

TOWN OF FREEDOM

A PUBLIC HEARING of the
Freedom Planning Board will be held on
Thursday, January 6, 2022
at 7:00 p.m. at the Freedom Town Hall to act upon the following:

AGENDA

- Review and accept public comment on the proposed zoning language to allow Detached Accessory Dwelling Units (DADUs)
- Review and accept public comment on the proposed zoning language to regulate Short Term Rentals (STR) for protection of the public health, the welfare, and to deal with any nuisances from STR activity
- Review the full list of ballot questions for ordering on the ballot
- Public comment
- Other Business that can properly come before the board

Note: The full text of the ballot questions and the zoning language for DADUs, STR, and other ballot questions (that will be covered at the January 20, 2022, planning board meeting) are available on the town's website (townoffreedom.net) and by request at the Freedom town office (539-6323) during regular office hours.

TOWN OF FREEDOM

A PUBLIC HEARING

Freedom Planning Board **Thursday, January 6, 2022**
7:00 p.m. at the Freedom Town Hall

Minutes

The hearing was opened at 7 pm by Anne Cunningham. Present are: Anne Cunningham, Paul Olzerowicz, Bill Elliott, Les Babb-Selectmen's Representative, Jeff Nicoll-Alternate, Beth Earle-Alternate and Carol McIntire. Pam Keith and Jeffrey Towle are absent. Beth Earle is seated for Pam Keith. Jeff Nicoll is seated for Jeffrey Towle.

Anne led into the discussion with a history of zoning and the responsibilities of the Planning Board.

- Review and accept public comment on the proposed zoning language to allow Detached Accessory Dwelling Units (DADUs) – the language does not include that the ADU cannot be used as a short term rental. Les spoke about the reason for allowing the ADUs would be for allowing diversity in the population, and that allowing them to be short term rentals would not be accomplishing that goal. Beth agreed with Les. Bill and Jeff also agree. Carol and Paul have some hesitation, but Carol does feel that it should be a long term rental.
- Douglas Welch – looking for clarification on 1104.3.4 – minimum parking spaces required. What is the existing driveway requirement for? Anne explained that it reduces the visual and the land impact of the unit. Would there be a grandfathering clause for existing units that already have a separate access? Anne stated that this has been in effect for quite some time. If there was a second driveway prior to the language in the zoning ordinance about the parking spaces, they would be grandfathered. Anne needs to research when this occurred, and offered to email that information to Mr. Welch.
- JoJo Howlett – concerned about problems if the DADU amendment reaches into ADUs as well.

Add this language into 1104.3, making it applicable to everyone. Beth made a motion to include wording about prohibiting DADUs as STRs and add it into section 1104.3, Les seconded. It will be added at 1104.3.6. APPROVED, Paul O. abstained. Beth made a motion to post the new language for the January 20 meeting, Les seconded. APPROVED

- Review and accept public comment on the proposed zoning language to regulate Short Term Rentals (STR) for protection of the public health, the welfare, and to deal with any nuisances from STR activity – Anne reviewed the document with the Board. Under Districts, we have to choose one of the options presented. Our Attorney is not aware of a law that would allow us to take this approach limiting the amount or the distance between the STRs (option B). Option B will be eliminated. Paul made a motion to revise section 2 to remove "Option A" from X.2.1 and remove in entirety section X.2.1 option B. Jeff seconded. APPROVED There is a law that states that the fire department cannot enter a residence to inspect it, but we have this listed as part of the permit process. Jackson requires the information, with a signed

affidavit meeting their listed requirements. Paul supports removing the requirement for the inspection, and put in the items that would need to be reviewed with an affidavit requirement. Beth asked if requesting photos would be allowed. Jeff asked if we would be allowed to have a third party inspection that is not the Fire Department (third party life safety expert?). Anne would like Rob Cunio to review the list. She feels we could make the list and ask for photos. Grounds for denial will also need to be edited, to remove the requirement of the inspection. Pending SB249 states that towns cannot prohibit STRs. It also says that the owner must register with the town, and that the town can only charge fees sufficient to cover the list of registered names. Anne proposes removing the language about the inspection. Language could be added stating that if the owner chooses to allow the Fire Chief to inspect, that could substitute for the affidavit requirement. Les feels that it should just be the affidavit. Replace the language of inspection/submission to the Jackson approach with our septic language included. Jackson also requires proof of Room and Meals Tax license numbers. Anne proposes including this language also. Photos will also be required. Remove the section about the failed life safety inspection or refusal to allow will be grounds for denial. A motion to change the language was made by Paul – remove X.3.1, X.3.2, and X.4.5 and replace with Jackson language, to include photos and proof of room and meals tax, to be reviewed by Rob Cunio for life safety items. Bill asked about photos, and how you would know where those photos are from. This could be part of the affidavit, that the photos are true and accurate. The Zoning Officer will be looking at these items, then it will come before the Planning Board. Beth seconded. APPROVED

PUBLIC COMMENT

- Don Johnson – thanks the Planning Board for the time and energy they put in for the Town of Freedom. They have a STR in Alton. He is concerned about what it makes it look like for us as a Town of Freedom, and that it makes it look like we are prejudiced against people who have these homes, and those people who rent them out for those periods of time. He suggests that STRs will be required to maintain the same regulations and restrictions that all residential properties must have in the Town of Freedom. Or – all residential property must maintain the same as STRs.
- Shawn White – no plans on renting his property. The law states “except single family homes or two units”. He is concerned about wasting tax money on legal issues. The Septic issue is also spoken about, because the State doesn’t require it.
- Ned Kucera – the regulations this Board has produced are prohibitive– why are these not applying to longer term rentals? To the Selectmen – was the directive a genuine intent to allow a path forward for STRs? Planning Board – what is the primary motivation behind the restrictions, and can you justify them? The timing of the licensing process needs to be addressed. The fines and heavy handed nature of the regulations need to be addressed.
- Tom Wilkinson – NH RSA 48-A:1 – definition. Short term rentals are residential uses of the property. RSA 48-A:2 – power – dilapidated buildings would allow inspections. Anne stated that this is a building codes article passed in 2017, and was specifically put in so that towns could not use it to prohibit short term rentals. Planning Board can approach this through Land Use regulations.
- Ray Mooney – registered with the State for Rooms and Meals Tax. How are STRs negatively affective to the Town? Anne explained that there are people in town who are

concerned that their neighborhoods are being affected. How would the housing stock be improved without the STRs? Previously these homes were rented out for longer periods of time. Those are no longer available. Is there a fee for the permitting process yet? No.

- JoJo Howlett – Meals and Rooms tax – some use Air BnB and VRBO – those companies do the taxes in their group.
- John Krebs – regarding the prejudicial regulation statement – concerned about the fire safety issues for folks who do not know the house. He is also concerned about the renters perhaps not caring about the septic systems. STR is a commercial use. As a commercial use, the inspections would be allowed.
- Rick Mullins – there are a lot of parties, drinking, profanity in his neighborhood. With Option B eliminated, how are we going to prevent short term rentals from being all over the neighborhood?

3.2.3 – Beth spoke about the building becoming a business once it is rented. It is a business once someone is there paying their money to be there. Anne states that Option A could be changed to state that STRs are a commercial use and are not permitted in any residential districts. Les spoke about the complexity issues. Is this about community or about money? He feels that we should stick with what is proposed for now. Anne suggests leaving the building inspection out of this iteration. Les made a motion to remove 3.2.3, Paul seconded. APPROVED

Under Responsibilities, add in affidavit.

Grounds for Denial – 4.5 has been removed. The others are OK. Beth would add the word affidavit to this section.

Fees and Penalties – these are standard fees and fines that are listed in the RSA.

- Don Johnson – who is going to be doing the policing on all of these items, how will fines be assessed, who is making the decisions? This process will be managed by the Board of Selectmen. This will be a conditional use permit, and the Board of Selectmen will enforce with the Zoning Officer reviewing applications and taking complaints, and they will weigh in on the penalties. This process will not happen immediately once voted in. The Selectmen will begin their process after voting day.
- Ned Kucera – implementation is important. Complaints must be verified. He is OK with the fee numbers, but not the per day. He requests that it be removed. Les stated that the per day statement is part of the RSA.
- Paul Kiah – concerned about rental season this year – the unit he owns is booked through August. Can exceptions be given to people who have already rented their property for this year and start the process next year. Les has stated that there will be some kind of a transition as this is implemented.
- JoJo Howlett – is the previous gentleman grandfathered?
- Kyle Clifton – there is lack of specification of what would precipitate proof of failure to comply. If this is a frivolous charge, there would be a cost to the Town. Baseless accusations are of concern.

Standards – are periodic safety inspections allowed? This would require an administrative inspection warrant. (In compliance with RSA 153:14).

- Rick Mullins – 45 days – we will go back to that issue.

- Doug Welch – feels some of this needs to be tightened – for example, the noise complaint issue – is it against the renters or against the landlords? Are there escalating fines for offenses? Being able to contact the landlord – where will the database be kept? Les stated that the violations would go to the property owners. When police are called, they deal with the individuals that are there.
- Ned Kucera – noise violations – state no fireworks other than what are allowed by the town. Signage – people have issues with renters getting lost. Concerned about 6.1, 6.11, 6.13 – access to records – access to taxes etc.
- John Krebs – 6.9 – the intention? Is there a requirement that there has to be either cell service or a land line at the property? How practical is 6.9? Can owners get here within an hour? This could be a designated representative rather than the owner.
- Rick Mullins – Freedom’s Noise Ordinance –Les - Freedom does not have one, it follows the State laws regarding disorderly conduct.
- Kyle Clifton – 6.13 – proof? 6.5 – how will you define occupancy limits? 6.7 – the transfer station is not open at the end of every rental. 6.11 – rates – 6.13 – income and tax information – he does not feel that they can require that.

(Fix the numbering on signage section)

Under trash – make it say and/or to shall remove

Les made a motion to:

6.3 add in compliance 153;14;II.a

6.7 store all trash safely on site and/or shall remove trash

6.8 will comply with State disorderly conduct rules

Remove 6.13

Beth seconded.

- Janet Johnson – you do not need a license through the State if you are using an agency like VRBO. It could state “proof of taxes paid”.

