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To the Editor:

The Freedom Selectmen think the issue of Ossipee Lake Marina's use of Alvino Road is "muddy" because it's a private road, as reported in a local paper last week. But their confusion can be cleared up by a review of public documents in the town office.

Alvino Road is named for Alvino DiPrizio, a successful New Hampshire businessman, Camp Huckins benefactor and friend of the town who built a summer cottage on Broad Bay between the camp and the marina. He passed away a number of years ago, and the road is now controlled by its abutting property owners, each owning to the center of the travel surface.

The ZBA's decision about the marina's use of the road is tied to the marina's residential property, known as Lot 42. After purchasing Lot 42, the marina punched a hole through the woods to create a flow of cars, trucks and boat trailers down the marina hill, across Lot 42 and onto Alvino Road, which is steep, narrow and unpaved. It did not have approval to do so, and the issue ended up with the ZBA as part of a business expansion proposal.

At a March 2002 ZBA hearing, abutting property owners Camp Huckins, through director Judy Snell, Kathy Keenan, Bruce Guckert and Joe Gentile testified that marina traffic on Alvino Road made it unsafe, citing numerous near-misses between vehicles and pedestrians. The ZBA denied the marina's expansion, including the use of Lot 42, but in July 2002 it granted "after the fact" special exceptions for a bathroom and parking lot that had already been built.

To grant the two special exceptions, the ZBA had to satisfy the conditions of Section 306.1 of the town ordinance, including Items E and H which pertain to public highway accessibility and maintaining safe traffic patterns. Those two items were satisfied by prohibiting marina transit between Lot 42 and Alvino Road, according to the meeting minutes. Conditional access was granted to emergency vehicles at the fire chief's request.

Thus, it makes no difference whether Alvino Road is a town road or a private road. The marina isn't allowed to access it from residential Lot 42 because the ZBA denied the commercial use of that parcel except for the bathroom and the parking lot. Plus, the special exception approvals for the bathroom and the parking lot were made possible only because they were specifically conditioned on the Board's prohibition of Alvino Road access.

Despite the clarity of this ruling, the selectmen have repeatedly sought ways to avoid enforcing it. In October 2005 the selectmen voted to let the marina use the road and the Town Attorney had to overrule them. In July 2007 the marina paid a \$275 fine for using the road, but the selectmen put the check in the town safe and later returned it.

Last Labor Day weekend, the Code Enforcement Officer confirmed the chain blocking access was down after receiving complaints of marina cars and trucks running up and down the road. At the next selectmen's meeting, the marina told the Board the town's monitoring of Alvino Road was "a waste of money," and there the matter ended.

In short, there's nothing "muddy" about the reason for the ZBA's restriction on the marina's access to Alvino Road. What's "muddy" is the reason the selectmen refuse to enforce it.

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Freedom