

Present: Vice Chair Jack Karcz, Jack Downing, Tim Lavelle, Roger Barham, Paul Powers, Andy Kohlhofer, alternate member Mike Wason, Senior Planner Jenn Rowden, Building Inspector Greg Arvanitis, and Land Use Administrative Assistant Casey Wolfe

Also Present: Bob Moran, Bryan Bridges, Anders Ragnarsson, Mike Rislove, Dan Tatem, Gary Merrill, George Merrill, Scott Barthelemy, Marty Ferwerda, and Roscoe Blaisdell

Mr. Karcz opened the meeting at 7:01 pm. He appointed Mr. Wason to vote on behalf of Mr. Hunter.

I. MINUTES

Mr. Barham made a motion to approve the minutes of July 18, 2018. Mr. Downing seconded the motion. The motion passed 5-0-2.

Mr. Barham made a motion to approve the minutes of August 1, 2018. Mr. Downing seconded the motion. The motion passed 6-0-1.

II. NEW BUSINESS

Applicants Scott and Brenda Barthelemy have submitted an application to subdivide their land at 154 Martin Road into two lots. The existing lot straddles the Fremont-Epping town line at Map 6 Lot 21 in Fremont and Map 36 Lot 3 in Epping.

Roscoe Blaisdell introduced himself as the surveyor for the project. He explained that his client received a variance from the Zoning Board to create a lot without any road frontage. He and his client are now before the Planning Board to do the subdivision. The proposed lot would be 2.1 acres and on the town line between Fremont and Epping. He explained that he has not applied for a State subdivision approval yet, but will soon. Mr. Barthelemy's son would like to build a house on this proposed lot. The access to the new house would be through the existing driveway. Mr. Blaisdell stated that he would get the language for the driveway easement submitted to the Town. Ms. Rowden asked the Board members to look at New Hampshire RSA 674:41 in front of them. She explained to the Board members that under State law, a building cannot be constructed on a lot without road frontage. Generally, in order to get a building permit, the lot would need a street shown on an official map, a street on a subdivision plat approved by the Planning Board, a street on a street plat made by and adopted by the Planning Board, a street located and accepted by the local legislative body or a class VI road. Ms. Rowden explained that this proposed lot does not have any of these access points; it only has a driveway. The only way for a building permit to be issued for this lot would be for a waiver to this RSA to be granted by the Zoning Board. She explained to receive this waiver, the applicant would need to meet four criteria, the fourth criteria being unnecessary hardship. She explained that it would be difficult to prove hardship in this case. Ideally, if the Zoning Board grants the waiver, they would place a condition that would require the applicant to get a liability waiver from the Board of Selectmen so the Town would not be liable if there is a fire.

This waiver request process is completely separate from the variance the applicant already received from the Zoning Board. This variance was necessary for the applicant to obtain because he needed relief from the Town's Zoning Ordinance. She explained to the Board that an alternative to the waiver request process would be for the applicant to upgrade the driveway to a private road. This could involve the road meeting Town standards. She reiterated that a simple driveway easement is not sufficient to get a building permit on the proposed lot. Without this waiver from the State statute, the applicant can still subdivide the land, however, he would not be able to pull a building permit. Ms. Rowden pointed out that the house and access would need to meet fire code. She also mentioned that the applicant could change how the land is being subdivided so that the proposed lot has road frontage or the applicant could ask for a variance to have two dwellings on the same lot without a subdivision. Mr. Blaisdell stated that the driveway will not be upgraded to a private road, doing so would be too expensive. He explained to the Board that he and his client's attorney interpret this RSA very differently from Ms. Rowden. Ms. Rowden stated that she called an attorney at the New Hampshire Municipal Association, who agreed that this proposed lot would have trouble getting a building permit. Mr. Blaisdell stated that his client's attorney is going to spend more time looking into the issue. Ms. Rowden stressed that the applicant can subdivide the lot, however, she will have recommended conditions of approval.