We need proof of how many days the property was rented.

- Kyle Clifton – purpose – to preserve the stock. Not sure about the solutions.
- Ned Kucera – rates vary and they show you a total, not a number of days. This would have to be done through an affidavit when you apply for the license.
- Rick Mullins – you have to find a good way to make sure Freedom and NH get their money.

An affidavit and Room and Meals Tax Returns are being suggested as the tool.

- John Krebs – ask for an end of year report and affidavit.

Anne amended the motion above, to state: by adding a replacement to 6.13 – in order to monitor rental days per year, the permit holder will sign an affidavit of days and dates rented and provide the Room and Meals Tax statement with the renewal application. Les approved the change, Beth seconded the change.

Anne amended the motion to remove section 6.11. Les accepted the change, Beth seconded the acceptance of the change. APPROVED

- JoJo Howlett – back to Option A – language about permitted use is confusing – conditional to receipt of a special use permit. 2.1.C – why was that removed? The grandfathering issue is still there, do you mean for that to be gone?

Anne made a motion to add in “short term rentals will be allowed in all districts subject to a conditional use permit”. Beth seconded. APPROVED

Number of Days Allowed – Anne gave an introduction to the reasons for limiting the amount of days. Does anyone in this room have a concern about the overall impact that large scale purchasing of homes for investment will affect the Town?

- Tom Wilkinson – The history and character of this town is short term rentals. How do we build communities? These friends that were made on the summer visits are still his friends. Totem Pole Campground – those people cannot use their places year-round.
- Ray Mooney – do you know how many of these places have happened so far? This is planning. Feels that 45 days is 12% of the year and is ridiculous. He will have to sell if he can only rent 45 days per year
- Rick Mullins – thanks everyone here for all the work and effort put into this.
- Doug Welch – disputes that all the homes here are short term rentals. These homes are owned by single families. They were the same people that came up time and time again, not people who are here short term. Planning is what we need to make sure this is done right.
- Kyle Clifton – there are a lot of assumptions that there are always bad renters. Deposits and ratings are used. Limiting the days of rentals will take money from the cleaning crew that is locally based.
- Walter Evans – Air B&B does not pay the cleaning fees.
- Janet Johnson – conflicted because we are looking at limiting numbers, but there are problems with folks who live in homes full time and make noise. She would like to put more into the Fire Department and Police Department to curb the issues with noise rather than limiting the number of days.
- John Krebs – what does this do to the town? Knows his neighbors and trusts everyone. If there was a STR in that neighborhood he would feel differently. It is happening and it is going to change the town.
- Ned Kucera – the mortgage, not the taxes should be the baseline. What is the investor looking for when buying multiple houses? Mortgage costs would need 75-90. Permit the owner, not the house.
- JoJo Howlett – agrees that the Town is changing. Some of the things you are talking about are speculative. She would like to see some consideration for folks that are doing things differently than anonymous corporations and would like the Board to consider grandfathering.
- Daymond Steer – Conway Daily Sun – the 45 days seems to be a difficult thing to keep track of. Owners have a sense of what days they are going to rent. How is tracking this doable?

- Don Johnson – the rationale for the number of days was very convincing. The people who are making the rentals available are interested in maintaining the character of their place. The choosing of a number of days seems arbitrary and divisive.
- Robert Trapsis – you have no way of knowing each individual's situation. You are charging so much money to get all the stuff into place that people will not go through the process. Time and resources will be spent trying to figure this out.
- Paula Scribner – had to start doing Air B&B until such time as she can retire here. She will likely sell her home if the number of days are limited. You can get around all this stuff if you all work together.

Anne is not supportive of allowing 365 days a year rental. Beth shared opinions of 5 Freedom residents on this issue. Three of them felt that 45 days was too much, that it should only be 30. They all expressed concern about the effect on the town. Anne spoke to a couple of people. One person stated that the issue was to keep the house to pay the taxes. Les had mentioned 90 days previously. Carol spoke to 6 people, none of whom are renters. 3 of them liked 90 days, 3 of them liked 6 months. Jeff spoke about the trends throughout the country where this is happening. We need to prevent the trend from becoming a reality. Investments in the town which will fundamentally alter the character of the town are what we need to try to prevent. Paul spent his career advising investors on what properties they should buy. He is sensitive to the fact that there needs to be a number of days. He understands the evidence supporting 45 days, but does not have enough information to change to any other number. Bill Elliott has heard from people that it is their property and they should be able to do what they want with it. He feels that 45 days is small, he would agree with increasing it. Anne spoke about wondering if changing this to 90 days would allow this ordinance to pass.

- Rick Mullins – how many STRs will there be in Freedom? There are no State laws to control that.
- Janet Johnson – feels that 90 days is a good compromise
- Kyle Clifton – grandfathering – are we talking about current people or planning for the future?
- John Krebs- He would support 90 days if everything was not grandfathered. How do you grandfather something that was never permitted.

Les made a motion to amend 6.4 from 45 to 90 days. Carol seconded. Paul does not support this. 5-2 Jeff and Paul opposed

Prohibitions – outdoor fires should be moved into standards. Anne received a comment that suggested that corporate special events stay in but that weddings and family events that meet the occupancy requirement not. Add any other events must meet the occupancy requirement. Fires should be in 6.15. A motion to make those changes was made by Beth, seconded by Jeff.

APPROVED

- Jojo Howlett – clarification around 14 definition of short term rental. It means you cannot have a short term rental in an attached or detached accessory unit, or in a camper.

The hearing was closed at 10:10 pm.

- Review the full list of ballot questions for ordering on the ballot – We do not have a ballot question for the STR as yet. We have one for DADUs. There are also 7 others.
Are you in favor to allow Short Term Rentals in all districts by conditional use permit to ensure life safety and water quality protections are met? Short term rentals will be allowed for a maximum of 90 days in a calendar year.

The Board agrees to put the short term rental question first.

DADU's

Quadrants

Tree cutting – less than 75'

Tree cutting – greater than 75'

Leachfield Setback

Construction Setback – 50'

Accessory Use exclusion

Residential Camping

Anne spoke about a letter she received regarding the residential camping item. A variance process is available.

Jeff made a motion to use the order above for the ballot. Carol seconded. APPROVED

- Public comment
- Other Business that can properly come before the board

Beth made a motion to adjourn at 10:25 pm, Jeff seconded. The meeting was adjourned.

Respectfully submitted,
Melissa Donaldson
Recording Secretary

Note: The full text of the ballot questions and the zoning language for DADUs, STR, and other ballot questions (that will be covered at the January 20, 2022, planning board meeting) are available on the town's website (townoffreedom.net) and by request at the Freedom town office (539-6323) during regular office hours.

Proposed Short-Term Rentals Zoning Language 01/20/2022 Public Hearing

Article #2 (To vote by official ballot):

Are you in favor of the adoption of Amendment No. 1 as proposed by the planning board to allow Short-term Rentals in all districts if the owner obtains a conditional use permit to ensure life safety and water quality protections are met. Short-term rentals will be allowed for a maximum of ninety (90) days in a calendar year.

Article X Short-Term Rentals (STR)

X.1 Purpose

X.1.1 To preserve the traditional character of residential neighborhoods that can be negatively affected by this use.

X.1.2 To protect water quality where an STR is in the shorefront district

X.1.3 To help preserve the quality and quantity of the housing stock for year-round residential use.

X.1.4 To ensure the safety of Short-Term Rental occupants.

X.2 Districts

X.2.1 STRs will be allowed as a permitted use in all districts.

X.2.2 The permitting process will include notice to abutters by first class mail within five days of acting on an application.

X-3 Permit Application Procedure: A conditional use permit as defined in RSA 674:21-II is required for all STRs

X.3.1 Obtaining a permit

X.3.1.1 Any owner of record of property in Freedom may apply for a conditional use permit to use their primary dwelling as an STR

X.3.1.2 All STR owners shall apply for and obtain a conditional use permit from the Freedom Select Board or their designee. The fee for the permit shall be set by the Select Board

X.3.1.3 Permit applications are available at the town of Freedom website (townoffreedom.net) or by request to the town office (603-539-6323). Only completed applications will be processed.

X.3.1.4 Upon receipt of an application for a Short-Term Rental Conditional Use Permit, the Board of Selectmen shall forward the application to the Freedom Planning Board, which shall place the application on the agenda for its next meeting. The Planning Board shall review the application and shall provide the Board of Selectmen with written comments on the application. The Planning Board is not required to hold a public hearing on its review of the STR application.

X.3.1.5 The permit shall be valid for one year and will run from January 1 to December 31. A permit issued during the year will expire on December 31. To allow sufficient processing time, applications for permit renewals for subsequent years shall be submitted by September 30 of the current year.

X.3.1.6 Permits are not transferable. If the property is sold, the new owner shall obtain a permit before any STR occur on the property.

X.3.2 Application Submissions:

The application will be approved or denied by the Board of Selectmen using the following criteria:

X.3.2.1 **The owner of a proposed STR unit shall provide the name, address, and**

telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner of the property.

X.3.2.2 As part of the application process, the owner of the STR unit must sign an Affidavit and provide photographs which shall certify the following:

- i. Smoke/CO detectors are installed in areas defined by the NH State Fire Code and NH State Building Code and are functioning.
- ii. Windows and/or doors designated for emergency egress are maintained and in operational order.
- iii. No basement space shall be used as a sleeping area unless there are two means of egress that are properly sized windows and/or doors conforming to the NH State Fire Code and NH State Building Code.
- iv. A functional fire extinguisher is visibly installed in any kitchen area.
- v. The maximum number of people that the dwelling unit can be advertised for in any published listing or other form of marketing, shall be two (2) people for each bedroom listed on the NH DES Septic approval (to be provided) plus two (2) additional people. In instances where there is no valid subsurface system operational approval on file with NH DES, owners shall certify that the existing system is not in failure (RSA 485-A:2 IV) and adequate by providing a current complete written evaluation and certification signed by a NH certified or licensed septic system evaluator. The town shall confirm the number of bedrooms each septic system will support.
- vi. All vehicles shall be parked on the property and in designated parking areas.
- vii. Attest to the statement: the attached photographs are true and accurate depictions of the current condition of the dwelling unit to be rented.

