

## **Freedom Conservation Commission**

**Tuesday, 18 January 2022**

**7:00 pm**

**Freedom Town Hall**

Quorum Check, Roll Call – The meeting was called to order at 7:09 pm by Jeff Nicoll. Alice Custard, Jeff Nicoll and Sue Hoople are present. Robert Oram and Matt Tyler are absent.

Sue made a motion to revise the agenda to receive public comment. Sue seconded.

**APPROVED**

Paul Elie and some other members of the public are present including Brian Taylor and Corey Lane. Boyles Market is the topic of the update Corey gave. The next court date is 2/11/2022 for the ZBA decision. Paul would support a letter from the FCC about this project. He spoke about responsibilities of conservation commissions under RSA 36-A and RSA 36:54-58, regional impacts and cited RSA above. The Effingham ZBA denied regional impact. Jeff explained that there is hesitation, but given the RSAs and regional impact, it will be given consideration. The Conservation Commission needs to discuss this with more members in attendance. More information will be provided.

Approval of 21 December 2021 FCC Meeting Minutes – Jeff noted under presentation – Paul Elie was not present. Alice made a motion to approve as corrected, Sue seconded. **APPROVED**

### **2. Business properly presented to the Commission**

1. DJH Investments Trust – Jeff gave a back story of this as he understands it. 173 Haverhill Street is the property of discussion. We had concerns about storm-water runoff. There was a presentation at the time of the application regarding re-routing the stream. Tree removal was a topic of discussion. Structures, water supply and septic location were

also discussed. Construction has begun. Wetlands have been filled in, there is a perimeter drain, and a pipe going directly into the lake. Gove Environmental is no longer working for them. The Selectmen produced a violation and a mediation agreement. We have been asked for our guidance in support of this agreement. A new DES application and an approval from us are requests in that agreement. The perimeter drain requires DES and FCC approval, restoration of tree grids to minimum point standards are in the agreement also. We do not have new plans yet. The house is being moved, and the tree gridding has been redone. We have enough information to comment on the plan that is going in front of the ZBA, but since the Selectmen have asked us to follow up as well, Jeff feels that we need to send communication to the owner and agent to request a copy of the new plans. Proximity of septic tanks to wetlands is a concern. Well location? We want to see the plans for restoration. We are expecting plans from Sate remediation, Gove Environmental and White Mountain Survey. We will ask the Board of Selectmen if there can be any type of bond to ensure the remediation is done. Jeff found in the agreement that a bond will be required. He will ask if the Town has received a bond yet. The packet we have is going in front of the ZBA. This is for moving the house further away from the water. Alice is concerned about the distance to the wetlands and perhaps sloping. We would like additional details on the retaining walls. A full analysis by Gove Environmental concerning wetlands and the impact of the proposed retaining walls is requested. Is the septic system appropriate? Zoning Officer Gary Williams will be checking for compliance on the deadlines listed in the agreement. Who will be the certified wetland specialist that will be overseeing this? We need to communicate with GES to get a copy of the plan, and ask the State who that wetland scientist is. Jeff will find out if Gary will be the contact to coordinate with us. Invite him to the next meeting? Jeff will contact Gary. Ask if one member could go out to the site with him. The location of the septic to the wetlands is still of concern. This topic will be added to the February agenda.

2. Intent to Cut Application -Map 15, Lot11 – we need to figure out a good workflow for when these applications come in to us. Jeff checked the state wetlands map and did not see anything of concern on this lot. Barry is the manager. No comments.

3. Correspondence / Information / Discussion

1. FAC update and discussion. – a letter that Jeff wrote regarding concerns. Sue and Alice feel that it was a very good letter. He went to the Selectboard meeting as well. He asked some questions. His takeaway was that they believe the root cause of the issues outlined is membership. They will try to bring in some new members for the FAC. We need to continue to work hard on making sure that this is a functioning committee. The Forest Stewardship plan contains information about the FAC being a standing subcommittee of the FCC. The issue of not having the chairman of the FAC attend was also brought up. Notations about approvals being issued by the FCC without having FAC approvals should be added to invoices. Jeff will request follow-up on how to handle this issue.

2. Town forest harvest and management. Review of easement report. – Monitoring inspection was done by the State. A report was provided. Action items were listed in the report. Erosion, general maintenance, beaver pipe, and improvements during 2022 construction season. The FAC will not be meeting until March or April. It is not clear if we should get involved with the erosion control at this time. Alice feels that we should wait and see if there are some new members. The Scrub Oak Scramblers brought concerns to Jeff around the time of the harvesting that was done. They do some maintenance in the forest, but they need some assistance from the town. Jeff will contact Dave George for a maintenance proposal and possible memberships, as well as to increase communication with the Scrub Oak Scramblers. The report will be listed on a future agenda. Typically, there is a joint meeting with the FAC in April, so it will be on the April agenda. The activity schedule and the report will be discussed.

3. Recent communications from the NHDES.- These were shared so everyone is aware of them. There was one concerning excavation of shrubs, etc on Round Pond. Gary is handling that issue.

4. Approval of invoices – Barry Keith – 12/28 for the forest inspection and the proposed activity report. Sue made a motion to approve, Alice seconded. APPROVED for payment contingent upon FAC approval.

5. From last month's minutes – Timber Sale Summary – Jeff was to get a copy of the document that states the forester fee and to look at past harvests. He asked Ellen for information, and she is working on it. Recent information is available, but older records will take some time to dig out. The service agreement to us from Barry Keith. There is no mention of a commission on the harvest in the agreement. Jeff has not asked the Selectmen about this yet. We are trying to make sure that everything administrative is being done as it should be. Should the town be paying the commission to the forester? Bid process?

#### 4 Public Comment

5. Adjournment – Alice made a motion to adjourn, Sue seconded. The meeting was adjourned.

6. The meeting was re-opened at 8:50 pm. Discussion regarding the presentation by the Ossipee Lake Alliance/Boyles Market/letter of concern. Sue made a motion to open this for discussion and that we compose a letter on behalf of the Freedom Conservation Commission in support of the Ossipee Lake Alliance's position on the Boyle's Gas station. Alice seconded. APPROVED

7. Sue feels that we should compose this letter. The information that Paul Elie and Brian Taylor presented is important and it can

be incorporated into the letter. We could compose the letter and run it by the Selectmen. If approved we will give to Brian Taylor to deliver. A summary communication to share the materials presented to give to the Selectmen is suggested by Jeff.

8. Jeff made a motion to draft two communications – a draft letter for our review and a summary letter to the Board of Selectmen, Sue seconded. APPROVED

9. Sue made a motion to adjourn, Alice seconded.  
The meeting was adjourned at 8:54 pm.

Respectfully submitted,

Melissa Donaldson

Recording Secretary

Note: Deadline for agenda items for this meeting closed at 12pm on January 11, 2022.

A Public Meeting of the  
**Freedom Conservation Commission**  
will be held  
**Tuesday, 18 January 2022**  
7:00 pm

At the Freedom Town Hall

**AGENDA**

1. Quorum Check, Roll Call

1. Approval of 21 December 2021 FCC Meeting Minutes

2. Business properly presented to the Commission

1. DJH Investments Trust

2. Intent to Cut Application -Map 15, Lot11

3. Correspondence / Information / Discussion

1. FAC update and discussion.

2. Town forest harvest and management. Review of easement report.

3. Recent communications from the NHDES.

4. Approval of invoices

4. Public Comment

5. Adjournment

Note: Deadline for agenda items for this meeting closed at 12pm on January 11, 2022.

# **Freedom Conservation Commission**

**Tuesday, 21 December 2021**

**7:00 pm at the Freedom Town Hall**

## **Draft Minutes**

1. Quorum Check, Roll Call – The meeting was called to order at 7 pm by Jeff Nicoll. Present are: Jeff Nicoll, Robert Oram, Alice Custard, Sue Hoople. Matt Tyler is absent.
2. Approval of 16 November 2021 FCC Meeting Minutes – Oram made a motion that the FAC issue become a Monday night issue, forwarded to the Selectmen, to have the FAC summoned to a meeting with Jeff Nicoll. Alice seconded. APPROVED

Oram made a motion to approve the minutes, Alice seconded. APPROVED

1. Business properly presented to the Commission

Presentation by Corey Lane and Paul Elie of Ossipee Lake Alliance regarding Rte 25 Gas station in Effingham. Corey Lane is present on behalf of the Ossipee Lake Alliance. The request is for Freedom to consider writing a letter of concern about this gas station. A new application is pending at this time. The previous application was withdrawn. Previously the location was as gas station, but 2 years passed and it became a discontinued use at the location. The Conservation Commission decided in September that we support the initiative, but that the law will prevail. We did not send a letter at that time. Ms. Lane reported that there is contamination at the site, and DES decided to leave it rather than remediate it. There is a DES report on the site from 2016 that is available for review. Regional impact is discussed. Ms. Lane will send the newest application when it is received if the Board would like it. Mr. Nicoll requested any pertinent dates, etc. If they do not get their application in tomorrow, the soonest they can get in is in February. The legal case might be decided by March.

3. Correspondence / Information / Discussion

1. FAC update and discussion. Review of Reporting from Town Forester – John Roman was unable to attend this meeting. Ron Newbury may be an alternative contact person. Oram is concerned with the easement, and that is being held by Concord. We may be in danger of losing that because of an administrative mishap. Jeff will raise this issue with the Selectmen again. We will ask them to verify who is on that committee. Jeff suggested that we send a letter to Ellen with these concerns. Oram made a motion that Jeff Nicoll present the FCC's concerns to the Selectmen in person. Alice seconded. APPROVED Alice suggests that they encourage anyone who is still on that committee to meet with the FCC at our next meeting.

A timber sale summary was received. It is not clear who in the office received the document. The Forester fee is discussed. Oram asked the Chairman to get a copy of the document that states the for-

## **NOTICE OF LAND USE VIOLATION REMEDIATION AGREEMENT**

This Agreement is entered into by David B. Jr. and Jennifer A. Hayes, Trustees of the DHI Investment Trust, of 167 Haverhill Street, Freedom, NH 03836, (the "Property Owners"), and the Town of Freedom, of 33 Old Portland Road, Freedom, NH 03836 (the "Town") concerning the land use violations that have been set forth in the December 3, 2021 violation letter that was issued to the Property Owners concerning their property located at 173 Haverhill Street in Freedom, NH.

Following the discussion that the Freedom Board of Selectmen had with the Property Owners on December 13, 2021, the parties hereto agree to remediate the present land use violations as follows:

1. Building Without a Permit: Permit fees have since been paid but issuance of said building permit will not take place until a satisfactory review of the footings and foundation is completed by the Building Inspector. Review shall consist of, but is not limited to, inspection of photo evidence provided, physical inspection, and requirement of sonic density testing by a qualified third-party. Building Inspector will provide a recommendation to the Board of Selectmen based on sonic density testing and all available evidence as to whether a sufficient amount of rebar was used and that the footings/foundation meet current building code requirements.
2. Filling of Wetlands: White Mountain Survey will re-delineate both areas of wetlands impacted. Gove Environmental Services will submit necessary permit applications to New Hampshire Department of Environmental Services (NH DES) no later than January 28, 2022, (or as dictated by NH DES). Full compliance letters acknowledging that all NH DES requirements with associated timeline met shall be provided to the Town. In addition to NH DES applications, the plans must be provided to the Freedom Conservation Commission (FCC) for review and approval.
3. Erosion Control Disturbed: Lakeside Landscaping, LLC will monitor the impacted sites on a twice-weekly basis until remedied and approved by the Town. The scope of work will include



later than January 10, 2022 in order to appear on the January 18, 2022 FCC Agenda and January 25, 2022 ZBA agenda.

8. Shoreline Permitted Plan Approved by ZBA Not Followed: Compliance with Items no. 4, 5, and 7 as outlined above is required. White Mountain Survey will oversee the submittal of a new application to the ZBA for a Variance and Shoreline Plan no later than January 10, 2022 in order to appear on the January 18, 2022 FCC Agenda and January 25, 2022 ZBA agenda.

Initial assessment of fines for noted violations of RSA 676:17, I and II and RSA 483-B:18 are as follows:

1) Violation No. 1: Building Without a Permit	\$ 5,000.00
2) Violation No. 2: Filling of Wetlands #1	\$10,000.00
3) Violation No. 3: Filling of Wetlands #2	\$10,000.00
4) Violation No. 4: Erosion Control Disturbed	\$10,000.00
5) Violation No. 5: Perimeter Drain Installed (not on plan)	\$10,000.00
6) Violation No. 6: Tree Cutting #1	\$10,000.00
7) Violation No. 7: Tree Cutting #2	\$10,000.00
8) Violation No. 8: Change of Plan without ZBA Approval	\$10,000.00
9) Violation No. 9: Non-Permitted Driveway	\$ 275.00
10) Violation No. 10: No Foundation Inspections Completed	<u>\$ 275.00</u>
Estimated Penalty Assessment	\$75,550.00

At this time of agreement, it is the Property Owner's obligation to pay the above listed fees. However, the Board of Selectman reserves the power to suspend or reduce the current total based on current assessments if obligations under the terms of agreement are met in a timely manner, with no intentional breach of contract or future findings.