Ms. Rowden stated that the plans are largely complete per the subdivision regulations. Mr. Lavelle pointed out that there is only 1.9 acres of dry land proposed for the new lot when there needs to be two acres. After some discussion, **Mr. Lavelle made a motion to accept jurisdiction of the application. Mr. Kohlhofer seconded the motion. The motion passed 7-0-0.** Ms. Rowden listed out the following suggested conditions of approval:

1. A note indicating that a variance from local frontage requirements was received on September 26, 2017 shall be on the plans.
2. All local, State, and Federal permits necessary shall be received and noted on the plans.
3. No building permit shall be issued until adequate road access in compliance with RSA 674:41 is granted.

Mr. Lavelle asked if they need to grant a waiver from the regulation requiring a full survey of the property. **Mr. Lavelle made a motion to grant a waiver from this full survey. Mr. Kohlhofer seconded the motion. The motion passed 7-0-0.** Mr. Lavelle stated that this waiver would need to be added to the plan.

4. A note indicating the waiver from the requirement of a full boundary survey per the subdivision regulations shall be on the plans.

Ms. Rowden added that the Town should receive a copy of the access easement and the Town attorney should review the language.

5. The language for a driveway access easement shall be prepared by the applicant for approval by the Town's attorney. The easement is to be recorded with the plan at the Rockingham County Registry of Deeds and shall be noted on the plans.

Mr. Lavelle made a motion to approve the subdivision plan for Map 6 Lot 21 with the five conditions as stated above. Mr. Barham seconded the motion. The motion passed 7-0-0. The applicant left at 7:35 pm.

III. OTHER BUSINESS

2018 Earth Removal Permit Renewals

Mr. Karcz summarized that at the last meeting, there was a question about whether or not Stantec correctly calculated the recommended surety amount for each of the gravel pits in town. Mr. Barham stated that at the last meeting there was discussion about getting a second opinion from another engineering firm, however, when he spoke to Dan Tatem of Stantec he was told about a developer that went out of business in 2016 while constructing a subdivision in Auburn, NH. As a result, the Town of Auburn had to pull the bond that was in place to reclaim the land. When the Town put the job out to bid, it showed the real pricing of reclaiming disturbed land. Mr. Tatem stated that since 2016, the Fremont Planning Board has asked his firm to evaluate the surety for the gravel pits and crushing operations in town. New Hampshire RSA 155-E requires surety for the reclamation of the disturbed area. When he does his calculation, he uses DOT's Weighted Average Unit Prices list and multiplies the average price per square yard by the total possible disturbed area. After adding in a contingency, that total is the recommended surety. Previously, the Planning Board has only required 75% of his estimate from the applicants.

Mr. Tatem has been requested to provide more detailed information rather than a lump sum per square yard. He handed out specs of the reclamation project in Auburn, where the developer that Mr. Barham mentioned left town. He also passed out a detailed estimate of the surety dated August 15, 2018. In Auburn, the lots were stripped off, the road was partially built, and there was a massive pile of crushed ledge. In this example, the disturbed area was 8,836 square yards. With four local contractors bidding, the average bid price was \$57,258. This averages out to \$6.48 per square yard, which is more than double what he has recommended to the Town of Fremont. Mr. Tatem described that due to the difficulty of the site, this project in particular was not an easy project to reclaim. This project was not even two acres, however, as quantities get bigger, the unit prices go down. This is nowhere near his recommendation of \$3.15 per square yard that he recommended to the Town of Fremont in 2018. This project in Auburn can be used as an example of a real reclamation project.

In his estimates, he has not used the DOT unit price for loam, which is \$29.00 per cubic yard. He felt that requiring loam for reclamation would be excessive. Rather than using loam, he has used humus in his calculations which is unscreened and a lesser quality yet acceptable for reclaiming a gravel pit. In his calculation, he used \$18.91 per cubic yard. For hydro seeding, he used \$2,000 per square acre, which was the lowest price listed in the DOT unit price list. This works out to five cents per square foot. He explained that he did not include fencing, barricades, and signs in the estimate. In the estimate, he did include some general erosion control items at \$1,500. Because every contractor charges for mobilization, 5% of the subtotal was added to account for that cost. Additionally, \$3,500 was added to account for specifications, bidding and construction phase engineering services and a 10% of the subtotal contingency was added. With the detailed

estimate, the DOT unit prices, and the recent reclamation project in Auburn, Mr. Tatem felt like he backed up his estimate for surety. The estimate from the detailed calculation came to \$87,256 for a five acre disturbed area while the number he came up with this past spring was \$83,853. Mr. Tatem figured that the numbers are close enough. He felt that the Board was on the right track with the \$3.15 per square yard that he recommended before. He stated normally he would include an escalation factor to account for prices increases, however, he did not feel this was necessary in this case because the Town of Fremont has him reevaluate the numbers every year.

