



Fremont Board of Adjustment
February 25, 2014
Meeting Minutes

Members present: Chairman Doug Andrew, Member John (Jack) Downing, Alt Dennis Howland, 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.

At the November 12, 2013 meeting Mr. Andrew designated Alternate Dennis Howland 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 28, 2014 meeting as written. Motion seconded by Mr. Howland with unanimous favorable vote.

ZBA membership was discussed. Mrs. Bolduc noted that there are currently 2 full Board Members and 3 Alternate Members. There are 2 vacant positions for full Board Members. At least one of the Alternates needs to step up to a full Board position. She suggested that it would make sense that Mr. Howland be a full Board Member at this time. That would still leave 2 full Board positions and up to 3 Alternate positions open. Mr. Howland agreed with the suggestion as long as the Board understands that he will be out of commission for the next meeting or two due to health and medical reasons.

Mr. Downing made the motion that Mr. Howland be moved from Alternate and appointed as a full Board Member. Motion seconded by Mr. Andrew with unanimous favorable vote.

VARIANCE

The Board discussed and reviewed the five conditions of granting a variance as per NH RSA 674:33 and the explanations for each condition as per the Board of Adjustment NH Handbook.

A **variance** is an authorization which may be granted under special circumstances to use your property in a way that is not permitted under the strict terms of the zoning ordinance. For a variance to be legally granted, the applicant must show that his proposed use meets **all five** of the following conditions:

1. The variance must 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.
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.

If the criteria in "A" are not established, an unnecessary hardship will be deemed to exist if, and only if, there are special conditions of the property that distinguish it from other properties in the area, and it cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. Reasonable use includes existing use.

ORDINANCE AMENDMENTS

The Board discussed the two zoning amendments that will be proposed to the voters on March 11, 2014. It was explained that the amendments are both to Article XVIII which is the Open Space Subdivision article.

Full text:

~~Delete:~~ *Add new*

- Section 10.10 (a) Standards for Building Lots and Site Design
Lot Shape and Size: House lots and building envelopes should generally be square or rectangular in shape and contain adequate upland area to accommodate average-sized houses and typical amenities such as garages, pools and sheds, including reasonable areas for expansion of these buildings. The minimum lot size shall be no less than three quarters ($\frac{3}{4}$) of an acre or thirty two thousand six hundred and seventy (32,670) square feet per dwelling unit.
At least one half (1/2) of an acre or twenty one thousand seven hundred and eighty (21,780) square feet of contiguous land of every lot laid out (after the adoption of this amendment) for residential use shall be buildable land with soils dry enough to permit for installation and use of facilities for disposal of sanitary waste(s) disposal facilities and shall not have slopes exceeding twenty percent (20%).

The purpose of the amendment to XVIII section 10.10 (a) is to define the amount of required contiguous upland.

- Section 10.11 (e) Open Space Standards

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Approved 03- 25, 2014

“Landscaping: *Landscaping of common areas (such as community greens, cul-de-sac islands, and along both sides of new streets) shall be landscaped with deciduous shade trees may be required by the Planning Board*”. The minimum caliper of trees along roadways shall be three (3) inches measured at a point six (6) inches above the root ball, and spaced every one hundred (100) feet along the road right-of-way. Species shall be salt tolerant.

The purpose of the amendment to XVIII section 10.11 (e) is so the developer would not be bound to use deciduous shade trees for landscaping of the common areas, but it would be left to the discretion of the Planning Board as to whether it is necessary for the particular development.

CORRESPONDENCE

There was no incoming correspondence received.

At 8:10 pm Mr. Downing made the motion to adjourn.

Motion seconded by Mr. Howland with unanimous favorable vote.

Next meeting: scheduled for March 25, 2014.

Respectfully submitted,

Meredith Bolduc,
Land Use AA/recording secretary