If the Town has had to incur any costs or if any fees are due to paid, payment in full of such costs and/or fees shall be made. The Property owner agrees that in addition to payment of any fines that would



The State of New Hampshire  
**Department of Environmental Services**

Robert R. Scott, Commissioner



December 30, 2021

DJH Investment Trust  
C/o David B Hayes Jr & Jennifer A Hayes Ttees  
4540 N Ocean Dr Apt 602  
Lauderdale By The Sea FL 33308

**Re: Restoration Plan Approval**  
**Land Resources Management File Number: 2021-02547**  
**Subject Property: 173 Haverhill St, Freedom, Tax Map #24, Lot #13**

Dear Mr. & Mrs. Hayes:

On December 28, 2021, the New Hampshire Department of Environmental Services (NHDES) Land Resources Management Program received a proposed site restoration plan (Restoration Plan) for the above-referenced property (Property). The Restoration Plan was in response to an NHDES enforcement action. NHDES hereby approves the Restoration Plan as submitted, subject to the following specific conditions. If there is a conflict between the Restoration Plan and this Restoration Plan Approval, this Restoration Plan Approval will control.

1. **Immediately** install appropriate siltation and erosion controls around all disturbed areas and around any stock piles. These controls shall be maintained and remain until the areas are stabilized.
2. **By January 31, 2022**, remove the foundation drains and pea stone from the bank of the lake and reconstruct the bank to match the adjacent undisturbed banks. The area shall be restored and/or created, monitored, and managed in accordance with the Restoration Plan and all project descriptive details submitted to NHDES on December 28, 2021, by GES, Inc.
3. **By May 31, 2022**, approximately 1,800 square feet of wetlands and stream channel shall be restored and/or created, monitored, and managed in accordance with the Restoration Plan and all project descriptive details submitted to NHDES on December 28, 2021, by GES, Inc.
4. The restoration shall be conducted according to the Restoration Plan and as conditioned by this Restoration Plan Approval. Any changes or alterations to the Restoration Plan must be requested in writing and approved in writing by NHDES prior to implementing any such changes or alterations.
5. All persons involved in restoration activities on the Property shall have read and become familiar with the provisions of the Restoration Plan and this Restoration Plan Approval prior to beginning the activities. A copy of the Restoration Plan and this Restoration Plan Approval shall be kept posted at the Property during the restoration activities.
6. A certified wetland scientist (CWS) or qualified professional shall supervise the restoration activities within RSA 482-A jurisdiction on the Property to ensure that the restoration is accomplished pursuant to this Restoration Plan Approval (Env-Wt 803.04).

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095  
NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588  
TDD Access: Relay NH 1 (800) 735-2964

7. Siltation, erosion, and turbidity controls shall be installed prior to restoration, shall be maintained during restoration activities, and shall remain until the area is stabilized.
8. All steps shall be taken to ensure that no water quality violations occur on the Property during restoration activities.
9. Silt fence and hay bales shall not be used across streams, channels, swales, ditches, or other drainage ways.
10. Within three days following the last activity in the restoration area or where restoration activities are suspended for more than three days, all exposed soils shall be stabilized by seeding and mulching. In accordance with Env-Wt 307.12(d), mulch used within RSA 482-A jurisdiction shall be natural straw or equivalent non-toxic, non-seedbearing organic material.
11. No machinery shall be used within undisturbed NHDES jurisdictional areas on the Property during the restoration, unless vegetation and soil is not disturbed.
12. All material removed during restoration activities shall be placed out of NHDES' jurisdiction.
13. All material required to be removed during restoration activities shall be removed down to the level of the original hydric soils.
14. Wetland soils from areas vegetated with purple loosestrife (*Lythrum salicaria*) or other state-listed invasive plant species shall not be used in the area being restored (Env-Wt 307.12(e)).
15. Invasive, weedy species such as purple loosestrife and Common Reed (*Phragmites spp.*) shall be controlled by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
16. All wetlands restoration areas shall have at least 75% successful establishment of wetlands vegetation after two growing seasons, or the areas shall be replanted until successful establishment has been monitored for at least two growing seasons in accordance with Env-Wt 307.12(f).
17. There shall be no substitutions made for the plant species specified on the approved plan for replanting purposes without prior written approval from NHDES.
18. An initial monitoring report with photographs shall be submitted to NHDES by **June 30, 2022**. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, restoration sequencing, restoration activities, and status of restoration at time of initial monitoring report. Photographs shall depict all stages of restoration sequencing. For restoration activities within RSA 482-A jurisdiction, this monitoring report shall be submitted in accordance with Env-Wt 307.18.
19. Subsequent monitoring reports shall be submitted to NHDES by **September 16, 2022** and **September 15, 2023** to document the success of the restoration and outline a schedule for remedial actions if necessary. Such reports shall be submitted to NHDES with photographs demonstrating the conditions on the restoration site, include any necessary remedial actions, and contain a schedule for completing the remedial actions and conducting follow-up inspections.



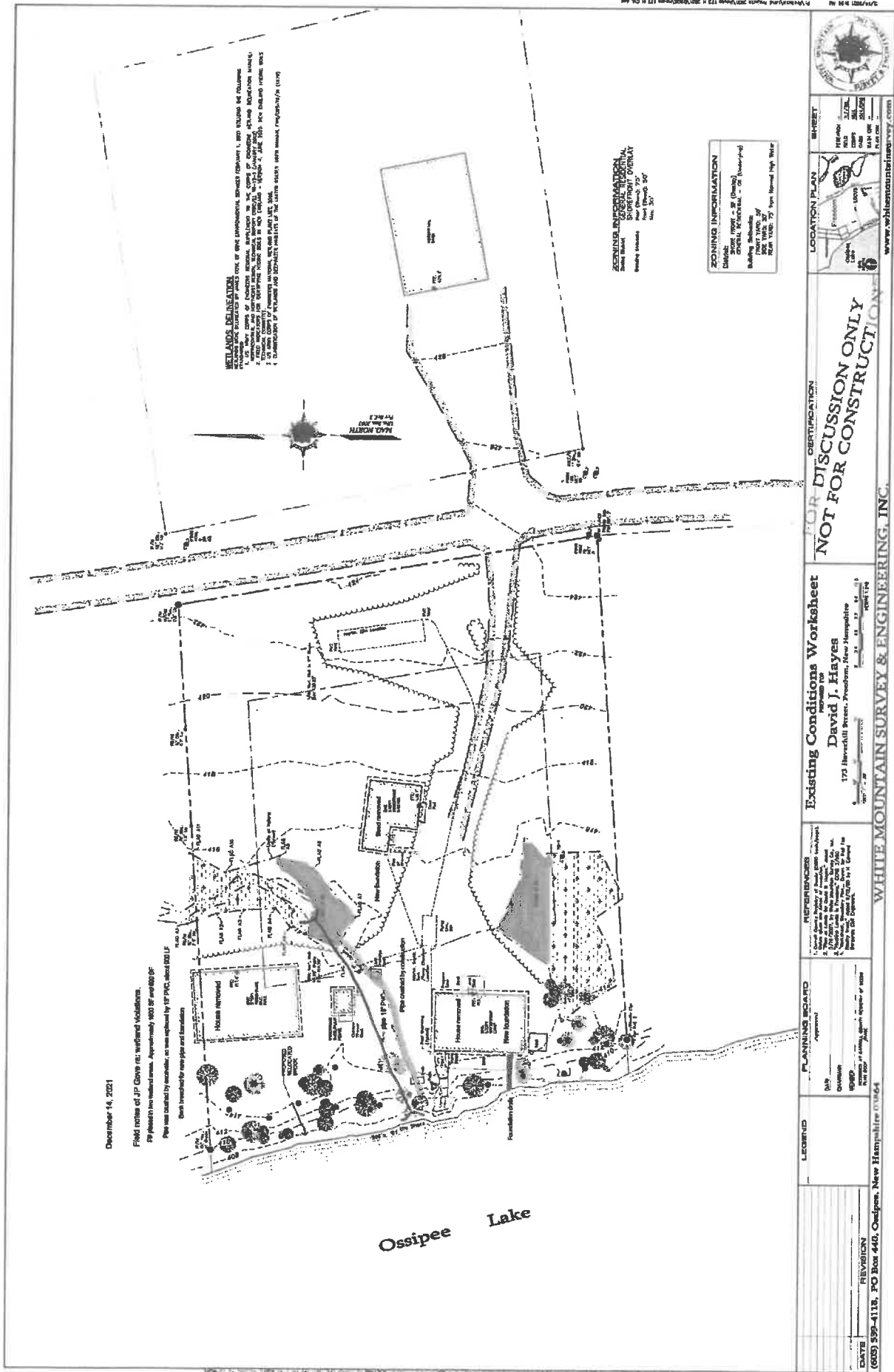


Photo log of December 14, 2021 of 173 Haverhill Street, Freedom, NH  
Land Resources Management File Number 2021-02547  
Compile by JP Gove  
Refer of Field Notes plan of 12-14-2021



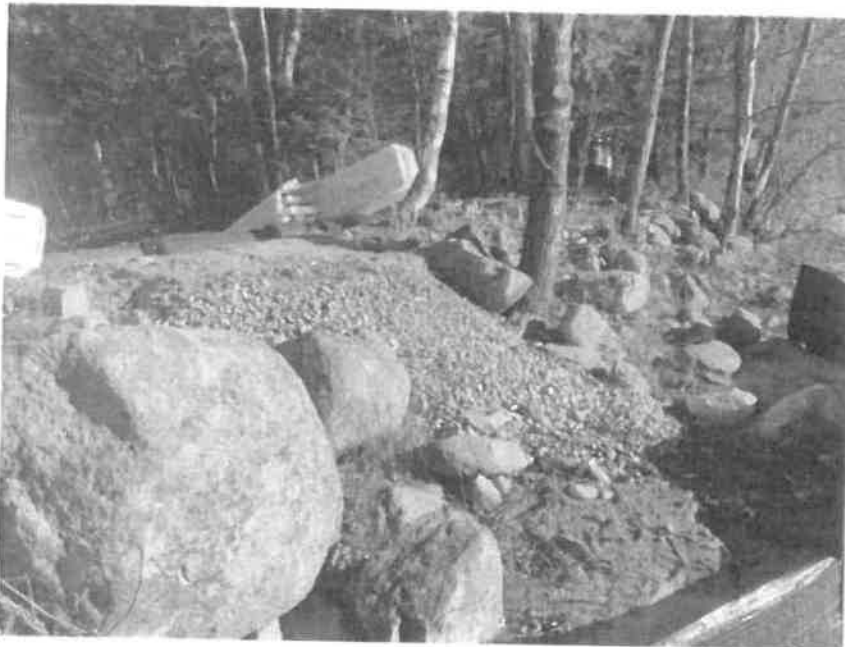
New pipe outlet to lake.



New foundation adjacent  
lake.



**New inlet of pipe.**



**Breach of bank for  
draining foundation.**

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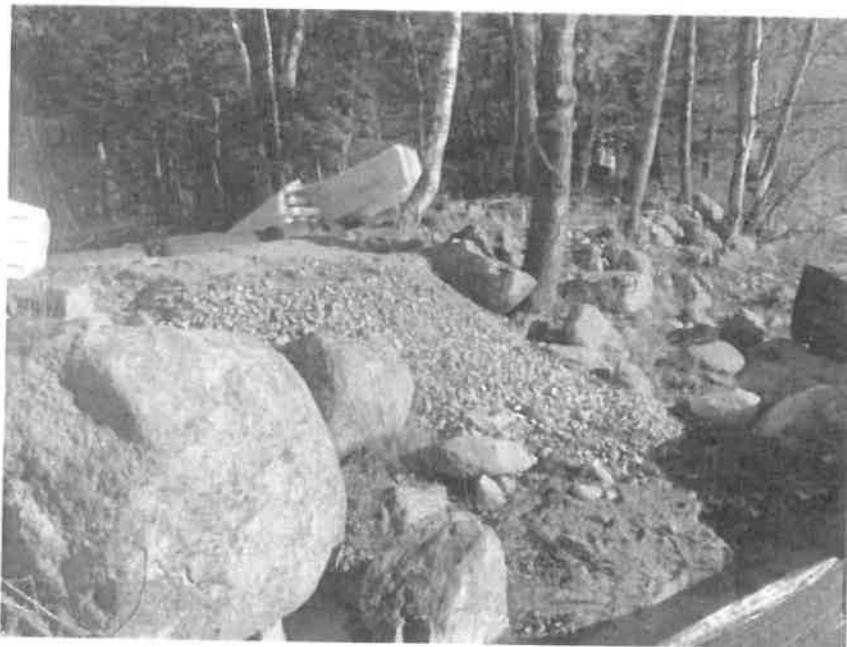


New foundation adjacent lake.





**New inlet of pipe.**



**Breach of bank for  
draining foundation.**



Freedom Zoning Officer &lt;freedomzoning@gmail.com&gt;

**RE: 173 Haverhill Street Freedom NH - File Number 2021-02547**

1 message

Blecharczyk, Jeffrey &lt;JEFFREY.D.BLECHARCZYK@des.nh.gov&gt;

Wed, Dec 22, 2021 at 11:31 AM

To: "dhayes@hireminds.com" &lt;dhayes@hireminds.com&gt;

Cc: "jgove@gesinc.biz" &lt;jgove@gesinc.biz&gt;, Freedom Zoning Officer &lt;freedomzoning@gmail.com&gt;

Dear Mr. Hayes,

The department has reviewed the attached plan with your agent and have the following requests to work towards bringing the property into compliance with RSA 482-A, the NH Wetlands Act and RSA 483-B, the NH Shoreland Act.

