

**ZONING BOARD OF ADJUSTMENT
P.O. BOX 227
FREEDOM, NH 03836**

Freedom Zoning Board of Adjustment: **August 24, 2021.**

Present: Chairman Scott Lees, Vice Chairman Craig Niiler, Karl Ogren, John Krebs, Zoning Officer Gary Williams, Recording Secretary Stacy Bolduc.

Absent: Jacob Stephen, Jeff Fongemie (A), Denny Anderson (A),

Public: Mark McConkey, Jacob McConkey, Jim Rines, Bruce Howlett, June Howlett, John Hickman, Raymond Desmarais, John Pisano.

During this meeting the following cases will be heard:

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

Case 33-38-21 Darlene C. & John Pisano *Continued from July.*

Case 23-16-21 John & Sharon Hickman

Case 24-13-21 DJH Investments Trust

Chairman Lees called the meeting to order at 7:00 p.m.

Chairman Lees introduced the Board to the Public.

Chairman Lees explained that tonight's board consisted of four board members. He further explained that the applicants have a right to five board members and would need the vote of three board members to have their application approved. They can ask to have their case continued if they want a five-member board.

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 June 30, 2021 meeting as written.

Motion passed unanimously.

Karl questioned why the Lawnicki's were not on the agenda. Agent Mark McConkey explained they were still not ready but thought they would be next month. The discussion went back to reviewing the minutes for July.

Karl made a motion seconded by John to approve the July 27, 2021 minutes with the following amendments:

Pg. 3- fix the font at the top of the page line 92 down to line 115.

Pg. 5- line 204 correct the expiration date to 7/27/2023.

Pg. 7-line 276 top of the page correct the expiration date to 7/27/2023.

Pg. 8- line 338 halfway down the page correct the expiration date to 7/27/2023.

Pg. 9-line 368 top of the page correct the expiration date to 7/27/2023.

Pg. 13- line 558 top of the page correct the expiration date to 7/27/2021.

Pg. 13- line fix the font line 556 starting at Finding of Facts to line 570.

PUBLIC HEARING

Chairman Lees invited Case # 30-12-21, Richard J. & Debra L. Strott to approach the board.

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 2, at 23 Marjorie Point Rd.

Agents Mark and Jacob McConkey approached the board. Mark stated the applicants have requested their application to be continued until next month when more board members may be present.

Karl commented to Mark that he may want to check his garage calculations on the new plan because he didn't think they were correct.

Chairman Lees made a motion to continue case 30-12-21 for Richard J. & Debra Strott until September 28, 2021, motion seconded by Karl; Motion passed unanimously.

Chairman Lees invited Case # 33-38-21, Darlene C. Johnson & John Pisano to approach the board.

The applicant wishes to replace the existing home with a new home, garage and septic system that will be further from the waterfront and construct retaining walls that will break or soften the slope and lessen stormwater flowing down the hillside unabated. The new construction meets town zoning regulations. The applicant seeks an appeal for the following:

Special Exceptions under Article 3 Section 304.6.5.1 tree cutting within 75' of the reference line. **Special Exception under Article 3 Section 304.6.3** for erosion control or cutting and removal of trees.

The applicant also seeks the following variances:

Article 3 Section 304.5 Variance sideline and rear (water) setbacks.

Article 3 Section 305.6.5.3 Variance for tree cutting on a lot greater than 12.5% grade

Map 33 Lot 38, at 169 East Danforth Rd.

Agents Mark and Jacob McConkey came before the board to present this application. The applicant John Pisano was also present. Mark explained the updates to the application as a result of last month's ZBA meeting.

Points discussed:

- The request for Article 7 Section 704.3 for structures that exceed 15% of total lot coverage was withdrawn.

- Per the FCC request, an updated plan of plantings was added.
- Tree cuttings are centralized to where the proposed house, garage, and plantings are going to go.
- This is a peninsula lot. The grade is 12.50% so the trees were mapped from the shore to the top.
- The retaining wall down near the water has been removed from the plan.
- The retaining wall along the driveway is a redi rock wall and has a foot of stone drainage behind it. This serves two purposes. It raises up that side making the grade easier into the driveway that goes to the garage. It also acts as a stormwater measure that will direct stormwater into the ground. The wall does not exceed 4' at any point and could be as low as 2'.
- Dripline trenches have been added to the buildings.
- Tree plantings for Grids 6-9 include 1" diameter & a mix of white pine, juniper, and high bush blueberries.
- The proposed house/footprint has been reduced in size and pulled back and does not impede on the existing home that will be removed.
- The variance is for the wall.

Chairman Lees read a letter from Kerry Jennison into the record an abutter to this property who is opposed to the proposed project. She stated she only supports the construction of a new home that conforms with the Town and State regulations as written without any variances.

Chairman Lees asked if any abutters would like to speak.

Bruce Howlett an abutter explained he works in construction and builds buildings and looks at logistics and feasibility. He stated he has concerns about this proposed project and feels this site is being oversimplified. He explained further this property falls in four directions and two of them are on the water. He has not seen any grades or slab elevations. He did his own analysis and has some concerns about the proposed project. With the aid of a handout (see attached) he explained what he saw as the challenges for this project. (See attached).

Concerns:

- The new configuration of the house with a walkout going to the northwest changes' things significantly.
- The first house is in front of the knoll and 180° to the west. The proposed house is looking both west and northern with a sideline view of 250° which may result in cutting of trees.
- The retaining wall does not help the river. Danforth has multiple issues including silt, plant bacteria, runoff problems, and milfoil. Bruce is concerned about proposed number of trees to be cut in the shoreline setbacks and disturbing the slope will cause more problems.
- Why is a retaining wall in the 75' buffer needed?

Bruce presented an alternative to the proposed plan that included:

- Not building a retaining wall (end of the driveway down to the river) around the house to minimize river slope disturbance. Requires less cutting of trees.
- Move the proposed house forward to mirror the image of the house so walkout is southwest.
- Narrow building to the setback.
- Raise the driveway retaining wall

Other concerns discussed:

- The walkout (back of the house) is facing into the knoll which would require tree cutting.
- There are no slab elevations and contours on the plan.
- Deed restrictions against retaining walls.

There were no other abutters or public to speak to this application.

John asked if Mark could move the wall out of the shoreland setback? Mark said he would look at the wall and he could give inside and outside elevations. He will also get slab elevations and final contours for the walkout, top of the building, and the garage. Craig questioned what kind of plantings were being considered? He expressed concern about having to use any fertilizer in that area. Mark thought maybe a lawn in front of the retaining wall near the house but nothing down by the water.

Tree grid values were discussed next. Jacob stated per the FCC requests he added more plantings in grids 6-9. Grid 6 went from 0 points to 9 points. Grid 7 total points after cutting 11 and they propose 10 trees for a total of 25 points, grid 8 where the septic is going has 127 points existing and after all is said and done will have 45 points. Grid 9 83 points and will end with 41 points. Jacob explained how he chose the trees that would be cut.

After an engaging discussion around the size of the wall, Mark commented he they may shorten the wall by 50' on the updated plan.

Chairman Lees opened up the discussion to the abutters.

Bruce commented that he and his neighbor Kerry Jennison would like to see more of the trees saved outside of the realm of the house and septic and if the wall is going to be shortened, he would like to see those trees saved as well. He also questioned why the retaining wall has to be placed so close to the neighbor's line and resulting in the loss of more trees.

John requested that Mark take look at the placement of the retaining wall to see if it can be moved further away from the neighbor's line and shortening the wall will help with the excessive tree cutting.

The board requested the following revisions to the plan.

