

Zoning Board of Adjustment
PO Box 227
Freedom, NH 03836

Freedom Zoning Board of Adjustment: **May 26, 2015**

Members Present: Chairman Scott Lees; Craig Niiler; Jake Stephan; John Krebs; John Quigley, Alternate.

Others Present: Linda Farinella, Recording Secretary; Ogren arrived during the second hearing.

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

Notification of this meeting was posted at the Freedom Town Office, Freedom Post Office and published in the Conway Daily Sun.

Chairman Lees introduced the Board to the public.

During the meeting the following cases were heard:

Case #19-15-15 William Magro

Case #31-31-15 Kurt and Karen Damery

Chairman Lees invited **Case #19-15-15 William Magro** to approach the board with a request for variances under Article 7 Sections 706.1 and 706.2: To construct a deck within the setbacks at 1016 Ossipee Lake Road.

Robert Rafferty, agent/contractor/abutter, explained that he is here on behalf of Magro. Rafferty was asked for an appointment of agent form. He used the appointment from the zoning permit application.

Rafferty presented pictures of the area where the proposed 16~~0~~12~~0~~ deck will be built. The deck will not be any closer to neighbors on either side but will encroach on front yard setback. Total lot coverage is at 4%.

Krebs noted discrepancies in the distances from sidelines and the front, the plan is not to scale. Krebs asked if the applicant wants to center the 16~~0~~ side of the deck on the front of the house. Rafferty said yes, the meters already on the house need to be avoided.

Lees suggested shrinking the porch to 16~~0~~10~~0~~ and there would be no need for a front yard variance. Rafferty was agreeable to shrink the deck, if necessary, to get approval of one variance versus two. Lees and Stephan agreed that a scaled plan must be submitted. Niiler reiterated the feeling adding it must be accurate and represent what the project will entail. Niiler does not have a problem with the request and feels it is in keeping with the neighborhood.

The general consensus of the board is that a 12~~0~~16~~0~~ deck is reasonable. A plan showing accurate placement of the deck, to scale, in relation to the house with any stair access must be presented.

Motion by Chairman Lees, seconded by Niiler that this hearing be continued to the June 23, 2015 meeting, with a submittal deadline of June 8, 2015. The motion passed unanimously.

Chairman Lees invited **Case #31-31-15 Kurt and Karen Damery** to approach the board with a request for variances under Article 3 Table 304.2 and Article 3 Sections 310.1.5 and 310.1.6: To demolish existing home, construct a house and accessory garage within the setbacks exceeding the allowed 10% lot coverage at 16 North Broad Bay Road.

Kurt and Karen Damery with Ray Desmarais, Builder, approached the board. Karen Damery offered history behind the home noting it was built by her family in 1947. The original plan for a rebuild was a ranch style home, but to try and better meet zoning they have changed to a 2-story design that will still not meet the front and side setbacks. The footprint is slightly larger due to a bigger first floor bedroom because of health reasons. The lot coverage is presently at 17% and would increase by 4% with new two-car garage and home.

Chairman Lees asked if there were public or abutters present. There were none. There are two letters of support received from both of the abutters.

Karl Ogren joined the meeting staying in the audience.

Chairman Lees suggested that an attached 1-bay garage may not require a variance. Krebs agreed with the attached idea. Kurt Damery hoped to keep the buildings separate. Karen Damery suggested leaving the garage as is and concentrating on just the house.

Niiller explained that the board hopes to work with the applicant to find ways to reduce the impact to the lot, as a lot of this size never was intended to support any more than a cottage.

Chairman Lees asked members for their thoughts. Quigley suggested moving the proposed location of the garage. Niiler stated he appreciates the need for a garage but is struggling with the overall size of the project for this size lot. Krebs agreed with Niiler but knows the reality is that a one-car garage is not enough. Krebs suggested pushing the home back away from the road or even to the other side of the lot bringing the home closer to the garage and driveway. Chairman Lees struggles with the lot coverage. Stephan calculated that a two-car garage with no porch would make a 1% increase.

The board would like to see submitted a new plan taking into consideration discussion with the Board.

Motion by Chairman Lees, seconded by Quigley to continue this hearing to the June 23, 2015 meeting with a submittal deadline of June 8, 2015. The motion passed unanimously.

The Board discussed how to interpret the March 2015 revisions to Article 3 Section 310.1.5 of the Zoning Ordinance. The board had asked for and received an opinion from their legal counsel. The Board agreed with Chairman Lees and Ogren's suggestion to send the letter on to the Planning Board and ask for clarification.

The Board discussed revision to the Zoning Board Application packet to include an appointment of agent form. The fees will also be reviewed and checked against the last ten applications cost for notice.

Chairman Lees and the Board welcomed and thanked Krebs for volunteering as a regular member for a 3-year term.

The Board elected officers. Motion by Ogren, seconded by Stephan to elect Lees as Chairman. The motion passed with Lees opposed.

Motion by Ogren, seconded by Stephan to Niiler as Vice-Chairman. The motion passed unanimously.

Meeting adjourned at 9:12 pm.