

# **ZONING BOARD OF ADJUSTMENT**

**P.O. BOX 227**

**FREEDOM, NH 03836**

Freedom Zoning Board of Adjustment: **June 22, 2021.**

Present: Chairman Scott Lees, Karl Ogren, John Krebs, Jacob Stephen, Jeff Fongemie (A) Zoning Officer Gary Williams, Recording Secretary Stacy Bolduc.

Absent: Denny Anderson (A), Vice Chairman Craig Niiler

Public: Mark McConkey, Jim Rines, Jeff Nicoll, Melissa Florio, Roberta McCarthy, Joe Rogers, Leah Rogers, Nancy Cristoferi, Tom Cristoferi, Cindy Cunningham, Anne Cunningham, Scott Cunningham, Joseph Godek, Jane Godek, Marcia Santner, Lee Fritz, Barbara and Glenn McCracken, Sarah Florio, Heidi, and Matthew Glavin, Madelyn Glavin, Melanie Glavin, Shawn Bergeron, Hope McGowan, Dennis Trombley, Patti Trombley, Mark Sketchley, Beth, and Peter Earl, Dennis and Johanna Vienneau, Paul Olzerowic, Robert Smith, Mark McConkey, Jake McConkey, Roy Tilsley from the Law Firm Bernstein Shur, Danny Nash.

During this meeting the following cases will be heard:

**Case 24-13-21 Red Top Realty Trust/ DJH Investments Trust** *Continued from April.*

**Case 31-21-21 William E. & Cheryl D. Taylor** *Continued from May.*

**Case 26-4-21 Eugene W. & Denise M. Lawnicki** *Continued*

**Case 12-34-21 Joseph, Samuel, and Michael Rogers**

**Case 30-12-21 Richard J. & Debra L. Strott**

Chairman Lees called the meeting to order at 7:05 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.

**Chairmen Lees made the motion, seconded by Karl to accept the minutes of the May 25, 2021 meeting with the following amendments:**

*Pg. 1 line 9 and pg. 3 line 5 replace Bob Tafato with Bob Tafuto and add Ammonoosuc Survey after his name.*

*Pg. 11 halfway down the page after "John commented" remove "that the path could be a question for legal".*

**Motion passed unanimously.**

Chairman Lees explained the difference between a variance and a special exception. He also explained the process of how a case is presented and how the question and comments from the abutters and the public are handled.

## PUBLIC HEARING

### **Chairmen Less invited Case #24-13-21 Red Top Realty Trust / DJH Investments Trust** *Continued from April.*

Applicant seeks an appeal for a Variance under Article 3, Section 304.5 as it pertains to waterfront setback, a Variance under Article 4, Section 406 as it pertains to wetland setback, a Special Exception under Article 3, Section 304.6.3 as it pertains to erosion control, and a Special Exception under Article 3, Section 304.6.5 as it pertains to cutting and removal of trees and natural vegetation in the Shorefront District. The applicant wishes to remove existing structures and replace them with a new structure inside the depicted building envelope at Map 24, Lot 13, at 173 Haverhill Street.

**John Krebs recused himself from this case.**

Jim Rines from White Mountain Survey requested on behalf of DJH Investments Trust that this application be withdrawn without prejudice. Jim hopes to come back with a completely different application next month.

**Chairman Lees made a motion to accept the withdrawal without prejudice, motion seconded by Karl; Motion passed unanimously.**

**John Krebs rejoined the board as a voting member.**

### **Chairman Lees invited case # Case 31-21-21 William E. & Cheryl D. Taylor**

Applicant seeks an appeal for a **Special Exception under Article 3, Section 304.6.3 and 305.6.5.3** to construct a detached garage that will result in the removal of three trees on a lot that has an average slope greater than 12.5% toward the water and to install erosion control for the project. The applicant also seeks a **Variance under Article 3, Section 304.5** applicant wishes to construct a Two- car garage within the side and front setback. Map 31 Lot 21 at 64 North Broad Bay Rd.

Jim Rines, the agent from White Mountain Survey came before the board to present the updated plan. He explained the building has been rotated to increase the setback from the northerly boundary line and the right of way line from North Broad Bay Road. Cellularly confined gravel in the front has also been added to reduce the overall lot coverage. Six trees will have to be removed so the garage doors can face North Broad Bay Rd.

**Chairmen Lees asked if there were any abutter who would like to speak.**

Robert Smart of 58 North Broad Bay Rd stated he lives on the north side of the construction and has reviewed the plans and has no problem with the proposal.

Paul Olzerowic also of 58 North Broad Bay Rd stated he has reviewed the plans and stated the Taylors intentions are of the highest caliber and support the plan.

There was no public comment.

John asked about the driveway, and it should be noted that the driveway cannot be paved without coming back for a variance. The board agreed it should be noted. Jim stated he made the property owner aware that they had to cellularly confined gravel to maintain the driveway as porous.

There were no further comments from the public or abutters.

The ZBA has the power to authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

1. The variance will not be contrary to the public interest. **Carried 5-0.**
2. The spirit of the ordinance is observed if the variance is granted. **Carried 5-0.**
3. Substantial justice is done by granting the variance. **Carried 5-0.**
4. The value of surrounding properties is not diminished if the variance is granted. **Carried 5-0.**
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
  - A. Unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area:
    - i. No fair and substantial relationship exists between the general public purposes of the zoning ordinance provision and specific application of that provision to the property, and **Motion Carried 5-0.**
    - (ii) The proposed use is a reasonable one. **Motion carried 5-0.**

**Motion: Chairman Lees made a motion that, based on the foregoing findings of fact, the requested Variance from Article 3, Section 304.5 of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 5-0.**

**Conditions:**

1. Per the plan titled: Variance Application Plan for William E. and Cheryl D. Taylor. Revised 6/7/21.
2. Driveway shall not be paved and shall be constructed in accordance with the detail on the plan.
3. Prior to pouring concrete, a licensed surveyor shall certify the location of the footings are per the approved plan.

**Findings of Facts:**

1. Driveway needs to remain unpaved as shown on the plan.
2. The garage was relocated on the plan to reduce setback requests.

The board elected to review the Special Exception worksheet for Article 3, Section 304.6.3 Article 3, Section 304.6.5.2

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

**Motion: Chairman Lees made a motion that, based on the foregoing findings of fact, the requested Special Exception from Article 3, Section 304.6.3 Article 3, Section 304.6.5.3 of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 5-0.**

**Conditions:**

1. Per the plan titled: Variance Application Plan for William E. and Cheryl D. Taylor. Revised 6/7/21.

2. Erosion Control shall be installed prior to any earthmoving and remain in place until construction is completed and the site is stabilized.

### **Finding of Facts:**

1. **Driveway needs to remain unpaved as shown on the plan.**
2. **The garage was relocated on the plan to reduce setback request.**

Chairman Lees explained the 30- day appeal period and the Special Exception expires 6/22/23.

Chairman Lees invited **Case # 12-34-21 Joseph, Samuel, and Michael Rogers.**

Chairman Lees opened this case stating he has received several letters regarding the proposed wedding venue (see attached). He gave a copy of each to the Rogers. The letters are not in favor of the proposed venue. Chairman Lees asked the presenters to go ahead and present their application.