- Show finish grades.
- Show spot grades top and bottom of the retaining wall.
- Show in detail how the back of the wall is being used for stormwater control.
- Show where the wall drain pipe is going to discharge.
- Create another plan showing tree cutting.
- Reduce tree cutting.
- For planting show type and size of plants full size plan.

Karl made a motion to continue application # 33-38-21 Darlene C. Johnson and John Pisano until September 28, 2021, with application submitted deadline of September 13, 2021, motion seconded by Craig; Motion passed unanimously.

Chairman Lee's invited Case #23-16-21, John & Sharon Hickman to come before the board.

The applicant wishes to raise a non-conforming structure and not exceed the height noted in the ordinance to grant better access to the basement.

Variance under table 304.2 Article 9, Section 906.3, Expansion of a non-conforming structure.

Map 23 Lot 16 at 77, Intervale Ave.

Ray Desmarais agent, and John Hickman approached the board to present the application. Ray explained they are trying to put a foundation under the house to better access the basement.

Points discussed:

- Currently the house sits on a block foundation and the basement is accessed through the floor in a closet.

- The plan is to dig down at least four feet and put in a bulkhead.
- The front deck will be replaced with a smaller deck.
- House is being raised around 2' but still under 35'.

There are no abutters or public present to speak to this application.

The board elected to review the Variance worksheet for Article 9, Section 906.3:

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 4-0.**
2. The spirit of the ordinance is observed if the variance is granted. **Carried 4-0.**
3. Substantial justice is done by granting the variance. **Carried 4-0.**
4. The value of surrounding properties is not diminished if the variance is granted. **Carried 4-0.**
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 4-0.**
 - (ii) The proposed use is a reasonable one. **Motion carried 4-0.**

Conditions:

1. Per the application titled John & Sharon Hickman Case # 23-16-21

Findings of Facts:

1. House is currently on a block wall with a crawlspace causing moisture problems.
2. Roof height will be 2' taller.

Motion: Chairman Lees made a motion that, based on the foregoing findings of fact, the requested Variance from Article 9, Section 906.3 of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 4-0.

Chairman Lees explained the 30-day appeal process. This variance expires 8/24/2023.

Chairman Lees invited Case # 24-13-21 DJH Investments Trust to come before the board. Applicant is seeking a Special Exception under Article 3 Section 304.6.5 for cutting and removal of trees and natural vegetation in the Shorefront District.

John Krebs recused himself and stepped away from the table.

Jim Rines from White Mountain Survey agent came before the board and stated that his clients are fine with a three-member board. He explained that he was not able to present last month and Marc Lucy who presented on

his behalf was not familiar enough with the plan and didn't know that there were trees on the plan marked for removal.

Jim responded to the concern that the Freedom Conservation Committee (FCC) thinks that too many trees are being removed. He did not think that the FCC realized that the grids are 25' grids required by the State vs. the 50' grids the Town uses. Jim explained the grid counts and stated they have the required number of points. The only grid that is deficient, no trees are being removed.

Points discussed:

- The stumps will remain and be ground down.
- The grids are 25' thus cutting the points in half.
- Grid two has 125 points.

The board elected to review the Special Exception Worksheet for Article 3, Section 304.6.5:

| | |
|-----------------------|-----------------------|
| A- 3-0 motion carried | J- 3-0 motion carried |
| C- 3-0 motion carried | K- 3-0 motion carried |
| H- 3-0 motion carried | L- 3-0 motion carried |

Conditions:

1. Per the plan titled Zoning Board of Adjustment Plan for DJH Investment Trust 173 Haverhill Street, Freedom NH, 03836 Revision date 8/5/21.
2. Stumps to be ground.
3. Obtain any and all State permits required.

Findings of Facts:

1. Grids 1 and 2 will remain in excess of 100 pts.
2. Grid 3 has no cutting.

Motion: Chairman Lees made a motion that, based on the foregoing findings of fact, the requested Special Exception Article 3 Section 304.6.5 of the Town of Freedom Zoning Ordinance be granted with conditions. Karl seconded the motion; Motion carried 3-0.

Chairman Lees explained the 30-day appeal process. Special Exception expires 8/24/2023.

John Krebs came back to the table as a voting member.

- **Communications and miscellaneous.**

Letters from Tom and Nancy Achenbach contesting the approval granted at the July 27, 2021 meeting were read next. John explained this application that was presented last month to board members that were not at the meeting last month. He explained that the neighbors are concerned about the property being very wet and water going into their basement as a result. The only thing that falls under this board's purview is the setbacks from the wetlands. Marc McConkey hired a wetlands scientist to delineate the wetlands knowing that this lot might be contentious with the neighbors.

Chairman Lees asked the board members that were present from last month if they thought there was any new information presented in the letters that were not presented last month that may have affected their decision.

Points discussed:

- The septic tank was the only thing that needed approval for setbacks. The setbacks meet state standards.
- There is no new information presented that would change the board's decision last month.

John made a motion to not grant a rehearing for the application for Heidi Jones Case# 8-7-21, based on the fact that there was no new information presented, that would have changed the Board's decision; Motion passed 4-1-0. Jake abstained due to being absent from the meeting.
Zoning Officer violations letter update.

A letter from the Board of Selectmen was read into the record regarding zoning -related concerns. Letters from the Zoning officer Gary Williams to George Conroy and William and Cheryl Taylor regarding zoning complaints were also reviewed. Gary updated the board on the status of each complaint.

Chairman Lees asked board members to be thinking about the joint meeting with the Planning Board and what they would like to discuss for proposed changes to zoning ordinances.

Some proposed changes:

- **Tree cutting in the shoreline (give Gary more leeway for cutting or follow the States requirement).**
- **Follow the States zoning requirement for septic systems setback from wetlands.**

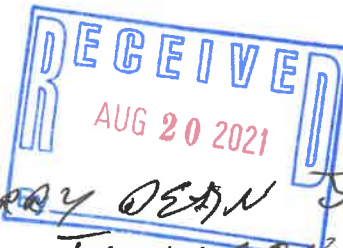
There being no new business to come before the board, the Motion by Chairman Lees, seconded by Karl that this meeting adjourns; Motion passed unanimously.

The meeting adjourned at 9:30 p.m.

