

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

Freedom Zoning Board of Adjustment: **October 26, 2021**

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

Absent: Denny Anderson (A), Jacob Stephen

Public: Mark McConkey, Jacob McConkey, Eugene Lawnicki, Denise Lawnicki, Joanne Perwak, Linda Mailhot, Donald Jones, Ken Jones, Harriet Fishman,

During this meeting the following cases will be heard:

Application 26-4-21 Eugene W. & Denise M. Lawnicki *Continued from September 28, 2021*
Application 30-12-21 Richard J. & Debra L. Strott *Continued from September 28, 2021*
Application 33-38-21 Darlene C. Johnson & John Pisano *Continued from September 28, 2021*
Application 22-80-21 Daniel J. & Karen Footit

Chairman Lees called the meeting to order at 7:00 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 September 28, 2021, meeting with the following amendments:

Line 103 remove "*on the stairs*" and add "*construction disturbance*"

Line 318 replace "*Craig stated*" with "*Craig responded to the applicant's submission of photos of other heavy equipment around town*".

Line 9 after Public: and other unidentified members of the public.

PUBLIC HEARING

Chairman Lees invited Application # **26-4-21 Eugene W. & Denise Lawnicki**. *Continued from September 28, 2021.*

Applicant seeks Special Exception for the following:

Article 3, Section 304.6.3 for Erosion Control

Article 3, Section 304.6.5.1 Tree cutting within 75 feet of the reference line in the Shorefront District.

Article 3, Section 305.6.5.3 for any cutting between 75-300 feet of the reference line.

Article, Section 304.6.5.2 Erosion Control less than 100,000 sq. feet.

Applicant seeks a **Variance from Article 3, Section 304.5 Table** of the Zoning Ordinance to permit the side setback and bathhouse setback from a reference line and a **Variance from Article 3, Section 305.6.5.3** for tree cutting in excess of points in Grid 6.

Map 26 Lot 4, at 380 Pequawket Trail

Zone: Ossipee Lake, General Residential

Mark McConkey, agent, and Jacob McConkey assisting; came before the board to present this application. Mark reviewed the changes made to the plan since they presented in September.

Changes made for the October meeting.

- Reconfigured the stairs.
- Moved the bathhouse to existing location
- Renamed bathhouse to changing room(no water/sewer)
- Added the septic system.
- Reconfigured the driveway so the driveway enters the garage from the roadside.
- Adjusted trees to be cut.

The extension of the patio falls inside the old footprint of the home and they added a breezeway and a garage. The existing house falls 13.9 from the property line and the proposed house on the southeast side falls 14.91' from the property line and requires a variance.

Mark reviewed the handout Primary Viewshed and explained a primary view and homes in the neighborhood located in close proximity to the Lawnicki's property line. The average offset from the neighbors' homes to the Lawnicki's property line is 8.75'. The Lawnicki's home offset to the View property line is 30.93' and to the Hussey property line is 14.91'. Mark stated the Lawnicki's are less non-conforming than the neighbors and suggests that if we go two sides on either side, that is a good betrayal of this neighborhood. Mark continued to review the Viewshed handout which included details around the width of the pathway and the architectural site plan. The proposed additions to the home all meet zoning setbacks. Mark explained the Lawnicki's are not asking for a variance for the porch in front of the garage and breezeway.

Mark continued by explaining the tree cutting grid. The reason a tree survey had to be done is because the slope of the lot exceeded 12.50% from the front of the lot to the back. Mark read the 5 questions for the record. (See attached).

Krebs questioned the 20" tree in grid 6 next to the septic system marked for removal and how the 20" pine on the edge of the proposed driveway will survive the construction. He also questioned why the septic tank can't be moved closer to the house to save the 20" pine that they are asking a variance for and move the driveway closer to the Pequawket side to save the 20" tree on the edge of the proposed driveway. Karl stated grid six does not make sense to him because the points don't add up. A brief discussion ensued around grid six. Mark responded to John's question about the driveway and explained he doesn't see that they are putting in a gravel driveway that would need excavation. They were tasked with making sure they had ample room for turnaround which he believes there now is and they will come back if they need to. John responded he is only suggesting moving the turnaround 5' toward Pequawket Trail to avoid 20" pine on the edge of the proposed driveway and help them with the turnaround and maybe a variance would not be needed.

Mark continued reviewing the five questions.

Chairman Lees asked if board members have any other questions. Niiler responded that the application has come a long way and looks like the McConkey's have addressed everything from his perspective.

Krebs commented that he thought it was disingenuous to say the existing footpath is being maintained but this matter does not fall under the purview of the Zoning Board. Krebs also commented that the changing room has

grown by 30% which is problematic. Jake responded he added the overhang to the plan. It was a mistake on his part because he carried the changing room/bathhouse over from Paul King's plan that did not show the overhang.

Krebs would like Paul King to stamp the site plan (proposed conditions) to verify the setback lines are accurate.

Chairman Lees asked if there were any abutters in favor.

There were no abutters in favor.

Abutters not in favor:

Joanne Perwak on behalf of the Hussey Family Realty Trust- is opposed to the application for two reasons. The proposed conditions move the house 12.14 feet from the position of the current house and the height of the new structure roof will be approximately 23' (roughly double the height of the existing house), with a higher large chimney on the side of the house facing our house. Moving the structure forward and increasing the height will significantly impact our view to the right and impact the value of our property. (See attached for more specific comments).

Ken Jones- stated it would make a difference to move the house back approximately 14' to maintain the character of the property and help maintain the footpath and may not affect the variance. It would also help maintain the neighborhood's property values.

Denise Lawnicki- Denise responded to a question regarding the height of the proposed structure. She confirmed the part of the proposed house that is within the setback is not as high as what is currently there.

There were no abutters in favor.

Abutters against.

Don Jones- Wanted clarification on the height of the proposed house and the concept of a "viewshed". He feels there is a difference of opinion on what an acceptable viewshed is between the agent and the abutters that are opposed to the project.

Mark McConkey- Commented that the Lawnicki's had made an offer to shift their proposed home to the north left 5ft. in an effort preserve a little more view for the Hussey property. The collective opinion of the people on the other side was that they would not grant the variance to do the shift. Mark stated if you read through the letters the Lawnicki's have made a conscious effort to try and resolve the problem with their neighbor's.

John Krebs- asked the Lawnicki's why they don't move their house back? Denise Lawnicki responded it will diminish their view and part of the variance is that it places their home behind the Hussey home.

Don Jones- Was not aware of the 5ft. discussion but would like to talk about it.

Ken Jones – Clarified that he was aware of the 5ft. discussion. But the discussion concluded that it would not take care of their primary concerns. It is not that they said no.

Harriet Fishman- A member of the public asked the board if they had the authority to request the applicants and abutters go outside and talk about how to work this out to maintain the peace in the neighborhood and maintain relationships. Chairman Lees responded this application has been before the board multiple times and is under the assumption that whatever conversations that needed to happen have happened before the application came before the board.