~~X.3.2.1 The fire department will conduct an inspection to ensure that all NFPA life safety requirements are met, including but not limited to sufficient means of egress, fire extinguishers, smoke and carbon monoxide detectors, exit lighting. The fire chief or his deputy shall provide an inspection report to the BOS. Any deficiencies shall be remedied before the application shall be considered complete.~~

~~X.3.2.2 The applicant shall provide a copy of the septic approval from the NH Department of Environmental Services Sub-Surface Division and proof from a DES licensed septic technician that the septic system has been pumped and checked within 2 years of the application date. In instances where there is no valid subsurface system operational approval on file with NH DES, owners shall certify that the existing system is not in failure (RSA 485-A:2 IV) and adequate by providing a current complete written evaluation and certification signed by a NH certified or licensed septic system evaluator. The town shall confirm the number of bedrooms each septic system will support.~~

~~X.3.2.3 The applicant shall provide a building inspection showing the rental residence conducted by a professional is in compliance with the building code adopted by the town of Freedom.~~

X.3.3 **Property Owner Responsibilities**

X.3.3.1 Complete the application and affidavit fully, with no false or misleading statements

X.3.3.2 Meet all of the standards listed in section X.6 of this article

X.4 **Grounds for Denial, Imposition of Penalties, Suspension or Revocation of Permits**

X.4.1 Incomplete, false, or misleading statements on the application or affidavit

X.4.2 Violation of any standards set forth in section X.6

X.4.3 Violation of any state or federal laws, statutes, or town ordinances, rules, or regulations pertaining to short term rentals

X.4.4 The operation is a threat to the public health, safety, or welfare

~~X.4.5 A failed life safety/fire inspection or refusal to allow a life safety/fire inspection.~~

X.5 Fee and Penalties

X.5.1 Fees for an annual STR permit shall be set by the Freedom Board of Selectmen

X.5.2 Failure to comply with all terms of the permit and the standards in this article will lead to the following sanctions as provided for in RSA 676:17:

1st offense: fine of \$275

2nd and subsequent offenses: \$550 per day. Each day that a violation continues shall be a separate offense

3rd offense or subsequent offense: The selectmen are authorized to revoke the permit for the rest of the year or 6 months, whichever is longer.

X.6 Standards

X.6.1 A short-term rental (STR) may not be established, advertised, or rented until a permit to operate a STR has been issued by the Board of Selectmen or their agent. The property owner shall submit an application to operate a STR to the Zoning Officer.

X.6.2 To remain in compliance, a permit owner shall comply with all terms and conditions of the permit.

~~X.6.3 Those areas of the premises open to use by guest(s) remain subject to periodic safety inspections at the discretion of the town~~ **and in compliance with RSA 153:14 II a.** per atty

X.6.4 Annual Maximum STR Use is ~~45~~ **90** days in any calendar year.

X.6.5 No owner shall cause or shall allow renters to exceed the occupancy limits of the STR as approved in the permitting process. If the renters do not comply, it remains the responsibility of the owner.

X.6.6 All STR guest parking shall be off-street on the lot of the STR owner. All guest(s) of the STR shall park on the property. No renter or guest shall park on the street at any time.

X.6.7 Owner and guests shall store all trash safely on site and/or shall remove trash at the end of each rental.

X.6.8 Owner and guests shall comply with **RSA 644:2, NH's disorderly conduct law** Freedom's noise ordinance

X.6.9 No use of fireworks shall be allowed except as permitted by Freedom's fireworks ordinance

X.6.10 Owner or his/her delegated representative shall be accessible by telephone during all periods of STR occupancy and able to be physically present at the STR within one hour of being contacted, at any time.

X.6.11 Owner or designated representative shall serve as the point of contact for Guests and receive and timely resolve complaints from neighbors regarding disruptive STR use.

~~X.6.11 Owner shall maintain the STR guest registration records, including dates of occupancy, number of guests per party per stay, and rates charged to guests for inspection by the town of Freedom if requested~~

X.6.12 Owner shall post on site: their permit to operate an STR, the maximum occupancy, quiet hours, an evacuation diagram showing fire escapes, and all means of egress from the STR.

~~X.6.13 Owner shall register with the NH Department of Revenue Administration and pay all required Room and Meals Tax in a timely manner. If the rental service pays these taxes, the owner shall allow the Town of Freedom access to that information.~~

X.6.13 In order to monitor compliance with maximum allowed rental days, the permit holder shall sign an affidavit stating the days and dates rented and provide a report

of NH Room and Meals taxes paid. This affidavit must accompany the application for renewal and cover the prior twelve months.

X.6.14 Outdoor fires. Fires in STRs are allowed only in firepits approved by the Freedom Fire Department and with a permit issued pursuant to RSA 227-L:17 from NHFirePermit.com or the Freedom Fire Warden/Chief or deputy.

X.6.15 Signage is restricted to the following:

X.6.14.1 One non-illuminated sign not exceeding two square feet. If ground mounted the sign shall be set back at least ten feet from all lot lines and be no taller than three feet. If mounted on the house no part of the sign may be higher than the top of the first-floor windows.

X.6.14.2 Non-advertising auxiliary signs (such as "No Parking Here" and "Entrance to the Right")

X.7 Prohibitions

X.7.1 Incidental camping. A STR permit allows use of the primary residence only and does not authorize incidental camping, which means any overnight camping, sleeping in tents or other temporary shelter in the yard or on decks attached to the short-term rental unit, or sleeping in travel trailers or recreational vehicles or parked on the short-term rental property.

X.7.2 Subletting. Guests are prohibited from subletting a short-term rental. Only owners with a valid STR permit may advertise and rent a primary residence as a short-term rental.

X.7.3 Special events. **All use of the short-term rental property shall relate to and be sponsored by the renter and not by a third-party. All such events shall comply with parking, occupancy limits, and other terms of the permit.** ~~Weddings, family reunions, corporate events, commercial functions, and any other similar events are prohibited from occurring at a short-term rental property when it is rented.~~

X.8 Definitions

- 1 Allowed Occupancy is the number of guests allowed in a permitted STR. Occupancy calculation is two people per bedroom approved by NH Department of Environmental Services Subsurface Division for septic capacity plus two. Number of beds in the STR is not the measure of allowed occupancy.
- 2 Annual Maximum STR Use means the maximum days in a calendar year (January 1 to December 31) which the STR may be rented to paying guests.
- 3 Bedroom means a room that contains a minimum of seventy (70) square feet, a horizontal dimension of at least seven feet, and a window or opening that can be used for emergency egress. The construction of a bedroom advertised for an STR shall have been authorized by a building permit and meet all requirements of the International Residential Code adopted by the state of NH.
- 4 Building Code means the code that is most recently adopted by the town of Freedom.
- 5 Conditional Use Permit ("Permit") means the permit issued by the Freedom Select Board to a Freedom property owner to conduct STR
- 6 Designated Representative means an individual who is personally available by telephone and who maintains the ability to be onsite in compliance with the requirements of the permit and who has access and authority to assume management of the short-term rental. An agent or professional property management company that meets the availability requirements can serve as the designated representative.
- 7 Guest/Guests means the individual or individual(s) paying the owner to occupy the short-term rental for the purposes of staying overnight. It also includes friends and acquaintances of the renters who visit the STR during the rental period.
- 8 Inspection means an official, in person examination by the Freedom Fire Department of the

- primary dwelling unit for which a property owner is applying for an STR permit. This inspection will include all NFPA Life safety requirements
- 9 NFPA means the National Fire Prevention Association
 - 10 NFPA Life Safety Requirements means the codes and standards for protecting life safety published by the NFPA.
 - 11 On-site Parking means parking that is provided on the rental property for all guests and includes 1.5 for the first bedroom and 0.5 for each additional bedroom with the total equaling the next highest full space. [Note: this definition will be added to section 1004 of the zoning ordinance.]
 - 12 Safety Inspections means inspections that assess the safety of the STR, including but not limited to life safety, fire safety, electrical, gas, and plumbing safety.
 - 13 Septic Approval means a copy of the official NH DES approval for the septic system located at the applicant's property.
 - 14 Short-Term Rental means the provision of transient lodging for compensation in the primary dwelling unit on a lot in Freedom for stays of between one and twenty-nine consecutive nights, and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, motel, or bed-and-breakfast.
Exclusions: ~~It excludes~~ accessory dwelling units (attached and detached), campers, and camping trailers **do not meet this definition and may not be rented as a STR.**
 - 15 STR - Hosted means a dwelling unit where the owner is in residence on the same lot of record of the rental or resides in the rental unit as the guest(s) during the rental period.
 - 16 STR Permit means a conditional use permit granted by the Freedom Board of Selectmen (BOS) to a property owner who meets all requirements set forth in this article. (See permit application information at townoffreedom.net)
 - 17 STR Owner means the person or persons who is renting out their primary dwelling unit for a short-term rental.
 - 18 STR - Unhosted means the permitted owner of the STR is not occupying the STR dwelling unit, nor is the owner residing on the same lot of record as the guest(s) during the rental period.

Proposal to amend the ZO to include detached ADUs

Article #3 (To vote by official ballot):

Are you in favor of the adoption of Amendment No. 2 as proposed by the planning board to allow detached accessory dwelling units (DADU) in all districts if they meet all of the current requirements of the zoning ordinance, including minimum lot size, setbacks, heights, lot coverage, all codes, and obtains a certificate of occupancy? DADU size will be 70% of first floor area (excluding decks, porches, and entrances per property tax card) up to a maximum of one thousand (1,000) square feet.

New language is in bold and underlined

Deleted language in existing ZO is struck-out

Section 1104 Accessory Dwelling Units

1104.1 Intent: It is the specific intent and purpose of allowing ADUs in the Town of Freedom to provide the opportunity and development of small rental housing units designed in particular to meet the specific housing needs of low and moderate income [couples] **families** and single persons both young and old.

