

TOWN OF FREEDOM BOARD OF SELECTMEN

P.O. Box 227 • Freedom, New Hampshire 03836-0227
(603)539-6323 • Fax (603)539-8270

Date: October 15, 2001

Ossipee Lake Marina
ATTN: Kevin Price
P.O. Box 154
Londonderry, NH 03054

Dear Mr. Price:

The status of the marina property has been reviewed by Town counsel, and having considered his opinion we have decided the following.

A boat storage building was erected last year with a building permit but without zoning approval, as required. It has since collapsed. As we requested by letter dated May 8, 2001, you had applied to the ZBA for approval, which has been withdrawn. If you wish to rebuild, an application to the Zoning Officer should be made pursuant to §1801.1 and §1801.2 of the Zoning Ordinance.

You constructed a cinder block bath house last year, with a building permit but without zoning approval, as required. It is our opinion that you need to apply to the Zoning Officer for "after-the-fact" zoning approval once again pursuant to §1801.1 and §1801.2 of the Zoning Ordinance.

You also constructed two parking lots on the former DiPrizio property. These lots constitute accessory uses to the special exception (Marina) in the Shorefront District. Therefore, we recommend that you apply directly to the ZBA for after-the-fact, special exception approval.

Furthermore, a 10' x 250' pathway (or "work road" as described on the White Mountain Survey Plan) was constructed within 75 feet of the normal high water line of Ossipee Lake. Per Section 304.6.5 of the Zoning Ordinance, the clearing done to construct this pathway required ZBA approval. Like the parking lots, it is our opinion that you need to file an application with the ZBA for an after-the fact, special exception approval for this cutting.

If you disagree with any part this opinion, you may appeal it, or any part of it, to the ZBA as an Appeal of an Administrative Decision within twenty days of this date pursuant to RSA 676:5.

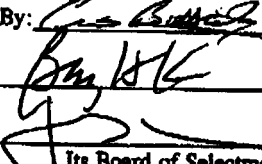
Otherwise, please submit the appropriate applications to the Zoning Officer or ZBA as appropriate within thirty days of this letter.

If you do neither, then we will have to consider enforcement proceedings.

In addition, we wish to advise you that allegations have been made that you are not in compliance with the five conditions imposed by the ZBA on October 7, 1997 when it approved your application for a special exception to construct two single level storage facilities. Please review those five conditions and make sure that you are in compliance with the same, because our Zoning Officer will be investigating these allegations. Finally, it has been alleged that you are operating a restaurant despite the ZBA's March 24, 1998 denial of the same. Again, our Zoning Officer will be investigating this complaint.

Sincerely,

TOWN OF FREEDOM

By: 

Its Board of Selectmen

TOWN OF FREEDOM

By: 

Its Zoning Officer