

Zoning Board of Adjustment  
Town of FREEDOM, New Hampshire, 03836

NOTICE OF DENIAL:

Application # 31-41-2-98

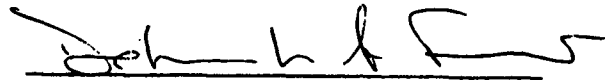
You are hereby notified that the appeal of: Ossipee Lake Marina

for a Special Exception regarding  
Article 3 Section 306 of the Zoning Ordinance in question has  
been DENIED, for the reasons listed below, by the vote of at least three  
members of the ZBA.

REASONS FOR DENIAL: Proposed use was not found to be an accessory  
use to a marina. The restaurant use is allowed in the Limited  
Commercial zone.

*Proposed use was found to  
be an unreasonable expansion of  
a pre-existing restaurant use -*

Deborah A. Fauver



Chairperson

Zoning Board of Adjustment

Date March 26, 1998

Note: Any person affected has a right to appeal this decision. If you wish to  
appeal, you must act within twenty days of the date on this notice. The  
necessary first step, before any appeal may be taken to the Carroll County  
Superior Court, is to apply to the Zoning Board of Adjustment for a rehearing.  
The motion for rehearing must set forth all the grounds on which you will base  
your appeal.

See New Hampshire Statutes, RSA Chapter 677, for details.

DISTRIBUTION: Applicant\_\_ Selectmen\_\_ Planning Board\_\_  
Conservation Commission \_\_ Town Clerk \_\_ Codes Officer \_\_ File \_\_

# DRAFT

## ZONING BOARD OF ADJUSTMENT

TOWN OF FREEDOM

FREEDOM, NH 03836

Minutes of meeting - March 24, 1998

Present: Fuaver, Bossi, Bouve, Keith, Wheeler. Chairperson Fauver opened the meeting at 7pm. Notice of the meeting and public hearings was posted on March 16 at the Town Office and Post Office bulletin boards and published in the March 18, 1998 edition of the Carroll County Independent. All abutters were notified by certified mail.

Minutes of the meeting of January 6, 1998 were approved as submitted.

Karen Hatch will be instructed to give out applications to the Board and help applicants with identifying abutters but refer all other questions to the board.

### Case 37-5-01-98 - Thomas & Eileen Famulari.

Jack Woodward presented a plan requesting 2 side and one front variance to erect a dwelling on a small, parallogram shaped lot. The Board voted unanimously to allow a building not closer than 30' from the road, a variance of 5' in side setback to one corner of the structure and a 5' variance to setback from the water. Building to be not closer than 70' from the waterfront. Plan dated 2/19/98 is made part of this decision.

### Case 31-41-2-98 - Ossipee Lake Marina.

Mr. Price and Ms. Silvia appeared to request a Special Exception to expand the non-conforming use to include a sandwich shop. The proposed shop would be located in the Yacht Club building and operate 7 days a week from 11am to 7:30pm and comprise of 20 to 25 seats. When asked about potential use the applicants indicated that they rent 62 slips, store approximately 225 boats on site, have 6 PWCs and 3 pontoon boats and 10-30 boats per weekend day are launched at the site.

Mr. Price said they had 500 people at their open house last year. They currently sell candy and snacks at the building down by the water and would move this function into the proposed snack bar.

Fay Melendy, Esq. representing 9 area families spoke in opposition to the Special Exception citing that the use is not an accessory use (the use is allowed in the light commercial zone), is not permitted in this zone and that a grand-fathered use can expand only as the use which was in place at the time of zoning enactment.

James Kondrat, an abutter, spoke in favor. Two letters were read; both opposed to the expansion. The Conservation Commission had no objection to granting the request. Mr. Bossi commented that he felt this was an unreasonable expansion and would draw customers and traffic from beyond the marina clientele. Ms. Keith commented that it is a restaurant by definition and not a reasonable expansion. On motion by Bossi; seconded by Wheeler the Board unanimously denied the request.