

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

Freedom Zoning Board of Adjustment: **June 23, 2026**

Present: Chairman Scott Lees, Vice Chair Craig Niiler, Karl Ogren, Daniel Footit (A), Anne Cunningham (A), Bryan Fontaine Building Inspector/Zoning Officer, Lindsay Pettengill Recording Secretary, Nicole Ricciardi Recording Secretary

Absent: Peter Keenan, Scott Pettengill (A), Dennis Anderson Tim Cupka(A)

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

Chairman Lees called the meeting to order at 7:00pm

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

A clarification was made regarding the Chair election and term expiration. Scott Lees' renewed term as ZBA Chair will expire in 2030.

Karl Ogren made the motion, seconded by Craig Niiler, to approve the meeting minutes of May, 26, 2026. All were in favor. APPROVED

The following applications will be heard:

Application 26-11-1-26 Laurence & Debbie Foss <i>(Continued from May Meeting)</i> Applicants wish 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 Variance Article 9 Section 906.3 - Height 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 <i>(Continued from May Meeting)</i> 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
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PUBLIC HEARING

Application 26-11-1-26 Laurence & Debbie Foss
Property is located at 358 Pequawket Trail
Map 26 Lot 11-1

Applicant request:

Variance Article 9 Section 906.2 – Side yard/Rear Setback

Variance Article 9 Section 906.3 - Height

Special Exception Article 3 Section 304.6.3 - Erosion Control

Applicant Presentation

Attorney Tim Phoenix and Ryan Fowler of JVA Survey presented the application on behalf of Laurence and Debbie Foss. The Board had continued the application from the April 2026 meeting due to a lack of quorum and the May 2026 to allow additional information regarding:

- Stairway location
- Drainage
- Septic system adequacy
- Easement documentation
- Erosion control measures

The applicant submitted revised plans showing:

- Relocated exterior stairs farther from the property line.
- Drainage directed to an existing catch basin.
- Erosion-control measures, including silt fencing.
- A septic inspection report indicating the system was functioning properly.
 - Septic Inspections was submitted 6.23.26 and printed copies were distributed at the meeting.
- Commitment to install a high-water alarm in the septic pump chamber.
- Confirmation that an easement would be recorded if ownership of the septic lot and building lot became separate.

Board Discussion

Board members discussed:

- Septic system approval history and capacity.
- Drainage impacts.
- Building height compliance.
- Existing roofed shelter encroaching over a property line.

The Board determined that the shelter structure must comply with applicable setback requirements or seek separate approval if necessary.

Public Comment

No abutters or members of the public spoke.

Decisions:

Variance – Article 9, Section 906.2 - Side Yard Setback Relief	Variance – Article 9, Section 906.3 - Height Relief	Special Exception – Article 3, Section 304.6.3 Erosion Control
1. 5-0 motion carried 2. 5-0 motion carried 3. 5-0 motion carried 4. 5-0 motion carried 5. A. i. 5-0 motion carried ii. 5-0 motion carried	1. 5-0 motion carried 2. 5-0 motion carried 3. 5-0 motion carried 4. 5-0 motion carried 5. A. i. 5-0 motion carried ii. 5-0 motion carried	A. 5-0 motion carried C. 5-0 motion carried H. 5-0 motion carried J. 5-0 motion carried K. 5-0 motion carried L. 5-0 motion carried
Motion: Chairman Lees motioned to approve the Variance from Article 9, Section 906.2 Vote: All were in favor 5-0 Approved	Motion: Chairman Lees motioned to approve the Variance from Article 9, Section 906.3 Vote: All were in favor 5-0 Approved	Motion: Chairman Lees motioned to approve the Special Exception from Article 3, Section 304.6.3 Vote: All were in favor 5-0 Approved
Conditions of Approval: 1. Per Plan Titled: Proposed Plot Plan With revision date 6.8.26 2. Shed to be relocated to the abutting lot and shall meet zoning setbacks.	Conditions of Approval: 1. Per Plan Titled: Proposed Plot Plan With revision date 6.8.26	Conditions of Approval: 1. Per Plan Titled: Proposed Plot Plan With revision date 6.8.26 2. Erosion-control shall be installed prior to any earth moving and shall remain in place until construction is complete and site is stabilized.
Finding of Facts: 1. Easement of Septic leach field will be obtained if the lot is ever sold. 2. Applicants will install high water alarm based on septic inspectors' recommendation. 3. Stair location will not further encroach on the sideline more than existing conditions. 4. Existing lot drainage system (CB1129) is adequate for proposed lot changes.	Finding of Facts: 1. Easement of Septic leach field will be obtained if the lot is ever sold. 2. Applicants will install high water alarm based on septic inspectors' recommendation. 3. Stair location will not further encroach on the sideline more than existing conditions. 4. Existing lot drainage system (CB1129) is adequate for proposed lot changes.	Finding of Facts: 1. Easement of Septic leach field will be obtained if the lot is ever sold. 2. Applicants will install high water alarm based on septic inspectors' recommendation. 3. Stair location will not further encroach on the sideline more than existing conditions. 4. Existing lot drainage system (CB1129) is adequate for proposed lot changes.