1. Provide a plan to install and maintain temporary erosion and sediment controls on the property. This should include, at a minimum, containment of all stock piles, placement around all wetlands and along the shoreline. The department believes this can be completed within 10 days. Submit photos to the department documenting the installation upon completion.
2. Provide a plan with a schedule to restore and monitor restoration of approximately 800 sq. ft. of wetlands impacted with installation of the new 18 inch PVC culvert. This shall include reducing the length of the 18-inch culvert back to a point consistent with where the original 8-inch culvert intercepted the brook and associated wetland.
3. Provide a plan with a schedule to restore and monitor restoration of approximately 1,000 sq. ft. of wetlands located in the southwesterly side of the property as noted on the attached plan.
4. Provide a plan with a schedule to restore the bank disturbed as result of work associated with preparation for the new foundation under the primary residence. This shall include removal any foundation drains from the bank of the lake. The department will not approve foundation drains with direct discharge to a waterbody or wetland.
5. Provide copies of all submittals to our department to the Town of Freedom Zoning Officer, copied in this email.

Please implement the restoration plan for items 2-4 above, only after receiving written approval, and as conditioned by the department.

If you or your agent have any questions about these requests, please feel free to contact me.

Sincerely,

Jeffrey Blecharczyk

Compliance Supervisor, Wetlands Bureau

Land Resources Management

PO Box 95

Concord NH 03302-0095

PHONE: (603)271-4061

12/22/21, 11:40 AM

Gmail - RE: 173 Haverhill Street Freedom NH - File Number 2021-02547

Dear Mr. Blecharczyk,

I received your letter dated December 2<sup>nd</sup> 2021. In response to your letter, I have hired Jim Gove – certified wetlands scientist – from Gove Environmental Services to submit a restoration plan to you. Jim (copied) will be reaching out to you shortly to discuss next steps. Should you have any questions, you can call me at the number below.

Best,

David Hayes

4540 N Ocean Dr Apt 602

Lauderdale by the Sea FL 33308

617-504-3631

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**2 attachments**



**Field notes 12-14-2021.pdf**  
864K



**Photos of 12-14-2021.pdf**  
1319K

Photo log of December 14, 2021 of 173 Haverhill Street, Freedom, NH  
Land Resources Management File Number 2021-02547  
Compile by JP Gove  
Refer of Field Notes plan of 12-14-2021



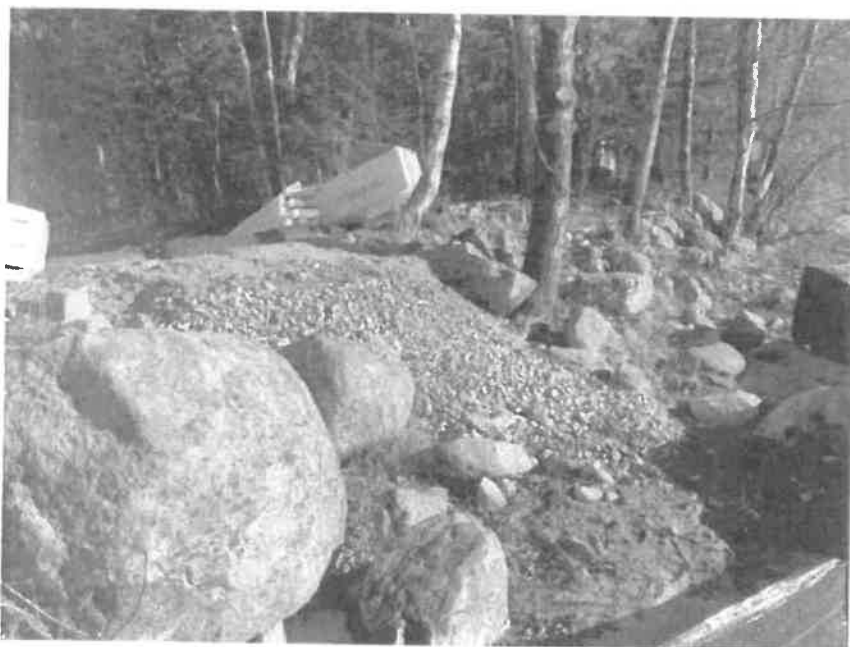
New pipe outlet to lake.



New foundation adjacent lake.



**New inlet of pipe.**



**Breach of bank for  
draining foundation.**



**WHITE MOUNTAIN SURVEY & ENGINEERING, INC.**  
**A DIVISION OF HORIZONS ENGINEERING, INC.**

1270 ROUTE 16, POST OFFICE BOX 440  
OSSIPPEE, NH 03864-0440  
TELEPHONE (603) 539-4118 FACSIMILE (603) 539-7912  
WEB ADDRESS: [www.whitemountainsurvey.com](http://www.whitemountainsurvey.com)

**Via Hand Delivery**

To: Town of Freedom  
Zoning Board of Adjustment

Date: January 10, 2022

Re: DJH Investments Trust  
Variance & Special Exception Applications  
173 Haverhill Street – Tax Map 24, Lot 13

Enclosed, please find the following:

No. of Copies	Date	Description of Item
1	01/10/2022	Check # 1029 for \$113.00 (application fees)
12	01/10/2022	Cover Letter
12	05/11/2020	Appointment of Agent
12	01/10/2022	Special Exception and Variance Application w/ supplemental sheets
12	01/06/2022	Zoning Permit Application
12	01/06/2022	Zoning Officer Decision (Denial)
12	01/10/2022	Abutters List
3 sets		Mailing Labels to Each Abutter
12	01/06/2022	Zoning Board of Adjustment Application Plan (11" x 17")
12	01/10/2022	Zoning Board of Adjustment Application Plan (full size plots)
12	12/30/2021	Restoration Approval #2021-02547 for Wetland Restoration

Sincerely,  
White Mountain Survey & Engineering, Inc.  
A Division of Horizons Engineering, Inc.

James F. Rines, PE, LLS, CPESC  
VP Land Surveying Group

# **ZONING BOARD OF ADJUSTMENT (ZBA)**

**Town of Freedom  
PO Box 227  
Freedom, NH 03836  
603-539-6323**

**INSTRUCTIONS AND FORMS FOR APPLICANTS  
APPEALING TO ZBA  
SEE ALSO ZBA RULES OF PROCEDURE DATED 01/25/2011**

**To view Freedom's Zoning Ordinance, please visit:  
[www.townoffreedom.net](http://www.townoffreedom.net)**

## INSTRUCTIONS TO APPLICANTS APPEALING TO THE BOARD OF ADJUSTMENT

*Important: Read carefully before filling out and submitting an application. Please note that all four types of appeal require you to attach a completed plot plan.*

The ZBA strongly recommends that, before making any appeal, you become familiar with the zoning ordinance, and also with New Hampshire Statutes *RSA Chapters 672-677*, covering planning and zoning. Copies of such are available at the Town Office Building.

Four types of appeals can be made to the ZBA:

1. APPEAL FOR AN ADMINISTRATIVE DECISION
2. APPEAL FOR SPECIAL EXCEPTION
3. APPEAL FOR VARIANCE
4. APPEAL FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

### 1. APPEAL FOR AN ADMINISTRATIVE DECISION

If you have been denied a building permit or are affected by some other decision regarding the administration of the Freedom Zoning Ordinance, and you believe that **the decision was made in error** under provisions of the ordinance, you may appeal the decision to the ZBA. The appeal will be granted if you can show that the decision was indeed made in error.

When you are **appealing an Administrative Decision**, a copy of the decision appealed from must be attached to your application. Complete *Section 1: Appeal from an Administrative Decision*. Review section of **General Conditions** for all appeals. Attach completed **Plot Plan**.

### 2. APPEAL FOR SPECIAL EXCEPTION

Certain sections of the zoning ordinance provide that a particular use of property in a particular zone, will be permitted **by special exception** if the specified conditions are met. The necessary conditions for each special exception are given in the ordinance. Your appeal for a special exception will be granted if you can show that the conditions stated in the ordinance are met.

When you are submitting an application for an **APPEAL FOR SPECIAL EXCEPTION**, you will probably need a site plan or subdivision approval, or both, from the planning board. Even in those cases where no planning board approval is needed, presenting a site plan to the planning board will assist in relating the proposal to the overall zoning. This should be done **before** you apply for a special exception to the ZBA. When applying for a **special exception**, you must have some form of determination that your proposed project is not permitted without a special exception. Most often, this determination is denial of a zoning permit. A copy of the determination must be attached to your application. Complete *Section 2: Appeal for Special Exception*. Review section on **General Conditions** for all appeals. Attach completed **Plot Plan**.

**Describe your property:** Submit twelve copies of plot plan; see page 7 for a list of requirements.



### 3. APPEAL FOR VARIANCE

A variance must be obtained from the ZBA for a use of your property not listed in the Zoning Ordinance for the Zoning district in which your property is located. In addition a variance must be obtained if your proposed use will not meet the setback/yard requirements, minimum lot size or any other dimensional requirements.

When applying for a **variance**, you must have some form of determination that your proposed use is not permitted without a variance. Most often, this determination is denial of a zoning permit. A copy of the determination must be attached to your application. Complete *Section 3: Appeal for a Variance* as well as **Facts Supporting Appeal for Variance**. Review section on **General Conditions** for all appeals. Attach a completed **Plot Plan**.

For an appeal to be legally granted, **you must show** that your proposed use meets all five of the following conditions:

1. The variance will not be contrary to the public interest.
2. The spirit of the ordinance is observed if the variance is granted.
3. Substantial justice is done by granting the variance.
4. The value of surrounding properties are not diminished if the variance is granted.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

**Describe your property:** Submit twelve copies of plot plan; see page 7 for a list of requirements.

### 4. APPEAL FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

The board may grant an equitable waiver only for existing dimensional nonconformities provided the board makes all of the following findings:

1. The nonconformity was not discovered until after the structure was substantially complete or after a vacant lot in violation had been transferred to a bona fide purchaser;
2. The nonconformity was not an outcome of ignorance of the law or bad faith but was instead caused by a legitimate mistake;
3. The nonconformity does not constitute a public or private nuisance or diminish the value or interfere with the future uses of other property in the area; and
4. The cost of correction would far outweigh any public benefit to be gained.

The owner can meet the requirements in paragraph (1.) and (2.) if the violation has existed for 10 years or more with no enforcement action, including written notices, commenced by the town or by any person directly affected.

Please attach completed **Plot Plan**.

## GENERAL INSTRUCTIONS FOR ALL

**Please detach and keep instructions**

For any appeal, the appropriate section of the attached form must be completely filled out. The form is intended to be self-explanatory, but be sure that you show:

**WHO** owns the property? All owners must be listed and there must be signatures of all owners in any areas applicable. (If the applicant is not the owner, the owner must authorize the appeal.)

**WHERE** the property is located? (Give tax map, lot number, and zoning district.)

**DESCRIBE** the property: Show area, frontage on the road and on the water, side and rear yard setbacks, slopes and natural features if appropriate, vegetation, wells, septic systems, all dimensions and all structures. (Use Plot Plan.)

**WHAT** do you propose to do? Attach sketches, pictures, construction plans, or whatever may help the proposed use. Include copies of any prior applications concerning the property.

**PREPARE A LIST** of all names and addresses of all abutting property owners. Have it verified at the town office, and attach it to your application. The accuracy of the printed abutter list is **your** responsibility. If you miss an abutter the ZBA will have to do the procedure again.

**COPIES/PHOTOGRAPHS** of color or larger than 11x17 require that twelve copies of each be submitted.

**MAIL OR DELIVER** 12 colated copies of the complete Zoning Application, the completed appeal, with all attachments and plans being folded to 8 ½ x 11 to the clerk of the ZBA or to the office of the Board of Selectmen. The deadline for submission is listed on the ZBA page of the Freedom website, ([www.townoffreedom.net](http://www.townoffreedom.net)) or call the Town office for the date. Deadlines are firm and cannot be extended. A fee is charged sufficient to cover the cost of preparing and mailing the legally-required notices. Make check payable to **Town of Freedom** and remit with your application.

**FEES:** \$65.00 for residential applications and \$85.00 for all others plus the cost of notifying abutters by Certified Mail at \$8.00 each, minimum of \$25.00.

**PUBLIC HEARING:** The ZBA will schedule a **public hearing** within 30 days of the receipt of your properly-completed appeal. The ZBA normally meets on the fourth Tuesday of each month at 7:00 PM in the Freedom Town Hall. Public notice of the hearing will be posted and printed in a newspaper. The notice will be mailed to you and to all abutters at least five days before the date of the hearing. You and all other parties are encouraged to appear in person or by agent or counsel to state reasons why the appeal should or should not be granted.

**DECISION:** After the public hearing, the ZBA will reach a decision. You will be sent a notice of decision. In granting a variance or special exception the ZBA may attach such conditions as safeguard as it deems proper. A decision by the ZBA does not constitute final approval for the project. The applicant must then meet with the Zoning Officer and present proof that they have met the conditions of the ZBA.

### **APPEAL ZBA DECISION**

If you believe the ZBA decision is wrong, you have the right to appeal. The selectmen, or any party affected, have similar rights to appeal the decision in your case. To appeal, you must first ask the ZBA for a rehearing. The motion for rehearing must be in the form of a letter to the ZBA. The motion must be made within 30 days of the ZBA's decision, and must set forth all the grounds on which you claim the decision was unlawful or unreasonable.

The ZBA may grant such a rehearing if, in its opinion, a good reason is stated in the motion. The board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal to Carroll County Superior Court. When a rehearing is held, the same fees and procedure is followed as for the first hearing, including public notice and notice to abutters. (See RSA Chapter 677 for more details on rehearing and appeal procedures.)

The ZBA will decide on the motion for rehearing within 10 days. If the motion is denied you must file your appeal with the Carroll County Superior Court within 30 days of the denial.