1104.2 ~~Definition: An accessory apartment shall mean a separate complete housekeeping unit that is contained within, or attached to a single-family dwelling, in which the title is inseparable from the primary dwelling. The owner(s) of the property shall reside in either the primary residence or the accessory apartment.~~

1104.2 DEFINITIONS An Accessory Dwelling unit (ADU) is a second completely private dwelling unit that provides independent facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. An ADU is intended to be secondary and accessory to a principal single-family dwelling unit and may be either attached or detached to the principal dwelling unit as follows:
1104.2.1 Attached Accessory Dwelling Unit (AADU) located within or attached (bumped out) to a single-family residence or an attached garage or barn that is part of the structure.
1104.2.2 Detached Accessory Dwelling Unit (DADU) located within a detached accessory structure such as a barn or garage, BUT not a standalone dwelling unit.

1104.3 Applicability: ADUs are allowed in all districts if they meet these three minimum standards:

1104.3.1 The lot on which the ADU will be built meets the following three conditions:

1104.3.1.1 Conforms to the acreage requirements of the district.

1104.3.1.2 Contains one single-family detached dwelling which is a conforming use in the district.

1104.3.1.3 Contains no other accessory dwelling units.

~~1104.3.1 Only one accessory apartment will be created within or attached to a single-family structure.~~

1104.3.2 An accessory dwelling unit shall meet all setbacks, height, lot coverage, zoning, fire, building codes, and maximum occupancy per bedroom applicable to a single-family dwelling and shall require a certificate of occupancy. The ADU shall not increase any nonconforming aspect of any existing structure.

1104.3.3 All applicable **septic** regulations of the Town of Freedom and the State of NH including ~~but not limited to NHDES Subsurface System Division requirements~~ shall be met before an ADU is permitted.

1104.3.4 A minimum of two off-street parking spaces shall be provided for the ADU on-site either within a garage, or parking area, and shall be accessed by the existing driveway only.

1104.3.5 ADUs are not intended for individual ownership. The title shall be inseparable from the primary dwelling. **No ADU may be made into a condominium.**

1104.3.6 Any additions to an existing home to be used in whole or in part of an ADU shall be architecturally compatible with the existing home and the neighborhood.

1104.3.7 No ADU (attached or detached) shall be used as a short-term rental.

1104.3.8 If the owner of the of the property no longer lives in either the primary residence or the ADU,

the house shall immediately revert to a single-family residence.

1104.4 Attached accessory dwelling units

- 1104.4.1 An accessory dwelling unit (ADU) that is attached to a single-family residence is allowed by right in all districts that permit single-family dwellings.
- 1104.4.2 Any ADU whether an addition to or contained within the single-family structure shall have a maximum of 800 square feet of living space unless granted a Special Exception under the terms of the Ordinance set forth below; in any case, the accessory apartment shall be subordinate and incidental to the primary use of the property as a single-family residence.
- 1104.4.3 A door is required (which is not required to be unlocked) between accessory dwelling units that are attached to the primary dwelling.
- 1104.4.4 Special Exceptions. A Special Exception may be granted by the Zoning Board of Adjustment in cases where an ADU is greater than 800 square feet, provided however that the following criteria are met, in addition to the requirements set forth in section 1104.3, above;
 - 1104.4.4.1 In no case shall an ADU larger than 800 square feet be permitted if any part of the apartment is an addition to an existing home.
 - 1104.4.4.2 Anyone seeking a Special Exception for an ADU exceeding 800 square feet shall provide the Zoning Board with floor plans of the existing home and of the proposed ADU. Floor plans shall be drawn to scale, and the use(s) of each room shall be labeled.

1104.5 Detached Accessory Dwelling Units (DADUs)

- 1104.5.1 A DADU is allowed by special exception in all districts if the DADU meets all requirements of section 1104.3 and of this section.**
- 1104.5.2 A DADU may not be constructed on an existing nonconforming lot.**
- 1104.5.3 The square footage of a DADU may not exceed 70% of the square footage of the "first floor finished" and "first floor unfinished" as shown on the property tax card, up to a maximum of one thousand (1,000) square feet.**
- 1104.5.4 A DADU may exist within or attached to a detached accessory building, but not in a freestanding dwelling.**
- 1104.5.5 A DADU may not be a mobile home nor be placed on a lot with a mobile home as the primary residence.**
- 1104.5.5 A DADU must have a separate address.**
- 1104.5.6 Remote DADUs, located greater than 500 feet from the primary dwelling, are prohibited as not meeting the general intention of this ordinance as accessory, incidental, and subordinate to the primary dwelling.**
- 1105.5.7 A detached accessory dwelling unit (DADU) may become an individually owned private residence if the original lot is legally subdivided by application to the Freedom Planning Board into two or more separate lots that meet all the regular requirements for subdivision in the Freedom Zoning Ordinance and Subdivision Regulations without exception or special consideration. The former primary dwelling unit and lot and the new converted independent dwelling unit and lot may not be made nonconforming by the subdivision process, including lot size, all front and side setbacks, road frontage, private septic, and utilities. In the granting of an ADU permit, no terms or conditions in this Article, expressed or implied, shall be interpreted as conferring any obligation by the Town to allow any future subdivision either by vested right or variance for hardship, special exception, or any other reason.**

Article #4 (To vote by official ballot):

Are you in favor of the adoption of Amendment No. 3 as proposed by the planning board to change Freedom's quadrants for calculating tree cutting allowed in the shorefront to encourage better spaced tree cutting for better erosion and runoff control to promote better water quality? This change will match state requirement of quadrants 25-feet along the shore (instead of 50-feet) by 50-feet inland (the Shorefront Segment) and create a second quadrant behind this of 25-feet by 25-feet (the Inland Segment) to protect the area from 50-feet to 75-feet (inland) as currently required by the Freedom zoning ordinance?

Language Changes

Section 703 Minimum Town of Freedom Shoreland Protection Standards

The Legislature of the State of NH has found that the shorelands of the state are among its most valuable and fragile natural resources and their protection is essential to maintain the integrity of public waters. The intent of this provision of the Town of Freedom's zoning ordinance is to protect Freedom's water bodies via the Town's authority under RSA 674:16. The waterfront buffer shall be those protected shorelands within 75 feet of the reference line. The purpose of this buffer is to protect the quality of public waters while allowing homeowner discretion regarding water access, safety, viewscape maintenance, and lot design.

Within the waterfront buffer all the following prohibitions and limitations shall apply:

Sections 703.1, 703.2, and 703.3 remain the same.

703.4 Starting from the northerly or easterly boundary of the property, and working along the shoreline, the waterfront buffer shall be divided into segments 25 50 feet (along the shore) by 50 75 feet inland (the "Shorefront Segment"). The second segment, parallel to the rear of the Shorefront Segment, consisting of 25 feet and 25 further inland (the "Inland Segment") will be mapped behind the Shorefront Segment to extend out to 75 feet from the shoreline, Freedom's minimum standard.

Owners of land within the waterfront buffer shall measure, calculate, and maintain the tree, sapling, shrub, and groundcover point score in each of these segments in accordance with the methods and standards described in subparagraphs i through viii.

- i. Tree and sapling diameters shall be measured at 4 1/2 feet above the ground for existing trees and saplings, or by caliper at a height consistent with established nursery industry standards when nursery stock is to be used, and are scored as follows:

Diameter or Caliper--	Score 1 to 3 inches--	1 point
	Greater than 3 and including 6 inches--	5 points
	Greater than 6 and including 12 inches--	10 points
	Greater than 12 inches--	15 points

- ii. For the purpose of planting under RSA 483-B:9, V(g)(3), shrubs and groundcover plants shall be scored as follows:

Four square feet of shrub area	1 point.
Ground cover, not including mowed lawn	1 point for every 50 square feet.

Shrub and groundcover shall count for at least 4 15 points for the Shorefront Segment and 2 points in the Inland Segment and not more than 7 25 points in in the Shorefront Segment and 3 points in the Inland Segment. ~~each full segment.~~

- iii. Dead, diseased, or unsafe trees or saplings shall not be included in scoring.
- iv. If the total tree and sapling score in any 25 75 foot by 50-foot Shorefront Segment exceeds 35 100 points or 15 points in the Inland Segment, then trees, saplings, and shrubs over 3 feet in height may be removed as long as the sum of the scores for the remaining trees and saplings in that segment does not total less than 35 or 15 100 points in the two segments respectively. If for any reason there is insufficient area for a full segment, or the segment contains areas incapable of supporting trees and saplings, such as areas of rock, ledge, or beaches, the point score requirement for the remaining vegetation in that partial segment shall be reduced proportionally to that required of a full segment. Vegetation shall not be removed from any segment which fails to meet

the minimum point score for that segment. Owners are encouraged to take efforts to plan the maintenance of their waterfront buffer areas including the planting of additional non- invasive vegetation to increase point scores within segments, thus providing sufficient points to allow the future removal of vegetation as may become necessary while still meeting the requirements of this paragraph.

Article #5 (To vote by official ballot):

Are you in favor of the adoption of Amendment No. 4 as proposed by the planning board to allow the Zoning Officer to issue permits for tree cutting in the shorefront in cases where the plan meets the point requirement rather than requiring the ZBA to grant a special exception?

Language Changes

304.6.5 ~~Special Exception Standards~~ **Permits issued by Zoning Officer** for Cutting and Removal of Trees and Natural Vegetation in the Shorefront District:

304.6.5.1 ~~Tree Cutting: Any cutting or clearing of trees within seventy-five (75) feet of the reference line in the shorefront district shall require a special exception from the Zoning Board of Adjustment, and shall be subject to the provisions of Article 7 Shoreland Protection, section 703.~~

304.6.5.2 ~~Permits granted by the zoning officer~~

304.6.5.1 A shorefront resident who wishes to remove four or fewer trees in a segment, may apply to the zoning officer for approval of the cutting plan as described above **in Section 703 Shoreland Protection Standards**, as long as the resulting points still meet the point requirement listed in the zoning ordinance.

304.6.5.1.1 If the zoning officer is not certain the tree count meets the requirements, he/she has the authority to require the applicant to submit a tree plan prepared and signed by a NH licensed surveyor

304.6.5.1.4 ~~2~~ The zoning officer's approval will be effective thirty (30) days after his decision is made.