Mr. Rislove stated that it would have been nice for him to see this information before the meeting. He felt that Stantec made this into a more complicated project than necessary. He stated that the numbers do not make any sense and that a contractor cannot charge those kind of numbers. He stated that he has 2.5 acres, which includes a stockpile area (that is supposed to be excluded per Fremont's regulations) and bare ledge on top of the face of the quarry. If all the gravel in the stockpile areas was gone, the area is already stabilized because it has four to six inches of crushed gravel. He stated that to reclaim the area, topsoil would only be spread on the pit floor. He stated that Mr. Tatem turned it into a more complicated project than it really is. With Altaeros on site, the pit floor is about 2.5 acres. Mr. Rislove reiterated that the regulations state that stockpile areas are excluded. He felt that outside of the stockpile area, he only has .5 or .75 open acres. Mr. Barham stated that there is always the option to voluntarily reduce the limit of open acres in their earth removal permits. Mr. Rislove stated that he essentially reduced his open acreage by giving 2.5 acres to Altaeros. Mr. Barham said that it is Mr. Rislove's prerogative to reduce his permit so that he is bonded based on this decreased acreage.

Mr. Rislove also wanted his stockpile to be taken out of the equation. He explained that the stockpile area is not limited by the space that the stockpile is taking up on any given day; the stockpile area is simply the entire area that he is using for stockpile purposes. Mr. Rislove explained that there is a difference between a quarry operation and a gravel operation. In a gravel operation, there is a big area that has been disturbed surrounding the central stockpile area. The State has limited this disturbed area to five acres. Throughout the disturbed area, there are various deposits of material. Those materials are brought to a central processing area (the stockpile area) where the materials are crushed or screened to create a product. In a quarry, he does not need five acres all around a stockpile area. He only needs to take twenty feet of the face every once in a while, bring the material down to his stockpile area, and continue to process it. The elevation of the site will stay the same; the grade of the pit floor has been established and determined long ago. There will not be any excavating done on the pit floor. Mr. Rislove explained that he only needs to take a small amount of material off the fifty-foot face to create a huge amount of product. He explained that exposed ledge is also excluded from bonding in the regulations. Mr. Kohlhofer stated that it sounds like he only needs half an acre bonded at a time.

Mr. Powers stated that the surety is based on the potential of disturbing five acres, not what they are actually using. Mr. Kohlhofer stated that if the permit is reduced to half an acre than Mr. Rislove cannot disturb anything more than that. Ms. Rowden stated that this would be a condition on the renewal. Mr. Tatem stated that Mr. Rislove is correct that exposed ledge is excluded. On the other hand, he explained that the pit floor is considered to be open gravel pit – not just the fifty-foot face. He recommended that the Board requires a plan that shows his limits of work if he chooses to reduce his permit. That way they can look for compliance when they do

their annual inspection. Mr. Karcz stated the regulations should be revised to include stockpile areas as areas that require surety. Mr. Tatem stated that if Mr. Rislove left town today there would not be enough money in escrow right now to reclaim the whole site because it is an active pit. Mr. Rislove asked what the pile of ledge hurts. Mr. Tatem stated that the point is that it is State law to reclaim it unless it is exposed solid ledge. He added that the Town cannot sell the material because that would be theft. In the case of the Town of Auburn, the town had to be told they could not sell the material in the large stockpile. Additionally, all of the loam had to be shipped onto the site for reclamation because all of the loam was gone. Mr. Rislove suggested that the code enforcement officer comes by anytime he wants to make sure that their pile of loam is still on site for reclamation purposes. Mr. Powers stated that in the case of Auburn, all of the loam was gone. The Board needs to consider the worst case scenario.