Respectfully Submitted,
Stacy Bolduc,
Recording Secretary

Pisano 33-38-21

AUGUST 16, 2021



KERRY DEAN JENNISON
C/O JENNISON ENTERTAINMENT
822 S NOVA RD
DAYTONA BEACH FL.
32114

TOWN OF FREEDOM
ZONING BOARD OF ADJUSTMENT
POST OFFICE BOX 227
FREEDOM NH 03836

RE: 33-28-21

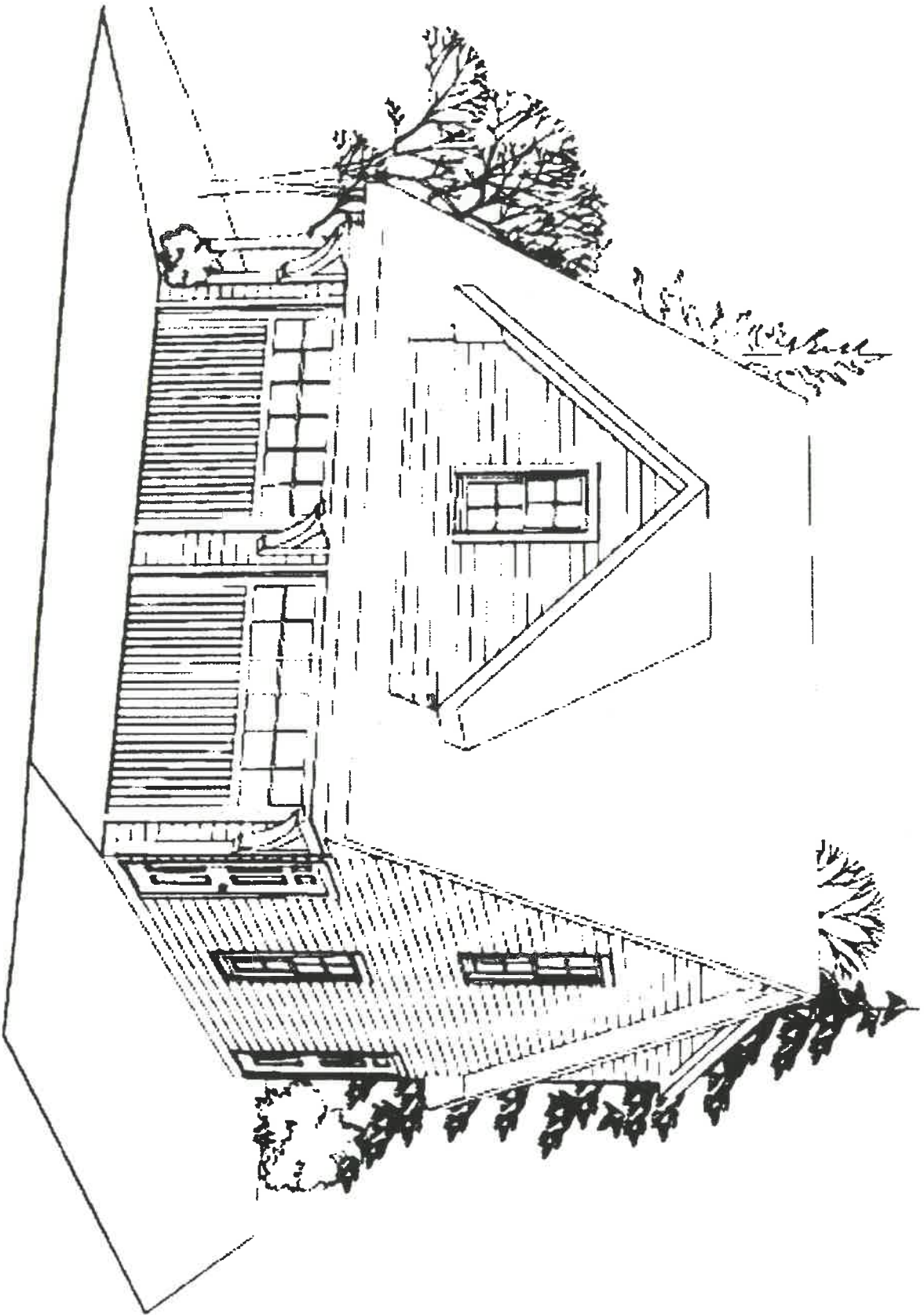
DEAR ZBA

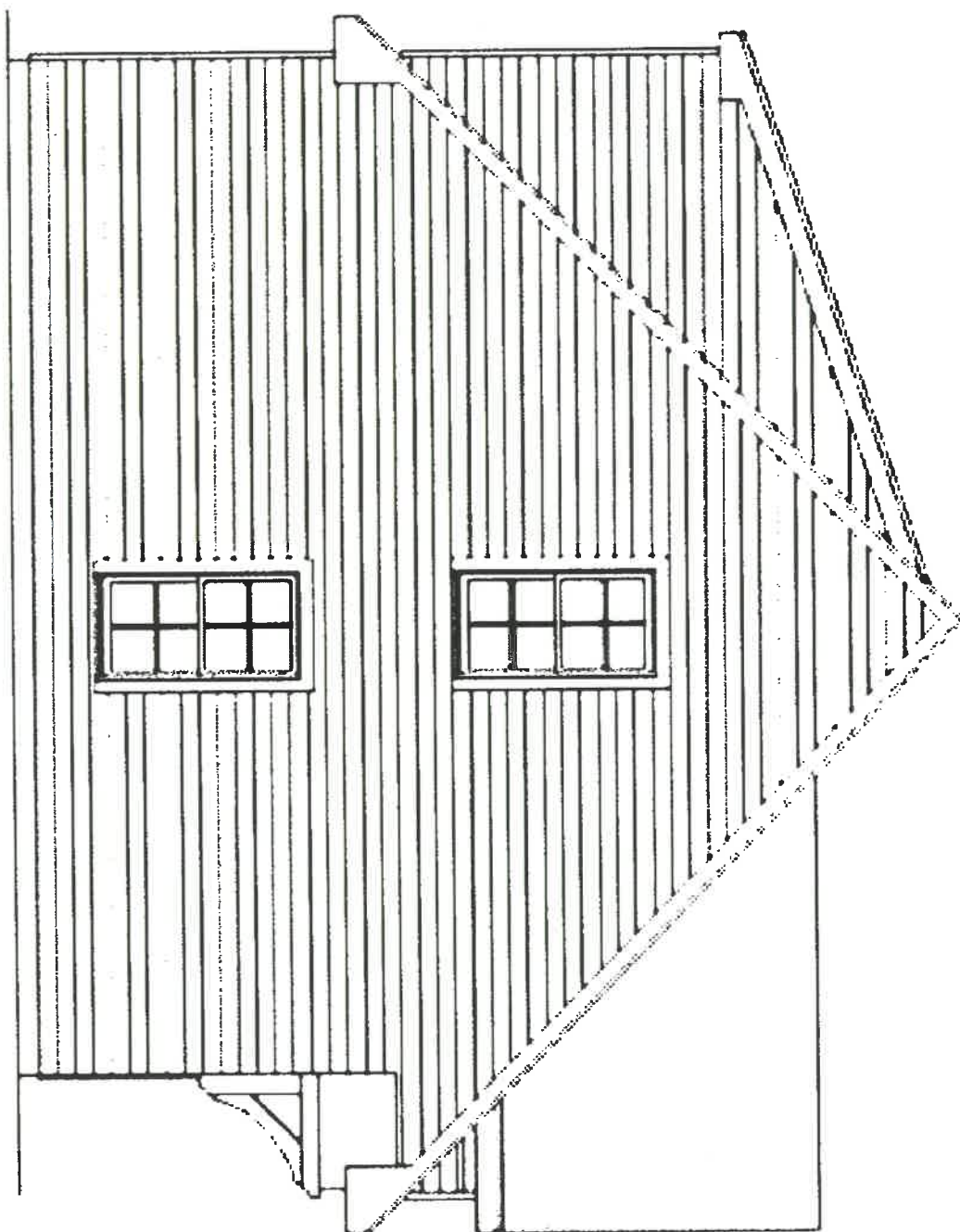
I AM AN ADJUTER TO THE NORTH OF THE LOT SEEKING VARIANCES. I HAVE BEEN AN OWNER IN THIS GROUP OF HOUSES LOCATED ALONG THE WATER AND AMONGST THE TREES FOR MORE THAN THIRTY-FIVE YEARS. I HAVE SERIOUS CONCERNS ABOUT THE PROPOSED HOME'S CONSTRUCTION REQUESTS FOR VARIANCES TO CUT TREES, CLEAR LAND AND BUILD RETAINING WALLS AND I WOULD PREFER TO SEE LESS TREES CUT IN THE SHORE LINE ZONE THAN MORE. I AM OPPOSED TO ANY VARIANCES THAT ALLOW CUTTING AND CONSTRUCTION IN THE YARD AND SHORE SET BACKS. I CAN ONLY SUPPORT CONSTRUCTION OF A NEW HOME THAT CONFORMS WITH THE TOWN AND STATE REGULATIONS AS WRITTEN WITHOUT ANY VARIANCES