305.6.5.1 ~~23~~ Within five (5) days of issuing an approval, the Zoning Officer shall mail notice of the approval to all abutters. The property owner or his authorized agent shall provide a complete list of abutters and pay the costs of noticing abutters of the decision by certified mail.

Article #6 (To vote by official ballot)

Are you in favor of the adoption of Amendment No. 5 as proposed by the planning board to clarify the slope conditions in current Section 305.6.5.3 allowing tree cutting on land from 75 to 300-feet from shore by adding more detail on these slope conditions to reduce stormwater runoff and prevent water quality degradation? (This new language will move to Article 7 Shoreland Protection)

Language Changes

703.5 ~~304.6.5.3 For lots in the floodplain or lots sloping toward the lake at greater than a 12.5% grade, Any cutting between seventy-five (75) and three hundred (300) feet of the reference line shall also require a cutting or clearing plan to be approved by the Zoning Board of Adjustment~~ **if the slope of the lot meets any of the following criteria:**

703.5.1 Construction or site work of any kind is taking place in an area(s) that slopes at greater than 12.5% toward the lake

703.5.2 The structure's placement has the potential to cause stormwater to flow toward the lake because the slope below the structure is greater than 12.5%

703.5.3 In any case required by the Zoning Officer.

703.6 The cutting plan shall meet the intent of this ordinance as stated in Section 701 and using a methodology similar to that set out in Section 703 **with points increased proportionally** augmented for the larger area

involved.

703.7 ~~305.6.5.4~~ The Zoning Board of Adjustment may request the Conservation Commission to review the plan and make recommendations.

Article #7 (To vote by official ballot):

Are you in favor of the adoption of Amendment No. 6 as proposed by the planning board to change the septic setback from 125-feet from a wetland to 75 feet to conform with NH DES regulations and to specify requirements for failed systems and shorefront systems?

Language Changes

Section 406 Septic Tank or Leach Field Setback

No septic tank or leach field may be constructed or enlarged closer than **seventy-five feet (75)** one hundred ~~twenty-five (125)~~ feet to any wetland. In the case of a failed system, **the property owner must receive approval from NH DES Sub-Surface Bureau**, ~~the septic tank may be a minimum of fifty (50) feet from any wetland providing all joints are sealed and approval of Water Supply & Pollution Control Division is obtained to the extent required by law.~~ **Septic systems in the protected shorefront are subject to RSA 483-B Shoreland Water Quality Protection Act, Section 9 V(c) (2) (A) as listed in NH Planning and Land Use Regulation 2020-2021 Edition.**

Article #8 (To vote by official ballot)

Are you in favor of the adoption of Amendment No. 7 as proposed by the planning board to add a fifty (50) foot setback for construction or structures next to streams or open water in Article 6 Stormwater Management in order to control stormwater runoff in bodies of water that feed into those in the protected shorefront district?

Language Changes

Section 603 Landowner's Responsibilities for Managing Stormwater

603.1 No construction or land disturbance may be undertaken closer than 50 feet from rivers, lakes, and ponds, all 1st order to 5th order streams, and designated waters subject to provision 602 (above)

603.42 Submit an application and plan as specified on the town of Freedom website for any work meeting the criteria above to the Freedom code enforcement officer. (See Stormwater Management Plan.pdf at <https://townoffreedom.net/applications/>)

Text of current sections 603.2 through 603.7 remain the same (renumbered)

Article #9 (To vote by official ballot)

Are you in favor of the adoption of Amendment No. 8 as proposed by the planning board to add an exclusion to Section 309 Accessory Uses to not allow trucks greater than 20,000-pound gross vehicle weight (GVW) in residential districts?

Language Changes

309.4 Exclusion

309.4.1 Accessory uses involving vehicles greater than than 20,000 pounds GVW are not allowed in residential districts.

Article #10 (To vote by official ballot)

Are you in favor of the adoption of Amendment No. 9 as proposed by the planning board to clarify Article 12 Residential Camping ~~Recreational Camping~~ to specify that such camping is allowed only on lots with an existing primary dwelling unit with aNH state approved septic system?

Language Changes

Article 12 ~~Recreational~~ Residential Camping

1201.1 Temporary camping (in tents, camping trailers, and motor homes) is allowed **on lots with an existing primary dwelling unit only**

1201.2 Temporary camping is allowed during the period from Memorial Day weekend to Columbus Day weekend.

1201.~~32~~ Temporary camping for family reunions or other events is allowed for one period of up to ten consecutive days during the season.

1201.~~43~~ For extended camping (more than ten total days during the season) on a residential lot, the property owner or **long-term** tenant (**greater than 30 days**) shall obtain a permit. The zoning officer will issue a permit for no more than two camping units, only one of which shall be a motor home or camping trailer. Failure to abide by this condition may result in the revocation of the permit.

1201.~~54~~ Tents, camping trailers and motor homes shall not be located within the setbacks unless, due to lot size, topography, or configuration, it is impossible to avoid the setbacks. In this case, the zoning officer may permit a camping unit be in the setback.

1201.~~65~~ For ~~A~~any **lot on which residential** camping occurs, **must have** an operational state approved **septic** system **which shall** ~~must be~~ available for use by all campers.

1201.7 This article does not allow any short-term rental (less than thirty (30) days) of the primary dwelling or any other structure, tent, camping trailer, or motor home on the lot.

1201.~~86~~ No commercial camping is allowed except in an authorized campground. If a property owner rents out the primary residence on the lot, this will constitute a commercial arrangement for the purpose of this article and the property owner shall not camp on this lot except under the terms of 1201.~~32~~.

Jackson, NH zoning language

4.4.3 Application Procedure

4.4.3.1 STRs are permitted in all zoning districts by a Conditional Use Permit (authorized by RSA 674:21, I(i)), pursuant to the following guidelines and requirements.

4.4.3.2 The owner of the STR property shall file a Conditional Use Permit application to operate a STR (with a \$150 application fee) with the Town's Board of Selectmen prior to operating a STR. Owners of STR units at the time of adoption of this ordinance are also required to apply for a Conditional Use Permit.

4.4.3.3 Upon receipt of an application for a STR Conditional Use Permit, the Board of Selectmen shall forward the application to the Jackson Planning Board, who shall place the application on the agenda for their next meeting. The Planning Board shall review the application and shall provide the Board of Selectmen with written comments on the application. The Planning Board is not required to hold a public hearing.

4.4.3.4 Upon receipt of the Planning Board's written comments, the Board of Selectmen will

4.4.3.6 The application will be approved or denied by the Board of Selectmen using the following criteria:

- a. The owner of a proposed STR unit shall provide the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner of the property.
- b. As part of the application process, the owner of the STR unit must sign an Affidavit which shall certify the following:
 - i. Smoke/CO detectors are installed in areas defined by the NH State Fire Code and NH State Building Code and are functioning.
 - ii. Windows and/or doors designated for emergency egress are maintained and in operational order.
 - iii. No basement space shall be used as a sleeping area unless there are properly sized egress windows and/or doors conforming to the NH State Fire Code and NH State Building Code.
 - iv. A functional fire extinguisher is visibly installed in any kitchen area.
 - v. The maximum number of people that the dwelling unit can be advertised for in any published listing or other form of marketing, shall be two (2) people for each bedroom listed ~~on the town issued building permit~~ on the NH DES Septic approval (to be provided) plus two (2) additional people. In instances where there is no valid subsurface system operational approval on file with NH DES, owners shall certify that the existing system is not in failure (RSA 485-A:2 IV) and adequate by providing a current complete written evaluation and certification signed by a NH certified or licensed septic system evaluator. The town shall confirm the number of bedrooms each septic system will support.
 - vi. All vehicles shall be parked on the property and in designated parking areas.
- c. The owner of a STR unit shall provide proof of a current NH Rooms and Meals Tax license number.

4.4.4 Responsibilities of STR Owner

4.4.4.1 Removal of trash.

4.4.4.2 Ensuring that all parking of vehicles is on site.

4.4.4.3 Ensuring that occupancy limits are not exceeded.

4.4.4.4 Any other site-specific conditions imposed as part of the approval.

4.4.5 Rural Residential District

4.4.5.1 In the Rural Residential District only, STRs are limited to 30 rentals per dwelling unit annually unless the unit or another unit on the same property is occupied by at least one full time resident. STRs in existence in the Rural Residential District at the time of adoption of this ordinance at the March 12, 2020, Annual Town Meeting shall be exempt from the restriction on the number of annual rentals.

Freedom Talking Points

"Since Freedom is choosing to change their zoning isn't anyone currently renting Grandfathered?" [Citation: The law provides that a "zoning ordinance adopted under RSA 674:16 shall not apply to existing structures or to the existing use of any building." RSA 674:19.]

X.2.1 Option B "Does this mean a couple who bought today and starts renting short term can rent, and a family who has lived here for 100+ year would be excluded from doing it in the future if the limit were met or a neighbor within 1000 ft already rented?"

X.3.1.1 Permitting "Since a Conditional Use Permit under 674:21 Innovative Land Use is designed to allow for LESS restrictive zoning, by definition, how can you use 674:21 Innovative Land Use to create a MORE restrictive regulation than other single family home rentals?" The definitions within RSA 674:21, II. implies that the planning board can make certain requirements less restrictive. However, Freedom's X.3 does the opposite: it makes regulations on short-term rentals (as opposed to long-term rentals or simple residential use) more restrictive. Further, the term cannot reasonably be construed to allow regulation based upon the duration of the occupancy.

Once a Conditional Use is approved how can the Town take it away or limit it to an annual renewal? For example, if you grant a Conditional Use to build a Gas Station in a Residential Zone it would run with the deed. NH RSA 674:21 makes no mention of duration of time (annual renewal) or rescinding the use after the fact.

RSA 48-A:2 authorizes a municipality to adopt an ordinance, code or bylaw to regulate "dwellings" for various health and safety purposes. But it also provides as follows: "The power conferred by this section shall not be used to impose any additional ordinances, codes, bylaws, licenses, certificates, or other restrictions on dwellings used as a vacation rental or short-term rental."

X.3.2.1 Inspections "NH RSA 153:14 II.A specifically bans Fire Inspections of Single-Family homes after a occupancy permit is issued. So how can that be a condition of the Conditional Use?"