Mr. Lavelle stated that that this is a lot of information to consume in one evening; they just got the letter that evening. Currently, the permits will expire September 1st. Mr. Tatem stated that he will forward the letter and supporting materials (a 133 page document) via email to the pit owners the next morning for their review. Mr. Gary Merrill stated that his business has been in Fremont for over thirty years without any problems and they do not plan on leaving town. He just wants to work on the surety estimate. Mr. Barham expressed that he is content with the numbers but questioned if the Board wants to do what they did last year and only require 75% of the total estimate. The other question is if the applicants want to reduce their permits to less than five acres. Ms. Rowden stressed that they want a plan that delineates the work area. This may be a good reason to further extend their 2017 permits to give the applicants time to do that. As of right now, Governor's Forest can have 3.2 acres open while the other operation can have five acres open. Mr. Barham stated that he is happy to continue the issue for another month, especially so that the applicants have the opportunity to read through the Mr. Tatem's information.

Mr. Rislove stated that if this is the price for five acres, then it is unaffordable. Mr. Karcz stated that there are the bids in Auburn to support that these are realistic numbers. Mr. Ferwerda stated that the Auburn example is a totally dissimilar project. He said a subdivision is not at all like a gravel pit. Mr. Barham and Mr. Kohlhofer both stated that they are satisfied with the numbers that Mr. Tatem presented. Mr. Lavelle stated that he is not good with the numbers and needs time to review them. Mr. Wason stated that he felt that the numbers are very high. He said that he has been in the field for a long time and felt that the numbers are crazy regardless of the terrain of the land. He felt somewhere between \$40,000 and \$50,000 for five acres would be more reasonable. **Mr. Kohlhofer made a motion to extend the permits to October 3, 2018. Mr. Lavelle seconded the motion. The motion passed 7-0-0.** This issue will be on the agenda again on September 19th. The applicants left at 8:10 pm. At Mr. Powers's request, Ms. Wolfe will send Mr. Tatem a complete email list for all the Planning Board members. Mr. Tatem recommended that the Board members take a look at the bids for the Auburn project in his report. Ms. Rowden stated that according to some research that Ms. Wolfe did, other towns, including Raymond and Newmarket, bonded their gravel pits at similar rates. Ms. Rowden recommended that the Board eventually does a few tweaks to their excavation regulations to switch up how often the reclamation surety is reevaluated. It would also be a good opportunity to clarify the stockpile issue in the regulations. Mr. Tatem left.

Re-cap of August 8th meeting Zoning Ordinance Change Subcommittee

Ms. Rowden suggested that the Board has an over-all zoning discussion. She stated that if the Board is going to add definitions, change the use table, change the location of the some of the zones, change the aquifer ordinance, and do the zoning changes that Mr. Josh Yokela initially proposed, there will be quite a lot of proposed zoning ordinance amendments on the warrant article this year. Ms. Rowden asked if all of these ordinance changes is too much. She pointed out that Fremont has probably never done more than two or three zoning changes at a time. At this time, they are up to about eight articles of proposed changes. She explained the problem with this is that the voters get fatigued and don't necessarily understand all of these changes. She recommended that the Board hosts a public meeting (before they host the formal public hearing) to offer the public a chance to learn about the proposed zoning ordinance changes. The Board can do this in October.

Mr. Karcz felt that the Board should follow through with the four amendments that Mr. Yokela drafted that the subcommittee liked last week, but concentrate on the ones that Ms. Rowden drafted. Ms. Rowden felt that these four amendments should go to public hearing sooner rather than later. After some discussion, the Board decided to host a public session for the amendments that Ms. Rowden crafted on October 17, 2018. There was some discussion about how the changes would be divided up into warrant articles. Ms. Wolfe will talk to the Town Administrator about getting an announcement about the public session on the town newsletter. This special session will start at 6:30 pm with a presentation starting at 7:00 pm. After Ms. Wolfe asked for clarification, the Board members came to a consensus that the Planning Board would sponsor and hold a public hearing for four of the six amendments crafted by Mr. Yokela. Mr. Yokela will likely not need to collect signatures for a citizen's petition for these four zoning amendments.