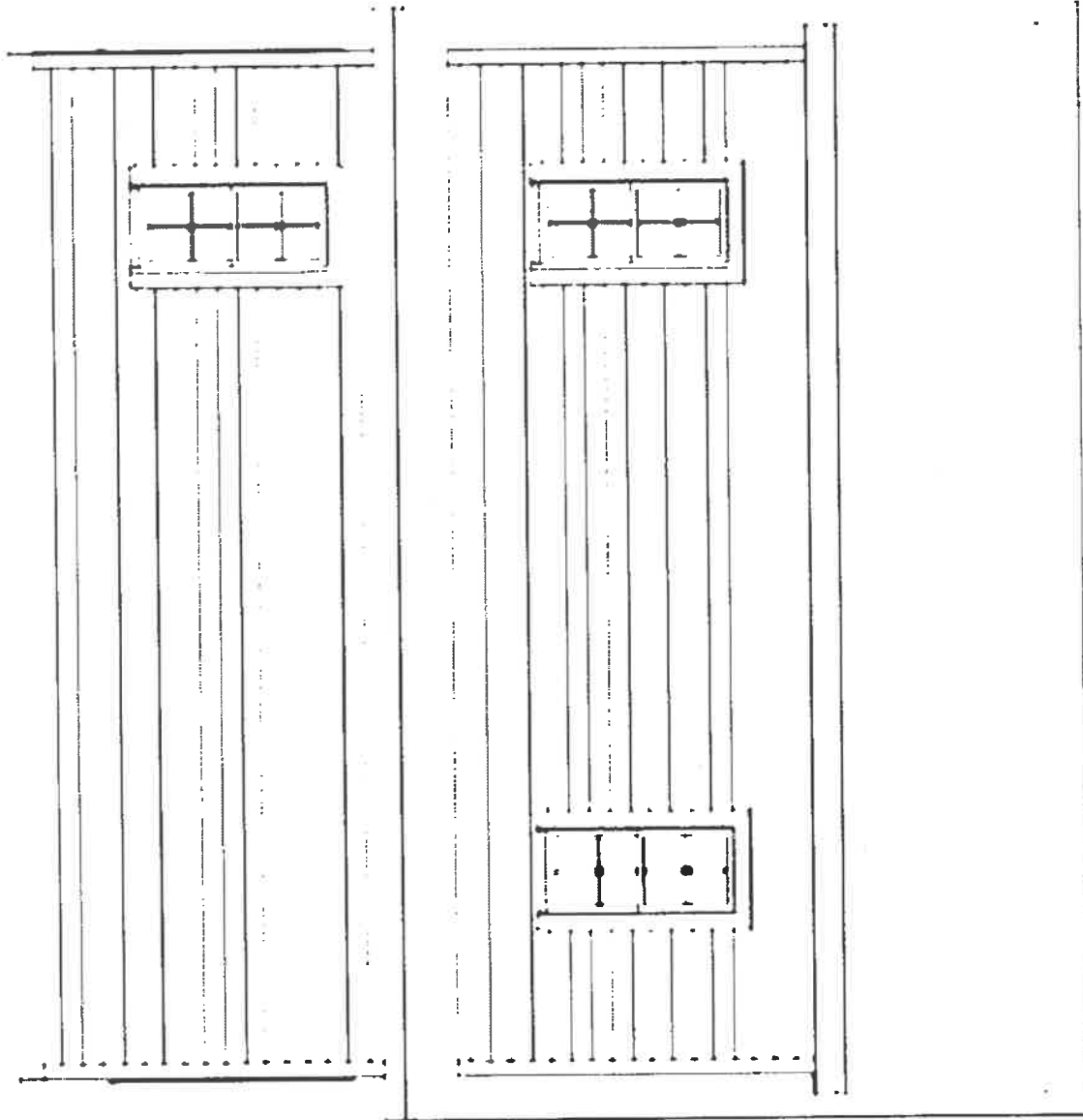
SINCERELY

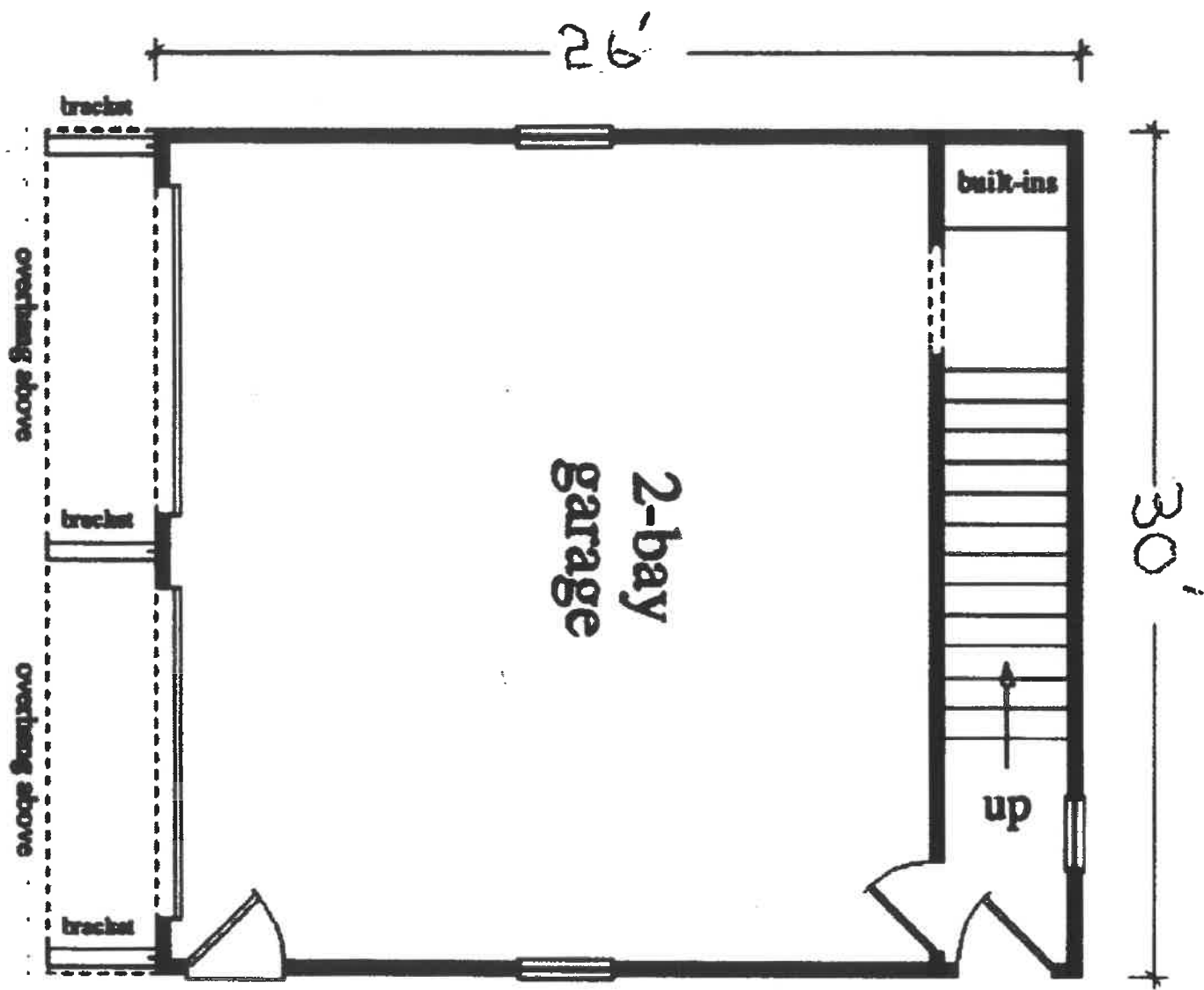
Kerry Dean Jennison

P. Sand added to the Aug meeting









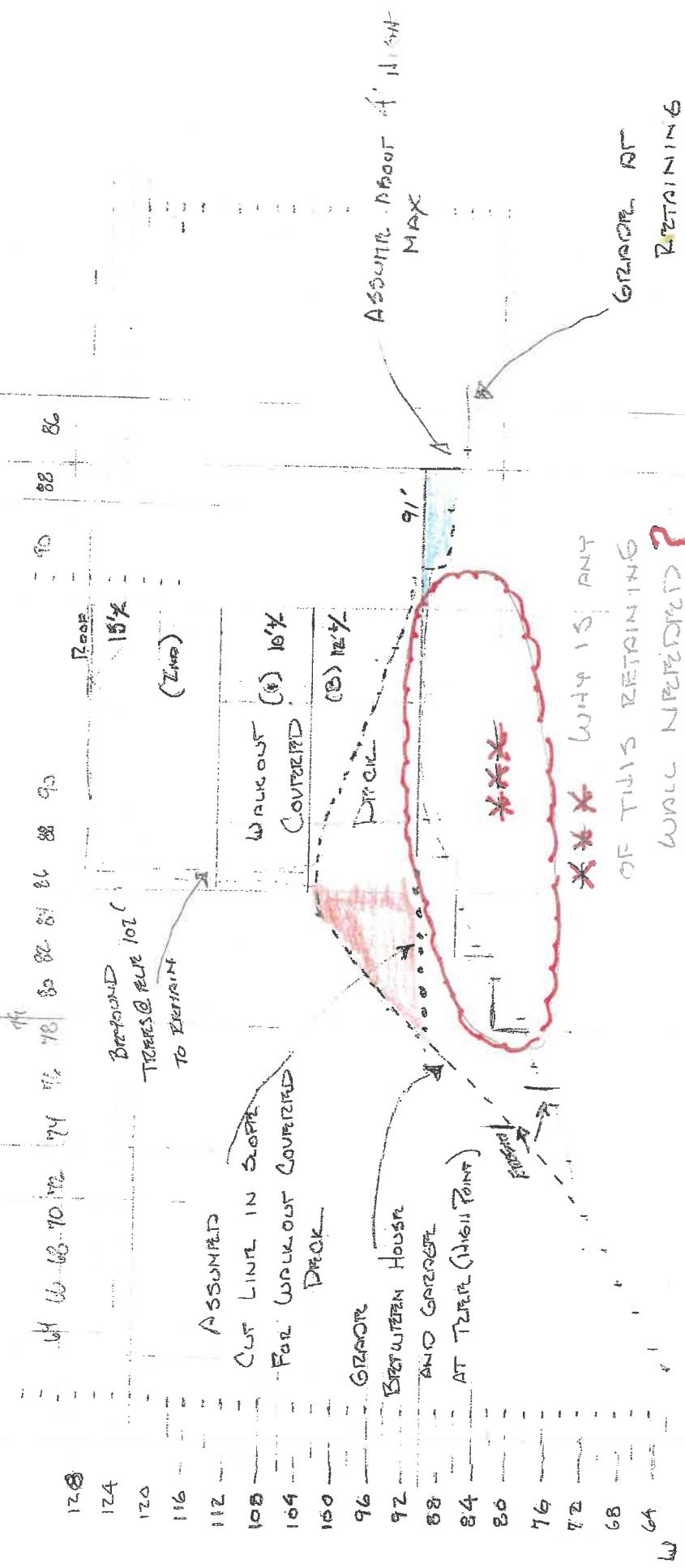
22

Prophetie Linie

33 607 31

Slope

5255



2015

Fill in 3.06 yard

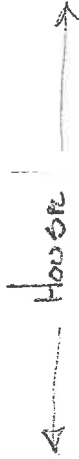
View From Window Looking East



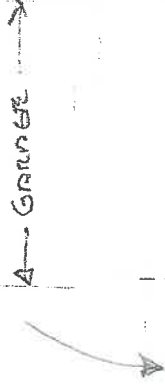
75'

SETBACK

FROM DANFORTH
POND



TURN
TO RETURN
TO PLE 102'



128

124

120

116

112

108

104

100

96

92

88

84

80

76

72

68

64

WATER

DANFORTH
POND

POND

*** WAY IS

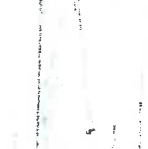
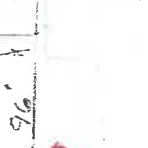
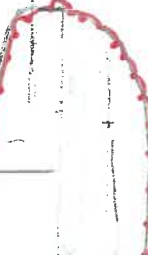
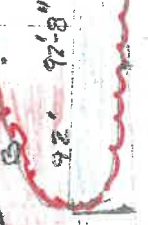
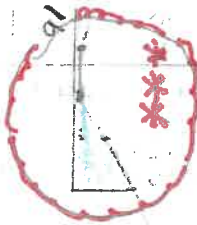
RETAINING WALL

IN 75' BUFFER

NEEDED?