Ogren stated there are problems with the application and suggested not voting on it tonight and hopes the neighbors will take this opportunity to talk out their differences with the application. Mark responded they have gone through the process of talking and believe it comes down to two or three minor items. He would like to make the corrections and come back sooner than next month's meeting. Board members appreciated Harriet Fishman's comments and feel the application is close to being able to vote on it.

Correction the board would like to see on next month's application:

- Grid 2 tree counts are wrong.
- Grid 6 tree counts are wrong.
- The changing room is too big. Whatever the size of the bathhouse was originally is the size going forward. remove the label *bathhouse* on all plans.
- There is a bulkhead on the architectural plan that is not on the proposed plan.
- They are asking for a sideline setback for the house and changing room. May not need a setback for the changing room.
- Paul King stamp the plan.
- Make sure the tree species are correct on the tree cutting plan.
- Existing well labeled.
- Move the septic tank to save the pine.
- Move the driveway to save the other 20" pine.

Karl made a motion to continue this application to November 30, 2021, motion seconded by John; Motion passed 5-0-0.

There was a short break before the next application. 7:29 – 7:31

Chairman Lees invited application # **30-12-21 Richard J. & Debra L. Strott**. *Continued from September 28, 2021.*

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.

Zone: Broad Bay Gen Res

Mark and Jake McConkey (agents) came before the board to present this application.

Jake explained there were no changes to the house made. Mark explained 1' was added to the deck on the side in the front of the home and expand the house 6' towards the garage. It allows them more living space. Jake confirmed for Chairman Lees the square footage of the existing house with the deck is 2,521sq. feet and without

the deck 2,188 sq. feet. They would also like to add a second story on the garage that would act as a bunkhouse and add a 6ft. deck on the backside of the garage off the bunkhouse. The garage will have a bathroom added for convenience and currently has a shared septic system built in the 70s. They will also be installing a new septic. The applicant would like add a stairway and extend the roof over the stairs. They would also like to add enclosed storage under the stairs.

Karl recalled the last meeting the board requested that to construct the addition to the garage so it did not require setback relief. Karl has no problem with the house but the garage got bigger sq. footage wise and the decks. Scott Lees is opposed to the deck on the garage and the overhang extending out beyond the stairs. He is not opposed to the 1' on the front of the house. He is not sure about the 6' on the back.

There were no abutters in favor or opposed present.

Mark explained that he thought the homeowners would be present to make their plea. This is a new application and he would like to continue it until next month. Jake asked the board to list their concerns.

- No deck on the garage and no overhang on the stairs.
- Explain the 8ft. difference from the proposed to the existing plans
- Karl would like to see no setback relief for the garage.

Scott made a motion to continue this application until November 30, 2021, motion seconded by Karl, Motion passed 5-0-0.

Chairman Lees invited application 33-38-21 John & Darlene Pisano *Continued from September 28, 202.*

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.

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.

Zone: Danforth Pond Gen Res

Mark and Jacob McConkey presented this application. Jacob reviewed all the updates made to the plan as the following:

- Corrected finished grades
- Stepping of walls, house, and garage shown.
- Adjusted retaining wall #2 to wing back to 90 Elevation
- Finished floor elevations shown.
- Updated tree cutting plan to save more trees.
- Drop down the slab elevation of the garage from 98 to 95.

Mark addressed the concern of should handrails be used and said they would address that question with either the Zoning Officer or the Building Inspector and accept whatever they advise. Mark summarized this application that the Pisano's are moving the house back and retaining walls will aid in stormwater runoff and thinks that they

and the applicant have made a great good faith effort to mitigate any stormwater runoff and would like to remind the board that the retaining walls are facing the Chesse-Probert property and they support the proposal. The owner has also agreed to put in a new well before they start the project.

Questions from the board:

Niiler asked Mark to clarify Bruce Howlett's question about the footpath to the boat ramp. Mark responded he believes the intention is to walk through the house and or over the fill area and join the existing path that is there. He does not see the need for a new path. Niiler asked if Mark would anticipate any stairs coming off the retaining wall. Mark responded that the owner has not requested any. Lees explained he thinks the question is how do they plan to get from the house and over the wall to the water. Jake responded there is space in the zoning envelope to add stairs either off the headwall or the covered deck. Chairman Lees and Karl would like to see the stairs on the plan showing how they plan to get out of the house down to the water.

Chairman Lees also noted on the plan where the bottom right-hand corner of the garage and driveway meet there is a finish grade of 96' coming up to the corner of the driveway and the top of the wall is 100'. He questioned if there will be a wall there or fill. The flat area inside between the house and the garage is at 99.9' because no 100' contours are shown.

Karl wants to see a system in place to evaluate what plantings took after a year and a plan to replant them again if they did not take.

Krebs commented that there is a 5' difference between the retaining wall and the top of the wall of the house foundation.

Karl pointed out there are some type-os on the tree cutting grid. The o's should be 0's where the size is stated.

Show the well radius.

Chairman Lees asked Jake to show on the house the first floor and slab elevations and the grade outside. He would also like to know how the roof is going to sit on the garage with the current contours shown on the plan, the finished slab elevation is 95' on the proposed cut and fill plot. Will the roof sit on top of the wall or will it be a two-story garage?

There was no public or abutters present.

Karl made a motion to continue this application until November 30, 2021 motion seconded by Scott Motion passed 5-0-0.

Chairman Lees invited application # 22-80-21 Daniel & Karen J. Footit

Applicant wishes to add a 12x22 third bay garage with matching trim and roof lines.

Applicant is seeking the following:

Variance for 310.1.6 footprint not to exceed 15% of the lot.

Variance for Table 304.2 side and rear setbacks.

Map 22 Lot 80 at 23 Deer Run Dr

Zone: General Residential

Daniel and Karen came before the board and presented their application. Daniel explained he is getting ready to retire and they are debating on moving here full time and he would like to add a third bay garage for extra storage and a work area.

Points discussed:

- Lot coverage will be 11.5% of the total lot
- The rear setback is 28.5
- For addition of the bay the sideline setback will be 32'
- They are only asking for a rear setback

Applicant handed out letters signed by the abutters supporting their request. Niiler pointed out the applicant was denied based on footprint not to exceed 15% and side and rear setbacks and asked the applicant if something changed on the application to where they are now less than 15%. The applicant responded no. Karl asked what is the percentage now and what will it be with the addition. Daniel said currently it is just over 11% with the addition it will be 11.5% he is not sure why that was part of the denial. Gary confirmed that he denied the application for footprint not to exceed 15% of lot coverage. Discussion ensued around the math. It was concluded that Mr. Footit should go back and prove that his math was correct and show the bulkhead and the chimney bump out and add title and date on the plan.

Joe Gibbons an abutter was present and supports the application.

Karl made a motion to continue this application until November 30, 2021, motion seconded by John; Motion passed 5-0-0.

Linda Mailhot was present and said she would consider joining the ZBA board.

Craig updated the board on the joint meeting with the Planning Board. The tree cutting request went well. They discussed changing the grid size to meet the states concept and the septic setback was also discussed. They also discussed 309 accessory uses as well.

There being no new business to come before the board, Scott made a motion, seconded by Karl to adjourn the meeting at 10:00 p.m.; Motion passed 5-0-0.

