

**Freedom Planning Board**  
**January 21, 2016**

**Members Present:** Anne Cunningham, Peter Park, Ernie Day Jr., Maynard Thomson, Jean Marshall, Bill Elliott

**Members Absent:** Paul Elie, Pam Keith (alternate)

**Others Present:** Dianne Park, Les Babb, Bill White, Paul Olzerowicz, Ted Wright-Wright Survey Co., Mark McConkey, Ray Desmarais, Janet Meyers

Minutes recorded by Dianne Park

Meeting called to order at 7:00pm.

Anne read the rule pertaining to the appointment of alternates at meetings which stated that an alternate may be appointed for a missing member and must sit on the board for the entire hearing. Maynard felt this did not apply to him because an alternate was not appointed for him when he missed the November and December meetings and felt he is up to date with the application information and feels he should be able to sit on the board tonight and hear the Sherwood Forest Application. After discussion it was decided that Maynard would be allowed to sit on the board tonight and hear the application.

Jean Marshall missed the Planning Board meeting in October, when this application started, and an alternate was appointed for her. That alternate attended the October, November and December meetings on this application. The alternate is absent tonight and Jean feels she should be able to sit on the board and hear the application. After discussion Jean excused herself from being a board member for tonight's Public Hearing.

Ernie Day Jr. sat on the board in place of Les Babb.

**Minutes**

A motion was made by Peter, seconded by Maynard, to approve the minutes from December 17, 2015 as amended. All were in favor.

Page 3, 5:11 c, change ~~Present on Plat~~ to ~~Will be on final plat~~

A letter from the board's attorney was passed out to all board members.

**Public Hearing started at 7:25pm.**

**Continue review of the Major Subdivision Application of Sherwood Forest LLC of Ossipee Lake Road, Tax Map 7 Lot 5-1**

**Review of Condominium Documents**

Page 4, second paragraph, change any reference to ~~Site Plan~~ to ~~Condominium Plan~~  
 Change any reference in this document of ~~Site Plan~~ to ~~Condominium Plan~~

*Check future meeting minutes for any amendments or changes to these minutes.*

### Limited Common Area vs. Common Area

Common Areas include:

- Open space
- 25øperimeter buffer
- Common utilities
- Walkways/Paths
- Wells serving more than two units
- Roadways

Limited Common Areas include:

- Land accompanying each unit
- Piping, wiring, cable and improvements for each unit
- Steps, stairs, doors and windows of each unit

### Page 5, Parking

Owners may park only in their driveway or garage.

### Easements ó Page 3, Article 5, Section A

The Planning Board was told wells would not service 2 units but this statement is listed in the document. Les explained they left this in as on a contingency basis only.

### Page 6, Article 10, Section A1, Section A1a and Section A1a(1)

The statement reads *'Such Buyers are not acquiring the Unit for purposes of or with the intent to allow occupancy of such Unit by a person, at least one of whom shall be over the age of fifty-five (55, and'*. The Planning Board feels this statement is erroneous because the head-of-household or spouse should be age 55.

Bill White asked if someone under the age of 55 could buy a unit but not occupy it and rent it out. Les responded -yesø

### Page 7, Section A, 4 b i and ii

The Board questioned the fact that an under aged occupant would be allowed to remain following the death of a spouse. Bill White felt this left the door open for children and grandchildren to occupy the unit. Anne explained the 80% over age 55 and 20% under age 55 did not apply if the exemption was not being taken by the housing community.

The discussion continued on age limit. Mark McConkey explained the state wants solid age limits and would like a care giver to be certified and licensed. Each unit will be limited to a certain number of people.