CUT IN 75' BUFFER

FILL IN SIDE YARD



GRADE NORTH
OF HOUSE

* DRIVE WAY

RETAINING

WALL DRAWS

NOT WORK

AT 4' HIGH

NEEDS TO BE HIGH

VIEW FROM 33-37 LOOKING NORTH

X CUT TREES

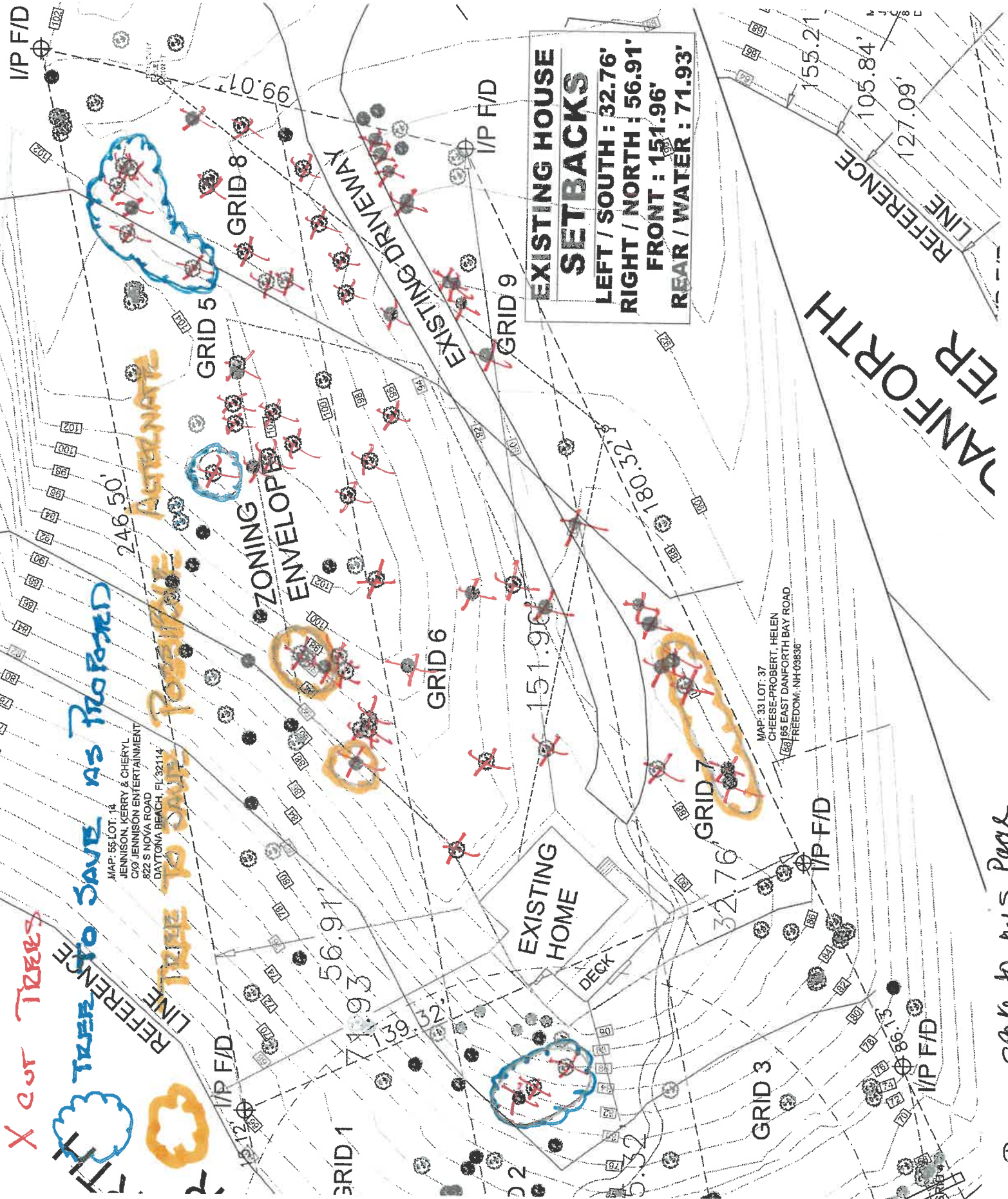
TREE TO SAVE AS PROPOSED

TREE TO SAVE POSSIBLE

MAP: 55 LOT: 14
JENNISON, KERRY & CHERYL
C/O JENNISON ENTERTAINMENT
822 S NOVA ROAD
DAYTONA BEACH, FL 32114

ALTERNATE

POSSIBLE



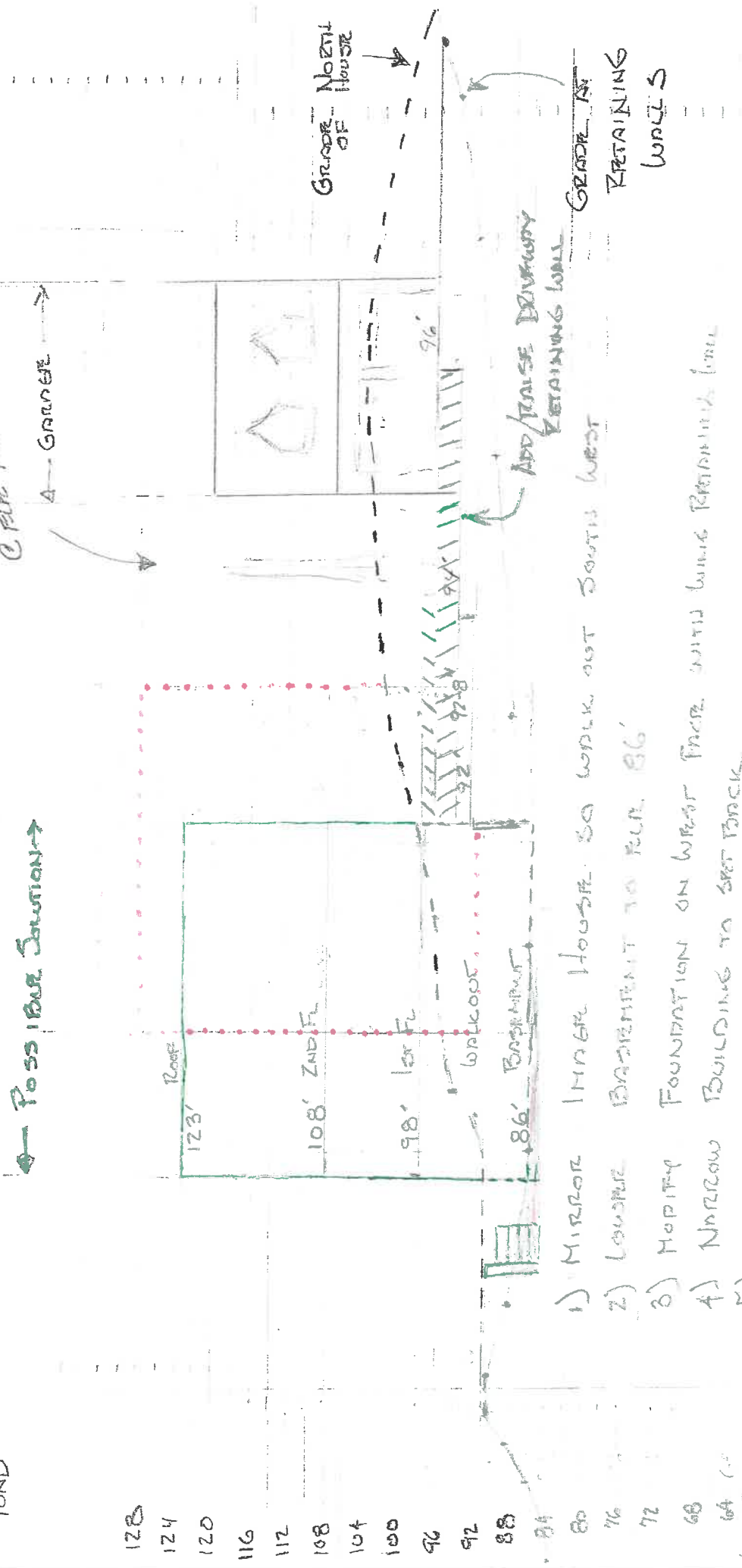
90 92 94 96 98 100 102 104 106 108 110 112 114 116 118 120 122 124 126 128

