FREEDOM ZONING BOARD OF ADJUSTMENT
P.O. Box 227
Freedom, NH 03836
Tuesday August 25, 2026

Present: Chairman Scott Lees, Vice Chair Craig Niiler, Karl Ogren, Peter Keenan, Dennis Anderson, Daniel Footit (A), Scott Pettengill (A)
Attorney Michael J. Malaguti
Bryan Fontaine Building Inspector/Zoning Officer, Nicole Ricciardi Recording Secretary

Absent: Anne Cunningham, Tim Cupka

Public: Phillip Marbury, Chris Meier, Philip Ross, Roberta McCarthy, Sarah Loria, Jennifer Ullrich, Jason Dennis, Sally McKurchia, Susan Hoople, Sarah Grolean, Sharlene Cahill, David Cahill

Chairman Lees called the meeting to order at 7:00pm

Chairman Lees opened the meeting, introduced board members and staff, and noted that the hearing had been properly noticed in the Conway Daily Sun and posted at the Town Hall and Post Office.

PUBLIC MEETING:

Karl Ogren made the motion to approve, second by Peter Keenan to Approve the meeting minutes of the July 28, 2026 minutes. Unanimous approval. Motion carried.

Numerous members of the public attended, including representatives of Camp Cody, and David & Sharlene Cahill.

The following applications were heard:

Application 21-1-1-26A Ossipee Lake Alliance Applicant requests: Appeal from an administrative decision. Relating to the interpretation and enforcement of the provision of sections 901 and 902 Zoning Ordinance in question. **Applicant is requesting the following:** **Variance Article 9 Section 901 – Non-Conforming Uses and Structures** **Variance Article 9 Section 902 – Change or Expansion of Non-Conforming Use** **Property is located at 9 Cody Road** **Map 21 Lot 1 and 1-1**	**Application 21-1-1-26B David G. Cahill and Sharlene Cahill** Applicant requests: Appeal from an administrative decision. Relating to the interpretation and enforcement of the provision of section 901 Zoning Ordinance in question. **Applicant is requesting the following:** **Variance Article 9 Section 901 – Non-Conforming Uses and Structures** **Property is located at 9 Cody Road** **Map 21 Lot 1 and 1-1**

PUBLIC HEARING:
Application 21-1-1-126A
Property is located at: 9 Cody Road

Map 21 Lots 1 and 1-1
Applicant requests: Appeal of an administrative decision of Articles 9, Sections 901 and 902 regarding non-conforming uses and structures.

Chairman Lees Motioned to dismiss application 21-1-126A due to lack of standing.

The Board considered the motion concerning the applicant's standing. It was determined that the Ossipee Lake Alliance did not have standing to pursue the appeal because it was not an abutter or otherwise qualified party.

Motion made by Chairman Scott Lees: Dismiss Application 21-1-1-126A for lack of standing.
Second: Craig Niiler
Vote: Motion passed unanimously. Application dismissed.

Application 21-1-1-126B
Property is located: 9 Cody Road
Map 21 Lots 1 and 1-1
Applicant requests: Appeal of an administrative decision of Articles 9, Sections 901 regarding non-conforming uses and structures.

Timeliness of Appeal

The Board first discussed whether application 21-1-1-126B had been filed within the statutory thirty-day filing period.

Attorney Phillip Marbury, representing the Cahills, stated that his clients first received official notice of the Town's determination on June 3, 2026, through an email from the Zoning Code Enforcement Officer indicating that the Camp Cody use in question was considered grandfathered. He argued that prior rumors, informal communications, or third-party reports could not constitute formal notice and therefore could not trigger the appeal period.

Attorney Chris Meier, representing Camp Cody, argued that information regarding the Town's position may have been available to the applicants prior to June 3 and referenced communications attached to the appeal application that suggested awareness of the Town's decision before that date.

Board members discussed whether there was sufficient evidence demonstrating knowledge of the decision prior to June 3. After deliberation, the Board elected to move forward and address the substance of the appeal rather than continue debate regarding notice.

Discussion of Grandfathered Use and Expansion

The Board reviewed the historical use of Camp Cody and considered whether current activities represented a substantially different use from the pre-existing, grandfathered camp use.

Chairman Lees observed that many summer camps throughout the region have existed for decades and have traditionally hosted a variety of activities beyond their core summer camp programs, including school groups, recreational programs, field days, special events, and seasonal activities and that there has not been a substantially different impact on the neighborhood. Documentation submitted during the hearing indicated that similar activities had occurred at Camp Cody for many years, including prior to 1987.