X.3.2.2 Inspections "Since many properties in Freedom predate the NH Department of environmental Services requiring recording of septic approvals and plans, and since there is no requirement for a single-family home to pump and inspect every two years how can this be required for approval of a Condition Use Permit."

X.3.2.3 Inspections "Since NH doesn't require pre-existing single-family homes to be brought up to current building codes adopted by the Town. Is it the intent of the town to require all residential properties in Freedom to be brought up to 2003 International Residential Building Codes For One and Two Family Dwellings? If not, what authority does the town have to spot enforcement?"

X.3.3.2 Inspection "This seems to specifically contradict NH RSA 153:14 IIA which give the property owner the right to deny entry by a Fire Chief to a single-family home. The town would need to prove an existing hazard and ask a court for an administrative inspection warrant under RSA 595-B."

- X.5.2 Fees and Penalties "While NH RSA 676:17 allows for a town to issue fines after they issue a Cease and Desist order the burden shall be on the municipality to show that there was proof of an actionable infraction to the Superior Court. Further more under 676:17-A.VII { If it appears to the court that the order was frivolous, was commenced in bad faith, or was not based upon information and belief formed after reasonable inquiry or was not well-grounded in fact, then the court shall order the defendant's costs and reasonable attorney's fees to be paid by the municipality.}
- X.6.1 Standards "Denying an owner from legally renting their single-family home prior to permitting, that the town in X3.1.6 states could take 90 days, is an illegal taking without compensation under the US Constitution under Article 5 and NH RSA 498-A."
- X.6.3 Standards (Refer to X3.2.1 and X.3.3.2 Inspections)
- X.6.4 Standards "Who is the town prepared to monitor compliance? What right does the Town have in NH Law to limit my use of my private property? In Chief Justices Ruling for the Majority in US Supreme Court, Cedar Point Nursery v. Hassid he establishes that if a use is legal for a day, it is legal for a year and vica versa. Restricting a legal use of private property even for a day is an illegal taking without compensation."
- X.6.5 Standards "What NH RSA law is the town basing it's "Occupancy Limits" since NH DES septic calculations is based on flow not occupancy, and does the town intend to limit occupancy on seasonal rentals, long-term rentals and full-time residents?"
- X.6.11 Standards "Does the town really think they can demand this of a private property owner. Even if you tried to get a warrant, no judge is going to issue one without cause."
- X.6.13 Standards "What right does a town government have to my personal income and tax liability? Can you cite the NH Law that gives you that power?"
- X.7.1 Prohibitions "What right does the Town have in NH Law to limit a legal use of my private property? This is an illegal taking without compensation under the US Constitution under Article 5 and NH RSA 498-A."
- X.7.4 Prohibitions "What right does the Town have in NH Law to limit a legal use of my private property? This is an illegal taking without compensation under the US Constitution under Article 5 and NH RSA 498-A."

Proposal to amend the ZO to include detached ADUs

Article #X (To vote by official ballot):

Are you in favor of the adoption of Amendment No. X as proposed by the planning board to allow detached accessory dwelling units (DADU) in all districts if they meet all of the current requirements of the zoning ordinance, including minimum lot size, setbacks, heights, lot coverage, all codes, and obtains a certificate of occupancy? DADU size will be 70% of first floor area (excluding decks, porches, and entrances per property tax card) up to a maximum of one thousand (1,000) square feet.

New language is in bold and underlined

Deleted language in existing ZO is struck-out

Section 1104 Accessory Dwelling Units

1104.1 Intent: It is the specific intent and purpose of allowing ADUs in the Town of Freedom to provide the opportunity and development of small rental housing units designed in particular to meet the specific housing needs of low and moderate income [couples] **families** and single persons both young and old.

1104.2 ~~Definition: An accessory apartment shall mean a separate complete housekeeping unit that is contained within, or attached to a single-family dwelling, in which the title is inseparable from the primary dwelling. The owner(s) of the property shall reside in either the primary residence or the accessory apartment.~~

1104.2 DEFINITIONS An Accessory Dwelling unit (ADU) is a second completely private dwelling unit that provides independent facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. An ADU is intended to be secondary and accessory to a principal single-family dwelling unit and may be either attached or detached to the principal dwelling unit as follows:
1104.2.1 Attached Accessory Dwelling Unit (AADU) located within or attached (bumped out) to a single-family residence or an attached garage or barn that is part of the structure.
1104.2.2 Detached Accessory Dwelling Unit (DADU) located within a detached accessory structure such as a barn or garage, BUT not a standalone dwelling unit.

1104.3 Applicability: ADUS are allowed in all districts if they meet these three minimum standards:

1104.3.1 The lot on which the ADU will be built meets the following three conditions:

1104.3.1.1 Conforms to the acreage requirements of the district.

1104.3.1.2 Contains one single-family detached dwelling which is a conforming use in the district.

1104.3.1.3 Contains no other accessory dwelling units.

~~1104.3.1 Only one accessory apartment will be created within or attached to a single-family structure.~~

1104.3.2 An accessory dwelling unit shall meet all setbacks, height, lot coverage, zoning, fire, building codes, and maximum occupancy per bedroom applicable to a single-family dwelling and shall require a certificate of occupancy. The ADU shall not increase any nonconforming aspect of any existing structure.

1104.3.3 All applicable **septic** regulations of the Town of Freedom and the State of NH including ~~but not limited to~~ NHDES Subsurface System Division requirements shall be met before an ADU is permitted.

1104.3.4 A minimum of two off-street parking spaces shall be provided for the ADU on-site either within a garage, or parking area, and shall be accessed by the existing driveway only.

1104.3.5 ADUs are not intended for individual ownership. The title shall be inseparable from the primary dwelling. **No ADU may be made into a condominium.**

1104.3.6 Any additions to an existing home to be used in whole or in part of an ADU shall be architecturally compatible with the existing home and the neighborhood.

1104.3.7 If the owner of the of the property no longer lives in either the primary residence or the ADU, the house shall immediately revert to a single-family residence.

1104.4 Attached accessory dwelling units [THESE ARE REQUIRED BY THE STATE OF NH]

- 1104.4.1 An accessory dwelling unit (ADU) that is attached to a single-family residence is allowed by right in all districts that permit single-family dwellings.
- 1104.4.2 Any ADU whether an addition to or contained within the single-family structure shall have a maximum of 800 square feet of living space unless granted a Special Exception under the terms of the Ordinance set forth below; in any case, the accessory apartment shall be subordinate and incidental to the primary use of the property as a single-family residence.
- 1104.4.3 A door is required (which is not required to be unlocked) between accessory dwelling units that are attached to the primary dwelling.
- 1104.4.4 Special Exceptions. A Special Exception may be granted by the Zoning Board of Adjustment in cases where an ADU is greater than 800 square feet, provided however that the following criteria are met, in addition to the requirements set forth in section 1104.3, above;
 - 1104.4.4.1 In no case shall an ADU larger than 800 square feet be permitted if any part of the apartment is an addition to an existing home.
 - 1104.4.4.2 Anyone seeking a Special Exception for an ADU exceeding 800 square feet shall provide the Zoning Board with floor plans of the existing home and of the proposed ADU. Floor plans shall be drawn to scale, and the use(s) of each room shall be labeled.

1104.5 Detached Accessory Dwelling Units (DADUs)

- 1104.5.1 A DADU is allowed by special exception in all districts if the DADU meets all requirements of section 1104.3 and of this section.**
- 1104.5.2 A DADU may not be constructed on an existing nonconforming lot.**
- 1104.5.3 The square footage of a DADU may not exceed 70% of the square footage of the "first floor finished" and "first floor unfinished" as shown on the property tax card, up to a maximum of one thousand (1,000) square feet.**
- 1104.5.4 A DADU may exist within or attached to a detached accessory building, but not in a freestanding dwelling.**
- 1104.5.5 A DADU may not be a mobile home nor be placed on a lot with a mobile home as the primary residence.**
- 1104.5.5 A DADU must have a separate address.**
- 1104.5.6 Remote DADUs, located greater than 500 feet from the primary dwelling, are prohibited as not meeting the general intention of this ordinance as accessory, incidental, and subordinate to the primary dwelling.**
- 1105.5.7 A detached accessory dwelling unit (DADU) may become an individually owned private residence if the original lot is legally subdivided by application to the Freedom Planning Board into two or more separate lots that meet all the regular requirements for subdivision in the Freedom Zoning Ordinance and Subdivision Regulations without exception or special consideration. The former primary dwelling unit and lot and the new converted independent dwelling unit and lot may not be made nonconforming by the subdivision process, including lot size, all front and side setbacks, road frontage, private septic, and utilities. In the granting of an ADU permit, no terms or conditions in this Article, expressed or implied, shall be interpreted as conferring any obligation by the Town to allow any future subdivision either by vested right or variance for hardship, special exception, or any other reason.**

Proposed Short-Term Rentals Zoning Language

Article X Short-Term Rentals (STR)

X.1 Purpose

X.1.1 To preserve the traditional character of residential neighborhoods that can be negatively affected by this use.

X.1.2 To protect water quality where an STR is in the shorefront district

X.1.3 To help preserve the quality and quantity of the housing stock for year-round residential use.

X.1.4 To ensure the safety of Short-Term Rental occupants.

X.2 Districts

X.2.1 Option A: STRs will be allowed as a permitted use in all districts.

X.2.1 Option B: Short-term rentals are allowed in all districts but are limited to the number of permits per district as follows:

X.2.1.a No more than XX% of the total number of properties located in the district per the assessor's database on 12/31 of the prior year, and

X.2.1.b A short-term rental unit must be at least XX feet from another short-term rental unit in all zoning districts for all Conditional Use Permits issued after this ordinance is passed. The one thousand (1000) foot separation measurement shall be made in a straight line without regard to intervening structures or objects from the nearest property line of the proposed short-term rental unit to the nearest property line of another short-term rental unit.

X.2.1.c If a STR owner can show that they were renting prior to the adoption of this ordinance, they will not be subject to the provision in X.6.2.1.b. The proof may include meals and rooms tax payments, receipts from renters, or other records that establish the history.