75' SETBACK FROM DOWNSIDE POND

POSSIBLE ALTERNATIVE SOLUTION

ORIGINAL PROPOSED HOUSE

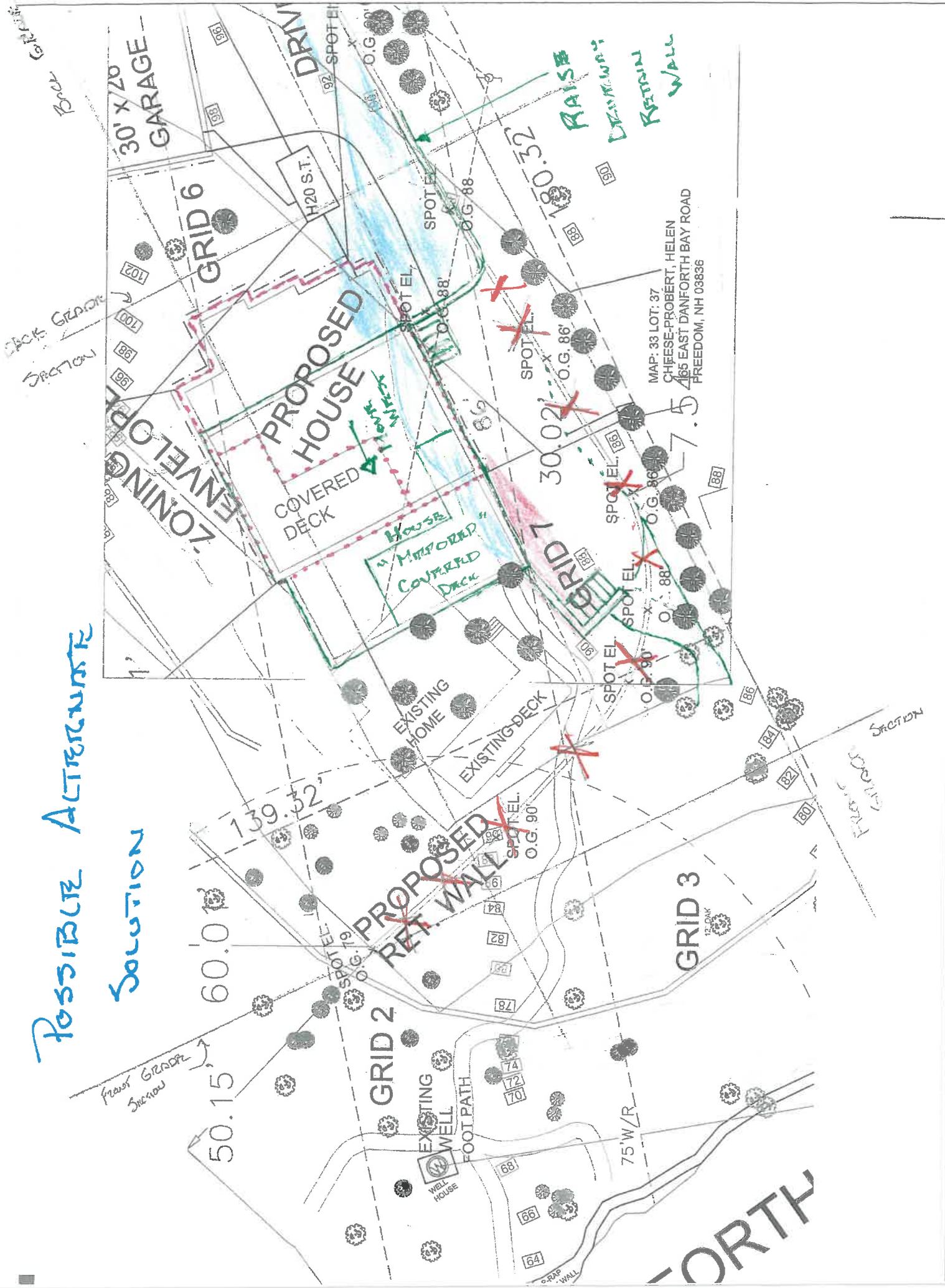
POSSIBLE SOLUTION

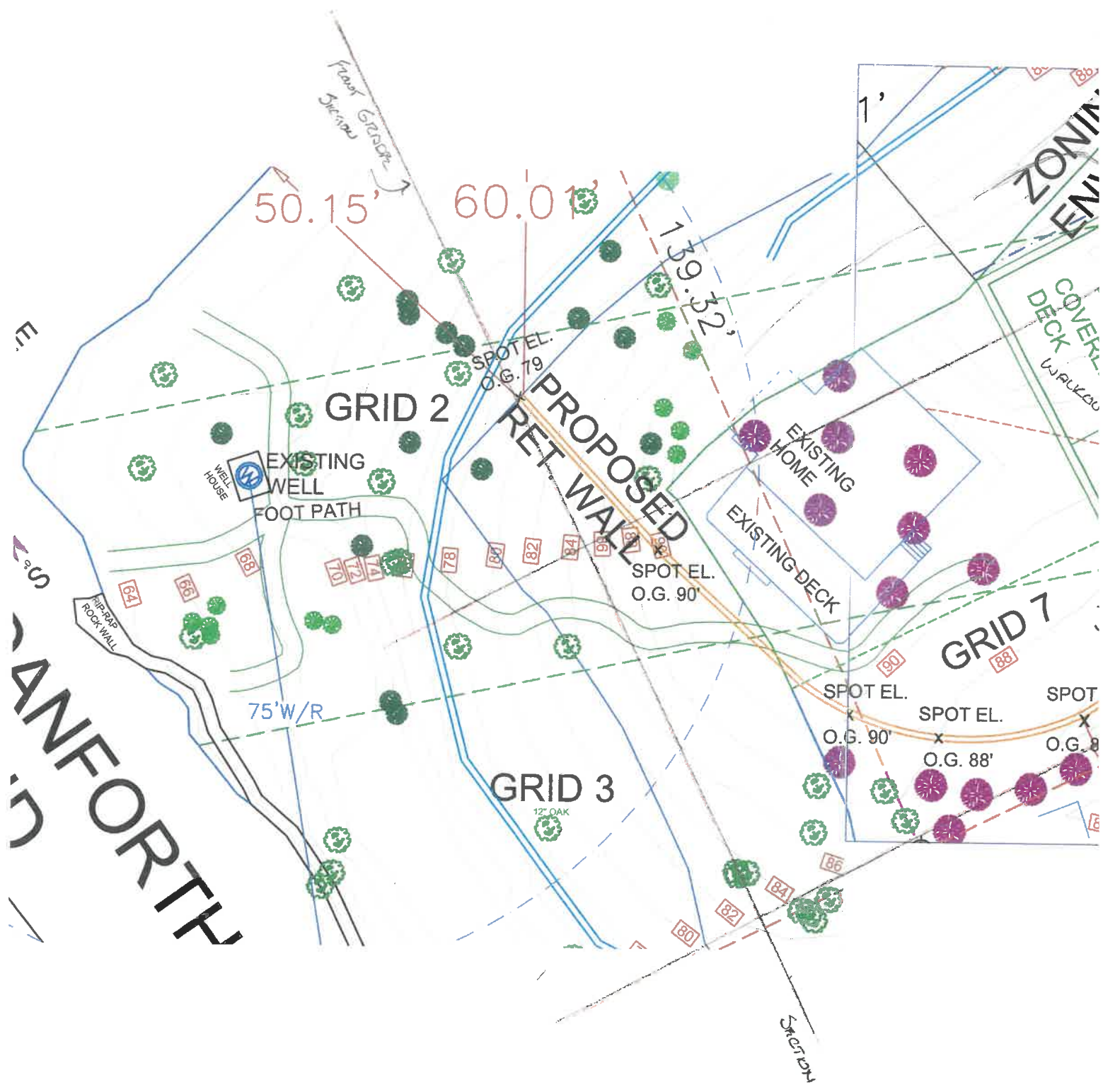


- 1) Mirror Inner House so walk out south west
- 2) Lower DRAINAGE TO R.R. 86'
- 3) Modify FOUNDATION ON WEST FACE WITH WALK RETAINING WALL
- 4) Narrow BUILDING TO SETBACK
- 5) Move WEST TO MINIMIZE "BURR" SLOPE DISTURBANCE, LESS FILL IN SILVER/SIDE
- 6) Raise DRIVEWAY RETAINING WALL, NO HOUSE RETAINING WALL

DANFORTH POND

Possible Alternative
Solution





Gary Williams, Zoning Officer
Town of Freedom
P.O. Box 227, Freedom, NH 03836
(603)986-0486 - freedomzoning@gmail.com

July 27, 2021

Mr. & Mrs. George Conroy
P.O. Box 165
Freedom, NH 03836

Re: Map 31, Lot 8

Dear Mr. & Mrs. Conroy,

This letter is in regards to a complaint received of zoning violations on your property located at 462 Ossipee Lake Road.

FACTUAL BACKGROUND

- On July 16, 2021 the Selectmen received a complaint of zoning violations including unpermitted structures and ongoing site work in the shoreland protection zone.
- On July 21, 2021 Zoning Officer Gary Williams visited the site and with George's permission, pictures were taken.
- Gary observed the fill and the silt fence that had been installed along the shoreline.
- When inspecting the shed, it was determined that it was a portable shelter that had been sided with metal siding.