**WHITE MOUNTAIN SURVEY & ENGINEERING, INC.**  
**A DIVISION OF HORIZONS ENGINEERING, INC.**

1270 ROUTE 16, POST OFFICE BOX 440

OSSIPEE, NH 03864-0440

TELEPHONE (603) 539-4118 FACSIMILE (603) 539-7912

WEB ADDRESS: [www.whitemountainsurvey.com](http://www.whitemountainsurvey.com)

January 10, 2022

**Via Hand Delivery**

W. Scott Lees, Chairman  
Freedom Zoning Board of Adjustment  
P.O. Box 227  
Freedom, NH 03836

Re: DJH Investments Trust  
Variance & Special Exception Applications  
173 Haverhill Street  
Tax Map 24 Lot 13

Dear Scott and Members of the Board:

Enclosed you will find a revised plan and application package for the above referenced property that received the latest approval on September 28, 2021.

This variance application is being field to address the relocation of the approved home, moving it 4.8 feet further from the shoreline due to concern that they could not dig a full foundation in the approved location. It was previously approved at 8.1 feet from the shoreline at the closet point and will now be 12.9 feet at the closest point. We are simultaneously seeking a special exception for erosion control because of the need to install two retaining walls adjacent to the two wetlands on-site.

Although not specifically part of this application, there will be future restoration of on-site wetlands due to impacts that occurred on site during the construction process. That wetland restoration was approved by NHDES under file number 2021-02547 dated December 30, 2021.

While there is no additional tree removal requested with this new application, I had my survey crew locate the trees that remain on-site now that all the clearing has occurred. I am embarrassed to point out that we apparently missed a few trees during the initial tree inventory and our descriptions were not as accurate as they should have been. By locating all the trees which exist on the site now, and through more careful measurements by my survey crew member who has a forestry degree, some trees previously identified at the cut-off points of 3", 6", and 12", were found to fall into the next higher category which resulted in a higher tree count than previously approved. While this is good for both the public and the applicant, it deserved an explanation here.

There is no change requested relating to the sewage disposal system septic tank that was previously approved.

**LAND SURVEYING & PLANNING · CIVIL ENGINEERING · EXPERT TESTIMONY · SEPTIC DESIGN**  
*Providing Professional and Courteous Service Since 1977*



Regarding the Special Exception application for the erosion control, based upon the requirements contained in Section 306.B, for projects for erosion control and vegetation removal, we only need to address 306.1, A, C, H, J, K, and L. I will now go through those criteria to demonstrate our conformance with these requirements allowing the request to be granted.

**306.1 A. The character of the area in which the proposed Special Exception use will be placed shall not be adversely affected by the proposed Special Exception use.**

The proposed use is a permitted use in this zone. Therefore, the character of the area will not be adversely affected. Since we are increasing the shoreline structure setbacks while installing stormwater mitigation where none presently exists, there is no expectation that this request will have an adverse effect. We will also be installing new plantings along the northerly and southerly boundaries as part of our amended shoreland impact permit.

**306.1 C. The proposed Special Exception shall not adversely affect Town services and facilities.**

The proposed use will not have any adverse impact to town services and facilities since the property is serviced by on-site sewage disposal and on-site well.

**306.1 H. There shall be adequate access from the public highway and sufficient maneuvering room on the lot for fire, police, and emergency vehicles. The applicant shall also provide information as to plans for fire protection.**

The old driveway has been closed off with rocks and the new driveway was approved by the town Road Agent. The lake is available for fire suppression if needed, in addition to the water they would presumably arrive on site with on their trucks.

**306.1 J. Provisions shall be made for handling water drainage on the lot to prevent flooding of the lot or of another property.**

With the construction of the stormwater mitigation, we are managing the stormwater runoff where none presently exists and the lot drains toward the lake and not toward the abutters.

**306.1 K. On-site lighting shall be designed to assure adequate illumination for the safety of vehicles and pedestrian travel. Exterior lighting shall be installed and operated in such a manner that adjacent residential uses are not adversely affected. Such lighting shall not shine onto roads and public highways to interfere with the operation of motor vehicles.**



The lighting for the proposed structure will be typical residential style lighting. It will not shine onto roads, public highways nor interfere with the operation of motor vehicles.

**306.1 L Adequate Landscaping.**

The existing landscaping meets or exceeds the Freedom requirements.

With the addition of the included variance and special exception material, I believe you will find the application self-explanatory, and we look forward to presenting these revised plans at your January 25, 2022, hearing.

In thanking you for your attention to this matter, I remain

Sincerely,  
White Mountain Survey & Engineering, Inc.  
A Division of Horizons Engineering, Inc.

James F. Rines, PE, LLS, CPESC  
VP Land Surveying Group

# TOWN OF FREEDOM ZONING PERMIT APPLICATION

## 1. Owner Information

Owner DJH Investment Trust : David and Jennifer Hayes, Trustees Date: 01/06/2022  
4540 N. Ocean Drive; Apt. 602  
Permanent Address: Lauderdale By The Sea, FL 33308 Phone # \_\_\_\_\_  
E-mail Address: dhayes@hireminds.com Cell# 617-504-3631

## 2. Property Information

Property Address: 173 Haverhill Street Phone: 617-504-3631

Map# 24 Lot# 13 Lot Size (acres) 1.19 Ac Zoning District SF and GR  
You can find the first 3 items on your tax bill. Check zoning district with zoning officer.

Is this property non-conforming by area? (Section 803)

Yes ☐ No ☒

Zoning District	Min. Lot Size	Zoning District	Min. Lot Size
Village Residential (VR)	1 acre	Residential/Light Commercial (R/LC)	5 acres
General Residential (GR)	2 acres	Shorefront GR	2 acres
Rural Residential (RR)	1 acre	Shorefront RR	1 acre

Does the property have town water or a private well? \_\_\_\_\_ Private Well

What class road does the property border on? \_\_\_\_\_ Class V Town Road - Haverhill Street

See page 10 for a list of town roads to find this information.

Are there any easements or rights of way on the property? \_\_\_\_\_ Yes ☐ No ☒

Does this property lot have a tax exemption because part/all acreage is in current use? \_\_\_\_\_ Yes ☐ No ☒

If there are prior zoning applications concerning the property, include the application and a Plot Plan

Is this property on a corner—i.e., borders on two different streets? (Section 803) \_\_\_\_\_ Yes ☐ No ☒

Are there wet areas or wetlands on the property? (Section 403 to 306, Article 6) \_\_\_\_\_ Yes ☒ No ☐

Is the property 0.5 acres or less? Section 310.1.7 \_\_\_\_\_ Yes ☐ No ☒

Is the property in the floodplain? See Floodplain Ordinance <https://townoffreedom.net/regulations/> \_\_\_\_\_ Yes ☒ No ☐ \*

\* Not in the redevelopment area

## 3. Current Property Use—check all that apply

Residential (existing home) 7 # of current bedrooms \_\_\_\_\_ Accessory buildings only \_\_\_\_\_ Raw Land \_\_\_\_\_  
In Current Use \_\_\_\_\_ Commercial \_\_\_\_\_ Camp/Campground \_\_\_\_\_ Home Occupation: Minor \_\_\_\_\_ Major \_\_\_\_\_  
Other \_\_\_\_\_ Specify \_\_\_\_\_

## 4. Proposed Project

Describe **all parts** of the proposed project (new construction, removals, replacements, new rooms, etc.)

Relocate the primary dwelling further from the shoreline than the plan approved on September 28, 2021, construct  
two retaining walls to keep fill from wetlands to be restored, and Proposed start date Winter 2021/22 -Spring 2022  
address northerly wetland culvert pipe in accordance with NHDES restoration approval #2021-02547 dated 12/30/21.



Is this use permitted or does it require a special exception? Permitted X Special exception \_\_\_\_\_

See page 11-12 for a list of permitted and special exception uses by district

Will the height of any structures be altered? Section 308.3.1 \_\_\_\_\_ Yes No \*

Will the total footprint of all structures exceed 15% lot coverage? Section 310.1.6 \_\_\_\_\_ Yes No \*

Will the project expand a non-conforming structure? By what %? Section 906 \_\_\_\_\_ Yes No \*

Does the project comply with all parking requirements? Section 1104.1 \_\_\_\_\_ Yes No

If the proposed building a manufactured home, does it meet the requirements? Section 1107 \_\_\_\_\_ Yes No N/A

Is the property adjacent to a stream Section 602-603 \_\_\_\_\_ Yes No

See table of streams on page 13.

If yes, provide a stormwater management plan. (See pages 14-18).

Will any additional water flow off the site to an abutter's property or town road (Section 602-3) \_\_\_\_\_ Yes No

If yes, provide a stormwater management plan (See pages 14-18)

\* - Signifies no change from previously approved plans in terms of heights, footprints and expansion of nonconforming structures.

## 5. Present and Proposed Construction

Boundary lengths (in feet). If you have a surveyed plot plan, please use that data. If not, go to <https://townoffreedom.net/tax-maps/> to select your tax map, then find your lot number for the data. (shoreline)

Lot road frontage: 198.6' Left boundary: 253.3' Right boundary: 267.6' Rear boundary: 206'

List the setbacks for building(s) presently on your property? Include all building overhangs in your measurements. (Tables 304.1 to 304.6)

Building name	Front (on road)	Right boundary	Left boundary	Rear boundary
Required setback	50 feet	30 feet	30 feet	40 feet Shorefront 75 feet
Rec Hall/Bunk Hse	171.8'	-4.3'	151.5'	49.8'
Cottage	193.5'	105.5'	44.4'	8.1'
Garage	94.0'	77.5'	87.1'	123.7'
Shed	189.1'	60.4'	125.9'	53.4'

What are the setbacks for the proposed structure(s)?

Building name	Front (on road)	Right boundary	Left boundary	Rear boundary
Required setback	50 feet	30 feet	30 feet	40 feet Shorefront 75 feet
House	192.9'	105.5'	40.1'	12.9'
Garage	74.9'	38.3'	106.6'	139.5'

### Address the following if property in the shorefront district

Any proposed structures within 300' of reference line? Table 304.5 \_\_\_\_\_ Yes No

Will the project require any earth work? Section 304.6. \_\_\_\_\_ Yes No

Is there a need for erosion control? Section 304.6.3 \_\_\_\_\_ Yes No

Is there any tree cutting within 75'? Section 703.4 and Section 304.6.5 \_\_\_\_\_ Yes No

Is there tree cutting beyond 75' with a grade of 12.5% or greater? Section 305.6.5.3 \_\_\_\_\_ Yes No

Do the impervious surfaces on the lot exceed 25%? Section 704 \_\_\_\_\_ Yes No

Is any State shoreland approval needed? \_\_\_\_\_ Yes No

Follow the link below for instructions and to download form at bottom of page if needed:

<https://onlineforms.nh.gov/app/#/formversion/282248b1-10d0-4046-9d49-e85d148c09a3>

**PLOT PLAN**

Date: 01/06/2022

Map 24 Lot 13 Property Address: 173 Haverhill Street

Owner Name(s): DJH Investments Trust

Phone: 617-504-3631

In the space below draw (to scale)

1. The boundaries and shape of your lot and mark the boundary distances
2. Show all present and proposed buildings in their correct location and indicate dimensions (in feet).

Orient your drawing so the road is at the bottom of the diagram. A survey of your property may be required as part of this application.

**(See Attached Plan)**

## SIGNATURES

The undersigned owner hereby requests a zoning permit for the above use, to be issued based on the representations contained herein. Permit is void in the event of misrepresentation and/or not being in compliance with the zoning ordinance, site plan review, subdivision regulations (if applicable) and other applicable state and town laws and regulations. Construction is not authorized until a building permit is issued.

This application must be submitted by and signed by all owners of the property listed on this application.

Signature By: James F. Rines Date 01/06/2022  
White Mountain Survey & Engineering, Inc, Division of Horizons Engineering, Inc.

Print name James F. Rines, V.P. Surveying Group  
Property owner's Agent

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print name \_\_\_\_\_  
Property owner

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print name \_\_\_\_\_  
Property owner

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print name \_\_\_\_\_  
Property owner

If you are using an agent for this application, provide the information below:

### Designation of agent

I designate the person listed below as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made based on such representations.

Agent Wht. Mtn. Survey & Engineering, Inc., Division of Horizons Engineer'g, Inc Telephone # 603-539-4118

Address PO Box 440; Ossipee, NH 03864-0440

Owner's signature \_\_\_\_\_ (See Attached Appointment of Agent Form)

Owner's signature \_\_\_\_\_

Owner's signature \_\_\_\_\_

Owner's signature \_\_\_\_\_

## Zoning Officer Decision

**The zoning officer is required to deny an application under Section 2303, if:**

- The application is for a use that requires a special exception
- The application requires a variance

Only the ZBA is the body that can grant either of the above.

Approved \_\_\_\_\_ Date \_\_\_\_\_ Zoning Officer \_\_\_\_\_

Denied ✓ Date 1-6-2022 Zoning Officer [Signature]

Reason for denial See Attached

If the zoning officer denies the application, the applicant may appeal this decision to the Zoning Board of Adjustment. Please use the Zoning Board Application at <https://townoffreedom.net/wp-content/uploads/2019/03/ZBA-APPLICATION.pdf>

### ZBA Tips:

- Application and Appointment of Agent Form must be completed and signed by all owners of the property.
- Abutter letters go directly to ZBA at PO Box 227, Freedom, NH 03836
- The applicant is responsible to fulfill all requirements from the ZBA and provide the necessary information. The applicant is responsible for reading the regulations. The Zoning Officer's role is to help the applicant complete the application if the applicant requests help.
- To be considered by the ZBA, an application must be significantly different from a previous application which the ZBA has previously denied.
- If the ZBA approves the special exception or variance, the application will come back to the zoning officer for action. The zoning officer will determine that the applicant has met all conditions imposed by the ZBA and sign below.
- The ZBA approval can be appealed within 30 days of the decision.