X.2.2 The permitting process will include notice to abutters by first class mail within five days of acting on an application.

X-3 Permit Application Procedure: A conditional use permit as defined in RSA 674:21-II is required for all STRs

X.3.1 Obtaining a permit

X.3.1.1 Any owner of record of property in Freedom may apply for a conditional use permit to use their primary dwelling as an STR

X.3.1.2 All STR owners shall apply for and obtain a conditional use permit from the Freedom Select Board or their designee. The fee for the permit shall be set by the Select Board and shall not exceed \$300.

X.3.1.3 Permit applications are available at the town of Freedom website (townoffreedom.net) or by request to the town office (603-539-6323). Only completed applications will be processed.

X.3.1.4 Upon receipt of an application for a Short-Term Rental Conditional Use Permit, the Board of Selectmen shall forward the application to the Freedom Planning Board, which shall place the application on the agenda for its next meeting. The Planning Board shall review the application and shall provide the Board of Selectmen with written comments on the application. The Planning Board is not required to hold a public hearing on its review of the STR application.

X.3.1.5 The permit shall be valid for one year and will run from January 1 to December 31. A permit issued during the year will expire on December 31. To allow

sufficient processing time, applications for permit renewals for subsequent years shall be submitted by September 30 of the current year.

X.3.1.6 Permits are not transferable. If the property is sold, the new owner shall obtain a permit before any STR occur on the property.

X.3.2 Inspections/Submissions:

X.3.2.1 The fire department will conduct an inspection to ensure that all NFPA life safety requirements are met, including but not limited to sufficient means of egress, fire extinguishers, smoke and carbon monoxide detectors, exit lighting. The fire chief or his deputy shall provide an inspection report to the BOS. Any deficiencies shall be remedied before the application shall be considered complete.

X.3.2.2 The applicant shall provide a copy of the septic approval from the NH Department of Environmental Services Sub-Surface Division and proof from a DES licensed septic technician-that the septic system has been pumped and checked within 2 years of the application date.-In instances where there is no valid subsurface system operational approval on file with NH DES, owners shall certify that the existing system is not in failure (RSA 485-A:2 IV) and adequate by providing a current complete written evaluation and certification signed by a NH certified or licensed septic system evaluator. The town shall confirm the number of bedrooms each septic system will support.

X.3.2.3 The applicant shall provide a building inspection showing the rental residence conducted by a professional is in compliance with the building code adopted by the town of Freedom.

X.3.3 Property Owner Responsibilities

X.3.3.1 Complete the application fully, with no false or misleading statements

X.3.3.2 Meet all of the standards listed in section X.6 of this article

X.4 Grounds for Denial, Imposition of Penalties, Suspension or Revocation of Permits

X.4.1 Incomplete, false, or misleading statements on the application

X.4.2 Violation of any standards set forth in section X.6

X.4.3 Violation of any state or federal laws, statutes, or town ordinances, rules, or regulations pertaining to short term rentals

X.4.4 The operation is a threat to the public health, safety, or welfare

X.4.5 A failed life safety/fire inspection or refusal to allow a life safety/fire inspection.

X.5 Fee and Penalties

X.5.1 Fees for an annual STR permit shall be set by the Freedom Board of Selectmen

X.5.2 Failure to comply with all terms of the permit and the standards in this article will lead to the following sanctions as provided for in RSA 676:17:

1st offense: fine of \$275

2nd and subsequent offenses: \$550 per day. Each day that a violation continues shall be a separate offense

3rd offense or subsequent offense: The selectmen are authorized to revoke the permit for the rest of the year or 6 months, whichever is longer.

X.6 Standards

X.6.1 A short-term rental (STR) may not be established, advertised, or rented until a permit to operate a STR has been issued by the Board of Selectmen or their agent. The property owner shall submit an application to operate a STR to the Zoning Officer.

X.6.2 To remain in compliance, a permit owner shall comply with all terms and conditions of the permit.

- X.6.3 Those areas of the premises open to use by guest(s) remain subject to periodic safety inspections at the discretion of the town.
- X.6.4 Annual Maximum STR Use is 45 days in any calendar year.
- X.6.5 No owner shall cause or shall allow renters to exceed the occupancy limits of the STR as approved in the permitting process. If the renters do not comply, it remains the responsibility of the owner.
- X.6.6 All STR guest parking shall be off-street on the lot of the STR owner. All guest(s) of the STR shall park on the property. No renter or guest shall park on the street at any time.
- X.6.7 Owner and guests shall store all trash safely on site and shall remove trash at the end of each rental.
- X.6.8 Owner and guests shall comply with Freedom's noise ordinance
- X.6.9 Owner or his/her delegated representative shall be accessible by telephone during all periods of STR occupancy and able to be physically present at the STR within one hour of being contacted, at any time.
- X.6.10 Owner or designated representative shall serve as the point of contact for Guests and receive and timely resolve complaints from neighbors regarding disruptive STR use.
- X.6.11 Owner shall maintain the STR guest registration records, including dates of occupancy, number of guests per party per stay, and rates charged to guests for inspection by the town of Freedom if requested
- X.6.12 Owner shall post on site: their permit to operate an STR, the maximum occupancy, quiet hours, an evacuation diagram showing fire escapes, and all means of egress from the STR.
- X.6.13 Owner shall register with the NH Department of Revenue Administration and pay all required Room and Meals Tax in a timely manner. If the rental service pays these taxes, the owner shall allow the Town of Freedom access to that information.
- X.3.14 Signage is restricted to the following:
 - X.3.14.1 One non-illuminated sign not exceeding two square feet. If ground mounted the sign shall be set back at least ten feet from all lot lines and be no taller than three feet. If mounted on the house no part of the sign may be higher than the top of the first-floor windows.
 - X.3.14.2 Non-advertising auxiliary signs (such as "No Parking Here" and "Entrance to the Right")

X.7 Prohibitions

- X.7.1 Incidental camping. A STR permit allows use of the primary residence only and does not authorize incidental camping, which means any overnight camping, sleeping in tents or other temporary shelter in the yard or on decks attached to the short-term rental unit, or sleeping in travel trailers or recreational vehicles or parked on the short-term rental property.
- X.7.2 Outdoor fires. Fires in STRs are allowed only in firepits approved by the Freedom Fire Department and with a permit issued pursuant to RSA 227-L:17 from NHFirePermit.com or the Freedom Fire Warden/Chief or deputy.
- X.7.3 Subletting. Guests are prohibited from subletting a short-term rental. Only owners with a valid STR permit may advertise and rent a primary residence as a short-term rental.
- X.7.4 Special events. Weddings, family reunions, corporate events, commercial functions, and any other similar events are prohibited from occurring at a short-term rental property when it is rented.

X.8 Definitions

- 1 Allowed Occupancy is the number of guests allowed in a permitted STR. Occupancy calculation is two people per bedroom approved by NH Department of Environmental Services

Subsurface Division for septic capacity plus two. Number of beds in the STR is not the measure of allowed occupancy.

- 2 Annual Maximum STR Use means the maximum days in a calendar year (January 1 to December 31) which the STR may be rented to paying guests.
- 3 Bedroom means a room that contains a minimum of seventy (70) square feet, a horizontal dimension of at least seven feet, and a window or opening that can be used for emergency egress. The construction of a bedroom advertised for an STR shall have been authorized by a building permit and meet all requirements of the International Residential Code adopted by the state of NH.
- 4 Building Code means the code that is most recently adopted by the town of Freedom.
- 5 Conditional Use Permit ("Permit") means the permit issued by the Freedom Select Board to a Freedom property owner to conduct STR
- 6 Designated Representative means an individual who is personally available by telephone and who maintains the ability to be onsite in compliance with the requirements of the permit and who has access and authority to assume management of the short-term rental. An agent or professional property management company that meets the availability requirements can serve as the designated representative.
- 7 Guest/Guests means the individual or individual(s) paying the owner to occupy the short-term rental for the purposes of staying overnight. It also includes friends and acquaintances of the renters who visit the STR during the rental period.
- 8 Inspection means an official, in person examination by the Freedom Fire Department of the primary dwelling unit for which a property owner is applying for an STR permit. This inspection will include all NFPA Life safety requirements
- 9 NFPA means the National Fire Prevention Association
- 10 NFPA Life Safety Requirements means the codes and standards for protecting life safety published by the NFPA.
- 11 On-site Parking means parking that is provided on the rental property for all guests and includes 1.5 for the first bedroom and 0.5 for each additional bedroom with the total equaling the next highest full space. [Note: this definition will be added to section 1004 of the zoning ordinance.]
- 12 Safety Inspections means inspections that assess the safety of the STR, including but not limited to life safety, fire safety, electrical, gas, and plumbing safety.
- 13 Septic Approval means a copy of the official NH DES approval for the septic system located at the applicant's property.
- 14 Short-Term Rental means the provision of transient lodging for compensation in the primary dwelling unit on a lot in Freedom for stays of between one and twenty-nine consecutive nights, and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, motel, or bed-and-breakfast. It excludes accessory dwelling units (attached and detached), campers, and camping trailers.
- 15 STR - Hosted means a dwelling unit where the owner is in residence on the same lot of record of the rental or resides in the rental unit as the guest(s) during the rental period.
- 16 STR Permit means a conditional use permit granted by the Freedom Board of Selectmen (BOS) to a property owner who meets all requirements set forth in this article. (See permit application information at townoffreedom.net)
- 17 STR Owner means the person or persons who is renting out their primary dwelling unit for a short-term rental.
- 18 STR - Unhosted means the permitted owner of the STR is not occupying the STR dwelling unit, nor is the owner residing on the same lot of record as the guest(s) during the rental period.

Proposed Zoning Language for Topics brought up by ZBA and Code Officer

Article #2 (To vote by official ballot):

Are you in favor of the adoption of Amendment No. 1 as proposed by the planning board to allow the Zoning Officer to issue permits for tree cutting in the shorefront in cases where the plan meets the point requirement rather than requiring the ZBA to grant a special exception?