Mr. Lavelle wanted Mr. Arvanitis' input for the proposed changes to Article XI Section 1102, the accessory dwelling unit ordinance (see attached). Mr. Lavelle wanted to know if it is redundant to have a statement in this ordinance, "occupancy permits, shall be required." Mr. Lavelle felt this statement was unnecessary because the homeowner would go through this information with the building inspector anyway. He would basically have to repeat himself. Mr. Arvanitis felt that this statement should stay in the ordinance. There was some more discussion about this statement. Mr. Arvanitis liked having something to point to in the ordinance concerning occupancy permits. Ms. Rowden pointed out with this amendment, a very large house could have a very large accessory structure. She also pointed out that accessory structures are typically smaller than the primary structure and with this amendment an accessory dwelling unit could be larger than the primary home.

The Board members moved on to the proposed changes to Article XI Section 1103, the home occupation ordinance (see attached). This proposal references the RSA for day care centers. The subcommittee last week could not figure out which day care type should not be allowed as a home occupation. The Board decided on "family group day care home" as defined in RSA 170-E:2(b). The Board reviewed the proposed changes to Article IX Section 908 about existing lots (see attached). Mr. Lavelle liked how this ordinance has been simplified. Ms. Rowden felt that

Fremont was odd for having this ordinance on existing lots at all. This ordinance allows for very small lots to use old zoning. Mr. Lavelle stated that the Town of Derry has the same ordinance. The way the ordinance reads, structures need to meet the setbacks at the time the lot was created. Mr. Kohlhofer felt that this ordinance is to the town's advantage because it allows people to build more on their property and increase the tax base. Mr. Lavelle felt that this keeps the neighborhood the same as when it started.

The Board looked at the proposed change to Article XI Section 1101.7, the ordinance about reconstruction of buildings (see attached). This ordinance is redundant as it is already stated in Article V Section 502. The conversation went back to the proposed amendments to Article XI Section 112, the accessory dwelling unit ordinance. Ms. Rowden asked if the Planning Board is okay with allowing very large homes to have an accessory dwelling unit that is half the size. Mr. Kohlhofer and Mr. Lavelle did not have a problem with this. Mr. Lavelle pointed out that the septic system would need to be adequate for the additional bedrooms. Ms. Rowden asked the Board if they would like to add a statement that the accessory unit cannot have any more units than the principle dwelling. Mr. Yokela pointed out that it would be difficult for the accessory unit to have more bedrooms than the primary unit because it is limited to being no more than half the square footage. Mr. Lavelle felt that a four bedroom house with a four bedroom accessory dwelling unit would be a duplex. Mr. Yokela felt that regulating the size of the accessory unit would prevent that. There was some more discussion about this. There was a consensus to add, "There must be less bedrooms than the principle unit." Mr. Lavelle stated that the statement, "All building and Renovation Permits, including Occupancy Permits, shall be required" should stay in the ordinance. **Mr. Lavelle made a motion to have a public hearing about these four proposed zoning ordinance amendments on November 21st. Mr. Kohlhofer seconded the motion. The motion passed 7-0-0 (secretary's note: At the September 19th meeting, the Planning Board rescinded this motion and rescheduled the public hearing for November 28th at the Town Hall first floor meeting room).**

There was a brief discussion about getting a searchable version of the zoning ordinance on the Fremont website. Ms. Wolfe stated that there is a site called EnCode that can provide this service.