Joseph introduced his wife Leah and stated his brothers Samuel and Michael could not attend tonight's meeting due to one is stationed at Fort Bragg, North Carolina, and the other lives in Copenhagen Denmark.

He explained they are seeking permission for permitted use of an events venue at 95 Burnham Rd. They believe this proposed use fits in with the Town of Freedom Master Plan regarding the preservation of open spaces, scenic vistas, and historic buildings. Joseph also stated that they have talked to many of their neighbors and he has heard their concerns and has done their best to address them. He pointed out the business plan (see attached for details of the points discussed. Joseph stated that his wife Leah has been an event professional for over 10 years. With the aid of the business plan (see attached) the following points were discussed:

- Provide space for community events. Including recreational trails hiking, snowshoeing free of charge.
- Fundraisers
- Movie night
- Fireman's dinner
- Board of Selectmen meetings (handicap access).
- Holiday sleigh rides
- Easter egg hunts
- Old Home Week
- Bingo night
- Senior night

**Weddings and Events** *Please see the attached application for additional information on the following points discussed in the applicant's presentation.*

- Weddings would be seasonal (May through October) due to no heat in the winter months.
- 150 capacities.
- Benefits to the local economy.
- Preservation of rural setting. It is the goal of the applicants to restore the farmhouse and the 40x80 barn and maintain and preserve the 88.5 acres and all structures, forests, fields, trails, and rock walls contained within.

- Each event would require clients to obtain a contract with professional vendors. Each vendor will have its own insurance.
- Adequate off-street parking (see attached for additional information).
- Shuttle service to and from the events to help with the traffic on Burnham Rd. and mitigate concerns about drunk driving.
- Alcohol Policy and insurance rider in the amount of \$2,000,000 must be secured for the duration of the event.
- Trash/Recycle Cleanliness. Appropriate receptacles will be provided around the
- Noise- The use of a decibel meter to monitor the level of music, amplified music must be played in a direction opposite of our neighbors, quiet hours, and no fireworks.

Joseph reiterated their primary goals to maintain and preserve the property and the view reflects the goals in the Freedom Master Plan.

**Chairman Lees asked if the board had any questions for the applicant.**

John commented that it's not the idea that bothers him, it's the fact that Burnham Rd. is narrow and he doesn't think you can force people to use a shuttle service. He also feels one event a weekend is a lot for people who have lived on Burnham Rd. for years. Other concerns John had you can't control people's behavior, and the town would have to increase dust control.

Joseph stated the road is wider than 13 ft. and has seen the Towns grader, 16 wheelers with trailers hauling excavators to do construction on multiple construction sites, and dump trucks heavily loaded making runs daily from several properties. He believes he can require people to use a shuttle service. There was a brief discussion around the use of a shuttle service. Joseph stated they would be happy to pay any impact fees that would be associated with road maintenance caused by the venue.

**Chairman Lees asked if there were any abutters in favor.**

There were no abutters in favor.

**Chairman Lees asked if there were any abutters opposed.**

Roy Tilsley the Attorney for Bernstein Shur from Manchester NH, spoke on behalf of abutters Lee Fritz, and Jeff Nicoll. The three of them have been working with a group of neighbors in opposition to the proposed venue. He was there to give his legal analysis of the situation and stated that are folks that will want to share their concerns and observations and experiences.

Mr. Tilsley opened his argument that the property is in the Rural Residential District, according to the zoning ordinance, that district is an area where access is relatively difficult. He continued to explain the area is remote from the developed area and services. The uses are agriculture, forestry, and residential single-family homes. He stated what struck him as he was reading the letters are the families that have owned property in this area for generations and how much they love the land. Furthermore, though the applicants' intentions are good, they want to introduce a busy commercial business into this rural residential neighborhood. Whatever they operate, it will probably be the busiest place in the Town of Freedom. The neighbors will have to deal with traffic, noise, dust, parking, and people who may be drinking. This variance request will change this neighborhood forever. Mr. Tilsley referred to the letters stating that people are overwhelmingly opposed to the event venue.

Mr. Tilsley referenced a tax map handed out by Jeff Nicoll showing all the abutters opposed to the venue (see attached). He also pointed out that the Rogers lot is not usually sized or shaped for this particular zone. Mr. Tilsley explained Freedom's Variance procedure is essentially a release valve in the zoning ordinance for those properties that don't quite fit and cannot be used for appropriate uses. A variance procedure allows for a correction. He argued that this application does not meet any of the requirements for a variance and that there is very little in the application to support the 5 criteria needed to grant the variance. The application states more what they want to do with the property, not the impact heavy commercial use will have on this area. Mr. Tilsley referenced the letter from the Rogers realtor stating that the property as a residential use is worth \$900,000- \$1.23 million which is much more than what they paid for it and the idea that they need commercial use to keep the property open, wooded or fix the barns is not fact. Mr. Tilsley argued that the property has adequate value as a residential property based on the changes they have made to date, there is no need for additional changes to the property. Before he got into the 5 criteria for the variance, he wanted to make two important points.

- This is a variance for a commercial operation. This is not a home occupation. The variance will run with the land and though these owners have good intentions, the next owners may not take the steps the Rogers have taken to run the event in a quiet respectful manner. The restrictions would be hard to enforce ( using a decibel meter, parking, etc.) and if you need the restriction's then the venue would be the wrong use of the property.
- The vendors may not necessarily be committed as the Rogers are to the neighborhood, again it would be hard to police the vendors because there would be a different vendor every weekend.

In conclusion, Mr. Tilsley stated the applicants have already started booking reservations for weddings for which they do not have a permit and the application does not meet the 5 criteria for the application. The value of the residential property is enough to preserve and maintain it. The gain to the public by denying the variance outweighs any loss to the applicant, they have valuable property no matter what. The public, if the variance is granted, loses the peace, tranquility, and historical nature of the neighborhood by having this busy commercial business in the middle of it. Finally, the property does not pass the unnecessary hardship test.

**Chairman Lees asked if there were any abutters oppose.**

**Abutters that are opposed.**

**Lee Fritz** stated she is stunned that they think they can come and make the property commercial and though it might increase the value of the Rogers property she feels it will decrease the value of her property. She has lived on Burnham Rd. since 1983 year-round. Lee stated she values Freedom's zoning and zoning laws. People choose the area where she lives because they value their privacy and a great view. She is sad that Rogers thinks they can do whatever they want to. The Master Plan states we are a Rural peaceful place.

**Beth Earl** stated she was part of the original committee that drafted the zoning ordinance back in 1987 and she agrees with everything the attorney said and that is what the committee was thinking when the ordinance was drafted and the town passed the ordinance back in 1987 that the area is kept Rural Residential and there not be commercial zoning in that area. There are other places in town that would be better suited for that kind of business.

