of the permitting process. Quiet hours are 10 pm – 7 am.

Fires in STRs are allowed only in fire pits approved by the Chief and require a permit from the State. Rob believes that the owner cannot get a permit for the season, each renter has to have the permit.

Definitions added – building code, permit, 8,9 and 10 for inspection and Nat'l Fire Prevention definition, etc. Safety inspections and septic approval are new. Board – please read through this again to see if any definitions are missing. If so, send them to Anne.

Under standards, a requirement for proof of insurance could be considered.

Item 7 – definition- guests – could this be a church retreat, etc? This is under 7.4 Special Events.

It is up to the owner to decide about pets being allowed. A complaint would have to be dealt with if there is a problem with the animal.

Jeff and Paul will look at districts, overlays, etc. Each member will talk to people to see what we want to do about the number of days. Reread to see if more definitions are needed. Anne will check on whether we can leave the cost out of the permit application.

Bill - Will these responsibilities allow Rob Cunio to still do his job? He has agreed that he will do it.

- Public Comment –

JoJo Howlett – pointed out that this discussion was held on the basis that short term rentals are going to be a permitted use. She referred to the Freedom Zoning Ordinance. She would like us to speak to grandfathering, and absent that, are you prepared for the legal costs that will follow?

Marcia Santner – feels that we are moving too quickly. People have already rented through August. This should be put off for another year.

Daymond Steer – question about whether only year-round resident property owners can do STR. Anne said the language says any property owner in Freedom. Daymond also mentioned that the editor of the Conway Daily Sun wrote an editorial supporting Freedom's approach of allowing 45 days.

The Planning Board is not the enforcement arm of the town. A public hearing will be held on January 6. Daymond pointed out that the Board will have to adopt the language that Jeff and Paul recommend before it is taken to the public hearing. Anne noted that the language has to be posted on December 25 for the January 6 meeting. Send the suggestions to Anne by the 23rd of December. All possibilities will be added and at the hearing we will decide what to leave in or take out. On the 7th of January, we will have to notice for the 20th of January.

Kyle – do you anticipate having language about grandfathering for that hearing? Anne states that we will have some information.

- Other Business that can properly come before the board

Beth made a motion to adjourn at 9:35 pm, Bill Elliott seconded. The meeting was adjourned.

Respectfully submitted,
Melissa Donaldson
Recording Secretary

12/15/21

Bruce & June Howlett
177 East Danforth Road
Freedom, NH & Wellesley, MA

Town of Freedom Planning Board

Re: Proposed Zoning Changes to Article 12

Recreational Camping

Dear Sirs,

We are unable to attend tomorrow's meeting about proposed Zoning changes so I offer this letter with our comments about proposed changes to Article 12. Our concern is about what the specific language will be for the revisions contemplated for the zoning article on Recreational Camping. As readers of the Planning Board Meeting Minutes, we understand the concerns raised about access to drinking water and sanitary disposal systems for campers as it relates to camping on one's land. The issue we have concern about is that the specific language will only limit access of drinking water and sanitary disposal system to the lot one wants to camp on.

We own two abutting lots to our second home at the end of East Danforth Road. One of our lots is 60+ acres along the Danforth River and Huckins Pond (Upper Danforth Pond per state) which we occasionally camp on with our family. It would be devastating to us that we could not share the serenity and beauty of camping at Huckins Pond with our grandchildren in the future if the proposed change does not include language that the applicant's water and sanitary needs cannot be met by applicant's ownership of an abutting lot with a dwelling unit.

Please consider when preparing zoning revision that a small number of property owners may have multiple abutting lots and that the lot, they camp on may not be the lot with a dwelling unit but they do have a readily accessible dwelling unit to address concerns of water and sanitary disposal.

Thank you for consideration on this subject.

Bruce & June Howlett

Letter to the town of Freedom Selectman
Thursday 16th December 2021

Our home, typical in Freedom was built for second home, Summer use. The house was subsequently, many years ago, renovated to a year-round house. According to the Freedom Town Master Plan (MP) most of the town's properties are second homes, although the percentage has, I understand slightly decreased, due to owners using these properties as their primary residence, formerly second homes, but it is continues to be the case. " Freedom still attracts people for tourism and for second home ownership. Much of the growth of full-time residents come from second homeowners who telecommute and/or retire in Freedom" (MP).