**Once the zoning officer has signed the application, it can go to the Building Department.**

**FOR USE IF THE APPLICANT'S ORIGINAL APPLICATION IS DENIED AND THE ZBA HAS APPROVED THE PROPOSED PROJECT**

**Approval below signifies that the applicant has submitted proof that they have met all conditions listed by the zoning board of adjustment.**

Approved \_\_\_\_\_ Date \_\_\_\_\_ Zoning Officer \_\_\_\_\_

Per ZBA decision dated: \_\_\_\_\_



# TOWN OF FREEDOM APPLICATION FOR BUILDING PERMIT

Tax Map # \_\_\_\_\_ Lot # \_\_\_\_\_  
Application Date \_\_\_\_\_  
Permit # \_\_\_\_\_ Fee: \_\_\_\_\_  
By \_\_\_\_\_

See building permit fee schedule on page 8 and building code requirements on page 9

## 1. Owner Information

Owner \_\_\_\_\_ Date: \_\_\_\_\_  
Permanent Address: \_\_\_\_\_ Phone # \_\_\_\_\_  
E-mail Address: \_\_\_\_\_ Cell# \_\_\_\_\_

## 2. Property Information

Property Address: \_\_\_\_\_  
Map# \_\_\_\_\_ Lot# \_\_\_\_\_ Lot Size (acres) \_\_\_\_\_ Phone \_\_\_\_\_  
NH Septic Approval# \_\_\_\_\_ Date \_\_\_\_\_ # of Bedrooms \_\_\_\_\_  
NH Energy Code Approval# \_\_\_\_\_

3. Contractor/Builder Name: \_\_\_\_\_ Company: \_\_\_\_\_  
Address: \_\_\_\_\_ State/Zip \_\_\_\_\_ Phone \_\_\_\_\_

4. Reason for Permit ☐ New Structure ☐ Addition ☐ Remodel ☐ Alteration ☐ Change of Use  
☐ Res ☐ Comm ☐ Ind Type of Business \_\_\_\_\_ Type of Mfg. \_\_\_\_\_  
# Of Stories \_\_\_\_\_ ☐ Frame ☐ Metal ☐ Masonry ☐ Other \_\_\_\_\_  
Size of Building Width \_\_\_\_\_ Length \_\_\_\_\_

<u>Foundation</u>	<u>Basement</u>	<u>Exterior Walls</u>	<u>Insulation</u>	<u>Interior finish</u>	<u>Heating</u>
<input type="checkbox"/> Concrete	<input type="checkbox"/> Full	<input type="checkbox"/> T-111	<input type="checkbox"/> Blanket	<input type="checkbox"/> Drywall	<input type="checkbox"/> Electric
<input type="checkbox"/> Cement Block	<input type="checkbox"/> Finished	<input type="checkbox"/> Clapboard	<input type="checkbox"/> Wall Roof	<input type="checkbox"/> Paneling	<input type="checkbox"/> Oil
<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Wood*

\*Fire Department Permit Required

I hereby agree to comply with the town subdivision regulations, Freedom growth management regulation, flood plain ordinance, state shoreland protection act, selectmen's town road specifications, fire codes, state air and water pollution permits (sewage etc.), state building codes and any other requirements in effect in the town of Freedom.

I hereby certify under penalty of perjury that the estimated cost of construction, alteration, or remodeling (including labor and material) is \$ \_\_\_\_\_

Date: \_\_\_\_\_ Owner/Agent Signature: \_\_\_\_\_

Code Officer: \_\_\_\_\_ Owner/Agent Print Name: \_\_\_\_\_

Valid for (1) One Year from Date Issued. Owner Address: \_\_\_\_\_

Denial Letter Map 24 Lot 13 Name DJH

☐ 304.5 TABLE "SF" SHORE FRONT DISTRICT for Lakes & Ponds over 10 acres & Ossipee River

☒ House See back

☐ Garage

☐ Other

☐ 304.6.3. Special Exception Standards for Erosion Control

☐ 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.

☐ 305.6.5.3 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. 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 augmented for the larger area involve

☐ Section 406 Septic Tank or Leach Field Setback No Septic Tank or Leach Field may be constructed or enlarged closer than one hundred twenty-five (125) feet to any wetland. In the case of a failed system, the septic tank may be a minimum of (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.

☐ 704.3 As required in section 310.1.6, structures cannot exceed 15% of the total area of a lot of record.

☐ Section 906 Expansion of Non-Conforming Structure A structure which is nonconforming as to one or more dimensional requirements (setback and height limit or either) may be enlarged or expanded with the following conditions:

☐ 906.1 No portion of the enlargement or expansion of a structure shall further encroach on the front yard setback beyond the existing overhang of the main structure

☐ 906.2 The expansion or extension shall not violate the side yard setback or rear yard setback requirements for the district in which the lot is located the main structure

☐ 906.3 No portion of the enlargement may exceed the height of the existing non- conforming structure.

☐ Section 907 Expansion of Pre-Existing Non-Conforming Seasonal Dwellings 907.1 Purpose and Intent It is the purpose section to acknowledge the existence of non-conforming seasonal dwellings, the use of which pre-dates the original adoption of these zoning ordinances in 1987. It is further the purpose of this section to permit the continued use of these non-conforming dwellings within the requirements enumerated in Article 5; to permit expansion of certain non- conforming seasonal dwellings to year-round use under limitations enumerated in Section 907.4; and to prohibit expansion to year-round use of more than one (1) seasonal dwelling per lot, while limiting their pre-existing use to their continuous, uninterrupted and unenlarged seasonal nature, as enumerated in Sections 907.3 and 907.5. It is the purpose of these ordinances to regard the temporal expansion of more than one (1) non-conforming seasonal dwelling per lot to year-round use as a substantial change in use such that the vested right to the non-conforming use is discharged and the lot and its use must conform to current requirements of these ordinances.

☐ Other

Relocate the primary Dwelling Further from the shoreline  
than the plan approved on Sept 28, 2021. Construct two  
retaining walls to keep fill from wetlands to be restored,  
and address northerly wetland pipe culvert pipe in accordance  
with NHDGS restoration approval # 2021-025277 dated 12-30-21

DO NOT WRITE IN THIS SPACE

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

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

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

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

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

Name of Applicant(s) DJH Investment Trust

Mailing Address 4540 N. Ocean Drive; Apt 602; Lauderdale By The Sea, FL 33308

Telephone Number(s) (617) 504-3631

Property Owner(s) Same as above

(If same as applicant, write "Same")

Mailing Address \_\_\_\_\_

Location of Property: Tax Map # 24 Lot # 13 Zoning District General Residential  
Shorefront Overlay

Physical Address of Property 173 Haverhill Street

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

MAP#/LOT#

NAME and ADDRESS

SEE ATTACHED SHEET

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

Date: 1/10/22 Signed: [Signature]  
Owner (If agent, owner must still sign)

Date: 1/10/22 Signed: [Signature]  
Owner (If agent, owner must still sign)

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Owner (If agent, owner must still sign)



**Application**  
**Page 2**

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

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

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

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

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

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

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

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

NOT APPLICABLE

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

**OR**

**Section 2. APPEAL FOR SPECIAL EXCEPTION**

Describe proposed use requiring a special exception from Article 3 Section 304.6.3  
of the Zoning Ordinance:

Article 3, Section 304.6.3: Erosion Control

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

OR

**Section 3. APPEAL FOR VARIANCE**

A variance is requested from Article 3 Section Table 304.5 of the zoning ordinance to permit The owner to move the previously approved home 4.8 feet further from the shoreline, increasing the setback from the approved 8.1 feet at the closest point to 12.9 feet at the closest point.

Facts in support of granting the variance:

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

(See Attached Sheet)

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

(See Attached Sheet)

3. Granting the variance would do substantial **justice** because:

(See Attached Sheet)

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

(See Attached Sheet)

5. Unnecessary Hardship

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

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

(See Attached Sheet)

and:

ii. The proposed use is a reasonable one because:

(See Attached Sheet)

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

N/A

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

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

**OR**

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

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

NOT APPLICABLE

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**-OR-**

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

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

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

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

Also, you must:

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

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

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

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

## **PLOT PLAN GUIDELINES**

A) Submit a plan, drawn to scale, 1" = 20', font must be at least 8pt, showing a minimum of the following:

- ☒ 1. Property lines and distances
- ☒ 2. Setbacks for front, side and rear yards
- ☒ 3. Show all existing and proposed buildings
- ☒ 4. Wells
- ☒ 5. Septic tank and leach field
- ☒ 6. Indicate building dimensions to overhang
- ☒ 7. Height of buildings Compliant with Zoning Requirements
- ☒ 8. Indicate all structures with dimensions including but not limited to:
  - Porches
  - Sheds
  - Decks
  - Garages
  - Stoops
  - Retaining walls
  - Patios
  - Impervious surfaces within 150' of the shoreline
  - Unique features
- ☒ 9. Water reference line (Ossipee Lake elevation 407')
- ☒ 10. Road names
- ☒ 11. Abutters names in proximity to property

B) If seeking special exception or variance in the shorefront district you must include:

- ☒ Fill – Temporary or Permanent
- ☒ Cut – Temporary or Permanent
- ☒ Tree removal
- ☒ Erosion control
- ☒ Docks
- ☒ Stairs
- ☒ Contours – Temporary or Permanent
- ☒ Retaining walls – Temporary or Permanent
- ☒ Lake level (Ossipee Lake elevation 407')

C) Lots under 5 acres:

Total area of lot in square feet 51,703 SF

Square feet of lot coverage (including all structures) 5,771 SF Existing/6,060 SF Proposed

% of lot covered 11.2% Existing; 11.7% Proposed

D) In addition to the list above it is your option to submit:

Photographs  
Abutter's letters

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

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

White Mountain Survey & Engineering, Inc.

By:

Property Owner/ Authorized Agent

01/10/2022

Dated

Property Owner/ Authorized Agent

Dated

Property Owner/ Authorized Agent

Dated

Property Owner/ Authorized Agent

Dated

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

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

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



**WHITE MOUNTAIN SURVEY & ENGINEERING, INC.  
A DIVISION OF HORIZONS ENGINEERING, INC.**

1270 ROUTE 16, POST OFFICE BOX 440  
OSSIPPEE, NH 03864-0440  
TELEPHONE (603) 539-4118 FACSIMILE (603) 539-7912  
WEB ADDRESS: [www.whitemountainsurvey.com](http://www.whitemountainsurvey.com)

**APPLICATION FOR A VARIANCE**

A variance is requested from Article 3 Section Table 304.5 of the zoning ordinance to permit: the owner to relocate the previously approved home further from the shoreline, but still within the waterfront setback.

**Facts to support this request:**

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

*The Board of Adjustment In New Hampshire - A Handbook for Local Officials* dated March 2021 states that:

**"For the variance to be contrary to the public interest, it must unduly and to a marked degree violate the basic zoning objectives of the zoning ordinance. To determine this, does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?"**

By this test, the requested variance will not violate the basic zoning objectives, nor will it alter the essential character of the neighborhood. As expressed in the Objective section of Article 3, Table 304.5, *"The following restrictions are applicable to land within the designated Shore Front District. They are designed to protect and enhance water quality, prevent overcrowding of shore land in the interest of public health and safety, and to preserve the natural beauty and wildlife habitat of the waterfront areas in the Town."*

During the process of construction, it was determined the grandfathered location was too close to the shoreline for excavating the full foundation, so it was moved 4.8 feet further from the shoreline. When accounting for the existing conditions prior to the start of construction and the prior ZBA approvals, and by moving the structure further from the lake, we are bringing the lot into greater compliance with the Zoning Ordinance for this project. Additionally, stormwater mitigation will be installed where none presently exists. We will fully comply with all other setbacks.

Therefore, the granting of the variance will not be contrary to the public interest.

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

*The Board of Adjustment In New Hampshire - A Handbook for Local Officials* dated March 2021 states this regarding public interest and spirit of the ordinance:





**"As held in *Farrar v. Keene*, 158 N.H. 68 [2009], the two elements are related. For a variance to be contrary to the public interest and inconsistent with the spirit of the ordinance, its grant must violate the ordinance's basic zoning objectives. There are two methods to answer this question:**

- 1. Examine whether granting the variance would alter the essential character of the neighborhood; or**
- 2. Examine whether granting the variance would threaten the public health, safety, or welfare.**

It is our opinion that, based on these two tests that the courts have used to make the decision of whether the spirit of the ordinance is observed, the essential character of the neighborhood will not be altered as expressed in the paragraph above nor will the granting of the variance threaten the public health, safety, or welfare.

**3. Granting the variance would do substantial *justice* because:**

*The Board of Adjustment In New Hampshire - A Handbook for Local Officials* dated March 2021 states that:

**Any loss to the individual which is not outweighed by a gain to the general public is an injustice.**

If the applicant were not allowed to move the home further from the lake to permit the construction of the basement, due to denial of this variance, it is clear that the loss to the applicant would not be outweighed by any gain to the general public. Therefore, granting the variance would do substantial justice. In fact, moving the home further from the lake is a benefit to the public as well.

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

Because we are not altering the essential character of the neighborhood or jeopardizing the health, safety, or welfare of the public; and because will be enhancing the water quality by implementation of stormwater mitigation where none presently exists and improving boundary line setbacks from the previously existing conditions, granting the variance request will have no negative impact on the surrounding property values.