**Chairman Lees asked if there was any public in favor.**

**Mark Mcconkey** stated he has had the pleasure of getting to know this family over a year and they are a subset of a tremendously hard-working family. The brothers that are not here tonight, he has seen pound nails and does things to make the property better and better. Agritourism in our State is something that is being promoted,

keeping barns working and having uses that are adjacent to that, a venue of this type is part of that. It may not fit into our definition right now; Mark applauds that the Rogers went personally to neighbors and talk to them trying to enlist their opinion and work through it. He did not feel they took this event in the dark, they did it in the open. Perhaps it is not permitted now but, they have the right as anyone does to come before the board. Mark does take exception with what the attorney stated that this is a busy or heavy commercial activity. If you have ever been on Ossipee Lake Rd. on a Sunday or Saturday the traffic in and out of the camps backs up to Rt. 41. That is busy commercial activity. The road they are speaking of would need some upgrades and he does not think this application will go through this evening. But he does think it would behoove the Planning Board and other people in the room to take a look at these activities and see how they can be incorporated. Ossipee and other towns handle these activities with a special use permit. Any time anyone wants to do an event they come back and Fire, Police, and Zoning are involved in the decision. Anne Cunningham is here tonight and listens to the town and he is hoping everyone can work collectively in the future to do a pilot program.

**Nancy Cristoferi** – She understands where people are coming from but last fall the Rogers invited her to an event for their son and it was a nice event. She lives 200 ft. from them and they hardly heard them and it's a very limited window for the events. She did not think there would be traffic up and down the road all day. She feels it would be great for the town.

**Chairman Lees asked if there was any public that was opposed.**

**Marcia Santner Cunningham** stated her family has lived on Watson Hill for over 104 years. Six generations have enjoyed pristine views and extraordinary wildlife with absolute peacefulness. This land is magnificent Rural Residential District and she is adamantly opposed for all the reasons previously stated by Mr. Tilsley and others to the Rogers application for a commercial business venture on Burnham Rd.

**Hope McGowan 6 Watson Hill Rd.-** stated one of the reasons she moved to Freedom was because of the Zoning. She expected she would live in Tamworth but, her real-estate agent recommended Freedom because they have zoning and it would protect you and your property. She stated if this variance is granted it will be the exception that will eat up the rule. She is opposed to the venue.

**Barbara (Bobbi) McCracken Burnham Rd-** She and her husband are the longest full-time residents on Burnham Rd. They bought the land in 1977 and built the house in 1978. When they first moved in the Road Agent Don Brooks informed them that they would not be able to drive on the road in the spring. Because from the Rogers property to where the stone brook is the road is too muddy. They walked in from where the Rogers barn is to their property for three years. The road is very fragile. When they drive their motor home, they cannot hook their car up to it because there are places in the road where they would not be able to pass delivery trucks or other cars. Her husband has also pulled people out of the road by Lee Fritz's house because they don't realize the drop off there because of water runoff.

**Sara Florio 280 Durgin Hill-** When she bought the house it was because Freedom had a zoning ordinance, she expressed concerns that the animals will head for Durgin Hill and she already has bears on her property. She opposes the venue.

**Cody Grey-** By right the lot could be subdivided and sold off as 5 acre lots and that would generate a lot more traffic. If the area can't handle the amount of traffic the venue would generate then the town should consider talking about infrastructure issues that can't handle light commercial use and then some additional planning

conversations should happen. A development that would not need to go through the ZBA process could generate a lot more traffic than the proposed venue.

**Jeff Nicoll 85 Burnham Rd.-** feels that the commercial use of the rural residential property especially one as central to a rural neighborhood is inappropriate at best and definitely unacceptable. People in this neighborhood purchased land here and lived here for many years for its tranquility and natural spaces, the rural residential zoning established by the town protects that essential character of the neighborhood. No measure of the Roberts proposal fits in this neighborhood at all and would be a disservice to the neighborhood and establishes dangerous precedence for the town. The commercial variance would travel with the property so any conditions that the Rogers proposed today are invalid with future commercial uses. Furthermore, Jeff agrees with all the concerns and opinions of those in opposition to the variance presented here tonight and in writing. He presented three additional letters in opposition to the venue. The applicants received a copy of the letters.

**Heidi Glavin 311 Burnham Rd.-** stated the shape of the land the way the trees are cut and the slope of the hill the noise from the barn will travel. She can hear Ossipee Lake all summer long. If there is a wedding every Saturday night, she feels the sound will carry to Danforth Bay and farther.

**Anne Cunningham-** wanted to comment that Mark is correct that agritourism is a big part of activity in the State. If these owners have a working farm, two state laws would require you to consider permitting them to do the venue. She is happy to take this up with the Planning Board. She has spent many hours writing the Master Plan and it is correct that the Master Plans goal is what Mr. Rogers stated. She is not sure if in the mind of the planning board that they would let commercial activity go on in the rural residential to achieve those goals. It never came up.

**Cindy Cunningham-** stated her family has been coming here for over a hundred years and she has been coming here for over sixty years. They lost their home on Watson Hill just over ten years ago and rebuilding was emotionally difficult and very costly but they never considered leaving Watson Hill Rd. Three generations of their family are now enjoying the same space and they want these opportunities for future generations. She urges the board to protect the beauty of Watson Hill and Burnham Rd. and deny the application.

**Melanie Glavin-** she lives on Burnham Rd. and feels people choose to live in Freedom because they like the lifestyle here. If you don't like the lifestyle here then you can go to North Conway where you can get something completely different. People who live in Freedom like their privacy, freedom, peace and quiet, and she hopes to be able to protect that for generations to come.

**Scott Cunningham-** wanted to stress to everyone the variance goes with the property it does not expire. Another venue could come in with no limits. It may set a precedence for other operations. He called growing up there and recalled how sound carries being able to hear the train on the other side of the lake.

**Dennis Vienneau 212 Burnham Rd. -** Sometimes people mistake where Burnham Rd. goes and they go up his driveway. It happens every couple of days. People come flying into his driveway and come to an abrupt stop. He has dogs and chickens in the drive. He can also hear events occasionally from King Pine and is concerned about noise. They bought their house because they wanted quiet and privacy. He opposes the venue.



**Mark Sketchley 207 Burnham Rd** – his house is only 20 ft. from the rd. his concern is about the traffic. The vendor traffic could be a problem.

**Melody Glavin-** voiced concerns for the people who walk the road.

**Chairman Lees turn the discussion back to the board and the applicants.**

Karl asked if the applicants had a chance to review the letters from the abutters and public. The applicants responded no this is the first time they have seen the letters.

Joseph stated they went around and spoke to as many people that were home when they went out but nobody has talked to them about their concerns. They have been up there working for two years every day and every weekend and prior to this proposal people stopped to talk to them complimenting them on what a good job they are doing with the property. Since they have submitted the application, nobody talks to them or says hello. They have not received any letters or heard any concerns voiced tonight. Joseph is very disappointed in that. He thought he had some sort of neighborly respect. He hopes to have the same history with his family that some of the families talked about tonight living on the farm. As far as a commercial activity goes in a rural residential area, under the zoning ordinance a special exception uses include: Major home occupation, elderly group home, recreational camp or camping park, outdoor recreational facility, animal hospital, residence camp, off lot parking facility, and single-family workforce housing are things we can all picture in our minds and they all are a form of commercial activity and they are all permitted in a rural residential area.

Joseph explained that none of these special exceptions uses exist on Burnham Rd currently, they might someday. He stated they believe that their proposed use is very similar to major home occupation. It fails to meet the criteria in two areas. The percentage of the total floor area that is used. The ZBA has the authority to approve a different square foot area that is used and the other area that is short to qualify for a major home occupation is there shall be no exterior evidence of the conduct of a home occupation including noise, smells, and other nuisances. They renovated the smaller barn on the property and it is about 300 ft. from the road and it is set in a low setting with trees all around it. It does not sit at the top of the hill and he would argue that sound does not travel so well where the barn sits. They are also short on the major home occupation on the number of contractors that are permitted. They would have the potential of 5-7 vendors. He argued that a residence camp that would be open 7 days a week is acceptable under the special exception use and would bring a lot more traffic and noise than the venue.

