



Fremont Board of Adjustment
June 28, 2011
Meeting Minutes
Approved July 26, 2011

Members present: Chairman Doug Andrew, Members John (Jack) Downing, Jack Baker, and Alt/recording Secretary Meredith Bolduc.

Mr. Andrew opened the meeting at 7:30 pm.

At the August 25, 2009 meeting Mr. Andrew designated Alternate Meredith Bolduc to fill the vacancy on the Fremont Board of Adjustment until such time as the Selectmen have appointed someone to serve as a full Board Member to fill that vacancy. That appointment remains in effect.

MINUTES

Mr. Downing made the motion to accept the minutes of the May 24, 2011 meeting as written. Motion seconded by Mr. Baker with unanimous favorable vote.

WORK SESSION

The Members discussed possible upcoming activities that would involve ZBA action. Mrs. Bolduc and Mr. Downing reported that they attended the June 11, 2011 OEP Conference. Mrs. Bolduc said there was a lot of useful information including pending House and Senate bills including:

HB 85 is still pending. This bill would change the definition of “abutter” under RSA 673:2 to mean, in the case of a condominium, each unit owner, rather than the officers of the owners’ association. The result of this change would be that land use boards, in giving notice of hearings, would be required to notify every owner of an abutting condominium, rather than just the officers.

SB 19 is still pending. This bill amends the definition of “prime wetlands” that may be designated by a municipality by requiring that any such wetland comprise five acres or more and by adding “very poorly drained soils” to the attributes that may qualify the land for such designation.

SB 20 is still pending. This bill, relative to shoreland protection exempts terrain alteration activities from requiring certain DES shoreland protection permits.
Takes effect 60 days after adoption.

SB 21 is still pending. This bill, relative to the definition of “wetlands,” would exclude from the statutory definition of jurisdictional wetlands certain “man-made” wetlands such as man-made ponds less than 10 acres in size and all road-side ditches.

HB 409 is new and pending. This bill is relative to multiple Planning Board members serving together on other land use boards. If passed, any 2 appointed or elected members of the planning board may also serve together on any other municipal board or commission, except that no more than one member of the planning board shall serve on the conservation commission, the local governing body, or a local land use board as defined in RSA 672:7.

Additional discussion included the following topics:

Fees and Reimbursement

RSA 676: IV. The board of adjustment may impose reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents, and other matters which may be required by particular appeals or applications.

V. (a) A board of adjustment reviewing a land use application may require the applicant to reimburse the board for expenses reasonably incurred by obtaining third party review and consultation during the review process, provided that the review and consultation does not substantially replicate a review and consultation obtained by the planning board.

(b) A board of adjustment retaining services under subparagraph (a) shall require detailed invoices with reasonable task descriptions for services rendered. Upon request of the applicant, the board of adjustment shall promptly provide a reasonably detailed accounting of expenses, or corresponding escrow deductions, with copies of supporting documentation.

Physical Disability Variance

RSA 674:33,V. Notwithstanding subparagraph I(b), any zoning board of adjustment may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:

(a) Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance.

(b) In granting any variance pursuant to this paragraph, the zoning board of adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises.

CORRESPONDENCE

There was no incoming correspondence.

At 8:30 pm Mr. Downing made the motion to adjourn.

Motion seconded by Mr. Baker with unanimous favorable vote.

Next meeting: scheduled for July 26, 2011.

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Respectfully submitted,

Meredith Bolduc, recording secretary