Respectfully Submitted,
Stacy Bolduc
Administrative Assistant

Submittal to the Freedom Zoning Board of Adjustment Regarding Case 26-4-21, Eugene W. and Denise M. Lawnicki, October 26, 2021 meeting

From the Hussey Family Realty Trust, 382 Pequawket Trail – John Hussey Jr., Joanne Perwak, Nancy Hussey, Lisbeth Hussey, Meg Cooper, and Philip Hussey

Below are our comments on the ZBA Application

Summary

We oppose the Lawnicki's application and ask the Zoning Board to deny the request for variances for two primary reasons. The proposed conditions move the house forward 12.14 feet from the position of the current house. The height of the new structure roof will be approximately 23' (roughly double the height of the existing house), with a higher large chimney on the side of the house facing our house. Moving the structure forward and increasing the height will significantly impact our view to the right and impact the value of our property.

The houses along the high bluff originally were all built with the fronts parallel to and about 25' back from the top of the bank. The Lawnicki's proposal is to locate the house approximately 15' from the top of the bank. This change alters the essential character of the neighborhood, which is contrary to the public interest, as well as to the spirit of the ordinance. The abutters and other neighbors requests to the Lawnick's to keep the house at the existing location have been ignored.

Specific Comments:

- The approval of the proposal and requested sideline setback would impact our view and property value. Here we are considering the actual viewshed as opposed to the "primary" viewshed presented by the applicant. Since other homes are located about 25' from the bank they have a viewshed from left to right of about 180°. As shown in Figure 1, our current viewshed is less than that due to our desire to address the Lawnicki's concerns in 2003, representing a reduction of 21° degrees on that side. The proposal is to reduce this a further 7° degrees, an additional 30%. The increase in height further decreases our viewshed. It is well known that views affect property value, and obstructions to these views can only negatively affect our property value. This is contrary to statements made in the application relative to Question 4 indicating that the proposed construction will not diminish the values of the surrounding properties.
- The Lawnicki's have a 100 foot wide lot and could have proposed a house 40 feet wide without asking for a variance. Instead, they are proposing a house that uses approximately 55 feet of the width of their lot. Therefore, the property could be used in strict conformance with the ordinance, and literal enforcement of such (denial of the setback variance) does not result in unnecessary hardship relative to Question 5.
- The area of the proposed house within the setback is immediately adjacent to our deck. This area of their house is an eating area with a large picture window which will directly overlook our deck. (see Figure 2 as shown in a photo of our deck taken from the location of their window). While the picture shows numerous small trees in this area between the two houses, we expect many of those will be lost during the construction. The placing of this extensive viewing area within the setback is harmful to our privacy and limits the use of our property (and perhaps

property values). As a result, substantial justice is not done, as the benefit to the applicant does not outweigh the harm to us per Question 3.

- The proposed house is moved 12.14 feet forward from the existing location, and immediately next to the path used by the entire neighborhood, even though the application states that the proposed house will be located “nearly in the same footprint as the existing house and preserves a walking trail between”. Figures 3 and 4 below show the expected change to the appearance of the path with the new structure compared to the existing path. This change alters the essential character of the neighborhood, and as a result, granting the variance is contrary to the public interest and is not in spirit of the ordinance per Questions 1 and 2.

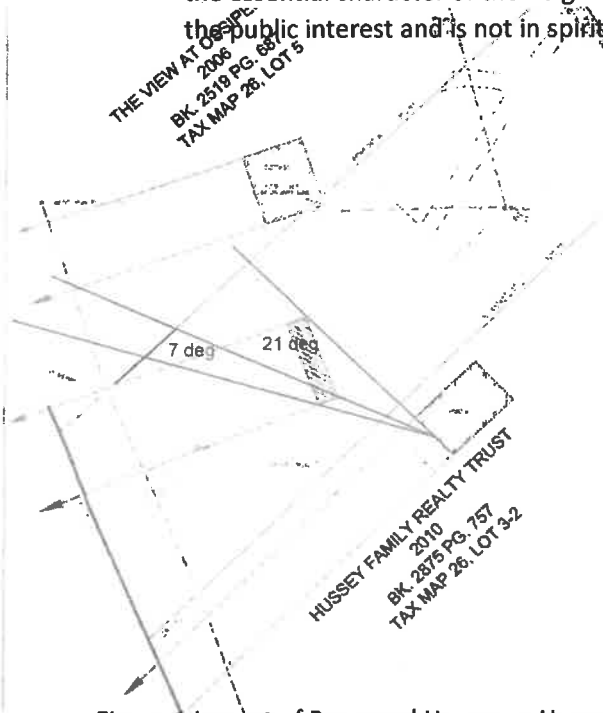


Figure 1 Impact of Proposed House on Hussey View



Figure 2 View From Proposed Side Windows



Figure 3 Existing Path



Figure 4 Path with Proposed House

Zoning Board of Adjustment
38 Old Portland Road
Freedom, N.H. 03836
freedomzoning@gmail.com

Re: Application of Eugene and Denise Lawnicki
For Meeting Scheduled October 26, 2021

To the Board:

We are aware that the Lawnickis have filed an amended plan for approval, addressing some of the concerns raised at the meeting on September 28th. As the abutters at 7 Cone Drive, we object to their application.

We continue to be both disappointed and exasperated that the Lawnickis have not agreed to move their new structure back to the front line of the current structure. Despite their claims, moving approximately ten feet forward, and replacing a cabin's screen porch with a solid wall at the forward line, as well as constructing a deck at the top of their stairs, will significantly narrow the community footpath and create quite a different sense of openness, altering the essential character of the path. This issue has been raised with the Lawnickis repeatedly since May, but it appears that they have chosen to move forward despite the neighbors' objections. Their proposal will alter the essential character of the neighborhood footpath, which is clearly not in the public interest. The footpath has been in common, continuous use for decades - since the camps were constructed, beginning in 1927 - freely travelled by the camp owners and visitors, including the Lawnickis. The shared path has enhanced the spirit of community along this stretch of Steep Banks. Moreover, moving back approximately 10 feet will protect the essential character of the path, and in no way prevent the Lawnickis from building the home they desire, nor would it be a substantial injustice to them.

Further, despite their claims about "primary viewshed," it is obvious that no one looks down a tunnel, but rather that our camps enjoy a beautiful 180-degree view of the trees on the bank, the lake and distant mountains. The Husseys limited the scope of their own view to accommodate the Lawnickis, and for the Lawnickis to suggest that their new structure will not further interfere with the Husseys' view is disingenuous and misleading.

Thus, we continue to oppose the application.

We do appreciate that the newer drawings reflect that many fewer trees will be removed in Grids 3 and 5, adjacent to our camp. Also, in response to our concerns and those of the Zoning Board, the Lawnickis have reconfigured the driveway with far less impact on us. It is unclear why this drawing proposes that a portion of the current driveway that connects to ours will be removed. This alteration further erodes the spirit of community cooperation and sharing, but we appreciate the other improvements to the driveway design.