Joseph also explained they have looked into agritourism, the caveat is you have to be a farm first and they are not. They do not sell any products but would like to in the future. The weddings that are booked are family members that will get married on the property and they have not accepted any money.

**Chairman Lees asked if the board had any questions for the applicants.**

There were none.

**Chairman Lees asked for questions from abutters in favor.**

There were none.

**Chairman Lees asked for questions from abutters opposed.**

Mr. Tilsley The Rogers did not address all the concerns and reminded the board the Rogers is here for a variance and doesn't think how close they are to this or that matters to the application.

**Chairman Lees asked if any of the public is in favor.**

Jean Marshall spoke in favor of the application.

### **Comments from the Board**

**John** commented on Heidi Galvin's and Scott Cunningham's comments about noise. As quiet as it is on Burnham Rd., he suspects you can hear King Pine. John lives 100 ft. away from Camp Robin Hood and does not hear anything and it does not generate any traffic except when they arrive and leave. Camps are different use. The issues with the road could be overcome with paving but that's not why people live up there. They live there to get out of town. A lot has changed since he has moved here and not all for the better. He agrees with Mark's comment about a special use permit. Any noise is going to impact the neighbors and does not think the application meets any of the criteria for a variance.

**Scott** agrees with John and said he had a hard time answering the *question granting the variance would not be contrary to the public interest* with so much of the public here tonight to voice opposition.

**Karl** agrees with what John and Mark said. And he likes what Mark touched on regarding a special use permit. He doesn't see weddings happening every weekend all spring and summer long.

**Jacob** doesn't think it meets the zoning either but he likes the idea. Freedom is going to evolve and feel we need to look at it. He thinks a wedding and what a wedding is meant to be still has the spirit of Freedom is. Weddings are joyous and everyone is happy and that is a part of what Freedom is. Based on zoning he can't see it happening but he would like to see it happen. When done right it reflects the spirit of Freedom.

Chairman Lees gave the applicants their options regarding their application. They could withdraw their application without prejudice and take the feedback from tonight to address the neighbors' concerns or if the board voted the application down, that would be a strike against them and their next application would have to be substantially different. Chairman Lees was pretty sure the board would vote the application down.

Joseph asked for the application to be withdrawn without prejudice.

**Chairman Lees made a motion to accept the withdrawal of this application without prejudice, motion seconded by John; Motion passed unanimously.**

Anne offered to talk to Mr. Rogers about what it would take to amend the zoning ordinance to allow this use. It is not a small effort it takes the planning board, voting by the public at town meeting. So, he would know what would get him back here to meet the 5 criteria in the application.

**Jeff made a motion to take a five-minute break, motion seconded by Scott; Motion passed unanimously. Scott made a motion to come back into session, motion seconded by Karl; Motion passed unanimously.**

Chairman Lees invited **Case # 30-12-21 Richard J. & Debra L. Strott**

Applicant seeks an appeal for a Special Exception under Article 3 Section 304.6.3.2 for erosion control in the shorefront and Article 3 Section 304.6.5.1 for Grid 8 tree cutting meeting the Special Exception standard. The applicant also seeks an appeal for the following variances:

Article 3 Section 304.2 side & front setbacks for house.

Article 3 Section 304.5 (water side) setback house.

Article 3 Section 304.2 side and front setbacks garage.

Article 3 Section 304.5 rear (water side) setback garage.

Article 4 Section 406 Septic closer than 125' to water (3 tanks and 1 field)

Article 3 Section 305.6.5.3 Tree cutting over 75' on lots over 12.5% slope in SF not meeting score requirement.

Article 9 Section 906.1 Expansion of Non-Conforming structure front setback house.

Article 9 Section 906.2 Expansion of Non-Conforming structure side and rear setback house.

Article 9 Section 906.1 Expansion of Non-Conforming structure front setback garage.

Article 9 Section 906.2 Expansion of Non-Conforming structure side and rear setback garage.

Article 9 Section 906.3 Expansion of Non-Conforming structure height increase garage.

**Map 30 Lot 12, 23 Marjorie Point Rd.**

Mark McConkey the agent came before the board and stated this a very unique property. It's a forested peninsula on a private road. The applicant wishes to augment the existing home by adding one foot of width on two sides of the existing deck, increase the width of the home on the off-water side by six feet (same roofline), install a new septic system, enlarge the garage by 10 feet, add an upper story and provide a 5' exterior stair and walkway to access that space. The septic has been in place since the sixties and a shared septic that no one has a record of. There is no building envelope on the plan. The board discussed the garage getting bigger and the size of the house 48x30. Existing lot coverage is 15.8% proposed 18.5%. Jakes concern is the .61' on the front (on-road) of the garage. The second story is only going on the garage, not the house.

The house is not going up, it's going back and they are adding a deck. The garage is the concern. John and Jake want to hold the 3.26' with a new second floor. Karl is fine with the house and he wants to keep the garage what it is and supports the deck and the stairs as long as the structure stays the same.

Karl suggested to Mark to go back and talk to the applicant. The board is fine with the new septic system.

Mark may be able to have the new plan for the June 30<sup>th</sup> ZBA meeting. Mark will let Stacy know if he is going to make it.

**John made a motion to continue case 30-12-21 Strott until July 27, 2021, motion seconded by Karl; Motion passed unanimously.**

There is no mail.

John asked Gary to check the file for John Ligouri to verify what the conditions are on the Notice of Decision.

John also reviewed the Taylors application that was just approved tonight and stated there are a lot of things that are on tonight's plan that were not on the plan from 2017 that there are no approvals for including a large patio, a retaining wall, stairs and an outdoor shower. Chairman Lees suggested sending

a letter to the Taylors explaining it has come to the board's attention that there are structures on the plan that never received a permit in 2017 and to please rectify this with the Town.

The letter will be discussed at the June 30<sup>th</sup> meeting.

- **Communication and miscellaneous.**

There was no mail.

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

The meeting adjourned at 10:00 p.m.

Respectfully Submitted,  
Stacy Bolduc,  
Recording Secretary

DO NOT WRITE IN THIS SPACE

APPLICATION # \_\_\_\_\_

DATE FILED \_\_\_\_\_

FEE PAID \_\_\_\_\_

RECEIVED BY \_\_\_\_\_

**APPLICATION TO ZONING BOARD  
OF ADJUSTMENTS  
FREEDOM, NEW HAMPSHIRE 03836**

Name of Applicant(s) Joseph, Samuel and Michael Rogers

Mailing Address 66 Hansen Rd Chester NH 03036

Telephone Number(s) (508) 801-7297 (Joseph)

Property Owner(s) Same  
(If same as applicant, write Same )

Mailing Address Same

Location of Property: Tax Map # 12 Lot # 34 Zoning District RR

Physical Address of Property 95 Burnham Rd

Name, Address and Map/Lot of all abutters whose property adjoins or is directly across the street or stream from the property of the applicant. Additional pages may be added.

