



Fremont Board of Adjustment  
February 26, 2013  
Meeting Minutes  
Approved March 26, 2013

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

Mr. Andrew opened the meeting at 7:00 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 January 22, 2013 meeting as written. Motion seconded by Mr. Andrew with unanimous favorable vote.

#### HOUSE & SENATE BILLS

Mrs. Bolduc reported that there are two Senate Bills currently before the NH House of Representatives and Senate that may be of interest to the Board. The Board discussed each of these Bills at length.

1. Senate Bill 49: This bill provides for appeals of planning board decisions concerning a subdivision or site plan to the board of adjustment prior to appeal to the superior court.

Appeal of Planning Board Decisions. Amend RSA 677:15 by inserting after paragraph I the following new paragraph:

*I-a.(a) Any aggrieved party desiring to appeal a decision of the planning board concerning a subdivision or site plan under this section shall first appeal to the board of adjustment any part of the planning board's decision that is appealable under RSA 676:5, III. If any party appeals any part of the planning board's decision to the superior court before all matters appealed to the board of adjustment have been resolved, the court shall stay the appeal until resolution of such matters. After the final resolution of*

*all such matters appealed to the board of adjustment, any aggrieved party may appeal to the superior court, by petition, any or all matters concerning the subdivision or site plan decided by the planning board or the board of adjustment. The petition shall be presented to the superior court within 30 days after the board of adjustment's denial of a motion for rehearing under RSA 677:3, subject to the provisions of paragraph I.*

*(b) If, upon an appeal to the superior court under this section, the court determines that any matters contained in the appeal should have been appealed to the board of adjustment under RSA 676:5, III, the court shall issue an order to that effect, and shall stay proceedings on any remaining matters until final resolution of all matters before the board of adjustment. Upon such a determination by the superior court, the party who brought the appeal shall have 30 days to present such matters to the board of adjustment under RSA 676:5, III.*

*This act shall take effect 60 days after its passage.*

2. Senate Bill 50: This Bill is relative to expiration of variances and special exceptions.

Zoning Variance; Expiration. Amend RSA 674:33 by inserting after paragraph I the following new paragraph:

*I-a. Variances authorized under paragraph I shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.*

2 Powers of Zoning Board of Adjustment; Special Exceptions. Amend RSA 674:33, IV to read as follows:

*IV. A local zoning ordinance may provide that the zoning board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance. All special exceptions shall be made in harmony with the general purpose and intent of the zoning ordinance and shall be in accordance with the general or specific rules contained in the ordinance. **Special exceptions authorized under this paragraph shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such special exception shall expire within 6 months after the resolution of a planning application filed in reliance upon the special exception.***

*This act shall take effect 60 days after its passage.*

Mrs. Bolduc will contact the legal team at the Local Government Center for interpretation of these Bills and report their opinions back to the Board at the next meeting.

APPEALS

The Members discussed the process requirements for an Appeal from a Planning Board decision. This discussion was prompted by the proposed amendment to SB 49.

CORRESPONDENCE

There was no incoming correspondence.

At 8:30 pm Mr. Downing made the motion to adjourn.  
Motion seconded by Mr. Andrew with unanimous favorable vote.

Next meeting: scheduled for March 26, 2013.

Respectfully submitted,

Meredith Bolduc, recording secretary

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