



Fremont Board of Adjustment
August 27, 2013
Meeting Minutes

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

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 July 30, 2013 meeting as written. Motion seconded by Mr. Andrew with unanimous favorable vote.

VARIANCE

The Members and Mr. Howland used a couple of possible situations to discuss and review the five conditions of granting a variance. The emphasis for this discussion was on hardship.

- (1) *The variance will not be contrary to the public interest;*
- (2) *The spirit of the ordinance is observed;*
- (3) *Substantial justice is done;*
- (4) *The values of surrounding properties are not diminished; and*
- (5) *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.*

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and*
- (ii) The proposed use is a reasonable one.*

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be

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reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

ZONING ORDINANCE

The Members and Mr. Howland discussed:

- Article IV-A - In-Law Accessory Apartments.
- Article XVIII – specifically uses for each district permitted, permitted with conditional use permit, and prohibited.
- Fences – definitions and requirements
- Definitions as they pertain to zoning.

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 September 24, 2013.

Respectfully submitted,

Meredith Bolduc, recording secretary