**5. Unnecessary Hardship**

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



In the case at hand, this lot was created and developed prior to the adoption of subdivision regulations or zoning. The existing conditions of the lot, prior to redevelopment violated the present zoning requirements, and the lot was developed for seasonal use. The applicants now wish to make this their primary residence and therefore need a basement. Since the entire footprint of the replacement home was previously approved within the 75-foot waterfront setback, relocation further from the shoreline is a benefit to the applicant and the public.

**(i) No fair and substantial relationship exists between the purposes of the ordinance applicable to the application and the specific application of that provision to the property because:**

*The Board of Adjustment In New Hampshire - A Handbook for Local Officials* dated March 2021 has this to say about this paragraph:

**Is the restriction on the property necessary in order to give full effect to the purpose of the ordinance, or can relief be granted to this property without frustrating the purpose of the ordinance? Is the full application of the ordinance to this particular property necessary to promote a valid public purpose? Once the purposes of the ordinance provision have been established, the property owner needs to establish that, because of the special conditions of the property, application of the ordinance provision to his property would not advance the purposes of the ordinance provision in any "fair and substantial" way.**

As stated above, the Objective of the Zoning Ordinance as stated in Article 3, Table 304.5, of the Zoning Ordinance reads: *"The following restrictions are applicable to land within the designated Shore Front District. They are designed to protect and enhance water quality, prevent overcrowding of shore land in the interest of public health and safety, and to preserve the natural beauty and wildlife habitat of the waterfront areas in the Town."*

Based on my reading of the Zoning Ordinance Objective, it is our position that granting the requested relief to move the home 4.8 feet further from the shoreline will not frustrate the purposes of the ordinance provisions and that the application of the zoning restrictions to this parcel will not advance the purposes of the ordinance provision to this property in any fair and substantial way.

Therefore, it is our position that we satisfy this criterion required for the granting of the requested relief.

and:

**(ii) The proposed use is a reasonable one because:**



DJH Investment Trust  
Variance Application  
173 Haverhill Street  
January 10, 2022  
Page 4 of 4

Because the proposed use will remain residential and residential uses are permitted within the SF Zone, the use is reasonable one.

### APPOINTMENT OF AGENT

We, David and Jennifer Hayes, Trustees of DJH Investment Trust, hereby appoint and authorize White Mountain Survey & Engineering, Inc., to represent the Trust before such boards and agencies in the Town of Freedom, and the State of New Hampshire as may be necessary to complete applications on its behalf. White Mountain Survey & Engineering, Inc. is further authorized to sign applications as may be required to complete such representations on DJH Investment Trust's behalf.

DJH Investment Trust


Date: 5/11/2020

By:

  
David Hayes, Trustee

Date: 5/11/20

By:

  
Jennifer Hayes, Trustee

**DJH Investment Trust  
Abutters List  
January 10, 2022**

**Tax Map/Lot**

**Owner of Record**

24-13 (subject parcel)  
24-12  
24-19

DJH Investment Trust  
David B., Jr. & Jennifer A. Hayes, Trustees  
4540 N. Ocean Drive, Apt. 602  
Lauderdale By The Sea, FL 33308

24-14

Paul B. & Joy G. Nowak  
11 Orchard Lane  
Topsfield, MA 01983

24-15

Spofford Family Irrevocable Trust  
Douglas J. Spofford & David J. Spofford, Trustees  
23 Ocean View Road  
Swampscott, MA 01907

1-1-1

Devin Bolduc  
Lance Bolduc  
765 Ossipee Lake Road  
Freedom, NH 03836

Wetland Scientist

Gove Environmental Services, Inc.  
8 Continental Drive  
Bldg. 2, Unit H  
Exeter, NH 03833-7507

Agent

White Mountain Survey & Engineering, Inc.  
PO Box 440  
Ossipee, NH 03864-0440

Gove Environmental Services, Inc.  
8 Continental Drive  
Bldg. 2, Unit H  
Exeter, NH 03833-7507

Spofford Family Irrevocable Trust  
Douglas J. Spofford & David J.  
Spofford, Trustees  
23 Ocean View Road  
Swampscott, MA 01907

DJH Investment Trust  
David & Jennifer A. Hayes, TTEs  
4540 N. Ocean Dr., Apt 602  
Lauderdale By The Sea, FL 33308

Devin Bolduc  
Lance Bolduc  
765 Ossipee Lake Road  
Freedom, NH 03836

Paul B. & Joy G. Nowak  
11 Orchard Lane  
Topsfield, MA 01983

White Mountain Survey &  
Engineering, Inc.  
PO Box 440  
Ossipee, NH 03864-0440

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Engineering, Inc.  
PO Box 440  
Ossipee, NH 03864-0440



The State of New Hampshire  
**Department of Environmental Services**

Robert R. Scott, Commissioner



December 30, 2021

DJH Investment Trust  
C/o David B Hayes Jr & Jennifer A Hayes Ttees  
4540 N Ocean Dr Apt 602  
Lauderdale By The Sea FL 33308

**Re: Restoration Plan Approval**  
**Land Resources Management File Number: 2021-02547**  
**Subject Property: 173 Haverhill St, Freedom, Tax Map #24, Lot #13**

Dear Mr. & Mrs. Hayes:

On December 28, 2021, the New Hampshire Department of Environmental Services (NHDES) Land Resources Management Program received a proposed site restoration plan (Restoration Plan) for the above-referenced property (Property). The Restoration Plan was in response to an NHDES enforcement action. NHDES hereby approves the Restoration Plan as submitted, subject to the following specific conditions. If there is a conflict between the Restoration Plan and this Restoration Plan Approval, this Restoration Plan Approval will control.

1. **Immediately** install appropriate siltation and erosion controls around all disturbed areas and around any stock piles. These controls shall be maintained and remain until the areas are stabilized.
2. **By January 31, 2022**, remove the foundation drains and pea stone from the bank of the lake and reconstruct the bank to match the adjacent undisturbed banks. The area shall be restored and/or created, monitored, and managed in accordance with the Restoration Plan and all project descriptive details submitted to NHDES on December 28, 2021, by GES, Inc.
3. **By May 31, 2022**, approximately 1,800 square feet of wetlands and stream channel shall be restored and/or created, monitored, and managed in accordance with the Restoration Plan and all project descriptive details submitted to NHDES on December 28, 2021, by GES, Inc.
4. The restoration shall be conducted according to the Restoration Plan and as conditioned by this Restoration Plan Approval. Any changes or alterations to the Restoration Plan must be requested in writing and approved in writing by NHDES prior to implementing any such changes or alterations.
5. All persons involved in restoration activities on the Property shall have read and become familiar with the provisions of the Restoration Plan and this Restoration Plan Approval prior to beginning the activities. A copy of the Restoration Plan and this Restoration Plan Approval shall be kept posted at the Property during the restoration activities.
6. A certified wetland scientist (CWS) or qualified professional shall supervise the restoration activities within RSA 482-A jurisdiction on the Property to ensure that the restoration is accomplished pursuant to this Restoration Plan Approval (Env-Wt 803.04).

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095  
NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588  
TDD Access: Relay NH 1 (800) 735-2964

7. Siltation, erosion, and turbidity controls shall be installed prior to restoration, shall be maintained during restoration activities, and shall remain until the area is stabilized.
8. All steps shall be taken to ensure that no water quality violations occur on the Property during restoration activities.
9. Silt fence and hay bales shall not be used across streams, channels, swales, ditches, or other drainage ways.
10. Within three days following the last activity in the restoration area or where restoration activities are suspended for more than three days, all exposed soils shall be stabilized by seeding and mulching. In accordance with Env-Wt 307.12(d), mulch used within RSA 482-A jurisdiction shall be natural straw or equivalent non-toxic, non-seedbearing organic material.
11. No machinery shall be used within undisturbed NHDES jurisdictional areas on the Property during the restoration, unless vegetation and soil is not disturbed.
12. All material removed during restoration activities shall be placed out of NHDES' jurisdiction.
13. All material required to be removed during restoration activities shall be removed down to the level of the original hydric soils.
14. Wetland soils from areas vegetated with purple loosestrife (*Lythrum salicaria*) or other state-listed invasive plant species shall not be used in the area being restored (Env-Wt 307.12(e)).
15. Invasive, weedy species such as purple loosestrife and Common Reed (*Phragmites spp.*) shall be controlled by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
16. All wetlands restoration areas shall have at least 75% successful establishment of wetlands vegetation after two growing seasons, or the areas shall be replanted until successful establishment has been monitored for at least two growing seasons in accordance with Env-Wt 307.12(f).
17. There shall be no substitutions made for the plant species specified on the approved plan for replanting purposes without prior written approval from NHDES.
18. An initial monitoring report with photographs shall be submitted to NHDES by **June 30, 2022**. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, restoration sequencing, restoration activities, and status of restoration at time of initial monitoring report. Photographs shall depict all stages of restoration sequencing. For restoration activities within RSA 482-A jurisdiction, this monitoring report shall be submitted in accordance with Env-Wt 307.18.
19. Subsequent monitoring reports shall be submitted to NHDES by **September 16, 2022** and **September 15, 2023** to document the success of the restoration and outline a schedule for remedial actions if necessary. Such reports shall be submitted to NHDES with photographs demonstrating the conditions on the restoration site, include any necessary remedial actions, and contain a schedule for completing the remedial actions and conducting follow-up inspections.



20. Remedial actions may include, but are not limited to, replanting, relocating plantings, removing invasive species, altering soil composition or depths, deconsolidating soils due to compaction, altering the elevation of the wetland surface, or changing the hydraulic regime.
21. This Restoration Plan Approval does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
22. This Restoration Plan Approval does not relieve the owner(s) from the obligations of other local, state, or federal permits or requirements.
23. If restoration has not been completed, transfer of ownership of the Property shall require notification to NHDES and an agreement on transfer of the rights and obligations of this Restoration Plan Approval, prior to such transfer of ownership.

NHDES personnel may conduct future inspections to determine compliance with the provisions of the approved Restoration Plan and all other applicable NHDES statutes and rules.

Following completion of the restoration work, monitoring reports should reference NHDES File Number 2021-02547, and should be addressed as follows:

Jeffrey Blecharczyk  
Land Resources Management Program  
Department of Environmental Services  
29 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

Should you have any questions, please contact me at [Jeffrey.Blecharczyk@des.nh.gov](mailto:Jeffrey.Blecharczyk@des.nh.gov) or (603) 271-4061.

Sincerely,



Jeffrey Blecharczyk  
LRM Compliance Supervisor  
Land Resources Management Program  
Water Division

cc: Freedom Conservation Commission  
Freedom Board of Selectmen  
Freedom Code Enforcement Officer

cc: Jim Gove, GES, Inc.

FORM

PA-7

(Assigned by Municipality)

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION  
NOTICE OF INTENT TO CUT WOOD OR TIMBER

YR

TOWN

OP#

[ ] - [ ] - [ ] - T

RECEIVED

DEC 22 2021

For Tax Year April 1, 2022 to March 31, 2023

PLEASE TYPE OR PRINT (If filling in form on-line; use TAB key to move through fields)

1. Town/City of: **FREEDOM**

2. Tax Map/Block/Lot or USFS Sale Name &amp; Unit No.

3. Intent Type: Original ☒ Supplemental ☐

(Original Intent Number)

4. Name of Access Road: **MAP 15 LOT 11**5a. Acreage of Lot: **36+/-** Acreage of Cut: **30+/-**5b. Anticipated Start Date: **1/17/2022**6. Type of ownership (check only one):

- a. Owner of Land and Stumpage (Joint Tenants) ☐
- b. Owner of Land and Stumpage (Tenants in Common) ☒
- c. Previous owner retaining deeded timber rights ☐
- d. Owner/Purchaser of stumpage & timber rights on public lands (Fed., State, municipal, etc.) or Utility Easements ☐

## REPORT OF CUT / CERTIFICATE TO BE SENT TO:

OWNER ☐ OR LOGGER / FORESTER ☒

BY MAIL ☐ OR E-MAIL ☒

7. I/We hereby accept responsibility for reporting all timber cut within 60 days after the completion of the operation or by May 15, whichever comes first. I/We also assume responsibility for any yield tax which may be assessed. (If a corporation, an officer must sign.)

Timber Tax Information is Available at [www.revenue.nh.gov](http://www.revenue.nh.gov)  
Questions?? Call (603) 230-5950

SIGNATURE (in ink) OF OWNER(S) OR CORPORATE OFFICER(S)

DATE SIGNED

JEREMY RATHBUN

PRINT CLEARLY OR TYPE NAME OF OWNER(S) OR CORPORATE OFFICER(S)

SIGNATURE (in ink) OF OWNER(S) OR CORPORATE OFFICER(S)

DATE SIGNED

JEREMY RATHBUN

PRINT CLEARLY OR TYPE NAME OF OWNER(S) OR CORPORATE OFFICER(S)

177 MAIN STREET

MAILING ADDRESS

NEW IPSWICH

CITY OR TOWN

NH

03071

STATE

ZIPCODE

jrathbun@comcast.net

E-MAIL ADDRESS

HOME PHONE (Enter number without dashes)

CELL PHONE (Enter number without dashes)

## FOR MUNICIPAL ASSESSING OFFICIALS ONLY

The Selectmen/Municipal Assessing Officials hereby certify that:

1. All owners of record have signed the Intent;
2. The land is not under the Current Use Unproductive category;
3. The form is complete and accurate; and

4. Any timber tax bond required has been received.

\$ \_\_\_\_\_ Date: \_\_\_\_\_

5. The tax collector will be notified within 30 days of receipt pursuant to RSA 79:10.

6. This form to be forwarded to DRA within 30 days.

## Description of Wood or Timber To Be Cut

Species	Estimated Amount To Be Cut	
White Pine	50	MBF
Hemlock	25	MBF
Red Pine	2	MBF
Spruce & Fir	6	MBF
Hard Maple		MBF
White Birch		MBF
Yellow Birch	1	MBF
Oak	1	MBF
Ash		MBF
Beech & Soft Maple	5	MBF
Pallet or Tie Logs	15	MBF
Other (Specify)		MBF
Pulpwood	Tons	Cords
Spruce & Fir	100	
Hardwood & Aspen	250	
Pine	100	
Hemlock	100	
Whole Tree Chips	500	
Miscellaneous		
High Grade Spruce/Fir		Tons
Cordwood & Fuelwood		Cords

9. Species and Amount of Wood or Timber For Personal Use or Exempt. See exemptions on back of form.

Species **none** Amount: \_\_\_\_\_

10. By signing below, the Logger/Forester or person responsible for cutting hereby accepts responsibility for verifying the volumes of wood and timber to be reported by the owner. I have become familiar with RSA 227-J, the timber harvest laws.