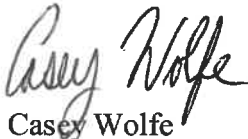
IV. CIRCUIT RIDER BUSINESS

Ms. Rowden passed out the amended Table of Uses. She added language that explains that the uses listed are intentionally broad terms, which allows the Planning Board to consider a specific application and determine if the proposed use meets the general definition of the use category in the ordinance. For example, the Planning Board would be able to determine that a coffee shop meets the definition of a restaurant. If a proposed use does not meet a general definition, or it is listed a prohibited use, then the use is not allowed without a variance from the Zoning Board. She also reminded the Board that they are changing the names of a couple of the districts. The "Corporate Commercial District" will become the "Shirkin Road Commercial District" and the "Commercial Highway District" will become the "Main Street District." Additionally, the Residential District will be defined. Finally, she reminded the Board that there has been some talk about expanding some of the districts and modifying the zoning map. This would involve changing the Flexible Use District and the Main Street District. Along with changing the zones

on the map, the way the Flexible Use District is depicted will change so that all lots with frontage on a Flexible Use road will be colored. Chester Road, South Road, and North Road have been proposed to be removed from the Flexible Use District. The Main Street District has been proposed to be expanded a little further down on route 107. Ms. Rowden mentioned that there are some landowners that would need to be notified of the public hearing for some of these proposed changes.

Mr. Kohlhofer made a motion to adjourn at 9:20 pm. Mr. Powers seconded the motion. The motion passed 7-0-0.

Respectfully Submitted,



Casey Wolfe
Land Use Administrative Assistant

We, the undersigned registered voters of the Town of Fremont, do hereby request to remove the ~~strikethrough~~ and add the **bold** to the Fremont Zoning Ordinance Article 11 Section 1102:

Section 1102 –Accessory Dwelling Units

1102.1 ~~By Special Exception~~ **One** (1) accessory dwelling unit is allowed within, or as an addition to, single family dwellings. An accessory dwelling unit is defined per RSA 674:71 as a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. ~~A Special Exception shall be granted by the Zoning Board of Adjustments only upon finding by this Board that it meets the provisions and conditions of this section.~~

1102.2 Requirements

A. The owner of the single family dwelling to which the accessory dwelling unit is being created must occupy one of the dwelling units as the owner's principal place of residence.

B. The living area of the accessory dwelling unit shall be a maximum of **one half the living unit or eight hundred (800) square feet, whichever is greater.**

~~C. No more than two (2) bedrooms are permitted in the accessory dwelling unit.~~

~~D.~~ C. The owner shall provide evidence to the Building Official that septic facilities are adequate to service the accessory dwelling unit. Such evidence shall be in the form of certification by State of N.H. licensed septic system designer.

~~E.~~ D. The accessory dwelling unit shall be designed such that the appearance of the building remains that of the single family dwelling. Any new entrances shall be located on the side or rear of the building. There shall be at least one independent means of egress to the outside or to a common space.

~~F.~~ E. The principal dwelling unit and accessory dwelling unit must share common water, septic, electric facilities, and an interior door be provided between the principal dwelling unit and accessory dwelling unit.

~~G.~~ F. Detached accessory dwelling units are prohibited.

~~H.~~ G. Off-street parking must be available for a minimum of four automobiles ~~for the entire structure.~~ In no case shall an accessory dwelling unit be permitted to have a separate driveway or separate garage to accommodate its occupant(s).

~~I.~~ H. All Fremont Zoning Ordinances shall be applicable.

~~J.~~ I. All building and Renovation Permits, including Occupancy Permits, shall be required. ~~Upon receiving approval from the Zoning Board of Appeals and prior to receiving a building permit, the applicant shall demonstrate to the authorized official that the applicant has recorded the special exception decision with Rockingham Registry, indexed under the name of the property owner.~~

~~1102.2 Variances to this special exception may not be granted.~~

We, the undersigned registered voters of the Town of Fremont, do hereby request to remove the ~~strikethrough~~ and add the **bold** text to the Fremont Zoning Ordinance Article 11 Section 1103:

Section 1103 – Home Occupation

1103.1 The standards of this Section dealing with home occupations are designed to protect and maintain the residential character of Fremont while permitting certain limited commercial activities which are traditionally carried out in a home. Home occupations that meet all the requirements of this ordinance are exempt from site plan review.

1103.2 Definition: Home occupation is defined as any business, occupation or activity conducted for gain within a residential building, or an accessory building thereto, which is incidental or secondary to the use of such building for dwelling purposes and which does not change the essential residential character of the building. This regulation applies to all zoning districts.

