

CONTACT:
Broad Bay Alliance (516-639-1919)
feedback@broadbayalliance.org

FOR IMMEDIATE RELEASE

BROAD BAY ALLIANCE ISSUES
STATEMENT ON FREEDOM ZBA'S JULY 9th
DECISION ON OSS�PEE LAKE MARINA

******GROUP AGAIN CALLS FOR SELECTMEN TO EXPLAIN
SUSPENSION OF ZONING ENFORCEMENT DURING THE
4th OF JULY WEEKEND ******

July 14, 2002, Freedom, NH – Broad Bay Alliance has issued a statement in the wake of the July 9th ruling by Freedom's Zoning Board of Adjustment that authorizes Ossipee Lake Marina's use of residential Lot 42 for commercial purposes.

In its statement, BBA director David Smith said "The ZBA's decision to grant Ossipee Lake Marina two separate *"after the fact"* special exceptions to legitimize the commercial parking lots and bathrooms that were constructed illegally on residential land is a precedent that undermines the integrity of Freedom's zoning ordinance".

"On May 28th the ZBA ruled against the use of Lot 42. In making this new decision the board has overruled itself and has cast aside the extensive testimony on adverse impact that was presented in two public hearings by homeowner groups, environmentalists, a camp director, the fire chief and individual property owners. We are confident that this ruling will not withstand legal scrutiny".

In a related matter the Alliance again called for Freedom's Selectmen to explain their actions in regard to the cease and desist order that the town issued on June 11th prohibiting the use of Lot 42.

Responding to Freedom Town Counsel's public statements seemingly in support of new applications by the Marina for what had already been denied by the ZBA, and by Town Counsel's recommendation to the Selectmen on June 3rd that the town "defer" enforcement of the ZBA's ruling, representatives of Broad Bay Alliance met with the Selectmen on June 10th and pressed for details on the town's enforcement plans.

The next day, on June 11th, the Selectmen issued a cease and desist order prohibiting the use of Lot 42 and subjecting the Marina to fines of \$250 per day for violating the order.

Although the Marina initially complied with the order by blocking access to Lot 42, residents reported to the town on June 24th that the Marina re-opened the property and used it to accommodate participants in a fishing contest on June 22nd and 23rd.

Two weeks after this reported violation Marina owner Kevin Price asked the Selectmen verbally at their July 1st meeting to suspend the cease and desist order so he could use Lot 42 for the July 4th holiday weekend. The Selectmen then voted 2-1 to do so, stating that suspending the order was "to protect the health of property owners around the lake" and was "in the interest of safety".

On July 3rd the cease and desist order was "suspended" and Broad Bay Alliance called on the Selectmen to explain publicly to the community their action in suspending it.

In a letter to the Selectmen the Alliance stated that the property owners of northern Broad Bay were "unaware of any public health and public safety issues that would warrant a suspension of the town's enforcement of the ZBA's decision to deny the Marina's use of Lot 42". The letter also noted that the Bay's property owners had overwhelmingly supported the ZBA's denial of the use of Lot 42 for any reason.

In its letter the Alliance told the Selectmen that since "your actions are in contravention of the ZBA's ruling on May 28th...we believe you owe the community a detailed explanation of the threats to public health and public safety that you cite as the rationale for suspending enforcement...for the holiday weekend period".

The ZBA's reversal of its own ruling and the Selectmen's suspension of their own legal order are the latest twists in a story that began when Ossipee Realty Corporation purchased the Marina property in 1997. Broad Bay residents immediately began notifying town officials that the new owners were violating environmental and zoning laws, including constructing and expanding buildings without building and zoning permits.

Broad Bay property owners pressed town officials for action for three and a half years before the Selectmen finally took action in January 2001. In a letter to the Marina's principal owner the town mandated that one group of violations was to be brought into compliance by July 1 of that year while a second group of violations was to be put before the Zoning Board of Adjustment as requests for "after the fact" special exceptions.

One year later a group of citizens, frustrated by the continued lack of town enforcement on the Marina property, formed Broad Bay Alliance and established an Internet website at www.broadbayalliance.org that documented the violations and made available all relevant public documents. The website continues to be a clearinghouse for information on the Marina issues.

The expansion of Ossipee Lake Marina has been opposed by Broad Bay Alliance, North Broad Bay Association, Berry Bay Association, YMCA Camp Nellie Huckins, Green Mountain Conservation Group and individual property owners from Ossipee Village Beach Club and the Danforth Ponds, among other areas.

###