SIGNATURE (in ink) OF PERSON RESPONSIBLE FOR CUT

DATE

BARRY H. KEITH, LPF

PRINT CLEARLY OR TYPE NAME OF PERSON RESPONSIBLE FOR CUT

PO BOX 326

MAILING ADDRESS

FREEDOM

CITY OR TOWN

NH

03836

STATE

ZIPCODE

(603) 539-8343

PHONE NUMBER

bhkeith1@netzero.net

E-MAIL ADDRESS

SIGNATURE OF MUNICIPAL ASSESSING OFFICIAL

DATE

SIGNATURE OF MUNICIPAL ASSESSING OFFICIAL

DATE

SIGNATURE OF MUNICIPAL ASSESSING OFFICIAL

DATE

# Freedom Conservation Commission

Freedom, New Hampshire 03836

January 9, 2021

Town of Freedom  
Board of Selectmen

## **RE: Forest Advisory Committee**

The Freedom Conservation Commission has voted to communicate a number of concerns regarding the Forest Advisory Committee, of which we are responsible for, to the Board of Selectmen. We are concerned that we have an administrative issue that needs to be resolved as quickly as possible.

In order to briefly provide some context please be aware that we as a commission have been attempting to understand many of the activities of the FAC and to improve overall communications between the FAC and the FCC since July of 2020. We observed an apparent breakdown in the process related to the timber harvest in the town forest and were concerned especially about having this conducted successfully.

In October we sent a communication to the FAC (attached) encouraging communication and input from the FAC related to our meeting discussions on the topic of the town forest harvest.

We then invited the FAC chairman to our meetings in November and December. In all cases, John Roman would confirm that he could attend then cancel in the last minute prior to each meeting. This did not allow for arrangement of an alternate member of the FAC to attend our meetings.

Historically, for forest-related items we would receive approval of invoices, contracts and other business from the FAC prior to receiving them at the FCC. This has not been the case. We have been presented with the uneasy proposition of approving invoices with no input from the FAC related to the context and specifics of the work conducted to justify the invoices. We have also been presented with invoices with just one or two FAC member's signatures that we believe are a result of not having a quorum in place to properly approve invoices.

It is our belief that the recent harvest in the town forest has brought many of these issues to the surface in a worrisome way.

Monday, May 24, 2021

Page 1 of 3

On behalf of the FCC members we thank you for your time and appreciate your support in this matter.

Thank you.

Sincerely yours,

Jeffrey Nicoll, *Chair*

Freedom Conservation Commission

*Essentially, continued future management for these existing compatible uses was determined to be appropriate and consistent with the Conservation Easement. Therefore, no additional surveys or polls of public opinion were deemed necessary.*

### **3.0 Property Management**

#### **3.1 Managing Entity**

Ultimate decisions regarding management of the Property will be at the sole discretion of the Selectboard. None-the-less and as noted, the use of the Property will be controlled by a conservation easement held by the State of New Hampshire in agreement with the Town of Freedom. The Freedom Conservation Commission (FCC), who will be overseen by the Selectboard, will have primary responsibility for managing the Town Forest (RSA 31:112) and will do so in accordance with the language of the conservation easement. The FCC will implement the goals and objectives of the Stewardship Plan. The FCC will update the plan at least every ten (10) years and review and amend if the need arises.

The Town Forest Advisory Committee (hereinafter "FAC"), under RSA 36-A:2, which is a standing subcommittee of the FCC, will meet regularly, and will guide the FCC in its management decisions for the Property. The FAC, to be appointed by the FCC, will have terms of three (3) years (except for the first three years, they will be staggered). The FAC will have at least five (5) and no more than seven (7) members and must include a representative from the: FCC, Selectboard, and Freedom Planning Board ex-officio member. The FAC may include any citizen that resides in the Town of Freedom. The FAC shall retain a professional licensed forester, who shall act as a consultant.

The FAC would be the eyes, ears and consultant for all of these groups (FAC, FCC, BOS) on the day to day management of Trout Pond. It would be the one to develop projects, establish a proposed budget, to initiate and complete the projects it proposes, oversee the annual maintenance issues regarding Trout Pond, and with the FCC through its participation, create an

and present proposed projects that it felt were appropriate but that would not be binding on the FAC or FCC. However, the FAC and FCC respectively will be permitted to go forward only with those projects, rules and regulations and expenses which have been previously approved under the chain of command ultimately by BOS.

The FAC and the FCC will report to the town each year and will send a copy of the report to DNCR. All meetings will be posted and will be public, unless voted by the FCC to be nonpublic (RSA 91-A:1, & A:3). The FAC will make recommendations to the FCC and/or Selectboard as to special permits on the Property. The FCC and/or Selectboard will determine if a person qualifies for a special permit as outlined in the Easement. The FCC/FAC will send out proposals, as necessary, to licensed foresters who, once contracted, will act as the town forester.

*As required, Property Management has been on-going since the formation of the Freedom Town Forest through the managing entity. Future Property Management of this community forest will continue under the auspices of the managing entity.*

### **3.2 Land Stewardship Administration**

#### ***Land Stewardship Administration***

For the purpose of maintaining the forest, the Town of Freedom may raise and appropriate such funds as it deems necessary (RSA 31:113). All proceeds, including income from commercial timber sales, will be earmarked for the Property and will be placed in a separate Forest Maintenance Fund, which shall be allowed to accumulate from year to year (RSA 31:113). The Forest Maintenance Fund will be used to manage the forest expenses. The Forest Maintenance Fund will be kept separate from the general fund (RSA 31:113).

Monies allocated for the Property in the form of grants for stewardship will be placed in separate accounts and may only be used for the intended purpose of the grant or gift. The grant or gift accounts will be kept separate from the general fund, the Town Forest Maintenance Fund, and from each other (RSA 36-A:4&5). The FAC may act as an advisory body regarding any expenditure from any of these accounts and expenditures must have a majority vote of the FCC. In addition, it will be required that the Selectboard will approve any expenditures. It will be

required that the money used from the gift and grant accounts will be used for the desired purpose of the grant or gift. The Town treasurer shall have custody of all monies in the Town Forest Maintenance Fund and in the separate gift and grant accounts (RSA 41:29). All expenditures from the Town Forest Maintenance Fund, outside of forest maintenance, must be voted on by the legislative body of the town (RSA 31:113). Forest maintenance activities would include, but not be limited to, boundary line maintenance, access road repairs, upgrades and maintenance, and stabilization of existing skid roads.

The FCC and FAC will maintain all administrative files relating to the Property, which will be kept in the FCC's file cabinet at the Freedom Town Office. The FCC's secretary maintains all records, generally in the form of minutes, of the FCC's work, including land management discussions and decisions, correspondence, and other documents. Copies of all meeting minutes will be distributed to the Selectboard and Planning Board and will be available to the public.

*Land Steward Administration has been conducted in accordance with the above cited administrative protocol. Future administration shall continue to be conducted in accordance with this protocol.*

### **3.3 Prescribed Management Units**

The timber on the Property will continue to be managed by a consulting licensed New Hampshire professional forester, in coordination with the FCC and the FAC. In order to adequately physically manage this approximate 2661 acre property, prescribed management units were developed. The Property was divided into three (3) compartments of designated areas defined by physical features such as the road network and topographic features and the Property boundaries. Compartment one (1) shall include all lands east of Shawtown Road; Compartment two (2) includes the lands between Shawtown Road and Pequawket Trail, and; Compartment three (3) includes the remainder of the Property west of Pequawket Trail bordering The Nature Conservancy ("TNC") lands.

By establishing prescribed management units or Compartments, timber and other resource management efforts can be completed in an organized fashion that is realistic and sympathetic to property constraints such as natural and exceptional resources, steep slopes, wetlands, roads, and access.

**MONITORING INSPECTION REPORT**  
**DNCR / Forest Legacy**



Inspection Date  
**November 4, 2021**

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<b>Easement Name:</b>	Freedom Town Forest	<b>Acres:</b>	2,661
<b>Town / Location:</b>	Freedom/ Madison	<b>AKA:</b>	Trout Pond
<b>Current Owner:</b>	Town of Freedom c/o Selectmen's Office		
<b>Address:</b>	PO Box 227, Freedom NH 03836		
<b>Phone:</b>	539-6323		
<b>Owner Contact:</b>	Barry H. Keith, BH Keith & Associates		
<b>Address:</b>	PO Box 326 Freedom NH 03836		
<b>Phone:</b>	539-8343		
<b>E-mail:</b>	bhkeith1@netzero.net	<b>Cell:</b>	

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**General Description of Land Use:** This 2,661 acre easement is known as the "Freedom Town Forest," and is owned by the Town of Freedom. Except for 7,200 ft. discontinued gravel runway and two historic roadways (now discontinued town roads) through the property, Freedom Town Forest is almost entirely wooded and utilized for traditional forest management purposes and recreational uses by the public. Additional haul roads and landings exist on the property. The property is actively managed for timber, recreation, and wildlife. The westerly boundary abuts the Pine Barrens conservation land owned by TNC (which is protected by a Forest Legacy easement) and portions of the northerly boundary abut land protected by easements held by the Town of Madison. The Scrub Oak Scramblers Snowmobile Club uses some forest roads in the winter.

**Condition of Boundaries:** ☐ Excellent ☒ Good ☐ Fair ☐ Poor

**Comments:** Boundary marking on the property was completed by HEB as of 2013. In 2016 two boundary corners in the northeast part of the property were set/reset by a licensed land surveyor and boundary tags added. BHK has verified the tagged the E/NE corner where the line crosses the abutter meadow.

**Stewardship / Forestry Plans:** In 2020 a stewardship plan (required for Forest Legacy projects) was prepared by B.H. Keith and approved by DNCR on July 30, 2020.

**Most recent update:** 7/2020

**Forester:** B.H. Keith, Assoc.

**Renewal Date:** 7/2030

**Annual Meeting as required by CE:** Held 11/3/2021 at offices of BHK Assoc. In attendance were Barry Keith and Charlotte Harding. The attached 2021 summary materials provided by Barry guided the discussion of past and proposed activities. Town committee meeting planned same day as visit.

- Coordinating with TNC for prescribed burn; planning ~20 acre burn in FTF compartments 2 and 3.
- Jackman Ridge Road erosion to be fixed during 2022 construction season.

**Inspection:**

- **Gate 1** – Water level controls are still working. Main culvert occasionally cleaned out by FAC members. Drove north on airstrip, Barry noted areas to be thinned by prescribed fire in partnership with TNC. Drove loop heading S, stopped at log landing used for recent harvest (see photo).
- **Gate 2** – Did not access; unbalanced counterweight makes gate very challenging to open.
- **Gate 3** – Drove to end of maintained road. Trout Pond signage about milfoil has been replaced (someone stole it last year). Permanent wildlife openings look good. Gravel pile for road maintenance.
- **Gates 4/5** – Kiosk in good shape. Noted new gate blocking discontinued road; town voted to use as municipal trail going forward (see photo). Hiked to top of Mary's Mountain.





2021 Harvest log landing



New gate blocking discontinued road. Sign reads "CLASS A MUNICIPAL TRAIL, NH RSA: 231-A2, VEHICULAR ACCESS BY LANDOWNERS ONLY"

The Town of Madison has installed gates at the end of Goe Hill Road, at the Freedom Forest Boundary, and on Shawtown Road at the Mary's Mountain parking lot. With the exception of snowmobile season, these gates shall be maintained in a locked position in order to restrict unauthorized vehicular use.

Since it has been several years since the last mowing/bronto clearing occurred, roadside mowing (with a side mount brush hog tractor) should be planned, based on funding availability for the principal roads and snowmobile trails within the forest. By maintaining the roadside vegetation, the need to conduct costly future brontosaurus mowing should be lessened.

*The opportunity to receive future DNCR trail grants shall be assessed.*

- **General Maintenance:**

Trash pick-up, general hiking trail maintenance, and kiosk and gate maintenance should continue to be conducted on an annual basis. Where deemed needed, replacement of trail signage, re-blazing and brushing are typical maintenance items.

*In addition to these items, the York raking of the parking lots at Gate 1 and 3 should be conducted. No York raking has been conducted at this time.*

- **Beaver Pipe Control:**

Continue to monitor the beaver pipe on Cold Brook. If back-up/flooding is noted, appropriate controls shall be implemented. The replacement beaver pipe has proven to be largely effective in curbing flooding.

*Continue to monitor and remove excess blockage, as observed.*

- **Grants:**

Coordinate with The Nature Conservancy (TNC) on the development and implementation of a Forest Fire Management Plan in accordance with the Hazard Fuel Reduction and Ecosystem Restoration grant.

