

**ZONING BOARD OF ADJUSTMENT
P.O. Box 227
Freedom, NH 03836**

Freedom Zoning Board of Adjustment: **September 23, 2025**

Present: Karl Ogren, Dennis Anderson, Peter Keenan, Anne Cunningham (A), Daniel Footit (A), Lindsay Pettengill Recording Secretary

Absent: Chairman Scott Lees, Vice Chair Craig Niiler, Tim Cupka(A), Scott Pettengill (A), Bryan Fontaine Building Inspector/Zoning Officer

Public: Fred & Patricia Laspisa, Bruce Howlett, Edward & Lisa Falanga, Abby Thompson Fopiano, Joe Hill, Mark McConkey, Sue Hoople, Brian Taylor, Todd Lavallee

Karl Ogren called the meeting to order at 7:00 p.m.

Peter Keenan motioned to allow Karl Ogren to chair tonight's meeting in the absence of Scott and Craig. Denny Anderson seconded. All were in favor. APPROVED.

Karl Ogren 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.

Public Meeting

Denny Anderson made the motion, seconded by Peter Keenan, to approve the meeting minutes of August 26, 2025. All were in favor. APPROVED

The following applications will be heard:

Application 32-36-25 Edward & Lisa Falanga (*Continued from August Meeting*)

Applicant wishes to replace existing retaining wall with an alternate layout than what was previously approved in 2022.

Applicant is requesting the following:

Special Exception Article 3 Section 304.6.3 - Erosion Control

Variance Article 7 Section 704.5.1 - Slope

Variance Article 7 Section 704.5.2 - Stormwater

Variance Article 9 Section 906.2 – Side yard setback

Property is located at 11 East Danforth Rd

Map 32 Lot 36

Application 40-1-1-25 Arianna & Ryan Wilson

Applicant wishes to construct a new patio and stairs onto existing home.

Applicant is requesting the following:

Variance Article 3 Section 304.5 Table – Side yard/Rear Setback

Special Exception Article 3 Section 304.6.3 - Erosion Control
Property is located at 85 Packard Dr.
Map 40 Lot 1-1

PUBLIC HEARING

Application 32-36-25 Edward & Lisa Falanga

Edward and Lisa as the homeowners, along with designer, Abby from Edgewater Strategies, came before the board again. They wish to replace existing retaining wall with an alternate layout than what was previously approved in 2022.

Discussion:

- Updated ordinance #
- Revised plan
- Noticed all abutters
- New Contractor
- Revised permit with state
- erosion control, infiltration trench,

Board:

- Answered all and came with all board requested last time
- side yard setback?- shortest setback would be 20' which is shorter than what is there currently. Variance requesting 10' on one side and 6' on the other

Abutters/Public: Bruce Howlett – New Drawings - Friends of Danforth Pond – Approve the infiltration trench

Special Exception Article 3 Section 304.6.3

| | |
|-------------------------------|------------------------------|
| A - 5-0 motion carried | J- 5-0 motion carried |
| C- 5-0 motion carried | K- 5-0 motion carried |
| H- 5-0 motion carried | L- 5-0 motion carried |

Conditions:

- 1. *Per Plan titled Retaining Wall Replacement Project. Dated September 2025.***
- 2. *Comply with all conditions of shoreland permit***
- 3. *Erosion Control shall be installed prior to any earth moving and shall remain in place until construction is complete and site is stabilized.***
- 4. *All State and Local Permits.***

Findings of Facts:

- 1. *Wall locations are approximately same distance from sideward setback that exists already. 24ft on one side and 20 ft on other.***

Karl Ogren, motioned to approve the Special Exception from Article 3 Section 304.6.3. All were in favor.
APPROVED 5-0

Variances from Article 7 Section 704.5.1, Article 7 Section 704.5.2, Article 9 Section 906.2

1. 5-0 Motion Carried

2. 5-0 Motion Carried
3. 5-0 Motion Carried
4. 5-0 Motion Carried
5. A. 5-0 Motion Carried
 - i. 5-0 Motion Carried
 - ii. 5-0 Motion Carried

Conditions:

5. *Per Plan titled Retaining Wall Replacement Project. Dated September 2025.*
6. *Comply with all conditions of shoreland permit*
7. *20ft-24ft sideline*
8. *All State and Local permits*

Findings of Facts:

2. *Wall locations are approximately same distance from sideward setback that exists already. 24ft on one side and 20 ft on other.*
3. *Comply with all conditions of Shoreland Permit*

Karl Ogren, motioned to approve the Variances from from Article 7 Section 704.5.2, Article 7 Section 704.5.2, and Article 9 Section 906.2. All were in favor. APPROVED 5-0

The Board took a 5 minute recess.

Application 40-1-1-25 Arianna & Ryan Wilson

Mark McConkey, with Todd Lavallee (contractor) came before the board representing the Wilson's.

Discussion:

- Landscaped/well taken care of property
- Replace stairs off upper deck and send in new direction
- Replace wooden lower with paver patio
- Approved through state shoreland permit
- 9.4ft variance requested
- Cut out for hot tub
- Materials to be used – flagstone and blocks that can be planted in
- Nonobtrusive

Board

- Current patio size – lower?
- Square footage asking for in setback – 100 sq ft
- Lower deck is being replaced and the upper deck stairs are now exiting down to the side and walk down into the new lower deck/patio.
- Orange is step off patio – 3'x3'
- Other step 6'x3'
- Does not see hardship
- Could be reduced to similar size
- Uncomfortable that they can't tell us what the existing and proposed sq ft is in order to make a better judgement

- Replace in kind
- Struggle with pervious/impervious and closer to waters edge

Applicant-

- 691 is not taking into account the upper deck but the new stairs and patio – no change in upper deck – change is in lower deck stairs and patio
- If new structure met all setbacks they would not have to come back before the board

Abutters/Public:

- Sue Hoople – what type of septic and how old. Hot tub?

Mark - Hot tub does not drain in it.

Advanced enviro septic – leach bed got replaced recently

Anne Cunningham, motioned to Continue this application to the October 28, 2025 meeting (Deadline October 13, 2025), Peter seconded. All were in favor. APPROVED 5-0

PUBLIC MEETING

Joint Meeting:

- Agreed to allow ZO to do erosion control – as long as no other variance or spec ex needed – also we gave him right to grant spec ex and it needs to come from ZBA – We should suggest this to PB- simple fix
- Plot plan requirements-different than what is in the application – we have a conflict just for special exceptions

(See Attachment from Anne for reference)

Anne will do comparison and see what needs to be proposed/discussed with the PB

Public:

Bruce – commercial is different but general is way different – would like consistency

There being no new business to come before the Board, the Motion by Anne, seconded by Peter that this meeting adjourns; Motion passed unanimously.

The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Lindsay Pettengill

Recording Secretary