

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

Freedom Zoning Board of Adjustment: **February 24, 2026**

Present: Chairman Scott Lees, Vice Chair Craig Niiler, Karl Ogren, Daniel Footit (A), Bryan Fontaine Building Inspector/Zoning Officer, Lindsay Pettengill Recording Secretary

Absent: Dennis Anderson, Peter Keenan, Anne Cunningham (A), Tim Cupka(A), Scott Pettengill (A)

Public: Todd Lavallee, Gary Lennox, Roberta McCarthy

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.

**Public Meeting**

**Karl Ogren made the motion, seconded by Craig Niiler, to approve the meeting minutes of December 16, 2025. All were in favor. APPROVED**

Chairmen Lees notified the applicants that Daniel Footit (alt) would be sitting on the board to make it a 4 person board. The applicants were notified that they can request to be heard by a 5 person board at another time if they so choose.

**The following applications will be heard:**

**Application 40-1-1-26 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**

Todd Lavallee representing the Wilson's with Gary Lennox – project manager. A similar application was brought to the board last year which the board was not in favor of. The applicant withdrew that application and is coming forth with a new application which they feel will be more agreeable for the board.

Discussion:

- Moved with the recommendation of the setback

- Meets State standards but not Town
- Aims to improve runoff while maintaining its integrity
- Existing lower deck was made out of wood and needs to be replaced. Wishing to replace with stone – 18”
- Before they were looking to increase the patio – Now Putting front edge of patio and rock wall on existing. Not impeding any more
- Adding skirt around the whole patio to absorb all runoff
- Family wants this to last
- Looking to add drain to perimeter of house in areas that will allow with stone to help with run off
- Looking to grow grass down to about 15’ of the lake
- Owners have a full maintenance plan with Lakeside
- FCC letter responses-
  - o Stairs now go to the side instead of down to the lake, putting crushed stone under the stairs. Carries everything that doesn’t get captured by the joints in the patio.
  - o Overflow pathway-joints are permeable – blue stone are varied sizes w/1”-1.5” gaps that will allow water to flow through
  - o Final grading- patio elevated at lakeside to be level – could put in a curtain drain? Rather than grading the land – put at base of the wall
  - o Property is maintained regularly by Lakeside Landscaping – weekly and twice a year for fall and spring clean ups
- Todd spoke with FCC Chair Jeff – Board not against the project just looking for clarification.
- Runoff – not a lot as the peak of the roof has it run off to the patio and planted areas- will go in the drip stone around foundation and the patio along with the plantings that are existing. Not a very excessive slope for redirection of water – look to add an upper swail to catch the driveway runoff (east side)

Board –

- Does the manufacturer have a chart that says how much water will permeate and how much needs to be used for the application
- Retaining wall? - field stone
- No erosion control down by the lake on the plan – Applicant says they will not go down past that then
- Upper deck is staying – just here for lower patio and erosion control – 272 sq ft total – not closer to the water just more of it is closer to the water
- Note on plan or in condition for maintenance requirements
- Setback request – 75’ required 69.8’ requested – corner of step
- Uncomfortable with more of the patio getting closer to the water
- Board asked applicant with last application to come back with more compliant setback – stairs went further into setback
- Hot tub – not in the cards right now, will go on patio if it happens

Abutters – None

Public – Roberta McCarthy – Thinks it is an improvement and a good compromise.

### Special Exception Article 3 Section 304.6.3

**A - 4-0 motion carried**

**J- 4-0 motion carried**

**C- 4-0 motion carried**

**K- 4-0 motion carried**

**H- 4-0 motion carried**

**L- 4-0 motion carried**

**Conditions:**

1. *Per Plan titled Zoning & Shoreland Plot for Ryan Wilson. Dated February 8, 2026.*
2. *Erosion Control shall be installed prior to any earth moving and shall remain in place until construction is complete and site is stabilized.*
3. *All State and Local Permits.*

**Findings of Facts:**

1. *An Additional swale will be installed to catch driveway runoff*
2. *There shall be no ground impact below the erosion control shown on plan.*
3. *Natural grade of lot will not be disturbed.*

Chairman Lees, motioned to approve the Special Exception from Article 3 Section 304.6.3. All were in favor. APPROVED 4-0

**Variance from Article 3 Section 304.5**

1. 4-0 Motion Carried
2. 4-0 Motion Carried
3. 3-1 Motion Carried
4. 4-0 Motion Carried
5. A. 4-0 Motion Carried
  - i. 4-0 Motion Carried
  - ii. 4-0 Motion Carried

**Conditions:**

1. *Per Plan titled Zoning & Shoreland Plot for Ryan Wilson. Dated February 8, 2026.*
2. *Per Approval of NHDES Shorefront.*
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*
5. *In the fall after all debris comes down homeowner shall*
  - a. *Pressure wash grout*
  - b. *Clean debris out of drip line trenches and infiltration trench*
  - c. *Add stone as needed due to loss*
  - d. *Year-round inspection of erosion control to make sure they are free and clear of debris.*

**Findings of Facts:**

1. *Blue stone on patio will be installed with 1-1.5 inch gaps*
2. *Gaps grouted with 'EZ Joint' permeable grout*
3. *Dripline trench will be installed around the house as well*

**Nay Reasoning:**

3. *The size of the patio within the setback should not be allowed.*

Chairman Lees, motioned to approve the Variance Article 3 Section 304.5. All were in favor. APPROVED 4-0

**PUBLIC MEETING**

Lindsay announced that Stacy would be returning as the Recording Secretary either in March or April.

Scott stated that the Rules of Procedure Vote and discussion on the Application revisions would take place at the March meeting when more of the board is present.

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

The meeting was adjourned at 8:40 p.m.

Respectfully Submitted,  
Lindsay Pettengill  
Recording Secretary