Board members discussed whether the camp's operations had expanded over time.

Craig Niiler cited the American Camping Association's assertion that approximately three quarters of camps in the state hold off-season events. Camp Cody's continued operations is natural expansion and natural growth over the years.

Karl Ogren commented that Lake Ossipee and surrounding area have changed significantly over the past forty years and that such change provides context for the Board's review of long-standing uses. He stated that he did not believe Camp Cody had become a different camp, but rather that it had continued to operate and grow as businesses commonly do over time. Members noted that without continued camp operations, such properties could instead be converted into residential development.

Dennis Anderson stated that he did not see a change in use, noting that activities such as weddings and other events appeared to have been occurring for a long period of time and that the area had not materially changed in use since 1987.

The consensus was that although the scale of operations may have grown, the fundamental character and purpose of the property remained that of a camp operation. Members noted that growth and intensification over decades are common among longstanding businesses and that such growth alone does not necessarily constitute a prohibited expansion of a non-conforming use.

The applicant's attorney, Phillip Marbury, addressed the Board that the relevant legal standard focused on whether the present use represented a materially different use or imposed a substantially different impact on the neighborhood than the historical grandfathered use. He argued that the record did not establish grandfathering of current activities and challenged whether the current operations remained consistent with the historic use.

Board members responded that they understood the applicable legal standard and that, based on the evidence presented during both hearings, they did not find the current use to create a substantially different neighborhood impact than the historic camp operation. Several members stated that the activities being conducted were consistent with the traditional operation of summer camps and represented a natural continuation and evolution of that use.

Decision

Motion made by Chairman Scott Lees: Affirm the administrative decision of the Town Zoning Code Enforcement Officer.
Second by Karl Ogren
Vote: Motion passed unanimously.

The Board therefore upheld the determination that the use at Camp Cody constitutes a lawful continuation of a grandfathered non-conforming use.

Other Business

ZBA Application Review / Rules of Procedure:
The Board discussed a pending agenda item concerning application review procedures and Board rules. As the matter was not ready for action, members agreed to postpone it until the September meeting.

New Board Member:
Chairman Lees welcomed newly appointed Alternate Board member Scott Pettengill. Discussion followed regarding Board communications, meeting notifications, agendas, applications, and distribution of meeting materials.

Electronic Meeting Packets
Nicole Ricciardi reported that paper packets had been distributed and that electronic packets had been provided upon request. Members expressed support for receiving materials electronically.

Planning Board Coordination Meeting
The Board received a request from the Planning Board to attend its annual joint meeting on October 15, 2026.
Discussion included:

- Meeting time of approximately 6:30 PM.
- Requesting placement first on the agenda.
- Opportunity for ZBA members to provide recommendations concerning zoning issues and ordinance amendments.
- Invitation for Zoning Officer Bryan Fontaine to provide input and recommendations based on enforcement experience
- Members indicated their willingness to participate and agreed to discuss potential recommendations during the September ZBA meeting.

2027 Meeting Schedule:
Nicole Ricciardi presented a proposed 2027 ZBA meeting schedule for review.
Following review, the Board expressed support for the schedule and authorized its publication.

Motion to adjourn by Chairman Scott Lees was made at 7:32
Second by Karl Ogren

After the adjournment a public comment was requested by Susan Hoople

Public Comment:
The public comment raised questions regarding the review process for Department of Environmental Services septic and wastewater applications associated with Camp Cody and asked which municipal body is responsible for determining whether proposed projects may constitute expansions of grandfathered non-conforming uses. Concerns were expressed regarding application review, parking impacts, septic capacity, and potential intensification of use.

Chairman Lees explained that responsibility for zoning interpretation ultimately rests with the Select Board and may be delegated to the Zoning Officer, while the ZBA's role is limited to hearing appeals and applications brought before it.

Zoning Officer Bryan Fontaine along with ZBA Board members further noted that detailed discussion of Camp Cody development matters was not appropriate in the absence of representatives from the property owner and that such issues would be more appropriately addressed through established zoning or planning processes. Discussion was then concluded.

Chairman Lees called for the final Adjournment
Second by Karl Ogren
The meeting adjourned at approximately 7:41 PM.

Respectfully Submitted,
Nicole Ricciardi
Recording Secretary