



Fremont Board of Adjustment
December 27, 2011
Meeting Minutes
Approved January 24, 2012

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 November 29, 2011 meeting as written. Motion seconded by Mr. Baker with favorable vote 4-0.

Mrs. Bolduc reported that at the December 21, 2011 public hearing the Planning Board approved amendments to the following Zoning Ordinance articles to be moved on the voters at the 2012 Town Meeting.

- Article IV-A of the Fremont Zoning Ordinance (In-Law Accessory Apartments).
 1. Delete the second portion of the sentence in section G. “Any new entrances shall be located on the side or rear of the building *and shall be at ground level*”.

Rational: Amending this condition would allow the option of having steps to an entrance such as in the case of older, existing homes with existing entrances.
 2. Delete section H in its entirety. “*All in-law/accessory apartments shall have accessible entrances and shall conform to dwelling unit Type B construction, as specified in the International Residential Code (IRC)*”.

Rational: This amendment would eliminate an in-law accessory apartment to be required to conform to dwelling unit Type-B construction which is described as “a dwelling unit designed and constructed for accessibility in accordance with ICC/ANSI A 117.1, intended to be consistent with the technical requirements of fair housing required by federal law.”
- Article XI –E; 4 (d) of the Fremont Zoning Ordinance (Aquifer Protection District) by adding “*except for propane and natural gas*”.

Rational: This amendment would put the Town in line with NH DES model ordinance in

excluding propane and “other liquefied fuels which exist as gases at normal atmospheric temperature and pressure”.

- Article XIX, 1.3-C of the Fremont Zoning Ordinance (Signs) - “For Sale Signs” by adding “*and do not exceed six (6) square feet in size*”.

Rational: This amendment would allow the ordinance to be in keeping with the typical size of for sale signs, particularly pertaining to the sale of land, and eliminate the placement of oversized signs.

The Board again discussed the rational for each zoning amendment with further conversation relative to Article IV-A.

ECONOMIC DEVELOPMENT

Mrs. Bolduc reported that at the request of the Planning Board, Christine Davis, Business Resource Specialist with the Department of Resources and Economic Development (DRED) has agreed to attend the February 1, 2012 Planning Board meeting to discuss economic development for the Town and how to go about forming an Economic Development Committee. The purpose of an Economic Development Committee would be to talk with commercial property developers to promote development interest for the Town and bring awareness to the Town’s Corporate Commercial District and help develop the Towns resources.

The Board discussed economic development of the commercial districts and they reviewed Article XVIII sections 5 and 6 of the Zoning Ordinance as the resource to discuss the Corporate Commercial District and its development potential as well as possible development of some areas of the Commercial Highway district. The table of uses in section 7 of the article was also reviewed as to what types of businesses are allowed in the commercial districts.

ZBA PURPOSE

The Board again discussed the purpose of the Board of Adjustment as follows:

To hear and determine appropriate action relative to the Fremont Zoning Ordinance in the forms of:

- Special Exceptions: Governed by RSA 674:33
From the OEP Handbook:
A **special exception** is a use of land or buildings that is permitted, subject to specific conditions that are set forth in the ordinance.
A **special exception** is a specific, permitted land use that is allowed when clearly defined criteria and conditions contained in the ordinance are met.
- Variances: Governed by RSA 674:33
From the OEP Handbook:
A **variance** is a waiver or relaxation of particular requirements of an ordinance when strict enforcement would cause undue hardship because of circumstances unique to the property.
A **variance** is permission granted to use a specific piece of property in a more flexible manner than allowed by the ordinance.
- Appeals from administrative decisions: Governed by RSA 676:5

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676:5, I. Appeals to the board of adjustment concerning any matter within the board's powers as set forth in RSA 674:33 may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall

be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

- Equitable Waiver of Dimensional Requirement: Governed by RSA 674:33,a
From the OEP Handbook:
Equitable waivers may be granted only from physical layout, mathematical or dimensional requirements and may not be granted from use restrictions. Once a waiver is granted, the property is not considered to be a nonconforming use and the waiver does not exempt future use, construction, reconstruction or additions on the property from full compliance with the ordinance.

Pending House and Senate bills:

Mrs. Bolduc said she will get a list of bills the NH House and Senate are planning to work on in 2012. She reported that HB 85 below has not been finalized from 2011.

HB 85. 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.

CORRESPONDENCE

There was no incoming correspondence.

At 8:40 pm Mr. Downing made the motion to adjourn.
Motion seconded by Mr. Baker with unanimous favorable vote.

Next meeting: scheduled for January 24, 2012.

Respectfully submitted,

Meredith Bolduc, recording secretary