One last point – the Lawnickis current stairs and decks are sliding down the sandy bank, despite their efforts to prevent that. We don't know how they plan to stabilize the new construction, but we hope that their plans are carefully reviewed to assure that the same problem does not recur with the new stairs and decks.

We appreciate your continued, careful attention to this matter, and will be present at the October 26th meeting.

Sincerely,

Beverly Jones Heydinger

On behalf of

*The View at Ossipee Family LLC, 7 Cone Drive, and
Donald Jones and Ken Jones*

And with the support of these neighbors:

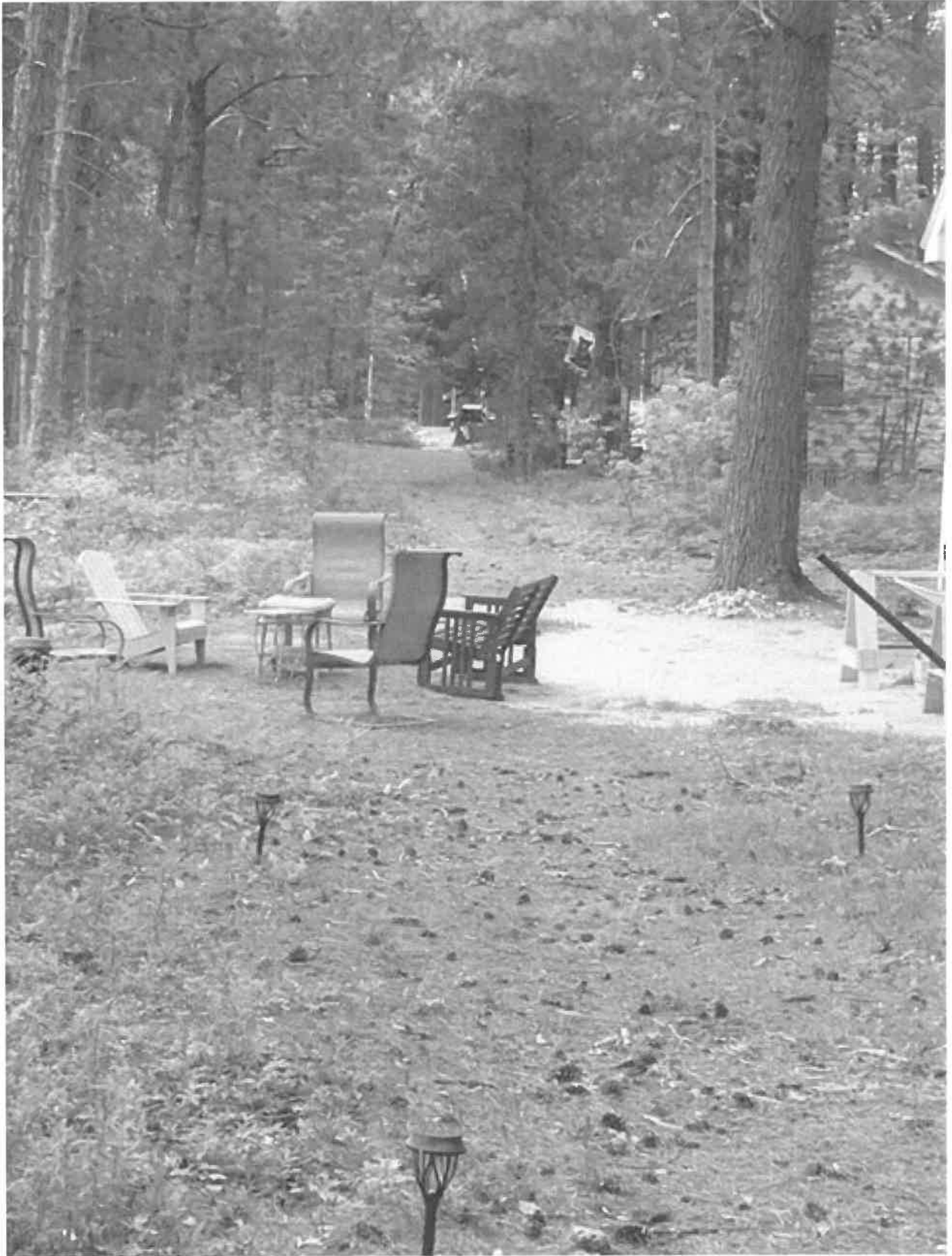
Phillips Moore and Marcia Reed, 8 Cone Drive

Alan Moore, Carol Harden, Steve Moore, and Amantha Moore, 376 Pequawket Trail

Harriet J. Fishman and Edward J. Hennessy, 384 Pequawket Trail

Sherry Merrow, 523 Huckins Road

Photo of the current footpath and trees, from east to west, running in front of the Lawnickis' camp, on next page:



Chairman Lees and the Freedom Zoning Board Members

We were injured by the board Vice Chairman Craig Niiler's comment at the September ZBA that implied we had not talked to our neighbors.

We took the letter that was submitted and signed by all our neighbors at the May ZBA to heart. The following day we reached out to them to let them know that we would take their concerns into consideration but that we would do this individually with each camp so that we were able to understand who had which concerns and decide the best way to address them. We also let them know that we would not be going to ZBA again until we had soil borings performed by an engineering firm to be certain that our proposed construction would not impact the hillside.

After considering the engineering report content, we reached out to Ken & Don Jones **THE VIEW AT OSSIPPEE FAMILY LLC** to the north and Jody Perwak **HUSSEY FAMILY REALTY TRUST** to the south. We shared with them the new house location and layout and the reasons why we relocated the house where we did. We felt that we were okay with the Jones's **THE VIEW AT OSSIPPEE FAMILY LLC** at that point and asked them to go back and review the layout with their sister. They refused to take the sketch that we offered them.

In our meetings with Jody Perwak **HUSSEY FAMILY REALTY TRUST**, her biggest concern was their view. She was insistent that we move our house even further back on the property as their family had to move back when they built their new home.

We decided that pushing our house any further back would put us in a much less desirable spot. If our house moved another 10' back it would then be partially behind the Hussey house and their home would only be located 10 feet from our property line.

Considering the Hussey point of a diminished view, we asked Jody if the Husseys' would consider a plan that would move the house 5 ft. to the north toward **THE VIEW AT OSSIPPEE FAMILY LLC** property. This would increase their view through our property.

~~We also talked to Ken Jones and asked him if we shifted the home away from the Husseys' would the View consider a small variance on their side, where their house is about 40 feet away from ours.~~

Both abutters indicated that they would consider our offers if they saw it on a plan but retracted their offers after we had the plan drawn up.

- Jody **HUSSEY FAMILY REALTY TRUST** responded indicating that they wanted the house to be moved back 10'
- We checked back with Ken Jones **THE VIEW AT OSSIPPEE FAMILY LLC** and were informed that they collectively would not approve a variance

After the Sept ZBA hearing, we made additional changes that were requested by the View changing the approach to the garage and lessening the tree cutting between our homes.

We also met with Jody (Hussey) who again made the same request to move the house ten feet back. We told her that we would not move the house 10' further back.