1103.3 Standards:

- A. The home occupation shall be conducted solely by the member(s) of the immediate family that reside(s) in the dwelling unit except that ~~one (1)~~ **two (2)** additional non-residents may also be employed.
- B. ~~No display, other than a name plate not more than one (1) square foot in area, that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling shall be allowed.~~ **Signs - See Article 16.**
- C. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to normal senses off the lot if the occupation is conducted in a single family or accessory building; or outside the dwelling unit or accessory building if the occupation is conducted on a lot containing a duplex or multi family unit.
- D. All home occupations shall be conducted entirely within an enclosed building.
- E. No materials or equipment associated with the home occupation shall be stored outside the building.
- F. The following businesses, occupations or activities are specifically prohibited:
 - 1. Motor vehicle and accessory sales or rental, repair and/or painting, including trailer rental or sales.
 - 2. Medical or dental clinic.
 - 3. Restaurant.
 - 4. **Commercial kKennel as defined under RSA 466:4, III and veterinary clinic.**
 - 5. **Funeral home as defined in RSA 325:1, IX.**
 - 6. ~~Nursery school, but not family day care, with six or fewer children.~~ **Day care nurse as defined in RSA 170-E:2, IV(d).**
 - 7. Repair shops or service establishments, except the repairs of electrical appliances, typewriters, cameras, or other similar small items.
 - 8. ~~Beauty shops and barber shops, except when customer visits are by appointment only and are limited to no more than two customers in any one hour period. Beauty shops and barber shops allowed under these provisions shall be registered with the appropriate licensing and inspection authorities.~~

H. The home occupation shall not require the ~~regular need for~~ delivery of materials to and from the premises by commercial vehicles over ~~twelve thousand (12,000) lbs GVWR~~ **twenty-six thousand (26,000) lbs GVWR more than one time per week**. The intent is to permit delivery vehicles such as United Parcel Service vehicles but to exclude tractor-trailers and other large, heavy commercial vehicles.

I. The home occupation should not require the need for the on-site, ~~over-night~~ **overnight** parking of commercial vehicles **over twenty-six thousand (26,000) lbs GVWR**. If on-site parking of a commercial vehicle, with three (3) axles or more, is necessary, it shall be garaged or screened.

We, the undersigned registered voters of the Town of Fremont, do hereby request to remove the ~~strikethrough~~ and add the **bold** to the Fremont Zoning Ordinance Article 9 Section 908:

Section 908 – Existing Lots

~~Any lot existing at the effective date of this ordinance, lawfully created by deed or recorded plan at the Rockingham County Registry of Deeds, shall be exempt from the lot size, frontage and structure setback standards of this ordinance; provided that each such lot and structure thereon shall comply with the lot size, frontage and structure setback standards in effect at the time of the creation of the lot. Each such lot and structure shall comply with all other provisions of this ordinance. A lot is subject to lot size and frontage requirements at the time the lot was lawfully created by deed or recorded plan at the Rockingham County Registry of Deeds.~~

The lot size requirement by date lot was created:

1971-1986 - 1 Acre

1987-Present - 2 Acres

The road frontage requirement by date lot was created:

1947-1970 - 100'

1971-1986 - 150'

1987-Present - 200'

The structure setback requirement by date lot was created:

1971-1986 - 30' front and 20' sides

1987-Present - 50' front and 30' sides

~~Provided further that~~ **For installation of water supply and septic systems**, lots existing prior to March 5, 1974 shall be exempt from this Article provided that they meet the specifications of the New Hampshire Department of Environmental Services, Water Division, Subsurface Bureau and/or its successor ~~for installation of water supply and septic systems.~~

We, the undersigned registered voters of the Town of Fremont, do hereby request to remove the Fremont Zoning Ordinance Article 11 Section 1101.7:

~~1101.7 Reconstruction of buildings: Any structure destroyed by fire, explosion, flood, storm, or other Act of God may be rebuilt or reconstructed within one (1) year of its destruction, except, that if a non-conforming use is destroyed to a degree of over fifty (50%) percent as determined by assessed valuation it must, when rebuilt, conform to the terms of this ordinance as to its construction.~~