Most of the town's owners continue in the historic tradition of occupying seasonally. Their vacation property is "the cherished", second home. The long tradition of renting property in Freedom and in the surrounding Towns is well established and documented in many books and journals.

A useful reliable and readable source being:

Summer homes: A history of family summer vacation communities in northern New England, 1880-1940 Schulte, Janet Elinor, Ph.D. Brandeis University, 1994

I spoke to the author on the telephone , and we can read and quote with full references to the work.

My family felt the town of Freedom was the right fit for us. The small non-commercial town is not flash, with vacations at its core, (clearly stated in the MP). The commitment to purchase with the assistance of a mortgage was a major financial commitment, as it has been for many Freedom purchasers, and those who inherit homes, raise finance with mortgages, to carry out modernisation and refurbishment. We took on this financial obligation with enthusiasm to be part of the place we call our "Summer Town". We fully participate in its activities, and when the children were young, our name was on many ribbons of Old Home Week and volunteer sheets.

Vacations in our area are not of the manufactured type, but the outdoors, camps, wilderness hikes with lakes and boats. Schulte states that " the communities created by vacationing Americans fostered an atmosphere of social interaction that promoted collaboration.....to develop deep friendships with other neighboring children....." The number of Short Term Rentals is I understand is below 50 properties, a very low percentage of the town's total..

If restrictions are imposed upon the length of time and ways in which people may rent their property this will drive away many of the families who have vacationed

for generations in the area. The sole reason for selling, being the inability to afford the property due to the town taking away property rights, restricting Short-Term Rentals. The traditions of the area will change as an affluent new style property owners emerge, who are unlikely to view themselves as custodians of a long, distinguished heritage founded in a community. The smaller local businesses will close, and areas of Freedom will be ghost regions for long portions of the year. The installation of privacy measures such as fencing, perimeter lighting and electric gates being the norm. From my observations Freedom does not currently attract owners with a personal portfolio of vacation properties, with no financial need to rent.

The second homeowners that do struggle on will dramatically reduce maintenance and improvements doing the minimum, as there will be no money available. A major replacement such as a new roof, Furnace, or Septic System, will be the tipping point and catalyst for sale. Owners will have the difficult decision as to when to rent. If the rental days are limited by the town, they will be compelled to rent in the most valuable weeks of the year in Freedom, the summer months. This will obviously reduce their own enjoyment of the property and possibly negate the whole purpose of having a vacation home, they will forgo their participation in Old Home week and similar events. The maximisation of rental income for the days allowed will be imperative to help fund the property. The ability to rent during the Winter months will be an uneconomic use of days and will be turning away hikers and returning families to King Pine.

Long Term rental is not an option if occupying your property, during the year, additionally Freedom is too far from Conway and other work opportunities for many working people, especially in the winter. Long term renters of a few months or more, often want to rent unfurnished, and this is not possible. Freedom is not in a suitable position for Cranmore Seasonal Renters.

The purchase of a property that has rental restrictions (as opposed to regulation) will be off putting to many buyers, and many will not be able to obtain a mortgage. They will look elsewhere, not buying where they **cannot ever** Short-Term rent. This will have a downward effect on all the Freedom property values. The new style owners will be the only ones able to buy these unrentable properties possessing no requirement for rental income to facilitate the purchase (via a mortgage) and maintenance. Currently according to the MP "Freedom still attracts people for tourism and for second home ownership" and, "Much of the growth of full-time residents come from second homeowners who telecommute and/or retire in Freedom" The new breed of owners are unlikely to retire to Freedom, causing a population loss and neighbourhood breakdown.

The current houses may well be viewed as teardowns, with only the location that is of interest, replacing them with bigger modern housing. The new style owners may

not use the local contractors, using ones known from their other properties, and liked by their property portfolio managers. The demand for more higher end restaurants may increase but perhaps only for summer months. The wages of the self-employed currently engaged in the rental business, will dramatically fall, cleaners, snow ploughing, decorators, furnishings, flooring suppliers and so on.