MAP#/LOT#

NAME and ADDRESS

12/33 Mark and Marlene Knoll 55 Burnham Rd

12/35 Lee Fritz 159 Burnham Rd

13/8 Thomas and Suzanne Perkins 100 Burnham Rd

13/39 Robert and Theresa Zowasky Burnham Rd

(See attached for remaining abutters)

This application has been completed in accordance with the Zoning Ordinance of the Town of Freedom.

Date: 8 May 21 Signed: [Signature]  
Owner (If agent, owner must still sign)

Date: 8 May 21 Signed: [Signature]  
Owner (If agent, owner must still sign)

Date: 8 May 21 Signed: [Signature]  
Owner (If agent, owner must still sign)

**Attach Plot Plan:** Specify ALL dimensions, locate wells, septic system, label abutters and all structures.

Note: Attach copy of **Zoning Officers denial** as well as the **Plot Plan**. This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

**Complete Section 1, 2, 3 or 4.**

**Section 1. APPEAL FROM AN ADMINISTRATIVE DECISION**

Relating to the interpretation and enforcement of the provision of Article \_\_\_\_\_  
Section \_\_\_\_\_ of the Zoning Ordinance in question describe decision of the officer to be reviewed:

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Also submit a **Plot Plan** – see page 7.

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**OR**

**Section 2. APPEAL FOR SPECIAL EXCEPTION**

Describe proposed use requiring a special exception from Article \_\_\_\_\_ Section \_\_\_\_\_  
of the Zoning Ordinance:

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**Application**  
**Page 2**

New Hampshire State law requires the ZBA to hold a hearing within 30 days of the filing of this application unless the applicant agrees to extend that period. The undersigned hereby waives the 30-day time limit with the understanding this application will be heard within 60 days of the date of filing.

Signed: \_\_\_\_\_ Signed: \_\_\_\_\_

Signed: \_\_\_\_\_ Signed: \_\_\_\_\_

Also continue to Page 6; submit a Plot Plan – see page 7.

OR

### Section 3. APPEAL FOR VARIANCE

A variance is requested from Article 304 Section 3 of the zoning ordinance to permit an Events Venue, hosting community events and weddings.

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public interest because:

It would benefit the public to have such a professionally managed and maintained venue available to them.

2. If the variance were granted, the spirit of the ordinance would be observed because:

The spirit of the ordinance would be observed because the ordinance allows for home businesses and the rural look and feel of the property will be maintained.

3. Granting the variance would do substantial justice because:

It would mean the restoration, preservation and maintenance of the historical buildings, scenic vistas, fields and forests so important to the town of Freedom. As well as creating a space for multiple community uses and sharing the beauty of the property with others.



4. If the variance were granted, the values of the surrounding properties would not be diminished because:

The value of 95 Burnham Rd. will be increased with the restoration of the Farm House and Barns, therefore increasing the value of the surrounding properties.

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

The permitted use of the Rural Residential District are too restrictive for 95 Burnham Rd. Each of the uses are not conducive to maintaining the scenic vista, open spaces and historic buildings so special to the property

and:

ii. The proposed use is a reasonable one because:

an event venue will maintain the historic properties of the farm, the scenic vista and bring people together to celebrate the beauty of the town and property without excessive development.

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

95 Burnham Rd has a historic 40x80 barn that if not restored will be lost. Preserving this piece of history along with the open spaces of the property is a priority of ours as well as the streets and it should be the town's freedom's priority as well

**NOTE TO APPLICANT AND ZONING BOARD REGARDING THE UNNECESSARY HARDSHIP TEST:** If the above criteria for unnecessary hardship cannot be met, then the Zoning Board can still find unnecessary hardship if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, (a) the property cannot be reasonably used in strict conformance with the ordinance, and (b) a variance is therefore necessary to enable a reasonable use of the property. See VARIANCE WORKSHEET and RSA 674:33, I(b).

Also continue to **Page 6**; submit a **Plot Plan** - see page 7.

**OR**

**Section 4. APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS**

An Equitable Waiver of Dimensional Requirements is requested from Article \_\_\_\_\_  
Section \_\_\_\_\_ of the Zoning Ordinance to permit:

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1. Does the request involve a dimensional requirement, not a use restriction?  
( ) Yes ( ) No If you answer No you are not entitled to an equitable waiver of dimensional requirement. These waivers may not be granted from use restrictions.
2. Explain how the violation has existed for 10 years or more with no enforcement action, including written notices, being commenced by the town or by any person directly affected:

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**-OR-**

If the violation has not existed for 10 years without enforcement action, you must:

- A. Explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser, and
- B. Explain how the nonconformity was not an outcome of ignorance of the law or bad faith but was instead caused by a legitimate mistake:

A. \_\_\_\_\_  
\_\_\_\_\_

B. \_\_\_\_\_  
\_\_\_\_\_

Also, you must:

- 3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area:

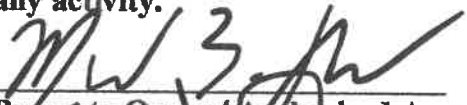
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 4. Explain how the cost of correction far outweighs any public benefit to be gained:

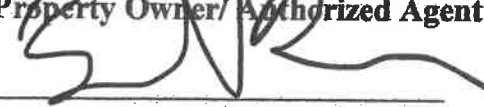
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I assume full responsibility for the accuracy of all plans and supporting information submitted with this application. I understand that I may be required to move/remove any improvement if an exact determination of any aspects of this application are found to be false or inaccurate.

I am aware that a state shoreland permit is required prior to initiating many types of construction, excavation or filling activities within the protected shoreland and any variance granted by the Freedom ZBA is contingent on approval and issuance of a permit from the NHDES (if applicable). The approved permit needs to be supplied to the Freedom Zoning Officer prior to any activity.

  
\_\_\_\_\_  
Property Owner/ Authorized Agent

8 May 21  
\_\_\_\_\_  
Dated

  
\_\_\_\_\_  
Property Owner/ Authorized Agent

8 May 21  
\_\_\_\_\_  
Dated

  
\_\_\_\_\_  
Property Owner/ Authorized Agent

8 May 21  
\_\_\_\_\_  
Dated

\_\_\_\_\_  
Property Owner/ Authorized Agent

\_\_\_\_\_  
Dated

Before planning or undertaking any construction, excavation or filling within the protected shoreland, contact NHDES:

Visit the DES web site below to determine if your property comes under the protection of the Comprehensive Shoreland Protection Act (CSPA). Read DES fact sheet, water bodies Under the Protection of the CSPA.

NH Department of Environmental Services  
Wetlands Bureau  
603-271-2147  
[www.des.nh.gov](http://www.des.nh.gov)

List of Abutters to 95 Burnham Road

Map/Lot	Name	Address
12/16	John A and Erika J Stokke	728 Eaton Road
12/21, 21-1	Dennis L Trombley, Trustee	636 Eaton Road
12/32	Randel F Cole	572 Eaton Road
12/33	Mark and Marlene Knoll	55 Burnham Road
12/35	Lee Fritz	159 Burnham Road
13/8	Thomas and Suzanne Perkins	100 Burnham Road
13/39	Robert and Theresa Zowasky	Burnham Road

## DESIGNATION OF AGENT

I DESIGNATE THE PERSON LISTED BELOW AS MY AGENT FOR THE PURPOSE OF PROCURING THE NECESSARY LOCAL PERMITS FOR THE PROPOSED WORK AS DESCRIBED HEREIN. REPRESENTATIONS MADE BY MY AGENT MAY BE ACCEPTED AS THOUGH MADE BY ME PERSONALLY, AND I UNDERSTAND THAT I AM BOUND BY ANY OFFICIAL DECISION MADE ON THE BASIS OF SUCH REPRESENTATIONS.

