ZONING BOARD OF ADJUSTMENT
TOWN OF FREEDOM

The following Public Meeting will be held at the
Freedom Town Hall, 16 Elm Street, **September 22, 2026** at 7:00 pm.

Present: Chairman Scott Lees, Vice Chair Craig Niiler, Karl Ogren, Peter Keenan, Dennis Anderson, Daniel Footit (A), Scott Pettengill (A)
Bryan Fontaine Building Inspector/Zoning Officer, Nicole Ricciardi Recording Secretary
Absent: Anne Cunningham, Tim Cupka
Public: Laurence Foss, Debbie Foss, Tim Phoenix, Joe Berry

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

Public Meeting

Approval of August 25, 2026 Minutes
Chairman Lees presented Sue Hoople's request that the discussion identified on the last page of the draft minutes be recorded word for word and submitted with the minutes record rather than summarized. The Board determined that the draft minutes captured the substance of the discussion and that changing to a verbatim format was not warranted.
The Board corrected the reference to Scott Pettengill to identify him as an alternate member.
Karl Ogren moved to approve the August 25, 2026 minutes with that correction;
Peter Keenan seconded.
The motion carried unanimously.

Public Hearings

Application 26.11.1.26 Laurence & Debbie Foss Applicant asserts that the ZBA approval letter issued following the June 23, 2026 ZBA hearing contains an administrative error and requests that the approval be corrected to reflect the proposed plan change from a 6' x 24' outdoor deck to a 10' x 24' outdoor deck. **Property is located at 358 Pequawket Trail** **Map 26 Lot 11-1**	**Application 42.12.26 Welsh Family Rev. Trust / Daniel & Stephanie Welsh TTEE** Applicant requests a special exception – A lot redevelopment project which cannot meet the requirements of a permit by notification, so a special exception is required per 702.2. **Applicant is requesting the following:** **Special Exception Article 7 Section 702.2 –** Projects that do not meet the criteria listed in 1-4 below will go to the Zoning Board of Adjustment for a special exception under Article 7, Section 702 -702.3 Project criteria for permit by notification: -702.3.1Construction, excavation, and filling, or other activity that impacts less than 1,500 square feet and adds no more than 900 square feet of impervious area within a protected shoreland area. -702.3.2Construction, excavation, and filling directly related to stormwater management improvements and erosion control projects or environmental restoration or enhancement projects. -702.3.3Maintenance, repairs, and improvements of public utilities, public roads, and public access facilities.

	-702.3.4Any similar activities defined as qualified for a permit by notification by rules of NH Department of Environmental Services. **Property is located at 41 Packard Drive** **Map 42 Lot 12**

Application 26.11.1.26 — Laurence and Debbie Foss
Property: 358 Pequawket Trail, Map 26, Lot 11-1
The applicants requested correction of an administrative error in the approval letter issued after the June 23, 2026 hearing. The approval letter described a 6-foot-by-24-foot outdoor deck, while the revised plan reviewed and approved by the Board showed a 10-foot-by-24-foot deck. The change resulted from relocating the stairs. After reviewing the June application packet and confirming the dimensions shown on the approved plan, Chairman Lees moved to correct the approval letter to reflect a 10-foot-by-24-foot outdoor deck in accordance with the plan.
Karl Ogren seconded.
The motion carried unanimously.

Application 42.12.26 — Welsh Family Revocable Trust / Daniel and Stephanie Welsh, Trustees
Property: 41 Packard Drive, Map 42, Lot 12
Joe Berry of Berry Surveying & Engineering appeared as the owners' agent and presented a request for a special exception under Article 7, Section 702.2. The proposed redevelopment could not qualify for a state permit by notification because the project would disturb approximately 20,459 square feet and more than 900 square feet of impervious area. The 1.4-acre property contains an existing nonconforming house near the water and a shed. The proposal would remove the nonconforming house and construct a larger residence meeting the applicable setbacks, as required by the state and town together with a new septic system and a reconfigured driveway and garage. The current driveway will be reconfigured to allow garage access.
The Board reviewed proposed tree cutting, landscaping, stormwater handling, lighting, and erosion controls. The applicant stated that no construction or landscaping was proposed within the 75-foot shoreline setback, other than limited tree work conducted in accordance with the ordinance. The plan showed perimeter erosion controls, including additional protection on the lakeside of the construction area.
The Board considered each applicable special-exception standard in Article 7, Section 702.2,
Decisions:

A.	The character of the area in which the proposed Special Exception use will be placed shall not be adversely affected by the proposed Special Exception use. **5-0 CONFORMS**
B.	The proposed Special Exception use shall not adversely affect the highways and sidewalks or the use thereof located in the area. **5-0 CONFORMS**
C.	The proposed Special Exception shall not adversely affect Town services and facilities. **5-0 CONFORMS**
D.	The public highways providing access to the lot shall be sufficient and have adequate capacity for the safety of vehicles and pedestrians. **5-0 CONFORMS**
E.	The traffic pattern on the lot shall be coordinated so as to compose a convenient system of any internal road intersecting with the access to the public highway. **5-0 CONFORMS**
F.	There shall be a proper arrangement of roadways, sidewalks, loading areas and parking areas within the lot so the proposed development shall not endanger the safety of vehicles, pedestrians or bicyclists.'

	5-0 CONFORMS
G.	There shall be a safe driveway access to the public highway including safe sight distances in each direction. **5-0 CONFORMS**
H.	There shall be adequate access from the public highways and sufficient maneuvering room on the lot for fire, police and emergency vehicles. The applicant shall also provide information as to plans for fire protection. **5-0 CONFORMS**
I.	All loading areas shall be designed so as not to interfere with other planned circulation on the lot and so as to provide adequate space and facilities. **5-0 CONFORMS**
J.	Provisions shall be made for handling water drainage on the lot to prevent flooding of the lot or of another property. **5-0 CONFORMS**
K.	On-site lighting shall be designed to assure adequate illumination for the safety of vehicles and pedestrian travel. Exterior lighting shall be installed and operated in such a manner that adjacent residential uses are not adversely affected. Such lighting shall not shine onto roads and public highways so as to interfere with the operation of motor vehicles. **5-0 CONFORMS**
*L.	Adequate landscaping. **5-0 CONFORMS**
M.	Proposed signs shall comply with the sign requirements contained in this ordinance. **5-0 CONFORMS**

Each finding was approved by a 5–0 vote.
The Board approved the special exception subject to the following conditions:

- Exterior lighting shall be downward-facing, shielded, and night-sky compliant so that adjacent residences, the lake, public ways, and traffic are not adversely affected.
- Erosion controls shown on the plan shall be installed before earth-moving activity and maintained until the site is stabilized.

The final motion carried unanimously. The Board advised that the approval is subject to the applicable 30-day appeal period and that the permit has a two-year term.

Board Business

ZBA Application Forms and Rules of Procedure

The Board reviewed proposed instructions and forms for appeals of administrative decisions and equitable-waiver requests. Members noted that the regular application used for variances and special exceptions should also be reviewed so that all three application types are consistent and clearly presented. Further review was tabled until October pending receipt of the additional form.

The reviewed materials referenced ZBA Rules of Procedure dated January 25, 2011, while an older copy dated October 25, 1994 was available at the meeting. Nicole Ricciardi will obtain the current rules and procedures for the Board's review.

Planning Board and Ordinance Follow-up

The Board identified the following matters for clarification or discussion with the Planning Board at the scheduled 10.15.26 Planning Board meeting:

- The Town's treatment of existing residential summer camps and their traditional allowable uses.
- Use and definition of "grandfathered" and "existing nonconforming use," including when protected status may end after an interruption in use.
- Whether local setback requirements apply to structures near wetlands and how those requirements relate to state standards.
- An apparent incorrect or nonexistent cross-reference in the zoning ordinance involving Sections 704.5.3 and 703.5.1.
- How the height limit for nonconforming structures is measured and applied.

Administrative Matters
There was no mail or other correspondence requiring action.
Nicole Ricciardi will provide a printed updated Board membership list
The next meeting was scheduled for October 27, 2026 at 6:30 p.m. on the second floor of Town Hall.

Adjournment
A motion to adjourn was made and seconded. The motion carried unanimously, and the meeting adjourned at 8:15 p.m.

Action items:
Chairman Lees will reach out to Anne Cunnigham for the standard ZBA Application
The ZBA will attend the Planning Board meeting on October 15, 2026
Nicole will prepare and print an updated Board Member List
Nicole will email and print out for the October rules and procedure dated 1.25.2011