Freedom does not have, a catalogue of police, fire, and ambulance incidents/reports resulting from short-term rentals, or anything else, as both documented in the MP, and current data, available from the respective police, fire departments etc. Whilst not wanting to *jinx the situation*, there is a distinct absence of all social order problems. Looking to the future, this is unlikely to change. Freedom is not a town with the sort of amenities that attract the potential for serious and enduring social order problems, for example theme parks, multiple bars, Colleges, ski mountains, shopping malls, cinemas, and so on. The renters attracted to vacation in Freedom are looking for the qualities that we as owners are attracted to.

A couple of classic expressions that come to mind. "If it ain't broke don't fix it" and "If it's going right do it better".

Short term rental restrictions could within a very short period irrevocably completely change the character of Freedom. The proposal to place restrictions is a serious and fundamental change in the town make-up and destruction of its heritage. through a ballot.

Schulte: *"Northern New England's agricultural decline after the Civil War had left the region economically depressed. Human, physical and financial resources drifted out of Maine, New Hampshire and Vermont toward opportunities in nation's growing cities or more fertile farm lands in the midwest. The rise of a new seasonal industry — summer homes — beginning in the 1880s promised to return some of those resources to the region and bring hope for the future back to local residents"*.

Interestingly it is apparent that these owners viewed renting in the way they had previously regarded agricultural crops, looking to make a profit. On a personal note, my house does not generate sufficient income from rental to be self-sufficient.

Schulte also informs of the great sense of pride in creating a popular and desirable vacation town, which in turn saved areas from economic ruin. Freedom is one of these towns and appeals to be doing a "u turn" into just such ruin. The World is coming out of a pandemic and Freedom is looking to destroy its traditional second home owners. The (MP) states that 58% of respondents supported home business. Short term rental is a way of generating income from a property without change or intensification of use. It does not even have a visual impact.

The year-round voting residents who are not the majority of property owners, not the biggest contributors of town tax, not the significant contributions of NH meals and rooms(rental) tax and were for the most part once seasonal visitors themselves, hold the entire vote! Even the concept of restriction (and be clear this is not including fire, septic, or safety regulations) is wrong, unfair, unjust, legally unfounded, highly destructive to the town's character and very counterproductive in the preservation of the character and nature of peaceful Freedom.

The significant legal costs to be incurred by Freedom, in the inevitable lawsuits, seems so preventable. The Legal expenses that Freedom will incur, once all the owners (both second homeowners and the permanent residents) appreciate the importance of what is being proposed, will be vast. (I imagine taxes will therefore have to be raised to fund each of the lawsuits). The fact that Freedom is owned mostly by second homeowners, not resident in the town, means that many individuals are still unaware of the changes being proposed. I feel confident that they will want to protect their rights, to enable them to keep their property rights once made aware. Additionally, when the time comes to pass these properties on to the next generation, these proposed severe limitations on the properties will render their inheritance most unpalatable and result in a further downward spiral of more property sales

The lack of a vote or say in the towns decision making, for second homeowners, although being the main tax contributors is troublesome. The solution has been seen in other regions where the second homeowners have been given voting rights. This issue of voting has not previously concerned me but does now. Schulte makes mention that early town founders stated in the 1900s there was an additional attraction of the majority of second homeowner, being absent from the Town Vote in March. Current second homeowners are an active mobilising, and connected group, embracing modern communication to inform all concerned parties, and to pool our knowledge and resources.

I ask that Freedom does not act upon restriction on Short Term Rentals, they wait and observe the solutions put in place over the next few years in neighbouring towns, before taking any action, and indeed the conclusion maybe that no action is required.

With all Good wishes for a Happy Christmas

Helen Cheese-Probert

Town of Freedom

From: Anne Cunningham <annecunninghamfreedompb@gmail.com>
Sent: Monday, December 13, 2021 1:54 PM
To: Bill Elliott; Paul Olzerowicz; Pclemonskeith; Jeffrey Towle; CAMandWMM@roadrunner.com; Les; bethearle@roadrunner.com; Jeff Nicoll; Melissa Donaldson; Town of Freedom-Office
Subject: Draft language for STR including Conditional Use Permit Language
Attachments: STR zoning language for PB review 12.16.2021.pdf

Dear board members,

I am attaching a document with language the board will review on Thursday. It contains language requiring a conditional use permit--rather than a license. A conditional use permit is an innovative land use control under RSA 674:21-II (my underlined text)

674:21-II An innovative land use control adopted under RSA 674:16 may be required when supported by the master plan and shall contain within it the standards which shall guide the person or board which administers the ordinance. An innovative land use control ordinance may provide for administration, including the granting of conditional or special use permits, by the planning board, board of selectmen, zoning board of adjustment, or such other person or board as the ordinance may designate.