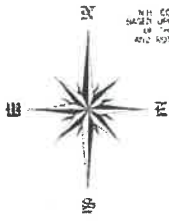
Throughout this process we have had ongoing conversations with our neighbors and have adjusted our proposal where we felt it was warranted (moving the house back, preserving the pathway, changing the approach to the garage and offering to move the house 5' north to enhance the Hussey view)

For a board member to assert that we have acted in a vacuum is an incorrect assertion.

Respectfully, Denise and Gene Lawnicki

For Lawnicki, Hussey, The View At Ossipee LLC

Dated: November 2020



1. LAND BOUNDARY AND ADJACENT
 LANDS ON THE YEAR AT ASSUMED LAND USE
 PLAN BOOK 3 PAGE 101
 2. LAND BOUNDARY AND ADJACENT
 LANDS ON THE YEAR AT ASSUMED LAND USE
 AND FUTURE 3 MONTH
 AND FUTURE AND DEMO LAND USE
 BY THORPE SURVEY
 PLAN BOOK 242/19 JAN 2010

THE VIEW AT OSSPEE LLC
2006
BK. 2519 PG. 687
TAX MAP 26, LOT 5

HUSSEY FAMILY REALTY TRUST
2010
BK. 2875 PG. 757
TAX MAP 26, LOT 3-2

Primary view shed

File: 380 Pewquaket Trail Freedom NH.dwg

3. THE ADDRESS AND TELEPHONE OF THE PERSONS TO WHOM THE LETTER WAS SENT NOT A SOURCE INFO GIVES NAME 1212 PAGE TEN
4. THE ADDRESS IS "THE PRESIDENT" (INFORM) OF THE GENERAL MILITARY DISTRICT SEVEN AND
5. FROM 40
6. TO 50
7. FROM 1000 HOURS FROM 1011
8. NO LETTER RECEIVED FOR PRESIDENT
9. THE INFO OF THE LETTERS ARE ESTABLISHED BY THE INFORMATION FROM THE
4. VERIFICATION WAS MADE BY THE REPORT
1. OFFICE INFO 4000 BY 1011 1011 1011
5. ALL INFORMATION WAS LOCATED ON OCTOBER 21, 1960

1. I believe the 11-8 survey was a more substantial survey than the 11-10 survey. The 11-8 survey was of almost the same size as the 11-10 survey. The 11-8 survey was of only one group, whereas the 11-10 survey was of two groups. The 11-8 survey was more accurate than the 11-10 survey.

10.4 to 4.0 $\times 10^3$ L/ha (9.3)

TEL. (603) 323-7450

FRANK E 3 HALPS NOV 2020



Pathway to the right to the view of Ossipee...



Path is 48 inches
As Shown



Path is 48 inches
As Shown

Pathway to the left towards Hussey House

HOMES IN THE NEIGHBORHOOD LOCATED IN CLOSE PROXIMITY TO LAWNICKI

- THE HUSSEY HOME IS LOCATED 8.5 FEET FROM LAWNICKI PROPERTY LINE
- THE VIEW HOME IS LOCATED 3 FEET FROM LAWNICKI PROPERTY LINE
- THE PHILLIPS HOME IS LOCATED 9.5 FEET FROM THE VIEW PROPERTY LINE
- THE HENNESSY HOME IS LOCATED 14 FEET FROM HUSSEY PROPERTY LINE

THE AVERAGE OFFSET FROM THESE HOMES TO THE PROPERTY LINE IS 8.75 FEET

**LAWNICKI HOME OFFSET TO THE VIEW PROPERTY LINE IS 30.93 FEET AND TO HUSSEY
PROPERTY LINE IS 14.91 FEET**

(G) TEMPORARY IMPACTS
ASSOCIATED WITH THE INSTALLATION OF THE
EFFLUENT DISPOSAL SYSTEM, INSTALLATION
A NEW PLANTINGS/LANDSCAPING (NO NEW IMPERVIOUS
MATERIAL TO BE UTILIZED) GRADING AND WORK ARE
EQUALS 3,900 SQ. FT.

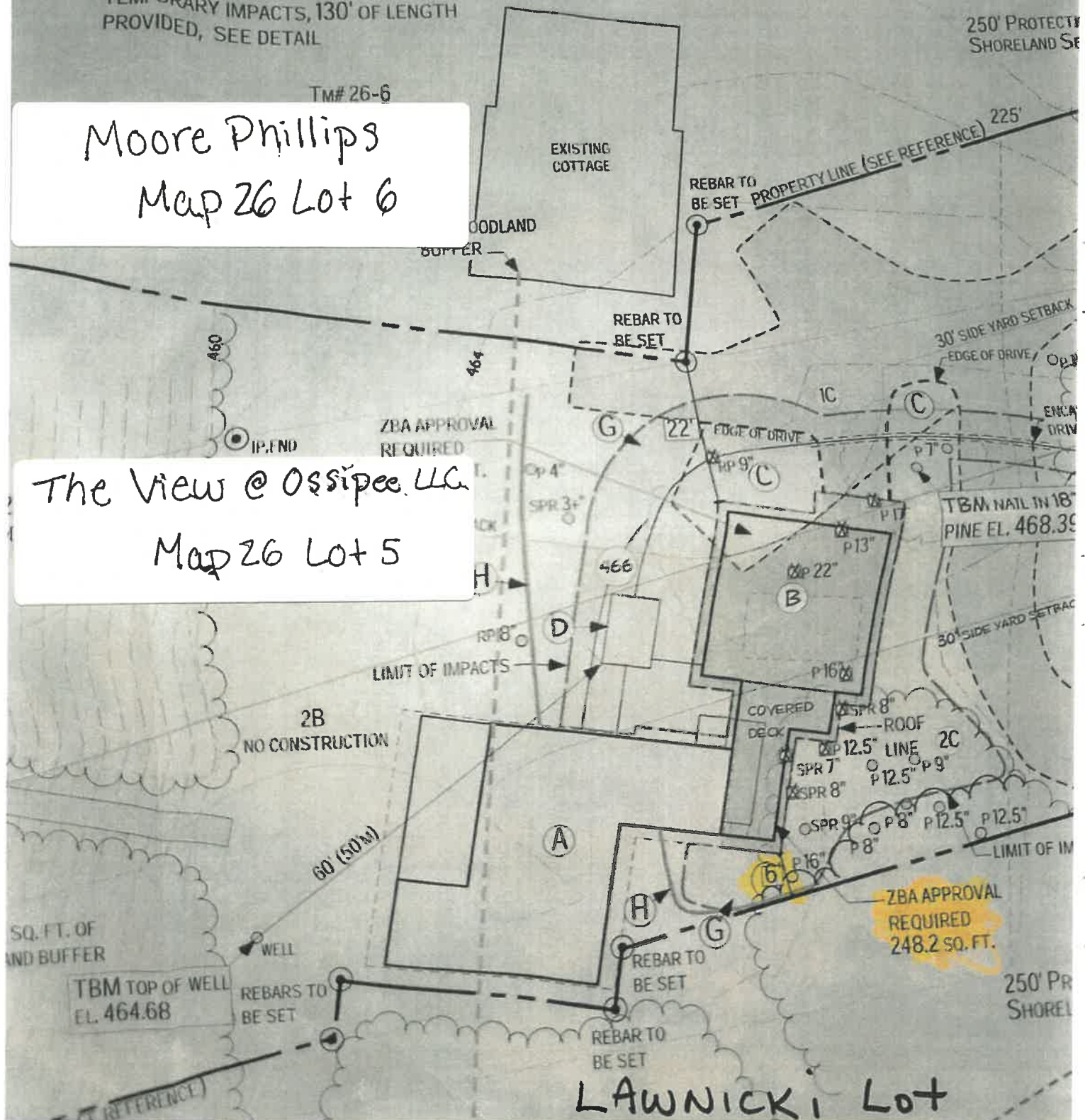
(H) EROSION CONTROL
STRAW WATTLES TO BE PLACED PRIOR
TO CONSTRUCTION AND MAINTAINED
DAILY OR AS NECESSARY
TEMPORARY IMPACTS, 130' OF LENGTH
PROVIDED, SEE DETAIL