VIOLATIONS OF ORDINANCE PROVISIONS, AND REGULATIONS

The property is in violation of the Zoning Ordinance of the Town of Freedom NH; Article 7, Section 702.1 Permits Required and Exemptions (no state or town permits). RSA 483-B, the Shoreland and Water Quality Protection Act, requires a permit for construction, excavation, and filling activities within the protected shoreland. Any person undertaking construction, excavation, or filling activities in the protected shorefront that meet all criteria in 702.3 below shall obtain a permit from the NH Department of Environmental Services. To conduct the project in the town of Freedom, the applicant shall complete an application and provide one copy of all state application materials and the state issued permit by notification to the Freedom Code Enforcement Officer.

VIOLATION

The property is in violation in two ways: The owner provided neither a town or state (NH DES) permit.

CORRECTIVE ACTION REQUIRED

- Maintain erosion control currently in place.
- Within ten (10) days, you will need to have applied to NHDES for the proper permits and notify the town of such.
- Provide the town with a detailed plan of the embankment. This should include planting of trees, stone for drainage, elevations.
- Timeline for completion

Failure to comply with the corrective actions required could result in fine implementation.

Your cooperation in resolving this matter is greatly appreciated. Please feel free to contact the Zoning Officer with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary R. Williams", followed by a horizontal line.

Gary R. Williams
Zoning Officer

Cc: Board of Selectmen

Gary Williams, Zoning Officer
Town of Freedom
P.O. Box 227, Freedom, NH 03836
(603) 986-0486 - freedomzoning@gmail.com

July 28, 2021

William & Cheryl Taylor
7 Penny Lane
North Easton, MA 02356

Re: Map 31, Lot 21

Dear Mr. & Mrs. Taylor,

This letter is in regards to a complaint received of zoning violations on your property Located at 64 North Broad Bay Road.

FACTUAL BACKGROUND

- On July 16, 2021 the Selectmen received a complaint of zoning violations that included A patio, steps to the shoreline, and an outdoor shower.
- On July 21, 2021 Zoning Officer Gary Williams visited the site. He Spoke with Mr. Taylor and took pictures.
- Gary observed a patio, outdoor shower, and a stone path with railroad ties as stairs, The path to the lake crossed in front of the patio as to prevent erosion.

VIOLATIONS OF ORDINANCE, PROVISIONS, AND REGULATIONS

The property is in violation of the Zoning Ordinance of the Town of Freedom N.H. Article 7, Section 702.1 Permits required and exemptions (no state or town permits). RSA 483-B, the Shoreland and Water Quality Protection Act, requires a permit for construction, excavation, and filling activities within the protected shoreland. Any person undertaking construction, excavation, or filling activities in the protected shorefront that meet the all criteria in 702.3 below shall obtain a permit from the NH Department of Environmental Services. To conduct the project in the town of Freedom, the applicant shall complete an application and provide one copy of all state application materials and the state issued permit by notification to the Freedom Code Enforcement Officer

VIOLATION

The property is in violation in two ways, the owner provided neither a town or a state (NHDES) permit.

CORRECTIVE ACTION REQUIRED

- Within ten (10) days, you will need have applied to NHDES for a Shoreline Permit and notify the town of such.
- Provide the town with a water runoff analysis.

Failure to comply with the corrective actions required could result in fine implementation.



Town of Freedom BOARD OF SELECTMEN

August 9, 2021

Scott Lees, Chairman
Zoning Board of Adjustment
PO Box 227
Freedom, NH 03836

RE: Conroy (Map 31, Lot 8) and Taylor (Map 31, Lot 8)

Dear Mr. Lees and fellow Board Members:

We are in receipt of your letters dated July 16, 2021 regarding the above referenced properties and their zoning-related concerns.

Zoning Officer Gary Williams has completed an inspection of both properties, met with the property owners, and is actively working with them to bring the properties into compliance.

Thank you for creating an open communication on these concerns and we will be sure to keep you apprised of any updates.

Respectfully,

Board of Selectmen:

Leslie R. Babb



Ernest F. Day, Jr.



Melissa M. Florio

Zoning Board of Adjustment
Town of Freedom
P O Box 227
Freedom, NH 03836

Thomas Achenbach
286 Eaton Rd
Freedom, NH 03836

August 5, 2021

To the board members,

I respectfully ask the board to grant an appeal of the ruling in case #8-7-21 granted July 27th. I believe the ruling was made in error based on some erroneous information.

The lot in question was never considered a build-able lot by the Bischoff or the Jones families. This lot was subdivided off of a lot that contained the farm, now known as 286 Eaton Rd, in 1971 as drawn on a lot plan titled "Bischoff property, Freedom, New Hampshire" by Stephen H. Boomer, (book 19, page 82) approved by the Freedom planning board September 1971. The reason this lot was separated from the original lot is because it held the well, visible from the road, to the property of Betty and Kurt Bischoff. That well became contaminated, and was replaced by the state. The current well for the property is located, on site, at 283 Eaton road.

When we bought our farm in 2009 Betty Bischoff and Robert Meserve, informed us that the lot in question was not a build-able lot. The lot was separated out only because it contained her well. At no time did the Bischoff family or Heidi Jones believe that they were paying taxes on a build-able lot. Heidi Jones and Stephen Jones Jr both informed me that this was not a build-able lot and that the well was contaminated. The reason given to me was that the lot was too wet and I have witnessed many times when there is standing water above the surface right where the proposed house is to be. In multiple ways this lot is not in compliance with the Freedom zoning ordinance. It does not have the minimum size of one acre. It does not have the minimum road frontage of 200 ft. There is no place on that lot that is more than 125 ft from wetlands to locate a septic tank or leach field. We have been advised by the NHDES that if the zoning officer denies an application and the zoning board of adjustment decides to overrule his denial, the town of Freedom is responsible for any damages. I am giving you notice that I believe the proposed work will cause damages to my property.

In researching this lot I have found errors in the tax maps provided by the town of Freedom and the deeds themselves. For example the lot in question as stated on Heidi Jones's deed, states that the lot is many times larger than it actually is. Clearly the subdivision was not recorded on this deed. Also the tax map on record with the town of Freedom is erroneous. It clearly shows the dimensions of my property are not in accordance with the two deeds that I possess. The two deeds that I possess were subdivided by Kurt Fastnacht as drawn by Stephen H. Boomer, approved by the Freedom planning board on August 18, 1988 (Book 115, page 1).

The site plan for this case does not meet the requirements of the Freedom zoning ordinance article 3 section 306.2 "E. The abutting properties within 100 feet of the boundaries of the lot for which a Special Exception is requested, and their use; and roads and driveways within 200 feet of the boundaries of the lot shall be shown on the plan." " I. Provision shall be made for handling water drainage on the lot to prevent flooding of the lot or of another property." As previously stated, I have seen many times when there is standing water above the ground surface around the existing well where the proposed house will be located. The standing water that I have witnessed is under 75 feet from the proposed location of the leach field.

The town of Freedom has put considerable effort and expense into creating a zoning ordinance to protect the quality of life and the rural character of Freedom, New Hampshire.

What good is a zoning ordinance if anyone can come in, ask for and receive an exemption from the ordinance?

Why did the town put the effort into crafting an ordinance that it was not prepared to uphold?

Thank you for your consideration of this matter.

Respectfully,

A handwritten signature in cursive script, appearing to read "Thomas Achenbach".

Thomas Achenbach