I reviewed this with the selectmen and they would like to move ahead with regulation to manage the risk to renters' safety and to water quality which doing nothing might cause. I would like to discuss the allowed number of days, as well.

Given the schedule, I would like to ask for a special meeting on January 6, 2022. This would give us two chances to gather more public comment and to get the language right. (The only other possible meeting date is Tuesday, February 1, which is the legal deadline for submitting ordinance changes to the town clerk. I guess we could do that date instead of January 6. Check your calendars, please!

Thanks and see you Thursday!

Anne Cunningham
Chair
Freedom Planning Board

Note: I use this email for planning board business only. If you need to reach me on a personal matter, please send email to annebcunningham@gmail.com or call me at 539-4924.

Proposed Short-Term Rentals Zoning Language

Article X Short-Term Rentals (STR)

X.1 Purpose

X.1.1 To preserve the traditional character of residential neighborhoods that can be negatively affected by this use.

X.1.3 To protect water quality where an STR is in the shorefront district

X.1.4 To help preserve the quality and quantity of the housing stock for year-round residential use.

X.1.5 To ensure the safety of Short-Term Rental occupants.

X.2 Districts

X.2.1 STRs will be allowed as a permitted use in all districts.

X.2.2 The permitting process will include notice to abutters by first class mail within five days of acting on an application.

X-3 Permit Application Procedure: A conditional use permit as defined in RSA 674:21-II is required for all STRs

X.3.1 Obtaining a permit

X.3.1.1 Any owner of record of property in Freedom may apply for a conditional use permit to use their primary dwelling as an STR

X.3.1.2 All STR owners shall apply for and obtain a conditional use permit from the Freedom Select Board or their designee. The fee for the permit shall be set by the Select Board and shall not exceed \$300.

X.3.1.3 Permit applications are available at the town of Freedom website (townoffreedom.net) or by request to the town office (603-539-6323). Only completed applications will be processed.

X.3.1.4 Upon receipt of an application for a Short-Term Rental Conditional Use Permit, the Board of Selectmen shall forward the application to the Freedom Planning Board, which shall place the application on the agenda for its next meeting. The Planning Board shall review the application and shall provide the Board of Selectmen with written comments on the application. The Planning Board is not required to hold a public hearing on its review of the STR application.

X.3.1.5 The permit shall be valid for one year and will run from January 1 to December 31. A permit issued during the year will expire on December 31. To allow sufficient processing time, applications for subsequent years shall be submitted by September 30 of the current year.

X.3.1.6 Permits are not transferable. If the property is sold, the new owner shall obtain a permit before any STR occur on the property.

X.3.2 Inspections/Submissions:

X.3.2.1 The fire department will conduct an inspection to ensure that all NFPA life safety requirements are met, including but not limited to sufficient means of egress, fire extinguishers, exit lighting.

X.3.2.2 The applicant shall provide a copy of the septic approval from the NH Department of Environmental Services Sub-Surface Division and proof that the septic system has been pumped and checked within 2 years of the application date. If the applicant does not have a septic approval, he/she shall provide a statement from a licensed septic designer that documents the capacity and health of the system. The town shall confirm the number of bedrooms each septic system will support.

X.3.2.3 For buildings constructed prior to xxxx, the Building Inspector shall inspect the premises to ensure compliance with the building code adopted by the town of Freedom.

X.3.3 Property Owner Responsibilities

X.3.3.1 Complete the application fully, with no false or misleading statements

X.3.3.2 Meet all of the standards listed in section X.6 of this article

X.4 Grounds for Denial, Imposition of Penalties, Suspension or Revocation of Permits

X.4.1 Incomplete, false, or misleading statements on the application

X.4.2 Violation of any standards set forth in section X.6

X.4.3 Violation of any state or federal laws, statutes, ordinances, rules, or regulations pertaining to short term rentals

X.4.4 The operation is a threat to the public health, safety, or welfare

X.4.5 A failed fire inspection or refusal to allow a fire inspection.