Language Changes

304.6.5 ~~Special Exception Standards~~ **Permits issued by Zoning Officer** for Cutting and Removal of Trees and Natural Vegetation in the Shorefront District:

~~304.6.5.1 Tree Cutting: Any cutting or clearing of trees within seventy-five (75) feet of the reference line in the shorefront district shall require a special exception from the Zoning Board of Adjustment, and shall be subject to the provisions of Article 7 Shoreland Protection, section 703.~~

~~304.6.5.2 Permits granted by the zoning officer~~

304.6.5.1 A shorefront resident who wishes to remove ~~four or fewer~~ trees in a segment, may apply to the zoning officer for approval of the cutting plan as described ~~above~~ **in Section 703 Shoreland Protection Standards**, as long as the resulting points still meet the point requirement listed in the zoning ordinance.

304.6.5.1.1 If the zoning officer is not certain the tree count meets the requirements, he/she has the authority to require the applicant to submit a tree plan prepared and signed by a NH licensed surveyor

~~304.6.5.1.12~~ The zoning officer's approval will be effective thirty (30) days after his decision is made.

~~305.6.5.1.23~~ Within five (5) days of issuing an approval, the Zoning Officer shall mail notice of the approval to all abutters. The property owner or his authorized agent shall provide a complete list of abutters and pay the costs of noticing abutters of the decision by certified mail.

Article #3 (To vote by official ballot):

Are you in favor of the adoption of Amendment No. 2 as proposed by the planning board to change Freedom's quadrants for calculating tree cutting allowed in the shorefront to encourage better spaced tree cutting for better erosion and runoff control to promote better water quality? This change will match state requirement of quadrants 25-feet along the shore (instead of 50-feet) by 50-feet inland (the Shorefront Segment) and create a second quadrant behind this of 25-feet by 25-feet (the Inland Segment) to protect the area from 50-feet to 75-feet (inland) as currently required by the Freedom zoning ordinance?

Language Changes

Section 703 Minimum Town of Freedom Shoreland Protection Standards

The Legislature of the State of NH has found that the shorelands of the state are among its most valuable and fragile natural resources and their protection is essential to maintain the integrity of public waters. The intent of this provision of the Town of Freedom's zoning ordinance is to protect Freedom's water bodies via the Town's authority under RSA 674:16. The waterfront buffer shall be those protected shorelands within 75 feet of the reference line. The purpose of this buffer is to protect the quality of public waters while allowing homeowner discretion regarding water access, safety, viewscape maintenance, and lot design. Within the waterfront buffer all the following prohibitions and limitations shall apply:

Sections 703.1, 703.2, and 703.3 remain the same.

703.4 Starting from the northerly or easterly boundary of the property, and working along the shoreline, the waterfront buffer shall be divided into segments **25** ~~50~~ feet (along the shore) by **50** ~~75~~ feet **inland**

(the "Shorefront Segment"). The second segment, parallel to the rear of the Shorefront Segment, consisting of 25 feet and 25 further inland (the "Inland Segment") will be mapped behind the Shorefront Segment to extend out to 75 feet from the shoreline, Freedom's minimum standard.

Owners of land within the waterfront buffer shall measure, calculate, and maintain the tree, sapling, shrub, and groundcover point score in each of these segments in accordance with the methods and standards described in subparagraphs i through viii.

- i. Tree and sapling diameters shall be measured at 4 1/2 feet above the ground for existing trees and saplings, or by caliper at a height consistent with established nursery industry standards when nursery stock is to be used, and are scored as follows:

Diameter or Caliper--	Score 1 to 3 inches--	1 point
	Greater than 3 and including 6 inches--	5 points
	Greater than 6 and including 12 inches--	10 points
	Greater than 12 inches--	15 points

- ii. For the purpose of planting under RSA 483-B:9, V(g)(3), shrubs and groundcover plants shall be scored as follows:

Four square feet of shrub area 1 point.

Ground cover, not including mowed lawn 1 point for every 50 square feet.

Shrub and groundcover shall count for at least 4 15 points for the Shorefront Segment and 2 points in the Inland Segment and not more than 7 25 points in in the Shorefront Segment and 3 points in the Inland Segment, each full segment.

- iii. Dead, diseased, or unsafe trees or saplings shall not be included in scoring.

- iv. If the total tree and sapling score in any 25 75 foot by 50-foot Shorefront Segment exceeds 35 400 points or 15 points in the Inland Segment, then trees, saplings, and shrubs over 3 feet in height may be removed as long as the sum of the scores for the remaining trees and saplings in that segment does not total less than 35 or 15 400 points in the two segments respectively. If for any reason there is insufficient area for a full segment, or the segment contains areas incapable of supporting trees and saplings, such as areas of rock, ledge, or beaches, the point score requirement for the remaining vegetation in that partial segment shall be reduced proportionally to that required of a full segment. Vegetation shall not be removed from any segment which fails to meet the minimum point score for that segment. Owners are encouraged to take efforts to plan the maintenance of their waterfront buffer areas including the planting of additional non- invasive vegetation to increase point scores within segments, thus providing sufficient points to allow the future removal of vegetation as may become necessary while still meeting the requirements of this paragraph.

Article #4 (To vote by official ballot):

Are you in favor of the adoption of Amendment No. 3 as proposed by the planning board to change the septic setback from 125-feet from a wetland to 75 feet to conform with NH DES regulations and to specify requirements for failed systems and shorefront systems?

Language Changes

Section 406 Septic Tank or Leach Field Setback

No septic tank or leach field may be constructed or enlarged closer than seventy-five feet (75) one hundred twenty-five (125) feet to any wetland. In the case of a failed system, the property owner must receive approval from NH DES Sub-Surface Bureau, the septic tank may be a minimum of fifty (50) feet from any wetland providing all joints are sealed and approval of Water Supply & Pollution Control Division is obtained to the extent required by law. Septic systems in the protected shorefront are subject to RSA 483-B Shoreland Water Quality Protection Act, Section 9 V(c) (2) (A) as listed in NH Planning and Land Use Regulation 2020-2021 Edition.

Article #5 (To vote by official ballot)

Are you in favor of the adoption of Amendment No. 4 as proposed by the planning board to add a fifty (50) foot setback for construction or structures next to streams or open water in Article 6 Stormwater Management in order to control stormwater runoff in bodies of water that feed into those in the protected shorefront district?

Language Changes

Section 603 Landowner's Responsibilities for Managing Stormwater

603.1 No construction or land disturbance may be undertaken closer than 50 feet from rivers, lakes, and ponds, all 1st order to 5th order streams, and designated waters subject to provision 602 (above)

603.42 Submit an application and plan as specified on the town of Freedom website for any work meeting the criteria above to the Freedom code enforcement officer. (See Stormwater Management Plan.pdf at <https://townoffreedom.net/applications/>)

Text of current sections 603.2 through 603.7 remain the same (renumbered)

Article #6 (To vote by official ballot)

Are you in favor of the adoption of Amendment No. 5 as proposed by the planning board to add an exclusion to Section 309 Accessory Uses to not allow trucks greater than 20,000-pound gross vehicle weight (GVW) in residential districts?

Language Changes

309.4 Exclusion

309.4.1 Accessory uses involving vehicles greater than than 20,000 pounds GVW are not allowed in residential districts.

Article #7 (To vote by official ballot)

Are you in favor of the adoption of Amendment No. 6 as proposed by the planning board to clarify the slope conditions in current Section 305.6.5.3 allowing tree cutting on land from 75 to 300-feet from shore by adding more detail on these slope conditions to reduce stormwater runoff and prevent water quality degradation? (This new language will move to Article 7 Shoreland Protection)

Language Changes

703.5 ~~304.6.5.3~~ For lots in the floodplain or lots sloping toward the lake at greater than a 12.5% grade, Any cutting between seventy-five (75) and three hundred (300) feet of the reference line shall also require a cutting or clearing plan to be approved by the Zoning Board of Adjustment **if the slope of the lot meets any of the following criteria:**

703.5.1 Construction or site work of any kind is taking place in an area(s) that slopes at greater than 12.5% toward the lake

703.5.2 The structure's placement has the potential to cause stormwater to flow toward the lake because the slope below the structure is greater than 12.5%

703.5.3 In any case required by the Zoning Officer.

703.6 The cutting plan shall meet the intent of this ordinance as stated in Section 701 and using a methodology similar to that set out in Section 703 **with points increased proportionally** augmented for the larger area involved.

~~703.7~~ ~~305.6.5.4~~ The Zoning Board of Adjustment may request the Conservation Commission to review the plan and make recommendations.

Article #8 (To vote by official ballot)

Are you in favor of the adoption of Amendment No. 7 as proposed by the planning board to clarify Article 12 Residential Camping ~~Recreational Camping~~ to specify that such camping is allowed only on lots with an existing primary dwelling unit with an approved septic?

Language Changes

Article 12 Residential ~~Recreational~~ Camping

- 1201.1 Temporary camping (in tents, camping trailers, and motor homes) is allowed on lots with an existing primary dwelling unit only
- 1201.2 Temporary camping is allowed during the period from Memorial Day weekend to Columbus Day weekend.
- 1201.~~32~~ Temporary camping for family reunions or other events is allowed for one period of up to ten consecutive days during the season.
- 1201.~~43~~ For extended camping (more than ten total days during the season) on a residential lot, the property owner or long-term tenant (greater than 30 days) shall obtain a permit. The zoning officer will issue a permit for no more than two camping units, only one of which shall be a motor home or camping trailer. Failure to abide by this condition may result in the revocation of the permit.
- 1201.~~54~~ Tents, camping trailers and motor homes shall not be located within the setbacks unless, due to lot size, topography, or configuration, it is impossible to avoid the setbacks. In this case, the zoning officer may permit a camping unit be in the setback.
- 1201.~~65~~ For any lot on which residential camping occurs, must have an operational state approved septic system which shall must be available for use by all campers.
- 1201.7 This article does not allow any short-term rental (less than thirty (30) days) of the primary dwelling or any other structure, tent, camping trailer, or motor home on the lot.
- 1201.~~86~~ No commercial camping is allowed except in an authorized campground. If a property owner rents out the primary residence on the lot, this will constitute a commercial arrangement for the purpose of this article and the property owner shall not camp on this lot except under the terms of 1201.~~32~~.

