



Board of Adjustment
PO Box 120
Town of Fremont, New Hampshire 03044
Minutes of September 29, 2009
Approved October 27, 2009

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

Mr. Andrew opened the meeting at 7:30 pm.

MEMBERS

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.

MINUTES

Mr. Downing made the motion to accept the minutes of the August 25, 2009 meeting as written. Motion seconded by Mr. Andrew with unanimous favorable vote except for Mr. Boisvert who abstained as he was not present at that meeting.

WORKSESSION

FREMONT ZONING ARTICLE IX

WETLAND AND WATERSHED PROTECTION DISTRICT

The Board reviewed the proposed amendment to Zoning Article IX, Wetland and Watershed Protection District drafted by Wetland Scientist Mark West. This amendment is made possible through a grant by the Community Technical Assistance Program whose funds are administered through Rockingham Planning Commission.

Mrs. Bolduc noted that at the September 23, 2009 joint meeting of the Land Use Boards Mr. West said that the final result is to create a network around wetlands and ultimately have a stronger ordinance and that he tries to use methodology that is already in place for limited cut including the Comprehensive Shoreland Protection Act.

The Board discussed at length the following items relative to the existing ordinance and the proposed amendment:

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- Setbacks (distance for structural issues) and Buffers (physical disturbance) relative to:
 1. Intermittent streams
 2. Vernal pools
- The effect the amendment could have on properties both in restrictions and protection.
- Variances and/or special exceptions pertaining to the amendment.

NH RSA 674:33, I (b) – UNNECESSARY HARDSHIP

The Board continued discussion on House Bill 446 which repeals RSA 674:33, I (b) defining “unnecessary hardship” for purposes of zoning variances. This bill has passed the House and the Senate and takes on January 1, 2010. This bill eliminates the distinction between “use” and “area” variances and the definition of “unnecessary hardship” shall apply to both use variances and area variances and both will be subject to the same standard.

This will be the subject of lecture #2 of the Local Government Centers Law Lecture Series in October which Mrs. Bolduc and Mr. Downing are planning to attend.

The Board also discussed the possibility of the introduction of other legal updates that may affect the ZBA. This will be further discussed at later meetings.

CORRESPONDENCE

There were no incoming correspondences.

Next meeting: scheduled for October 27, 2009.

At 9:05 pm Mr. Downing made the motion to adjourn.
Motion seconded by Mr. Andrew with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, recording secretary