X.5 Fee and Penalties

X.5.1 Fees for an annual STR permit shall be set by the Freedom Board of Selectmen

X.5.2 Failure to comply with all terms of the permit and the standards in this article will lead to the following sanctions as provided for in RSA 676:17:

1st offense: written warning

2nd offense: Up to \$275 fine per day

3rd offense: If within one year of prior violations \$550 per day

4th offense: revocation of permit for the rest of the year or for 6 months, whichever is longer.

X.6 Standards

X.6.1 A short-term rental (STR) may not be established, advertised, or rented until a permit to operate a STR has been issued by the Board of Selectmen or their agent. The property owner shall submit an application to operate a STR to the Zoning Officer.

X.6.2 To remain in compliance, a permit owner shall comply with all terms and conditions of the permit.

X.6.3 Those areas of the premises open to use by guest(s) remain subject to periodic safety inspections at the discretion of the town.

X.6.3 Short-term rentals are permitted for a total of 45 days in any calendar year.70? 77?

X.6.4 Short-term rentals are allowed in all districts (as provided in section X.2) but are limited to the number of permits per district as determined by the Freedom Board of Selectmen.

X.6.5 No owner shall cause or shall allow renters to exceed the occupancy limits of the STR as approved in the licensing process. If the renters do not comply, it remains the responsibility of the owner.

X.6.6 All STR guest parking shall be off-street on the lot of the STR owner. All guest(s) of the STR shall park on the property. No renter or guest shall park on the street at any time.

X.6.7 Owner and guests shall store all trash safely on site and shall remove trash at the end of each rental.

X.6.8 Owner and guests shall comply with Freedom's noise ordinance

X.6.9 Owner or his/her delegated representative shall be accessible by telephone during all periods of STR occupancy and able to be physically present at the STR within one hour of being contacted, including nights and weekends.

X.6.10 Owner or designated representative shall serve as the point of contact for Guests and receive and timely resolve complaints from neighbors regarding disruptive STR use.

X.6.11 Owner shall maintain the STR guest registration records, including dates of occupancy,

- number of guests per party per stay, and rates charged for inspection by the town of Freedom if requested
- X.6.12 Owner shall post on site: their permit to operate an STR, the maximum occupancy, quiet hours, an evacuation diagram showing fire escapes, and all means of egress from the STR.
- X.6.13 Owner shall register with the NH Department of Revenue Administration and pay all required Room and Meals Tax in a timely manner. If the rental service pays these taxes, the owner shall allow the Town of Freedom access to that information.
- X.3.14 Signage is restricted to the following:
- X.3.14.1 One non-illuminated sign not exceeding two square feet. If ground mounted the sign shall be set back at least ten feet from all lot lines and be no taller than three feet. If mounted on the house no part of the sign may be higher than the top of the first-floor windows.
- X.3.14.2 Non-advertising auxiliary signs (such as "No Parking Here" and "Entrance to the Right")

X.7 Prohibitions

- X.7.1 Incidental camping. A STR permit allows use of the primary residence only and does not authorize incidental camping, which means any overnight camping, sleeping in tents or other temporary shelter in the yard or on decks attached to the short-term rental unit, or sleeping in travel trailers or recreational vehicles or parked on the short-term rental property.
- X.7.2 Outdoor fires. Fires in STRs are allowed only in firepits approved by the Freedom Fire Department and with a permit issued pursuant to RSA XXX by the NHFirePermit.com or the Freedom Fire Warden/Chief or deputy.
- X.7.3 Subletting. Guests are prohibited from subletting a short-term rental. Only owners with a valid STR permit may advertise and rent a primary residence as a short-term rental.
- X.7.4 Special events. Weddings, family reunions, corporate events, commercial functions, and any other similar events are prohibited from occurring at a short-term rental property when it is rented.