AGENT \_\_\_\_\_ TELEPHONE # \_\_\_\_\_

ADDRESS \_\_\_\_\_

OWNER'S SIGNATURE \_\_\_\_\_

OWNER'S SIGNATURE \_\_\_\_\_

OWNER'S SIGNATURE \_\_\_\_\_

OWNER'S SIGNATURE \_\_\_\_\_

THIS APPLICATION MUST MEET THE TERMS OF ARTICLE 19, SECTION 1901. THROUGH SECTION 1901.7 OF THE FREEDOM ZONING ORDINANCE

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_ ZONING ADMINISTRATOR \_\_\_\_\_

DENIED ☒ DATE 5-6-21 ZONING ADMINISTRATOR [Signature]

REASON FOR DENIAL 304.3 Commercial use not permitted  
in RR District

APPROVAL BELOW SIGNIFIES THAT THE APPLICANT HAS SUBMITTED PROOF THAT THEY HAVE MET ALL CONDITIONS LISTED BY THE ZONING BOARD OF ADJUSTMENT.

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_ ZONING ADMINISTRATOR \_\_\_\_\_

PER ZBA DECISION DATED: \_\_\_\_\_

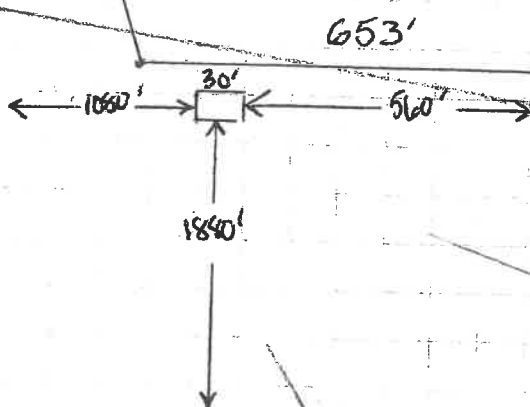
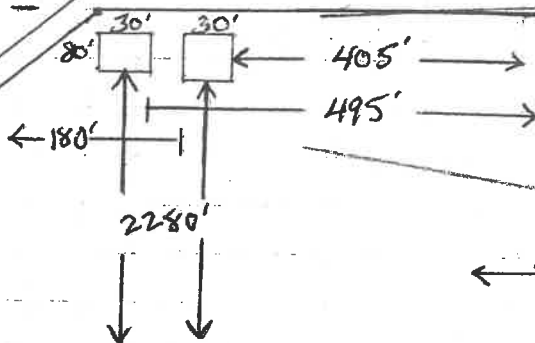
← N S →

1130'

BURNHAM RD.

ASKY  
LOT 39  
MAP 13

KNOLL  
LOT 33



SCALE  
[shaded square] = 60'

FRITZ  
LOT 35  
MAP 12

ROGERS  
LOT 34  
MAP 12

2000'

1759'

STOKKE LOT 16  
MAP 12

TROMBLEY  
LOT 21-1 MAP 12

TR

## **Valley View Farm**

### **Mission statement:**

To create a family run business on our historic and scenic property. To share the beauty of our land with the people of Freedom and visitors from all around the country. To maintain the rural nature of the property in keeping with the traditions of the town of Freedom, NH.

### **I. Community Uses:**

- A. Providing space for the town of freedom and surrounding towns to host community events.
- B. Open to any and all suggestions
- C. Examples:
  - 1. Recreation trails
    - a) Hiking, snowshoeing
    - b) Free of charge
  - 2. Fundraisers
  - 3. Movie night
  - 4. Fireman's dinner
  - 5. Board of Selectmen meetings
    - a) Handicap Accessible
  - 6. Holiday sleigh rides
  - 7. Easter egg hunt
  - 8. Old Home week
  - 9. Bingo night
  - 10. Senior night

### **II. Weddings and Events:**

- A. Seasonal Volume
  - 1. Majority of events May through October
- B. Capacity: 150

### **III. Benefits to local economy:**

- A. Events and functions incorporate all aspects of the local economy. From lodging, to food and beverage, to local retail, and area artisans.
- B. Preferred vendor list highlighting local vendors
- C. Providing map of local places of interest (ex. trails, restaurants, shopping, activities, etc.)

### **IV. Preservation of rural setting:**

- A. Restoration of Farmhouse
- B. Restoration of Barn
- C. Maintenance of 88.5 acres and all structures, forests, fields, trails, and rock walls contained within.



V. Professional Vendors:

- A. Requiring clients to obtain contracts with professional vendors. Each vendor will have insurance.
- B. Examples:
  - 1. Caterer
  - 2. Tent
  - 3. Music
  - 4. Bathrooms

VI. Parking:

- A. Adequate off street parking
  - 1. Along driveway to Little Barn
  - 2. In designated lot location (see attached plot plan)
  - 3. No on street parking allowed

VII. Shuttle:

- A. Requiring clients to hire transportation to and from events.
  - 1. limits traffic traveling on roadway,
  - 2. limits number of vehicles at property
  - 3. allowing for ease of access for emergency services.
  - 4. In one way and out the other therefore limiting impact to residents of Burnham Rd.

VIII. Alcohol Policy:

- A. An insurance rider in the amount of \$2,000,000 must be secured for the duration of event. It must cover alcohol liability through your homeowner's insurance policy or via an online event company. Once this policy is obtained, you are allowed to provide all of your own alcohol for event.
- B. Must hire professional bar service for duration of events.

IX. Trash/Recycle/Cleanliness:

- A. Providing appropriate receptacles around property
- B. Contract with local disposal company to ensure waste is disposed of properly and town transfer station is not impacted.

X. Noise:

- A. Use decibel meter to monitor lvl of music
- B. Amplified music must be played in a direction opposite of our neighbors
- C. Music Cut-off/Event end/Quiet hours
- D. No fireworks allowed

The board will use these statements to evaluate any recommendations proposed in the Master Plan.

In addition, the board proposes the future vision for other aspects of the town—not directly related to land use:

- Has maintained a low crime rate.
- Has maintained the rights of all citizens to their individual peace and tranquility.
- Has accommodated the services and infrastructure needs of residents without placing an undue tax burden on taxpayers.
- Has kept its property tax stable.
- Has planned and implemented a safe, attractive, and efficient road transportation network.
- Has an up-to-date Emergency Management Plan.
- Has supported energy conservation and the use of alternative energy.

How do we get there?

