



Fremont Board of Adjustment
March 25, 2014
Meeting Minutes

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

Mr. Andrew opened the meeting at 7:05 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 February 25, 2014 meeting as written. Motion seconded by Mr. Howland with unanimous favorable vote except for Mr. Holmes who abstained as he was not present at that meeting.

Case #013-004
Richard Hewett & Lisa Darling
29 Scribner Road
Map 2 Lot 001-002

Mr. Andrew opened this Public Hearing at 7:15 pm and said that this is a continuation of the January 28, 2014 portion of this Public Hearing which was continued to allow time for Mr. Hewett to gather more up-to-date information and a plan from a wetland professional to accurately depict the wetland boundary to submit to the Board, and for him to submit a plan that shows the actual current locations of house and driveway.

Mrs. Bolduc said that Mr. Hewitt was not in attendance at the January 28, 2014 Public Hearing and on January 29, 2014 he was notified of the Board's decision and the Public Hearing continuance via first class mail. On January 31, 2014 Mr. Hewitt contacted her at the Land Use Office via e-mail to verify that he had received the letter and request a list of wetland professionals whose plan would be acceptable to the Board which she sent via return e-mail. In other e-mail contacts from February 2 to February 18, 2014 Mr. Hewitt shared information about his contacting a surveyor, estimated cost for an accurate property plan, he asked for clarification relative to:

- Cutting of trees on his property: Mrs. Bolduc told him he has a right to cut his trees.
- Old Scribner Road status and what the procedure would be to making Old Scribner Road part of his property: Mrs. Bolduc told him he would need to see the Selectmen and that it would take a Town vote.
- Setback requirements if Old Scribner Road was part of his property: Mrs. Bolduc told him a building of less than 100sf would not require a permit, but the setback requirements would remain the same.

In a February 16 and 18, 2014 e-mail Mr. Hewett said he may "try and take up the " Old Scribner Road" issue with the Town albeit in 2015" and he could "see no way forward and may try next year with a petition to the Town".

Prior to the Public Hearing tonight Mr. Hewett came in to pay the cost for an additional certified mailing that was due. He did not submit a plan as requested by the Board from a wetland professional to accurately depict the wetland boundary updated information or plan nor did he stay for the Hearing tonight. Instead Mr. Hewett submitted a written statement withdrawing his application for a Variance.

Mr. Downing made the motion to accept Mr. Hewett's withdrawal of his application for a Variance from Article IX Section F of the Fremont Zoning Ordinance. Mr. Andrew seconded the motion with unanimous favorable vote 4-0.

At 7:25 Mr. Downing made the motion to close this Public Hearing. Motion seconded by Mr. Holmes with unanimous favorable vote.

GENERAL DISCUSSION

The Board discussed the criteria for a Special Exception vs. the criteria for a Variance.

ZONING ORDINANCE AMENDMENTS

On March 11, 2014 the voters approved the following amendment to Article XVIII of the Fremont Zoning Ordinance.

- *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

ZBA Meeting Minutes - 03-25-14
Approved April 22, 2014

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 ($\frac{1}{2}$) 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%).

- *Section 10.11 (e) Open Space Standards*
“*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 deciduous shade trees and shall be salt tolerant.*

CORRESPONDENCE

There was no incoming correspondence received.

At 8:00 pm Mr. Downing made the motion to adjourn.
Motion seconded by Mr. Andrew with unanimous favorable vote.

Next meeting: scheduled for April 22, 2014.

Respectfully submitted,

Meredith Bolduc,
Land Use AA/recording secretary