X.8 Definitions

- 1 Allowed Occupancy is the number of guests allowed in a permitted STR. Occupancy calculation is two people per bedroom approved by NH Department of Environmental Services Subsurface Division for septic capacity plus two. Number of beds in the STR is not the measure of allowed occupancy.
- 2 Annual Maximum STR Use means the maximum days in a calendar year (January 1 to December 31) which the STR may be rented to paying guests.
- 3 Bedroom means a room that contains a minimum of seventy (70) square feet, a horizontal dimension of at least seven feet, and a window or opening that can be used for emergency egress. The construction of a bedroom advertised for an STR shall have been authorized by a building permit and meet all requirements of the International Residential Code adopted by the state of NH.
- 4 Building Code means the code that is most recently adopted by the town of Freedom.
- 5 Conditional Use Permit ("Permit") means the permit issued by the Freedom Select Board to a Freedom property owner to conduct STR
- 6 Designated Representative means an individual who is personally available by telephone and who maintains the ability to be onsite in compliance with the requirements of the permit and who has access and authority to assume management of the short-term rental. An agent or professional property management company that meets the availability requirements can serve as the designated representative.

- 7 Guest/Guests means the individual or individual(s) paying the owner to occupy the short-term rental for the purposes of staying overnight. It also includes friends and acquaintances of the renters who visit the STR during the rental period.
- 8 Inspection means an official, in person examination by the Freedom Fire Department of the primary dwelling unit for which a property owner is applying for an STR permit. This inspection will include all NFPA Life safety requirements
- 9 NFPA means the National Fire Prevention Association
- 10 NFPA Life Safety Requirements means the codes and standards for protecting life safety published by the NFPA.
- 11 On-site Parking means parking that is provided on the rental property for all guests and includes 1.5 for the first bedroom and 0.5 for each additional bedroom with the total equaling the next highest full space. [Note: this definition will be added to section 1004 of the zoning ordinance.]
- 12 Safety Inspections means inspections that assess the safety of the STR, including but not limited to life safety, fire safety, electrical, gas, and plumbing safety.
- 13 Septic Approval means a copy of the official NH DES approval for the septic system located at the applicant's property.
- 14 Short-Term Rental means the provision of transient lodging for compensation in the primary dwelling unit on a lot in Freedom for stays of between one and twenty-nine consecutive nights, and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, motel, or bed-and-breakfast. It excludes accessory dwelling units (attached and detached), campers, and camping trailers.
- 15 STR - Hosted means a dwelling unit where the owner is in residence on the same lot of record of the rental or resides in the rental unit as the guest(s) during the rental period.
- 16 STR Permit means a conditional use permit granted by the Freedom Board of Selectmen (BOS) to a property owner who meets all requirements set forth in this article. (See permit application information at townoffreedom.net)
- 17 STR Owner means the person or persons who is renting out their primary dwelling unit for a short-term rental.
- 18 STR - Unhosted means the permitted owner of the STR is not occupying the STR dwelling unit, nor is the owner residing on the same lot of record as the guest(s) during the rental period.

Proposed Zoning Language for Topics brought up by ZBA and Code Officer

Article #2 (To vote by official ballot):

Are you in favor of the adoption of Amendment No. 1 as proposed by the planning board to allow the zoning officer to issue permits for tree cutting in the shorefront in cases where the plan meets the point requirement rather than requiring the ZBA to grant a special exception?

Language Changes

304.6.5 ~~Special Exception Standards~~ **Permits issued by Zoning Officer** for Cutting and Removal of Trees and Natural Vegetation in the Shorefront District:

~~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.~~

~~304.6.5.2 Permits granted by the zoning officer~~

304.6.5.1 A shorefront resident who wishes to remove ~~four or fewer~~ trees in a segment, may apply to the zoning officer for approval of the cutting plan as described ~~above~~ **in Section 703 Shoreland Protection Standards**, as long as the resulting points still meet the point requirement listed in the zoning ordinance.

304.6.5.1.1 If the zoning officer is not certain the tree count meets the requirements, he/she has the authority to require the applicant to submit a tree plan prepared and signed by a NH licensed surveyor

~~304.6.5.1.12~~ The zoning officer's approval will be effective thirty (30) days after his decision is made.

~~305.6.5.1.23~~ Within five (5) days of issuing an approval, the Zoning Officer shall mail notice of the approval to all abutters. The property owner or his authorized agent shall provide a complete list of abutters and pay the costs of noticing abutters of the decision by certified mail.