Notice

The applicant was advised:

- A 30-day appeal period applies.
- Work commenced during the appeal period is at the applicant's risk.
- Approvals expire if substantial work does not begin within two years.

Application 3-79-28-26 Brett Acken & Sean McCracken
Property is located at 91 Kidder Dr
Map 3 Lot 79-28

Applicant Request:

Variance under Article 18, Section 1805 to permit use of a garage structure for restoration of classic and special-interest vehicles as a home occupation.

Board Membership Note:

Ann Cunningham recused herself from consideration of this application. Four voting members remained. The applicants were advised of their right to continue the hearing until a full Board was present but elected to proceed.

Applicant Presentation:

The applicants submitted a written proposal establishing operational limitations intended to distinguish the activity from a commercial automotive repair business.

Proposed limitations included:

- Maximum of four customer vehicles annually.
- No employees.
- No outdoor storage of vehicles, parts, or materials.
- Work limited to classic or special-interest vehicles.
- All work conducted inside the garage.
- No significant traffic or neighborhood impacts.
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Board Discussion

The Board reviewed:

- The purpose of Article 18, Section 1805.
- The distinction between vehicle restoration and automotive repair businesses.
- Existing home occupation standards under Article 18.
- Potential impacts on neighbors and surrounding properties.

The Board found that the proposed activity was substantially different from the commercial repair operation that originally prompted adoption of the ordinance restrictions.

Public Comment

No public comments were received.

Decision:

Variance – Article 18, Section 1805
1. 4-0 motion carried
2. 4-0 motion carried
3. 4-0 motion carried
4. 4-0 motion carried
5. A. i. 4-0 motion carried
ii. 4-0 motion carried
Motion: Chairman Lees motioned to approve the Variance from Article 18, Section 1805
Vote: all were in favor 4-0 Approved.
Conditions of Approval
1. Per Plan Titled: Advanced Enviro Septic Disposal System dated May 2011

2. "ZBA attachment" dated June 8, 2026 with penciled in signage note. Document is only single page

Finding of Facts:

1. All abutters support application and testify that noise does not travel off the applicant's lot
2. Classic or special interest vehicle restoration does not produce the same impact as an auto shop
3. There will be no outdoor storage of vehicles
4. See "ZBA application attachment" received June 8, 2026 for more facts

Notice

Applicants were advised:

- A 30-day appeal period applies.
- Work commenced during the appeal period is at the applicant's risk.
- Approvals expire if substantial work does not begin within two years.

Administrative Matters

- Introduction of Nicole Ricciardi, who is training as Recording Secretary.
- Discussion regarding application submission requirements for shorefront applications.
 - Staff reported that website instructions and intake procedures have been updated to require 15 copies for shorefront applications.
 - The Board discussed ongoing updates to application forms and procedures.

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

The meeting was adjourned at 8:10pm

Respectfully Submitted,
Nicole Ricciardi
Recording Secretary