AREA OF LOT WITHIN
300' OF REFERENCE
LINE

Homes to the
Right of Lawnicki

Moore Phillips
Map 26 Lot 6

The View @ Ossipee, LLC
Map 26 Lot 5



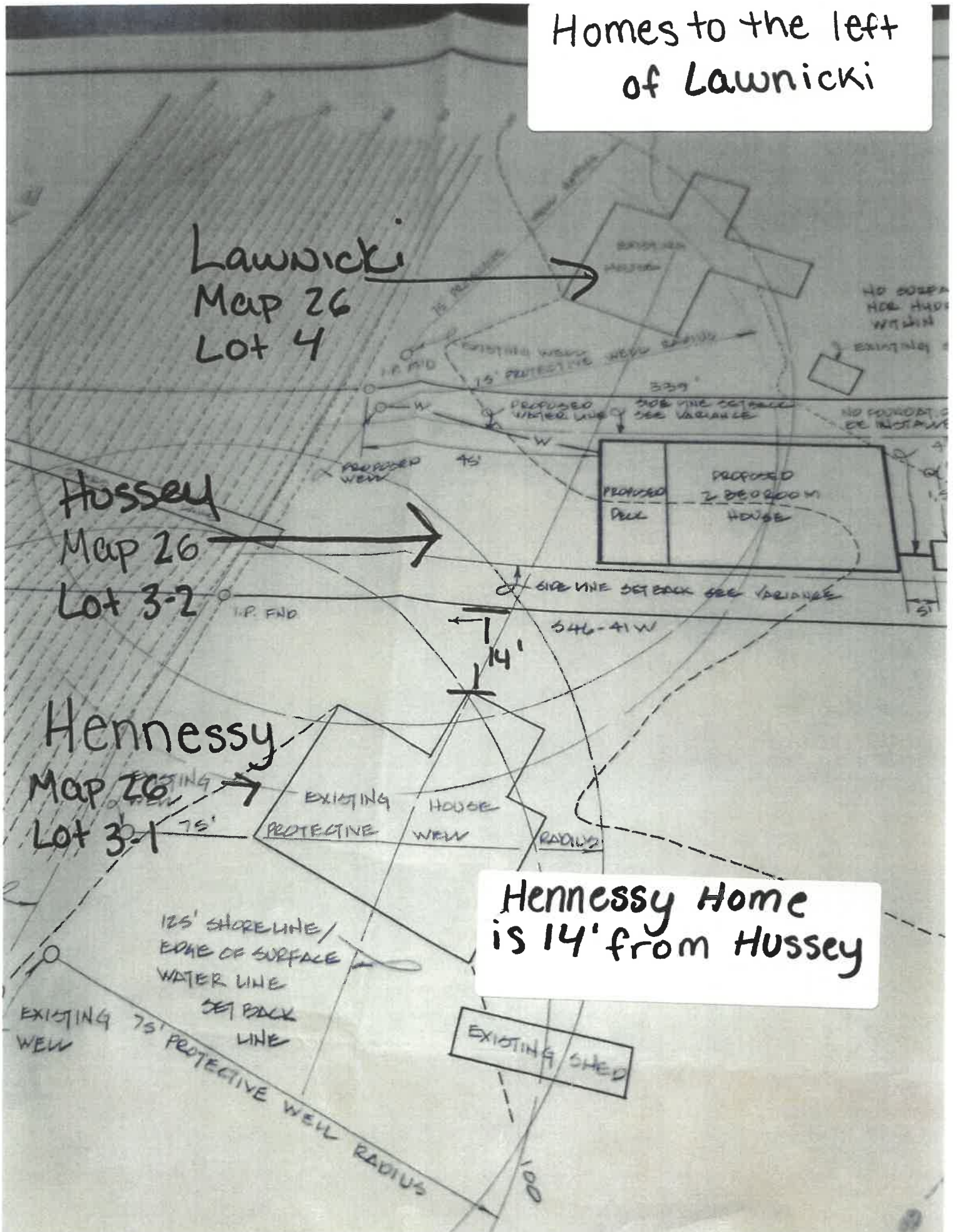
Homes to the left
of Lawnicki

Lawnicki
Map 26
Lot 4

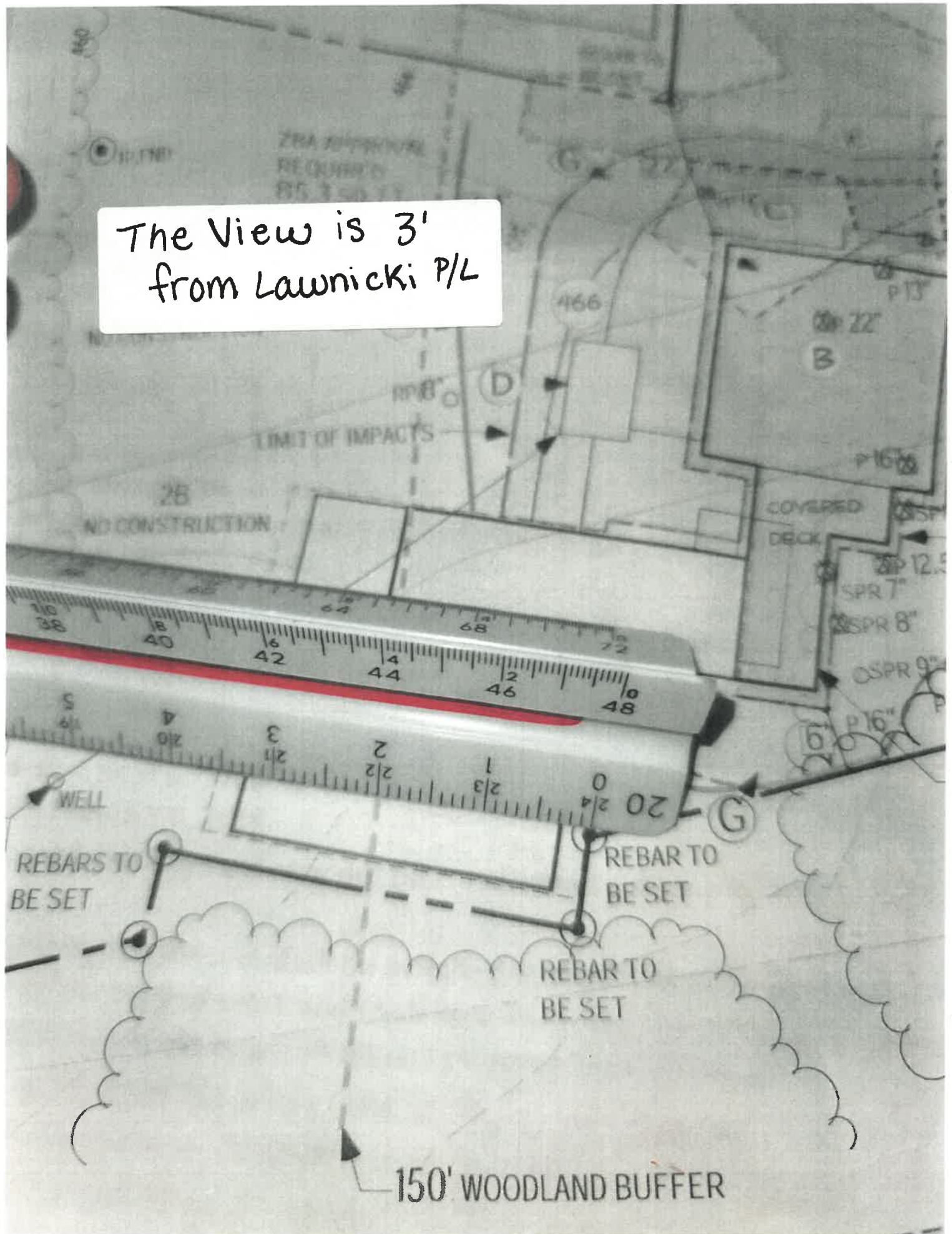
Hussey
Map 26
Lot 3-2

Hennessy
Map 26
Lot 3-1

Hennessy Home
is 14' from Hussey



The View is 3'
from Lawnicki P/L



FLUENT DISPOSAL SYSTEM, INSTALLATION
NEW PLANTINGS/LANDSCAPING (NO NEW IMPERVIOUS
MATERIAL TO BE UTILIZED) GRADING AND WORK AREA