Article #3 (To vote by official ballot):

Are you in favor of the adoption of Amendment No. 2 as proposed by the planning board to change Freedom's quadrants for calculating tree cutting allowed in the shorefront to encourage better spaced tree cutting for better erosion and runoff control to promote better water quality? This change will match state requirement of quadrants 25-feet along the shore (instead of 50-feet) by 50-feet inland and create a second quadrant behind this of 25-feet by 25-feet to protect the area from 50-feet to 75-feet (inland) required by the Freedom zoning ordinance?

Language Changes

Section 703 ~~Minimum~~ **Town of Freedom Shoreland Protection Standards**

The Legislature of the State of NH has found that the shorelands of the state are among its most valuable and fragile natural resources and their protection is essential to maintain the integrity of public waters. The intent of this provision of the Town of Freedom's zoning ordinance is to protect Freedom's water bodies via the Town's authority under RSA 674:16. The waterfront buffer shall be those protected shorelands within 75 feet of the reference line. The purpose of this buffer is to protect the quality of public waters while allowing homeowner discretion regarding water access, safety, viewscape maintenance, and lot design.

Within the waterfront buffer all the following prohibitions and limitations shall apply:

Sections 703.1, 703.2, and 703.3 remain the same.

703.4 Starting from the northerly or easterly boundary of the property, and working along the shoreline, the waterfront buffer shall be divided into segments ~~25~~ 50 feet (along the shore) by ~~50~~ 75 feet **inland** (the "Shorefront Segment"). **The second segment, parallel to the rear of the Shorefront Segment,**

consisting of 25 feet and 25 further inland (the “Inland Segment”) will be mapped behind the Shorefront Segment to extend out to 75 feet from the shoreline, Freedom’s minimum standard.

Owners of land within the waterfront buffer shall measure, calculate, and maintain the tree, sapling, shrub, and groundcover point score in each of these segments in accordance with the methods and standards described in subparagraphs i through viii.

- i. Tree and sapling diameters shall be measured at 4 1/2 feet above the ground for existing trees and saplings, or by caliper at a height consistent with established nursery industry standards when nursery stock is to be used, and are scored as follows:

Diameter or Caliper--	Score 1 to 3 inches--	1 point
	Greater than 3 and including 6 inches--	5 points
	Greater than 6 and including 12 inches--	10 points
	Greater than 12 inches--	15 points
- ii. For the purpose of planting under RSA 483-B:9, V(g)(3), shrubs and groundcover plants shall be scored as follows:

Four square feet of shrub area	1 point.
Ground cover, not including mowed lawn	1 point for every 50 square feet.

Shrub and groundcover shall count for at least 4 15 points for the Shorefront Segment and 2 points in the Inland Segment and not more than 7 25 points in in the Shorefront Segment and 3 points in the Inland Segment, each full segment.
- iii. Dead, diseased, or unsafe trees or saplings shall not be included in scoring.
- iv. If the total tree and sapling score in any 25 75 foot by 50-foot **Shorefront Segment** exceeds 35 100 points **or 15 points in the Inland Segment**, then trees, saplings, and shrubs over 3 feet in height may be removed as long as the sum of the scores for the remaining trees and saplings in that segment does not total less than 35 or 15 100 points **in the two segments respectively**. If for any reason there is insufficient area for a full segment, or the segment contains areas incapable of supporting trees and saplings, such as areas of rock, ledge, or beaches, the point score requirement for the remaining vegetation in that partial segment shall be reduced proportionally to that required of a full segment. Vegetation shall not be removed from any segment which fails to meet the minimum point score for that segment. Owners are encouraged to take efforts to plan the maintenance of their waterfront buffer areas including the planting of additional non- invasive vegetation to increase point scores within segments, thus providing sufficient points to allow the future removal of vegetation as may become necessary while still meeting the requirements of this paragraph.

Article #4 (To vote by official ballot):

Are you in favor of the adoption of Amendment No. 3 as proposed by the planning board to change the septic setback from 125-feet from a wetland to 75 feet to conform with NH DES regulations and to specify requirements for failed systems and shorefront systems?

