

**ZONING BOARD OF ADJUSTMENT
P.O. Box 227
Freedom, NH 03836**

Freedom Zoning Board of Adjustment: **May 26, 2026**

Present: Chairman Scott Lees, Vice Chair Craig Niiler, Dennis Anderson, Peter Keenan, Karl Ogren, Daniel Footit (A), Bryan Fontaine Building Inspector/Zoning Officer, Lindsay Pettengill Recording Secretary

Absent: Anne Cunningham (A), Tim Cupka(A), Scott Pettengill (A)

Public: Larry & Debbie Foss, Ryan Fowler, Timothy Phoenix, Sean McCracken, Bobbi McCracken, Brett Acken, Leslie Furtado, Tom Wilde

Chairman Lees called the meeting to order at 7:00 p.m.

Chairman Lees introduced the Board to the Public.

Notification of this meeting was published in the Conway Daily Sun and posted at the Freedom Town Office and the Freedom Post Office.

Public Meeting

Karl Ogren made the motion, seconded by Peter Keenan, to approve the meeting minutes of April 28, 2026. All were in favor. APPROVED

The following applications will be heard:

Application 26-11-1-26 Laurence & Debbie Foss`

Applicant wishes to replace existing walkway from existing home with permeable pavers, build second-floor on existing garage, adding 2 bedrooms, 1 bathroom, living room, kitchenette, 6' outdoor deck, and exterior staircase for ingress and egress.

Applicant is requesting the following:

Variance Article 9 Section 906.2 – Side yard/Rear Setback

Special Exception Article 3 Section 304.6.3 - Erosion Control

Property is located at 358 Pequawket Trail

Map 26 Lot 11-1

Application 3-79-28-26 Brett Acker & Sean McCracken (*Continued from May Meeting*)

Applicant wishes to permit the use of his garage on a large property for restoring classic vehicles.

Applicant is requesting the following:

Variance Article 18 Section 1805 - Home Occupation

Property is located at 91 Kidder Dr

Map 3 Lot 79-28

PUBLIC HEARING

Application 26-11-1-26 Laurence & Debbie Foss`

Tim Phoenix - Attorney, Ryan Fowler – JVA Survey Firm came before the board representing the Foss application. This application was continued from the April Meeting due to the 3 member board.

Discussion:

- Direct abutters are themselves.
- Current: 1 bedroom, shed, garage, storage shelter(being moved) and 3 bed septic and private well
- Leach field across the street
- Add second story to garage and 2 bedrooms – sink, micro and mini fridge (no formal kitchen). Wanted to keep stairs away from driveway
- Deck off front of garage
- By the lake in front of house they are looking to change walkway to pervious surface
- Obtained PBN from DES
- Relief requested for expansion of a non-conforming lot and the stairway further into the setback
- Special Exception – 304.6.3.2 – seems the size of project does not warrant the special exception but willing to address further.
- minor impact
- Drop in impervious once project complete.

Tim went through the variance criteria.

Board:

- looking for septic to be certified by a septic designer
- Should also be looking at 906.3 – height of existing (Karl reads it is not needed as the existing is non conforming already)
- Storm water management – water off garage may be of concern
- No way to know in the future if someone will want the stairs on their property if they were to sell in the future
 - Ryan- this can be maintained on property not on the other lot
- Temp structure will be relocated to another lot
- Would like to see the stairs moved to the driveway side of the garage out of the setback
- More land that is impacted the more the state requires – if they need to put more swales and drainage or run electric underground
 - Tim-stairs – reason for location would be less dangerous for the children and it abuts their own property
- Run off – 177 ft from water and there is a catch basin (drywell)

Abutters/Public: None

Board:

- Erosion control – rectify silt sock that crosses the stairs – show at bottom as well as a second layer
- Letter for septic
- Letter for if sale of lot occurs- easement
- Stairs on other side
- 906.3-recommend that be noticed also

Applicant Request continuance to June 23rd next meeting with a June 8th deadline.

Chairman Lees, motioned to Continue this application to the June 23, 2026 meeting at 7pm. Karl Seconded. All were in favor. APPROVED

Chairman Lees requested it be recorded that the board will address the 4/24/26 FCC letter at the June Meeting.

Application 3-79-28-26 Brett Acken & Sean McCracken

Brett Acken & Sean McCracken came before the board requesting a variance to conduct an in home occupation.

- Restoring cars part time, with full time in the future
- just 2 owners no employees
- No cars outdoors
- Preexisting garage
- Working on personal vehicles currently
- Just looking for permission to do it to other people vehicles as well – process is time consuming so cars are not in and out daily – long term projects
- Met all home occupation guidelines
- Body work and paint done elsewhere
- Received letter of opposition from Melissa Florio –
 - Noise and growth concerns – low number of people because of how long it takes to complete.
 - Noise shouldn't be a concern as the interior noise is not as loud as a weedwhacker outdoors
 - Garage is well insulated

Board Discussion:

- Lot distances – closest neighbor is 600 ft from road 125ft from neighbors on the side 1200ft to back of lot. Can not see other houses
- Used old house lot map proposed structures are existing.
- Building is temperature controlled and doors will remain closed to keep dust out.
- Metal fab, custom exhaust and mechanical restoration – no bondo, paint etc.
- Clean space
- Seems like this is not what was actually being spoken about in the ordinance
- Not fabricating and shipping. Only fabricating for the cars in the shop

Abutters:

Leslie Furtado – no concerns now, believe they are honest people and if done right garage hold sound. Feels good about this application. Abut them to the backside and have horses she rides down there.

Tom Wild – next door neighbor, noisiest thing is the highway department. Traffic not a factor.

Public:

Barbara McCracken – on PB for last 3 years, an issue on pb how difficult it is we make it for people to do things on their property. Brett has 14 acres and done everything well, still rural, we need to bring more young people to the town. The exception is not what they are doing. The concerns brought up by Melissa are not what is being requested. Hope board will consider this.

Brett - Letter from other closest neighbor distributed to board members. To be placed in file.

Board:

Does not believe they are looking for what the town was looking to prevent.

To be considered:

- 4 cars per year
- Only 2 owners on premises – no employees
- Nothing outside of building
- Only vehicles 15 years or older
- Board would like time to put restrictions in place on the variance.
- Processes you will and will not do
- Duration of project
- Custom work to specialty cars

Applicants Request continuance to June 23rd next meeting with a June 8th deadline.

Karl Ogren, motioned to Continue this application to the June 23, 2026 meeting at 7pm. Peter Seconded. All were in favor. APPROVED

PUBLIC MEETING

Bryan brought forth a plan review.

Chair Vote: Karl made a motion seconded by Peter to appoint Scott as Chair for 2026. **All were in favor. APPROVED**

Vice Chair Vote: Karl made a motion seconded by Denny to appoint Craig as Vice Chair for 2026. **All were in favor. APPROVED**

Scott stated that the Rules of Procedure Vote and discussion on the Application revisions would take place at the June meeting when more of the board is present.

There being no new business to come before the Board, the Motion by Scott, seconded by Karl that this meeting adjourns; Motion passed unanimously.

The meeting was adjourned at 9:55 p.m.

Respectfully Submitted,
Lindsay Pettengill
Recording Secretary