



Fremont Board of Adjustment
November 17, 2015
Meeting Minutes

Members present: Chairman Doug Andrew, Members John (Jack) Downing, Dennis Howland, Alt Neal Janvrin, Town Administrator Heidi Carlson, and Recording Secretary Rachel Edwards.

Chairman Andrew opened the meeting at 7:00 PM.

The meeting was live broadcast on FCTV 22 and will be rebroadcast throughout the week.

MINUTES

Janvrin made the motion to accept the minutes of the October 27, 2015 meeting as written. Motion seconded by Downing with unanimous favorable vote 4-0.

Downing made the motion to accept the minutes of the November 8, 2015 Site Walk. Motion was seconded by Howland with unanimous favorable vote 4-0.

Case #015-005
Map 02-135.001
Nicole McKinney / Lambert Realty Trust
Variance

Present: Applicants Nicole McKinney and Roland Lambert Jr.

Chairman Andrew reopened the Public Hearing at 7:00 pm. The Site Walk of November 8, 2015 was discussed.

Lambert commented that the water test performed was very comprehensive. A water test was submitted to the Town, as completed by Granite State Analytical LLC.

Janvrin and Howland commented that water test was favorable.

Lambert discussed disposing of the white van which will improve the property's appearance.

The Board stated they had no further questions and there were no comments from the public.

Chairman Andrew read through each of the criteria for a Variance, with the corresponding Board votes shown below:

The variance will not be contrary to the public interest.

Board's vote:
Mr. Andrew yes
Mr. Downing yes
Mr. Howland yes
Mr. Janvrin yes

The spirit of the Ordinance is observed.

Board's vote:
Mr. Andrew yes
Mr. Downing yes
Mr. Howland yes
Mr. Janvrin yes

Substantial justice is done.

Board's vote:
Mr. Andrew yes
Mr. Downing yes
Mr. Howland yes
Mr. Janvrin yes

The values of surrounding properties are not diminished.

Board's vote:
Mr. Andrew yes
Mr. Downing yes
Mr. Howland yes
Mr. Janvrin yes

Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

- A. For the 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:

Board's vote:

Mr. Andrew	yes
Mr. Downing	yes
Mr. Howland	yes
Mr. Janvrin	yes

The proposed use is a reasonable one.

Board's vote:

Mr. Andrew	yes
Mr. Downing	yes
Mr. Howland	yes
Mr. Janvrin	yes

After careful consideration and review by the Board, Andrew stated the Board's position that, based on the information presented and the results of the Board's vote on the points of criteria that must be met for approval of a Variance, and pursuant to the information and documentation presented by the applicants, that the Fremont Zoning Board of Adjustment grant the variance.

Janvrin moved to approve the Variance. The motion was seconded by Downing with a unanimous favorable vote 4-0.

Carlson discussed the prior conditions on the variance for the same business, and also referred to the conditions referenced by the Conservation Commission in their plan comment sheet. Janvrin asked whether the Planning Board would address that. One condition was the performance of an annual water test.

Howland mentioned that inspections twice a year can be cumbersome because of limitations in the Code Enforcement Officer's schedule.

Howland mentioned that there were no drainage issues found.

Carlson read conditions which she mentioned were requirements before.

Janvrin amended the motion to approve the Variance subject to the three conditions previously in place and read the conditions:

1. The storage of any vehicles shall be on a concrete pad.
2. Any waste oil container shall be stored in a containment dike.
3. Annual water testing shall be done on the on-site well.

Motion seconded by Downing with unanimous favorable vote 4-0.

Andrew declared the Variance passed with unanimous favorable vote 4-0.

The applicant was instructed that there is a 30 day appeal period and that the Notice of Decision of this action will be recorded at the Rockingham Registry of Deeds and will need to be referenced to the property deed. The applicant is responsible to pay a \$16.49 fee to the Rockingham County Registry of Deeds for that recording. There is also a \$40 recording fee due to the Town of Fremont.

The applicants must now proceed to the Planning Board for Site Review for the alteration of Fremont Machine as a machine shop to include the Motorcycle business. The next submission deadline for a Planning Board Public Hearing is Monday December 7, 2015 for the January 6, 2016 Public Hearing night.

The applicants were also advised to meet with the Planner as soon as possible to begin working on their application. Jenn Rowden, Planner, has office hours at the Town Hall on Tuesday afternoons from 12:30 to 3:30 pm.

At 7:25 pm motion was made by Janvrin to enter non-public session pursuant to NH RSA 91-A:3 II (e) to discuss a legal matter. Downing seconded and the roll call vote was unanimous. Andrew – yes; Janvrin – yes; Downing – yes; Janvrin – yes.

At 7:45 pm Howland motioned to return to public session. Janvrin seconded the motion with unanimous favorable vote 4-0; Andrew – yes; Janvrin – yes; Downing – yes; Janvrin – yes.

Members discussed their findings and that the measurement shows approximately two feet to spare in keeping the parking spaces outside the Route 107 ROW so long as the cars are compact (a full size pickup truck would not fit); and pulled fully into the space. A resident of the building drove in while members were in the yard, and her vehicle just fits in the space (a Subaru forester-style).

Howland motioned to accept the settlement agreement from Anne Sloan dated 11/17/2015. Janvrin seconded the motion with unanimous favorable vote 4-0. There was discussion about whether or not the Board needs to reconvene to grant the variance, and the Town's Counsel will be consulted again to get more information. Members signed the Settlement Proposal and it will be returned to Town Counsel.

Carlson mentioned holiday potluck for all Town employees and volunteers.

Carlson also told the Board that a new application is expected this week to be heard at the December 15th meeting, for a setback issue at 28 Main Street.

At 7:50 pm Janvrin made a motion to adjourn. Howland seconded the motion with unanimous favorable vote 4-0.

Respectfully submitted,

Rachel Edwards, Recording Secretary