*Prior to development of the Fire Management Plan by TNC, a site walk is planned to review pitch pine management areas.*

## **WILD FIRE GRANT**

- A US Forest Service Grant was awarded to The Nature Conservancy (TNC) and Towns of Madison and Freedom to reduce forest fuels and manage globally rare pitch pine forestland through prescribed burning.
- The Grant is over a 4 year period.
- The pitch pine area within the Town Forest to be managed under this Grant is approximately 175 acres. The area is situated between Gate 1 and 2 bordered by the former airstrip, the Gate 2 access road, and Ossipee Lake Road.
- This year, the TNC will prepare the required planning documents:
  - Site Fire Management Plan
  - Burn Unit Plan

Based on these documents, a schedule for implementation shall be prepared. TNC shall serve as the "Fire Boss" and federally certified TNC fire staff shall conduct the burn. The Freedom Fire Department will serve in a support capacity and use the burn as a training exercise.

**FREEDOM TOWN FOREST**  
**Forest Activity Schedule: 2022**

- **Timber Sale/Habitat Improvement:**

Continuation of an improvement harvest from the 2021 harvest area to Ossipee Lake Road is planned. The prescription shall center on conducting an improvement thinning and early successional habitat establishment.

An approximate 100-150 acre area between Pequawket Road and Jackman Ridge Road north of the 2021 harvest area shall be evaluated for a harvest. Other areas within Compartment #2 shall also be assessed for future management practices.

Based on the The Nature Conservancy (TNC) Fire Management Plan, should pitch pine release prove cost effective, additional thinning of stands within Compartment #2-3 may warrant consideration.

*The TNC and town forester are planning a site visit in the spring to review the pitch pine management areas.*

- **Wildlife Opening Maintenance:**

As in previous years, permanent wildlife openings should be mowed, limed and fertilized, as needed.

*This practice should continue to maintain these areas.*

- **Access Road Maintenance:**

The annual spring site inspection will be conducted to assess the condition of the road network throughout the forest. At a minimum, culvert cleaning correcting spot erosion will be required.

*In addition to annual culvert cleaning, at a minimum, drainage "Kick-outs" should be maintained to direct surface water flow off of the traveled road surface as much as possible. No other work was conducted on the road network. Erosion on the Jackman Ridge Road, particularly the section from the first wildlife opening to the top of the hill, will require corrective measures during the 2022 construction season. It is anticipated that the cost for these improvements shall be in the neighborhood of \$10,000.*

The Town of Madison has installed gates at the end of Goe Hill Road, at the Freedom Forest Boundary, and on Shawtown Road at the Mary's Mountain parking lot. With the exception of snowmobile season, these gates shall be maintained in a locked position in order to restrict unauthorized vehicular use.

Since it has been several years since the last mowing/bronto clearing occurred, roadside mowing (with a side mount brush hog tractor) should be planned, based on funding availability for the principal roads and snowmobile trails within the forest. By maintaining the roadside vegetation, the need to conduct costly future brontosaurus mowing should be lessened.

Where needed, new signage prohibiting ATV and motorcycles should be installed at all gate entrances. The Trout Pond sign at the beginning of Jackman Ridge Road was apparently stolen. New replacement signage should be considered at this location.

*The opportunity to receive future DNCR trail grants shall be assessed. Whereas the Shawtown Road and Pequawket Trail are "Designated Municipal Trails" and part of the state-wide snowmobile trail network, the town should be eligible for DNCR trail grants or cost-share funding.*

- **General Maintenance:**

Trash pick-up, general hiking trail maintenance, and kiosk and gate maintenance should continue to be conducted on an annual basis. Where deemed needed, replacement of trail signage, re-blazing and brushing are typical maintenance items.

*In addition to these items, the York raking of the parking lots at Gate 1 and 3 should be conducted after mud season.*

- **Beaver Pipe Control:**

Continue to monitor the beaver pipe on Cold Brook. If back-up/flooding is noted, appropriate controls shall be implemented. The replacement beaver pipe has been largely effective in curbing flooding.

*Observations in late fall noted that the beaver pipe appeared to be dislodged and blocked by recent beaver activity. Flooding had over topped the road at the rock ford crossing and flow was observed discharging from the overflow culvert. This situation should continue to be monitored and may warrant trapping to remove the beaver. In the spring, the site should be evaluated to determine appropriate corrective measures.*

- **Grants:**

Coordinate with The Nature Conservancy (TNC) on the development and implementation of a Forest Fire Management Plan in accordance with the Hazard Fuel Reduction and Ecosystem Restoration grant.

*Prior to development of the Fire Management Plan by TNC, a site walk is planned in the spring to review pitch pine management areas.*

As deemed appropriate by the FAC, investigate and apply for other potential grants and/or cost-share funding that may become available. Prospective grants may include: NHF&G Small Grants Program, DNCR Trails Grants, and LCIP program grants.

*Continue to monitor for potential grant opportunities.*

- **Forest Stewardship Plan:**

Continue implementation of the Forest Stewardship Plan Update.

- **Forest Administration:**

Forest administration, planning and coordination shall be on-going, as needed.

- **Forest Boundary Inspection & Maintenance:**

Based on available funding, an annual program to inspect and maintain the property boundary should be implemented. Given the extent of the boundary, boundary corners and sections of the boundary should be periodically inspected, blazed and painted. Signage should be installed, as needed, at property corners, access points, and periodically along boundary lines. Maintaining record of maintenance activities is recommended. Portions of the northeast boundary were flagged in 2020 and portions of the southwest boundary were flagged in 2021. These sections of the line should be re-blazed and painted, as needed.

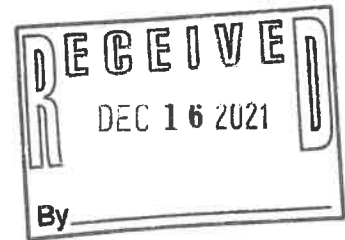
# B.H. KEITH ASSOCIATES TIMBER SALE SUMMARY

NAME: TOWN OF FREEDOM-FREEDOM TOWN FOREST

DATE: NOVEMBER 16, 2021

SALE AREA: +/- 187 ACRES (COMPARTMENTS 2 AND 3)

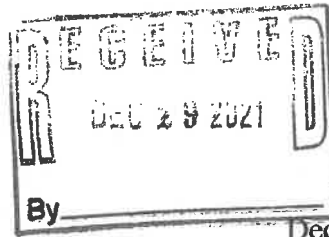
SPECIES	MBF	VOLUME	TONS
WHITE PINE	122.34		
PINE PALLET	19.885		
RED OAK	50.11		
WHITE OAK	0.92		
BLACK OAK	0.41		
OAK PALLET	11.88		
SUGAR MAPLE	0.155		
RED MAPLE	0.255		
HARDWOOD PALLET	2.02		
SPRUCE	1.90		
HARDWOOD PULP			605.54
BIOMASS (WOOD CHIPS)			1874.80



GROSS REVENUE	\$48,086.28
LESS (-) FORESTER COMMISSION/FEE (20%)	- 9,617.25
NHDES WETLAND NOTIFICATION FILING FEE	- 25.00
NET REVENUE	\$38,444.03

# B.H. KEITH ASSOCIATES

11 Elm Street  
Post Office Box 326  
Freedom, New Hampshire 03836  
Tel. (603) 539-8343  
Fax (603) 539-2532



Freedom Conservation Commission  
Town of Freedom  
P.O. Box 227  
Freedom, New Hampshire 03836

## **RE: 2022 Forest Management Service Agreement – Freedom Town Forest.**

Dear Conservation Commission Members:

This letter serves as our Agreement to provide forest management services to the Town of Freedom on the approximate 2,660 acre Trout Pond Town Forest. This Service Agreement is for the period January 1 through December 31, 2022.

Based on the Forest Advisory Committee (FAC) recommendation and authorization by the Board of Selectmen, various tasks shall be instituted on behalf of the town in accordance with the Forest Stewardship Plan for the above mentioned property.

Typical tasks shall include but not be limited to: general forest and wildlife management consultations, coordination with FAC and state and federal agencies, and other associated services involved with the active management of the property.

### **COST**

Costs for this work shall be based on actual hours and expense incurred for the respective work tasks with the estimated cost for the year not to exceed the appropriated town funding for these services. Periodic invoices shall be submitted, outlining the service provider (Principal Forester/Biologist or Field Forester) on a quarterly billing at the least, for work completed outlining the various tasks, work hours, expenses and other service related costs.

Hourly service rates are as follows:

Principal Forester/Biologist .....	\$50.00/hr
Field Forester .....	\$50.00/hr





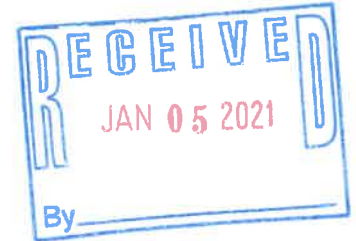
The State of New Hampshire  
**Department of Environmental Services**

**Robert R. Scott, Commissioner**



December 23, 2021

Benjamin & Katherine Delorge  
13 Birch Drive  
Newmarket NH 03857



**Re: Reported Alleged Violation**  
**Land Resources Management File Number: 2021-03640**  
**Subject Property: 364 Pequawket Trail, Freedom, Tax Map #26, Lot #9**

Dear Mr. and Mrs. Delorge:

The New Hampshire Department of Environmental Services (NHDES) Land Resources Management Program has received a complaint of possible violations on your property. The complaint alleges that you, or your agent, have removed vegetation beyond the permissible limits and altering the ground surface adjacent to Ossipee Lake. This letter is to notify you of this complaint, and to provide you with an opportunity to respond.

We find no record of a permit being issued under your name for the work described above, but realize that a permit may have been obtained under another name, the work may be exempt from the below regulation(s), or the information provided to NHDES may be unfounded. If work has been performed without a permit or proper authorization, you are requested to voluntarily refrain from carrying out any additional work, except for the installation of siltation and erosion controls, until NHDES further investigates this matter. The reported alleged violation is in link with the statute(s) listed below.

Pursuant to RSA 483-B, a shoreland permit or permit by notification is required from NHDES prior to conducting certain construction, excavation, and filling activities within the protected shoreland.

If there is a violation, NHDES has the authority to take enforcement action. **Within 20 days of the date of this letter**, please provide your comments in writing; submit a copy of any permits, plans, or other information related to this matter; and reference the above file number on all correspondence.

This case has been added to our inspection list. Should you have any questions, please contact me at Jeffrey.Blecharczyk@des.nh.gov or (603) 271-4061. Further information about NHDES programs may also be found at the NHDES website: [www.des.nh.gov](http://www.des.nh.gov).

Sincerely,

Jeffrey Blecharczyk  
Compliance Supervisor, Wetlands Bureau  
Land Resources Management Program  
Water Division

Freedom **Conservation Commission**, Board of Selectmen, Zoning Office

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964

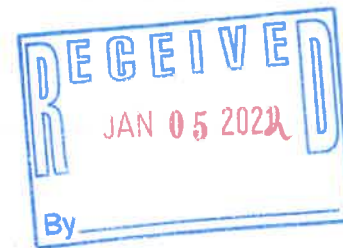


The State of New Hampshire  
**Department of Environmental Services**

**Robert R. Scott, Commissioner**



December 30, 2021



Brian and Heather Bartlett  
125 Round Pond Rd  
Freedom NH 03906

BARTFAMLAKE Trust  
71 Lebanon Rd  
North Berwick ME 03906

**Re: Reported Alleged Violation**  
**Land Resources Management File Number: 2021-01726**  
**Subject Property: 125 Round Pond Road, Freedom, Tax Map #45, Lot #10V**

Dear Mr. and Mrs. Bartlett:

The New Hampshire Department of Environmental Services (NHDES) Land Resources Management Program has received a complaint of possible violations on your property. The complaint alleges that you, or your agent, have constructed a beach without a permit or proper authorization from NHDES. Shoreland Impact Permit 2021-01726 was approved with a condition stating the approval was not an acceptance for impacts regulated under RSA 482-A. Beach construction or replenishment is regulated under RSA 482-A. This letter is to notify you of this complaint, and to provide you with an opportunity to respond.

We find no record of a permit being issued under your name for the work described above, but realize that a permit may have been obtained under another name, the work may be exempt from the below regulation(s), or the information provided to NHDES may be unfounded. If work has been performed without a permit or proper authorization, you are requested to voluntarily refrain from carrying out any additional work, except for the installation of siltation and erosion controls, until NHDES further investigates this matter. The reported alleged violation is in link with the statute(s) listed below.

Pursuant to RSA 482-A, a wetlands permit is required from NHDES, and posted on site, prior to excavating, removing, dredging, filling, or constructing any structure in or on any bank, flat, marsh, bog, or swamp, in and adjacent to waters of the state or within 100 feet of a designated prime wetland where a 100-foot buffer was required at the time of designation.

If there is a violation, NHDES has the authority to take enforcement action. **Within 20 days of the date of this letter**, please provide your comments in writing; submit a copy of any permits, plans, or other information related to this matter; and reference the above file number on all correspondence.

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095  
NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588  
TDD Access: Relay NH 1 (800) 735-2964

B.H. Keith Associates

PO Box 326 11 Elm Street  
Freedom, NH 03836-0326

# Invoice

Date	Invoice #
12/28/2021	01-3821

Bill To
21-2255 Freedom Forest Town of Freedom Conservation Commission PO Box 227 Freedom, NH 03836



Description	Amount
Period: November 9-December 28, 2021 Tasks: Forest Inspection (11/17/21) and Forest Administration B. Keith, Principal 5.0 hrs @ \$50/hr=	250.00
Approved for Payment:  _____  Account to Post:  _____	
<b>Total</b>	<b>\$250.00</b>