ALS 3,900 SQ. FT.

OSION CONTROL

AW WATTLES TO BE PLACED PRIOR
ONSTRUCTION AND MAINTAINED
OR AS NECESSARY
ORARY IMPACTS, 130' OF LENGTH
IDED, SEE DETAIL

TM# 26-6

Phillips

EXISTING
COTTAGE

150' WOODLAND
BUFFER

9.5'

ZBA APPROVAL
REQUIRED
85.3 SQ. FT.

30' SIDE YARD SETBACK

1B
NO CONSTRUCTION

(H)

RP 8"

LIMIT OF IMPACTS

2B
NO CONSTRUCTION

REBAR TO
BE SET - PROPERTY LINE (SEE REFERENC

3'

EDGE OF DRIVE

RP 9" (C)

The View
LLC

COVERED
DECK

SPR 8"

SPR 7"

SPR 8"

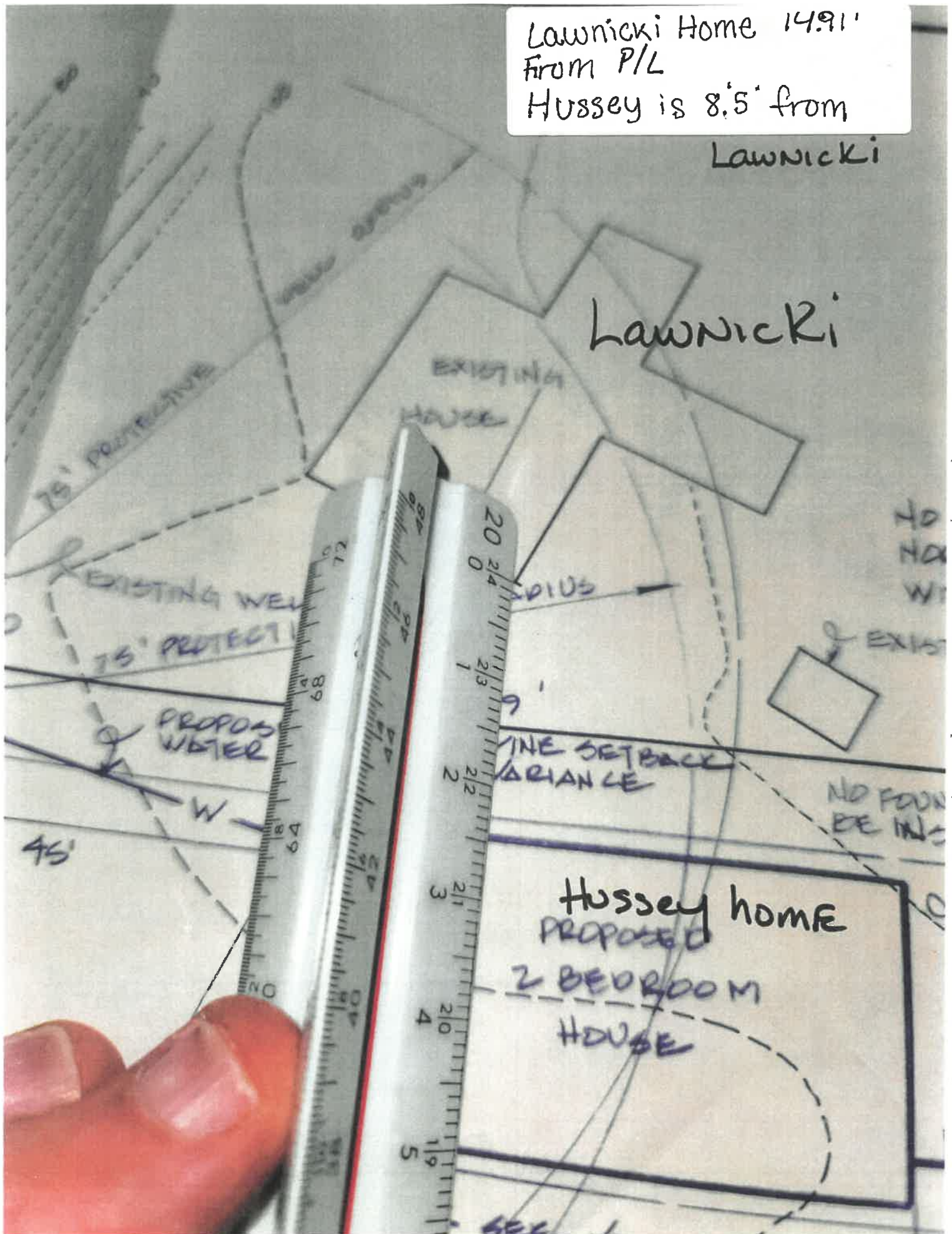
SPR 8"