Language Changes

Section 406 Septic Tank or Leach Field Setback

No septic tank or leach field may be constructed or enlarged closer than **seventy-five feet (75)** one hundred ~~twenty-five~~ (125) feet to any wetland. In the case of a failed system, **the property owner must receive approval from NH DES Sub-Surface Bureau, the septic tank may be a minimum of fifty (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. Septic systems in the protected shorefront are subject to RSA 483-B Shoreland Water Quality Protection Act**

Article #5 (To vote by official ballot)

Are you in favor of the adoption of Amendment No. 4 as proposed by the planning board to add a setback for construction or structures next to streams or open water in Article 6 Stormwater Management in order to control stormwater runoff in bodies of water that feed into those in the protected shorefront district?

Language Changes

Section 603 Landowner's Responsibilities for Managing Stormwater

603.1 No construction or land disturbance may be undertaken closer than 50 feet from rivers, lakes, and ponds, all 1st order to 5th order streams, and designated waters subject to provision 602 (above)

603.4~~2~~ Submit an application and plan as specified on the town of Freedom website for any work meeting the criteria above to the Freedom code enforcement officer. (See Stormwater Management Plan.pdf at <https://townoffreedom.net/applications/>)

Text of current sections 603.2 through 603.7 remain the same (renumbered)

Article #6 (To vote by official ballot)

Are you in favor of the adoption of Amendment No. 5 as proposed by the planning board to add an exclusion to Section 309 Accessory Uses to not allow trucks great than 20,000-pound gross vehicle weight (GVW) in residential districts?

Language Changes

309.4 Exclusion

309.4.1 Accessory uses involving vehicles more than 20,000 pounds GVW are not allowed in residential districts.

Article #7 (To vote by official ballot)

Are you in favor of the adoption of Amendment No. 6 as proposed by the planning board to clarify the slope conditions in current Section 305.6.5.3 allowing tree cutting on land from 75 to 300-feet from shore by adding more detail on these slope conditions to reduce stormwater runoff and prevent water quality degradation? (This new language will move to Article 7 Shoreland Protection)

Language Changes

~~703.5 304.6.5.3~~ 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 **if the slope of the area of the lot meets any of the following criteria:**

703.5.1 Construction or site work of any kind is taking place in an area(s) that slopes at greater than 12.5% toward the lake

703.5.2 The structure's placement has the potential to cause stormwater to flow toward the lake because the slope below the structure is greater than 12.5%

703.5.3 In any case required by the Zoning Officer.

703.6 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 **with points increased proportionally** augmented for the larger area involved.

~~703.7~~ ~~305.6.5.4~~ The Zoning Board of Adjustment may request the Conservation Commission to review the plan and make recommendations.

Article #8 (To vote by official ballot)

Are you in favor of the adoption of Amendment No. 7 as proposed by the planning board to clarify Article 12 Residential Camping ~~Recreational Camping~~ to specify that such camping is allowed only on lots with an existing primary dwelling unit with an approved septic?

Language Changes

Article 12 ~~Recreational~~ **Residential** Camping

1201.1 Temporary camping (in tents, camping trailers, and motor homes) is allowed **on lots with an existing primary dwelling unit only**

1201.2 Temporary camping is allowed during the period from Memorial Day weekend to Columbus Day weekend.

~~1201.32~~ Temporary camping for family reunions or other events is allowed for one period of up to ten consecutive days during the season.

~~1201.43~~ For extended camping (more than ten total days during the season) on a residential lot, the property owner or **long-term** tenant (**greater than 30 days**) shall obtain a permit. The zoning officer will issue a permit for no more than two camping units, only one of which shall be a motor home or camping trailer. Failure to abide by this condition may result in the revocation of the permit.

~~1201.54~~ Tents, camping trailers and motor homes shall not be located within the setbacks unless, due to lot size, topography, or configuration, it is impossible to avoid the setbacks. In this case, the zoning officer may permit a camping unit be in the setback.

~~1201.65~~ For ~~any~~ **lot on which residential** camping occurs, **must have** an operational state approved **septic** system **which shall** ~~must be~~ available for use by all campers.

1201.7 This article does not allow any short-term rental (less than thirty (30) days) of the primary dwelling or any other structure, tent, camping trailer, or motor home on the lot.

~~1201.86~~ No commercial camping is allowed except in an authorized campground. If a property owner rents out the primary residence on the lot, this will constitute a commercial arrangement for the purpose of this article and the property owner shall not camp on this lot except under the terms of ~~1201.32~~.