

**ZONING BOARD OF ADJUSTMENT  
FREEDOM, NH 03836**

**NOTE: THESE MINUTES HAVE BEEN EDITED TO DELETE ISSUES NOT RELATED TO THE MARINA'S APPLICATION TO THE ZBA.**

Freedom Zoning Board of Adjustment: August 28, 2001

Present: Chairperson Deborah Fauver; Howard Bouve; Frank Seabury; Alternate Paul Wheeler; Alternate Jim Breslin

Notification of this meeting was posted at the Freedom Town Office, the Freedom Post Office and the August 22, 2001 edition of the Conway Daily Sun.

Chairperson Fauver called the meeting to order at 7:02 p.m.

Jim Breslin will be on the board as a regular member.

Chairperson Fauver introduced the members of the board to the public.

Motion by Seabury; seconded by Bouve that the minutes of the July 24, 2001 meeting be accepted as written. The motion passed. Fauver abstaining.

Chairperson Fauver invited Ossipee Realty Corp; 65 Marina Road, Case # 31-41-2-3-01; Tax Map #31; Lot #41,41-2,41-3, to approach the board with a request for a special exception. The request involves building inside storage to meet the 225 boats allowed per a ZBA decision in 1998.

Kevin Price, president of Ossipee Lake Realty Corp, and Tim Cupka approached the board to briefly explain their intentions. Price would like to add enough inside storage to bring the total number of stored boats to 225 on his property. He explained, according to plan dated 8/10/01, that there would be 5 additions made. To building A, a 60'x60' addition. To building C, a 60'x50' addition. Near buildings B and C additions of 50'x100', 20'x50' and 140'x50'. These additions would be constructed of wood, have a dirt floor and a pitched metal roof that would be approximately 18' high. Outside storage of 10%, or 22 boats, is along building B.

Chairperson Fauver stated that her interpretation of the number 225 was an arbitrary number. Price stated he had asked for 350-500 boats but the board felt it was too many and a number of 225 was settled upon. When price left the meeting he understood he would be able to store 225 of his customers boats.

Wheeler asked if there are any setback violations with any of these additions. Price stated no. The board was concerned if the addition to building A was too close. Price said that if needed he can move it. Also a concern of the location of building C-1 as to its relationship to Marina Road. Price stated that it is about 55' away according to White Mountain Survey.

Fauver reviewed some conditions of the 1998 approval and one was that required green space had not been planted. Cupka stated that they were waiting for construction to be finished and added that Alvino Road had its required green space. Price explained intentions to close off some unofficial entrances with posts and marina rope and the entrance from Alvino road would be closed with trees if building were approved.

Breslin had concern with the addition of C-3, 10' from property owned by the company. His concern was with displacement of roof water seeing how the property sloped towards the lake. Price explained that there is an 8'-10' berm located where the old pilasters are. Price also addressed the property next to building C-3 and stated that a lot line adjustment could be applied so the building has enough setback. A copy of a Lot Line Adjustment from 9-26-97 was shown that merged 41-3,4 and 5.

Chairperson Fauver explained that this application was sent to the Freedom Conservation Commission and had not received a decision as of this meeting. The board takes into consideration the opinion of the commission.

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Chairperson Fauver asked if there were any comments from the abutters or the public. Charles Depew of Broad Bay expressed his concerns with the number of boats that would be stored at the marina. Depew hopes the board only grants the original grand fathered number of boats.

Eric Bossidy, selectman, asked how many boats can be currently stored with the present A, B and C buildings. Price stated that there were 148 boats in those buildings last year. Bossidy cautioned that only a finite amount of building space should be approved. Years from now as boats get bigger, more space should not be allowed.

Chairperson Fauver asked Police Chief Jack Pyne for his opinion on the access to the marina. Even with the proposed closing of access from Alvino and Marina roads he feels there is still plenty of access to the marina for safety equipment.

Chairperson Fauver had a copy of the 1997 plan that did not include lot#31-42 as part of the marina. This is not a grand fathered lot and a special exception for a marina use is necessary to use that land with the marina. Currently there is a bathhouse and parking on that lot. Price stated he received a permit from the building inspector to build the bathhouse in 2000. Chairperson Fauver explained that if a permit was given in error, it does not make the property automatically part of the marina; it still needs to go through a special exception approval. Chairperson Fauver made note that on the 1997 conditions parking was to be by building B, parking is currently being done on the same lot. Price stated that he had the parking lot approved by the wetlands.

Price asked what information the board needs to straighten these questions out? Chairperson Fauver explained that a more thorough plan was needed. Information including building dimensions, shorefront lines, parking, outside storage areas and traffic patterns. Bossidy added that an outline of operations present and future should be added. Bossidy made mention of a denied request for a snack shop that is currently in use. Price stated that he is doing what the town has requested of him in a letter dated May 8, 2001. Currently he is awaiting approvals from the proper resources and is willing to do what is required. Chairperson Fauver stated that some form of a snack shop has been at the marina and that a 20-seat restaurant was denied in 1998.

Chairperson Fauver extended the offer of a special meeting be held in two weeks to help expedite the request from the marina. Bossidy stated that the marina would need to be seen by the planning board for site plan review. Chairperson Fauver explained the site plan review procedure.

Charles Depew from the public expressed concern again with the number of 225. He had concern for a large number of boats on the lake. Price explained that he offers people who already own a boat on the lake a place to store them; he does not put more boats into the lake.

The board drafted some ideas of information the marina would need.

- Defined dimensions.
- Location of septic and well.
- Special exception 306 and general special exception standards.
- Reasonable timeframe.
- Location of bathhouse, parking, septic tanks and leach fields.

Chairperson Fauver made a motion to continue discussion of approval of boat storage buildings and expansion of marina use on lot #31-42.

Chairperson Fauver asked if there were any more comments from the abutters and public. There were none.

Chairperson Fauver stated that a letter would be drafted that she will send to Price with the information that is needed by the board to continue discussion.

The board thanked Price and Cupka for their time.

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Motion by Chairperson Fauver, seconded by Breslin that the meeting be adjourned. The motion passed unanimously. The meeting adjourned at 9:12 p.m.

Respectfully Submitted,

Linda M. Farinella, Secretary  
Freedom Zoning Board of Adjustment