Lawnicki Home 1491'
From P/L

Hussey is 8.5' from

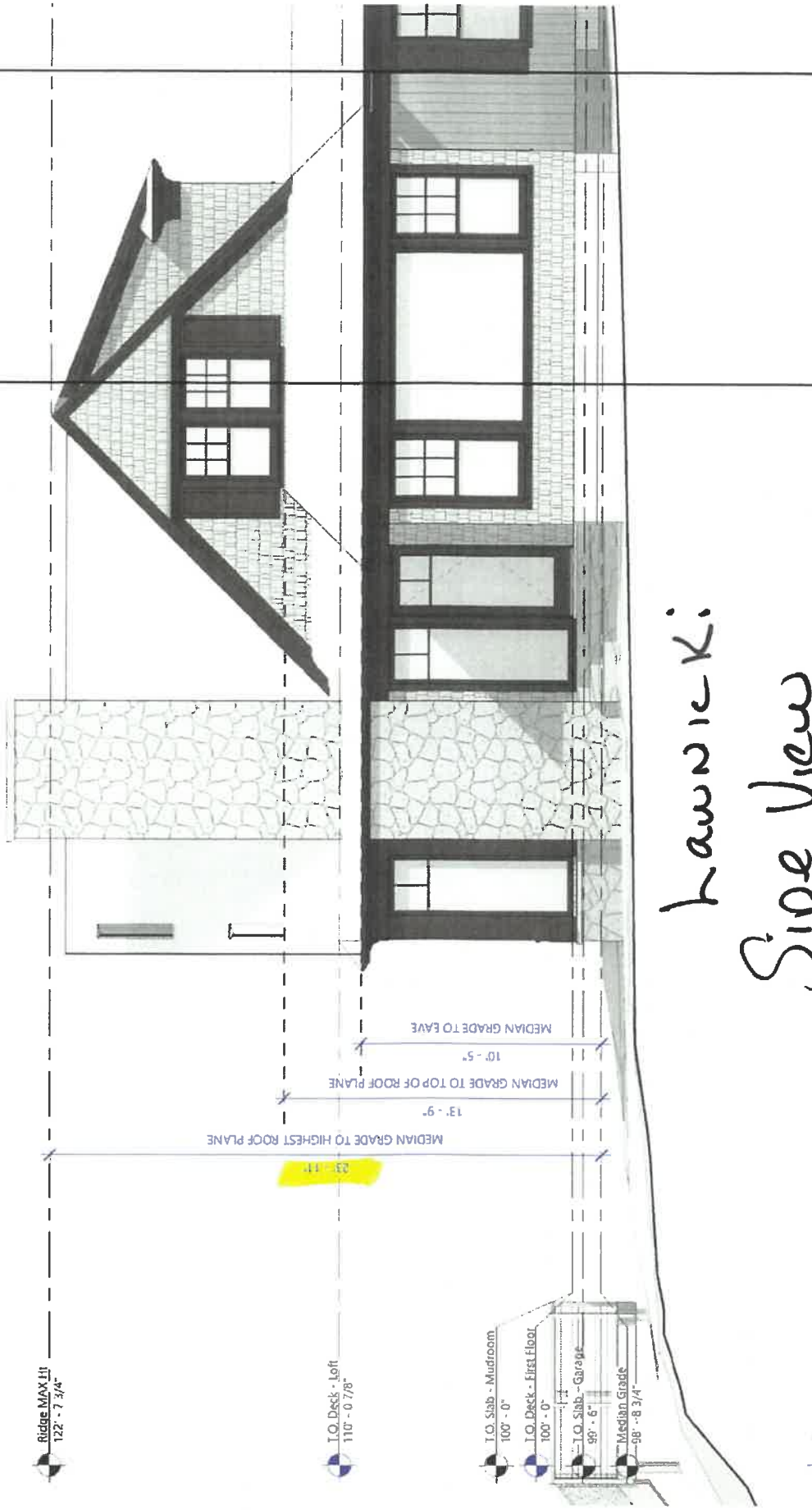
Lawnicki

Lawnicki



D
A301

C
A300



Lawnicki
Side View

Bruce & June Howlett

10/25/2021

177 East Danforth Rd.

Re: Case 33-38-21 – comments of 10-8-21 drawings

Dear Freedom ZBA,

Due to a non-reschedulable medical appointment in Boston, we cannot attend the 10/26/21 meeting in person and offer the following comments concerning the 10/8/21 drawing revisions and added SKM-C30 of Case 33-38-21 for 169 East Danforth Road.

- 1) The added SKM-C30 drawing significantly improves the understanding of the project intent and grades of the proposed retaining walls exposures. The new drawing raises a few questions we believe need to be addressed and finalized so we are not back here next year for more variances for added structures in the side yard setback. (See attachment)

- A) Site retaining wall safety issues have always been that ambiguous part of the Building Code that falls to the insurance company of a project and in some cases the local Building official. At Retaining Wall #1 for the driveway, from the proposed garage to the proposed house the fall hazard appears to vary between 4' and 7'.

- Has the project insurance company approved the design drawings presented in this revised application?
- Has the project insurance company requested any pedestrian safety/guard rails or automotive guard rails to be added to Retaining Wall #1, as it is over the typical code height of 30"?

- B) Site Retaining Wall #2 to retain fill for yard size increase has approximately 35' alongside the house with about 4' of fall hazard.

- Again, has the project insurance company requested any yard occupant safety/guard rails to be added to Retaining Wall #2, as it is over the typical code height of 30"?

- C) There is no stair structure shown to get from end of driveway elevation 94' to the yard fill area at elevation 90'.

- How do the owners plan to access the boat dock from the driveway / garage area to supply / service boats?
- Is a stair structure in the setback area planned that needs to be shown on plans as part of the project application?

- 2) We continue to have concerns that some of the runoff absorbing trees shown to remain along retaining walls #2 will not survive excavation for the retaining walls leveling pads. In addition, there does not appear to be many places for plowed snow storage except over retaining wall #1, West end of the driveway and the yard East of proposed garage. Some of the existing and proposed 1" and 2" small caliper trees of those areas will not survive plowing and piled snow.

- We suggest some trees be added to water side of the project to offset trees lost during construction and that some of the proposed 1" caliper trees adjacent to the driveway be increased to 2" to increase survival rate due to effects of plowing.

3) In summary;

- A) Runoff to Danforth Ponds continues to be our major concern and we feel some added trees along Middle Danforth Pond and the Danforth River along with some tree caliper size increase to offset tree losses to construction and snow plowing damage are warranted.
- B) We feel some additional answers are needed relative to what anticipated final heights of retaining walls #1 and #2 will be if fall protection and or stairs are added, before we can finalize our opinion of the setback work. Visually open guard rail and stair design would be preferred as to not visually increase the already tall exposures of retaining wall #1.
- C) The new configuration of retaining wall #2 to save trees is a good improvement, but will need construction erosion control measures in place on down slope of water flow towards the neighbor and on to water.
- D) The revisions to the headwall heights to avoid large exposures along the river is another good improvement.

Hoping these last few questions can be answered and the suggestions can be implemented so project can be approved at next meeting.

Bruce & June Howlett

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