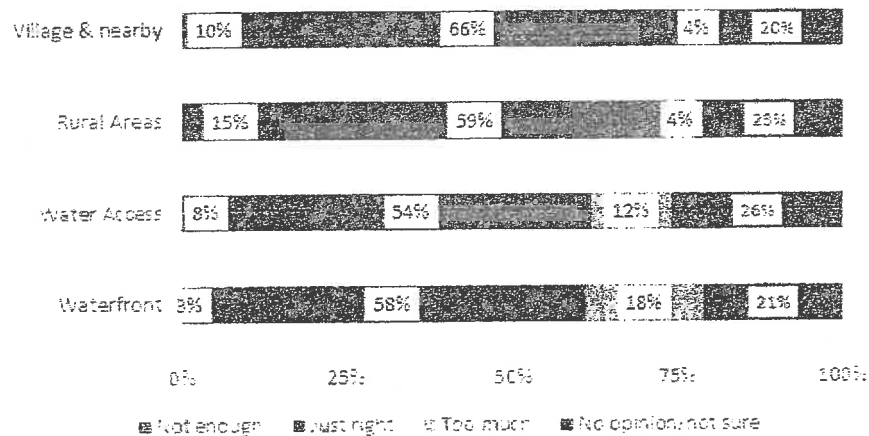
The following chapters in this Master Plan contain the guiding principles and recommendations necessary to achieve this Vision for the Town of Freedom.



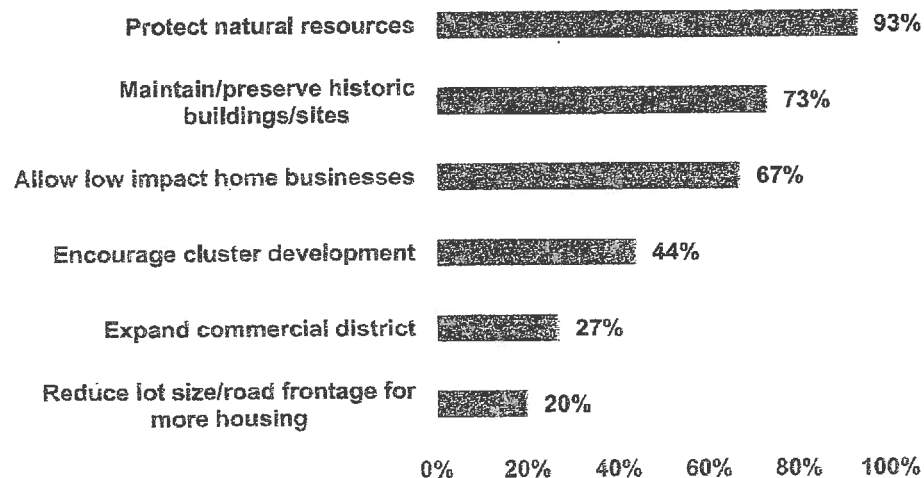
Photo: Burnham Road overlooking Ossipee Lake—Rick Davidson

## APPENDIX E: Detailed Land Use Data for Chapter 4

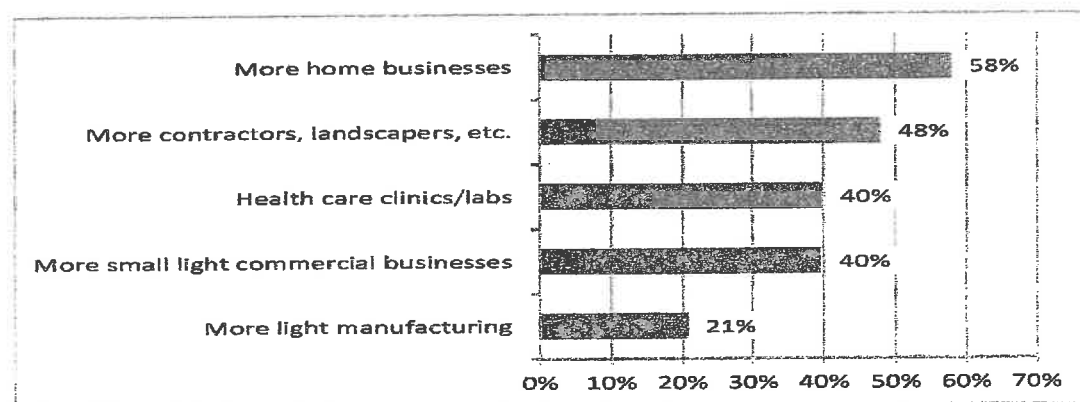
**Chart E-1: Satisfaction with current development levels**



**Chart E-2: Support for future zoning regulations in these areas**



**Chart E-3: Support for commercial activity**





3280 White Mountain Highway  
PO Box 70  
North Conway, NH 03860  
Phone - 603/356-9444  
Fax - 603/356-2850

May 5, 2021

Mr. Joe Rogers  
95 Burnham Road  
Freedom, NH 03836

Hello Joe,

Thanks for having me in to look at all the work you have done to the old Chapman property at 95 Burnham Road. You are doing a wonderful job and the changes you have made are the improvements the home has always needed. For all practical purposes this is now a new home. The change to the layout to maximize the view, the installation of a new four bedroom septic system, along with all the other upgrades have added substantial value to the property. The time and effort making these improvements is justified by that beautiful setting. With 88 acres of woods and fields and one of the most outstanding views found in the area, when complete you will have a spectacular home.

Value is determined by making comparisons to other recently sold properties. Enclosed please find listing sheets describing similar homes in Conway and Eaton that have recently sold. All three are also spectacular properties on large parcels of land with two of the three also having very nice views. These homes sold in the range of \$900,000 to \$1.23 million. All have sold this year and all were on the market less than 2 months. Also enclosed are three additional comps of homes located in both Moultonborough and Tamworth that help to justify this same value range.

Based on my personal knowledge of the comps and my observations as to what you have done and are well on your way to finishing on the home, it is my opinion that the value of the property when complete will be in the range of \$1.1 million dollars.

Please do not hesitate to contact me with any questions.

Thank you,

Paul Wheeler  
Broker/Owner  
Re/Max Presidential  
paulwheeler@realtor.com  
603-801-4149

Nobody in the world sells more real estate than RE/MAX.  
Nobody in the Mount Washington Valley sells more real estate than RE/MAX Presidential.

# Willow Tree Events

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1665 Village Road Silver Lake, NH | 978.994.6119 | Meg@willow-tree-events.com

**April 21<sup>st</sup>, 2021**

Chairmen Lees & Fellow Chairholders

**Zoning Board of Adjustment**

**Freedom, NH**

Good Afternoon,

I am writing to you today as a local business owner who would appreciate the opportunity to speak to you on how our beautiful valley can, and has, benefit(ed) from having local, intimate, family-owned event venues. I am a wedding planner and owner of Willow Tree Events. I have been working at various venues, Inn's, camps & private properties here in the Valley for 8 years. My office is in downtown North Conway and I live in Madison with my family. Throughout my time planning and executing events in the area I have noticed quite a few similarities with the clientele as well as their guests and I would like to offer you some insight into what that looks like.