Page 9 Section B suggests the possibility of owners adding a second story. The board asked why a unit considered elderly housing would be able to add a second story. Peter asked if the square footage included a basement and was told a basement was optional, for storage purposes only, and the square footage was not included in the living space. Anne read the definition of living space according to the Town of Freedom: *'Living Space is space used for recreational*

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*activities, sleeping, storage, or other uses accessory to the primary home. Living space cannot include a stove and/or other cooking appliances. Inclusion of a stove or other cooking appliances creates a dwelling unit. Any living space used for sleeping must meet all building code and life safety requirements.*

Paul Olzerowicz stated that originally each unit was one story with 1,224 square feet further suggesting reducing the square footage of the first floor to accommodate for a second story or basement. Ray Desmarais stated that Elderly Housing units needed space and asked why each unit was limited to only 1,224 sq. ft.. Paul Olzerowicz then commented that in order to make units larger reduce the number of units in the project from 18 downward.

Janet Meyers asked why the reference was -footprint because when a house is being built square footage is the directive.

#### Barrier Free

The board asked if all doorways would be barrier free. Les explained that you have to be able to put barriers (grab bars, wide doorways for wheel chairs, etc.) in but they do not have to be there when originally built.

#### Page 12, Section M. Tree Removal and Section N Open space Use Limitations

(a) states: *'The open space and buffer land shall be maintained in perpetuity as passive and/or active recreation purposes (e.g. walking, gardening) subject to the permitted activities described below'*. The board asked for clarification of no trees being cut down in the buffer stating some units were on the setback lines. Ray Desmarais was asked how many feet from the foundation wall would have to be cleared for building purposes. The answer was 15'. After discussion the applicant agreed to move units 6, 12 and 13 away from the setback.

#### Page 12, Article 10, Section L. No Vehicle Storage.

Bill White asked where storage for motor homes, campers, trailers, all-terrain vehicles, off road vehicles or snow mobiles was located. Bill Elliott stated this question was raised at the informal meeting and the answer given was these vehicles were not allowed. Les further stated these vehicles are not allowed.

#### Page 6, Article 9 Section C & D

Bill White asked how easements could be granted with a 25' buffer zone. Les explained one (1) easement was for between units 12 and 13 for mowers, tractors to get through. Bill White further asked about needing a waiver to cut through the buffer zone.

#### Page 3, Article 5, Section B

Bill White asked why this section mentioned -until such time as the road is accepted as a public town road.

#### Page 13, Article 10, Section P, (a)

Information was missing under this heading.

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A vote was taken by all board members about making the attorney letter dated January 21, 2016 public. On a show of hands all were in favor of making this public. Anne will send a copy of the letter to Les, and anyone else wishing a copy could send a request to the town offices.

The applicant requested the Planning Board accept the application as complete. After discussion the board felt there was not enough information on the plat to have conditional approval. Les commented on the fact that he thinks this application is being held to a different standard. Anne asked the applicant how much time they needed to submit further documentation.

Ted Wright asked for clarification on what was needed on the final plat. Missing is:

- Soil Mapping
- Easements
- Road Profiles
- Water Lines
- Sewage Disposal Information
- Existing and Proposed Lot Lines

Les asked if the board would accept a 24ø wide roadway explaining the addition of a pedestrian walkway on one side was changed because the drainage plan would not work. Anne explained the town Road Agent has a problem with the crown of the road. The board accepted a 20ø wide roadway with 4ø pedestrian walkway as being part of the road.

The board will accept waivers on Section:

- 5:12 a 5
- 5:12 a 6
- 5:12 a 7
- 5:12 a 8 ó not applicable
- 5:12 C ó not applicable
- 5:12 e ó A performance bond will be required. Anne will ask the board attorney for terms and conditions.

The board agreed to let the applicant submit a separate Utility Plan that included a typical septic plan for each unit as well as buildings showing typical well heads.

All information from the applicant, including an electronic plan, will be submitted by February 9, 2016 an extension of 10 days.

Bill Elliott said his opinion is the Planning Board has not treated this applicant any differently.

**Public Hearing ended at 9:35pm.**

### **Public Meeting**

Jean wants a future agenda item to be the discussion on the wording for the use of alternates.

A motion was made by Bill, seconded by Maynard, to adjourn the meeting. Meeting adjourned at 9:40pm.

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