The couples that come to our beautiful valley to get married travel from not only all over the United States, but also from various parts of the world. The stories why they chose this area is always the same "We summered here at my Grandmother's house and I have fond memories" or "Where else can you go where you get that small town feel and are surrounded by outdoor activities for our guests to enjoy." My clients are adventure seekers. They are outdoor enthusiasts. Avid climbers. They want to come to a place where they can host their friends and family for the weekend at a family owned spot and give them a true NH experience. We secure local lodging for them, call in Eldridge Transportation to bus them to and from the event. We call upon local caterers, restaurants, florists, photographers, artisans, and bakeries to help pull the team together to curate a laid back yet elegant event. We offer activity sheets to our clients that include hiking trails, the best cafés to go for breakfast, the Mom-and-Pop shops that are a must see. We team up with our local artisans to customize wedding favors and welcome bags to go to the hotels. The request I get from every single couple is that they want local items, local products, local adventures, and local vendors. They come to the Valley for a true White Mountain Wedding Experience. Not just to come to spend 5 hours at a venue and then head home. They are here spending their money and supporting our local economy. As I am sure you have gathered, a wedding like this does not come cheap. The couples that come here to spend the weekend with their nearest and dearest are securing dinner reservations for Friday, brunch for Saturday, catering for their reception and then sourcing brunch for Sunday as well. They are securing lodging, transportation, and event insurance. They fall in a group of people that have the money to spend yet are mindful of how and where they want to spend it. They are eco-conscious (most of my events are green, and we love that). It goes without saying that they are a mindful and respectable group. You do not come to the mountains to get married unless you are a lover of nature and all it has to offer.

I also feel that it is important to mention some logistics to what it means to host an event at your property. Every local venue requires 4 things to be able to host your wedding 1.) An insured,

registered planner to be on-site 2.) A 2-million-dollar event insurance policy 3.) A licensed and insured catering and bar company 4.) All vendors involved must carry insurance and be registered with the state.

The goal of the vendor and venue team is to ensure that all the rules are followed, the property is respected and used by seasoned professionals and everything is done by the book and done so seamlessly. You see, when you live and work in the area you tend to be overprotective of it as well. The vendor community is a tightknit one. We look out for our towns as well as each other. We attract a certain type of clientele, and that clientele mimics our same beliefs. We focus on how we can support one another and pull in any small businesses that we can.

It has been my experience with our local venues that they also like to be involved in the community. Some of my favorite events that I have seen at our local venues include guided nature hikes, rock wall tours, live paint events, soup clubs, hosts of school (craft fairs get me every time!) and municipal functions and CSA offerings. They have held fundraisers for our Fire Departments, PTO's and food banks. The hope when living here and owning a business is always to give back when and where you can. After all, you do not come to the MWV unless you are looking for that small town community. I know that The Roger's family deeply wants to be able to set down roots here, give back and hopefully will be able to raise their 2 boys in the valley as well. Leah is a well-respected member of our vendor community and I fully support her dreams of offering not only a unique and intimate venue for couples to say I DO at, but also an inclusive space for the community to be able to gather at and start creating memories for years to come. Thank you for you time.

**Sincerely,**

**Megan Thomson**

**WILLIAM WALSH POST AND BEAM**

P.O. Box 557 Ossipee, NH 03864

Ph. 603-520-6223

Town of Freedom  
Freedom, New Hampshire

Ref. Restoration and wedding venue permit of barn located at 95 Burnam Rd.

The barn located at 95 Burnam Rd. is a historical piece at Freedom history. At this point it requires a big amount of repair to restore it for future generations.

I am planning to start working on the barn in 2021 to save it and give it another life, and I already received a deposit from the owners for that purpose.

Once the barn is restored and finished, it should be enjoyed by the many people that get to spend time in it. The use of the structure as a wedding venue will generate funds for keeping it a historical addition to Freedom's history.

If you have any questions please don't hesitate to contact me.

Thank you

Bill Walsh  
Ph. 603-520-6223

Support for Question 5 - Unnecessary hardship

Joseph Rogers  
Fw: Ehrlich  
Feb 6, 2021 at 9:51:31 AM  
Nancy Cristoferi

----- Forwarded Message -----

From: Mike Rogers < >  
To: Joe Rogers < >; Sam Rogers < >; Zack Rogers < >  
Sent: Tuesday, May 19, 2020, 10:46:43 AM EDT  
Subject: Fwd: Ehrlich

FYI  
Check it out. The second company Modern Pest Control quoted just under 25K so they are in agreement. I'll forward that as well. Modern feels that the entire barn needs to be tre

Begin forwarded message:

From: Sarah Bolduc < >  
Subject: Ehrlich  
Date: May 11, 2020 at 6:01:56 PM EDT  
To:

Hello,

It was nice to meet you today. Per our conversation the recommendation would be to do an exterior treatment on the homes in the fall once you button things up a little bit. We c

As far as the powder post beetles go in the barn. I wouldn't treat them until you've completed the structural work as you will be adjusting a lot and touching the beams etc.. The cl  
your hands. Again, once the construction is complete give me a call and I'll come by with my manager and we will reassess the space that needs to be treated. You are looking at

Any questions please let me know.

Powder Post Beetles

For our powder post beetle treatment we treat the affected areas with a specialized boric acid product that seeps thru the wood over the course of several years working thru the life cycle of the  
3-6 coats. We treat allow to dry and then treat again until the appropriate amount of coats per the Label have been applied. The work here can be financed 12 months interest free as well as exte

**Sarah Bolduc**  
Account Executive, JC Ehrlich

Connect with us:

jcehrlich.com

This e-mail together with any attachments is intended only for the recipient(s) named above. It may contain confidential and/or privileged information and express views or opinions that are those of the sender and not necessarily of the sender's organization. The disclosure, reproduction, distribution or other dissemination or use of this communication is strictly prohibited by anyone other than the intended recipient(s). If you are not a named recipient, please contact the sender and delete this e-mail from your system.

Rentokil North America, Inc., 1125 Berkshire Blvd, Suite 150, Wyomissing, PA 19610



Support of Question 5 - Unnecessary Hardship

Joseph Rogers

Fw: 95 Burnham Road, Freedom NH

PPB Quote

Feb 6, 2021 at 9:51:00 AM

Nancy Cristoferi

----- Forwarded Message -----

From: Mike Rogers < >  
To: Joe Rogers < >; Sam Rogers < >; Zack Rogers < >  
Sent: Tuesday, May 19, 2020, 10:48:38 AM EDT  
Subject: Fwd: 95 Burnham Road, Freedom NH PPB Quote

Modern quote.

Begin forwarded message:

From: Rich Sevigney < >  
Subject: 95 Burnham Road, Freedom NH PPB Quote  
Date: May 18, 2020 at 11:51:34 AM EDT  
To: " " < >

Good Morning Mike,

Please see attached quote to complete your Powder Post Beetle project at your home in Freedom NH. Powder Post beetles are a unique in the fact that the get the surfaces ready for applications. If there is any "frass" or debris on the wood surfaces the material we will be using will not saturate into the wood prop open and treatment within the barn can be easily completed, it's just a lot of square foot to treat.

Within the home of the property which is under construction you do have some damage from the beetles as well, but the extent of that structure is small in c

Due to the scope of the project we will need three days with three team members at the home and the barn to complete the job properly. The material has a were observed while I was on site.

In total your quote for the barn and home is 24,895.00. This will include a two year warranty on the service with a 30 day and 1 year reinspection on the trea

It was great speaking with you and your son on Friday, he and the young lady on site were very pleasant. I look forward to hearing back from you Mike and f

Yours,

**Richard J Sevigney III**  
**Associate Certified Entomologist**  
General Manager

**Modern Pest Services - an Anticimex company**

Mobile: [rich.sevigney@modernpest.com](mailto:rich.sevigney@modernpest.com)

AN ANTICIMEX COMPANY

Modern