

Present: Vice Chair Jack Karcz, Members Jack Downing, Andy Kohlhofer, Tim Lavelle, and Roger Barham, RPC Senior Planner Jenn Rowden, and Land Use Administrative Assistant Casey Wolfe

Also Present: Josh Yokela, David Sidlauscus, Dennis Acton, Thomas O'Brien, and Heath Hathoway

Mr. Karcz opened the meeting at 7:00 pm. Mr. Kohlhofer was not present at this time.

I. MINUTES

Mr. Downing made a motion to approve the minutes of December 6, 2017. Mr. Barham seconded the motion. The motion passed 3-0-1.

Mr. Barham made a motion to approve the minutes of December 20, 2017. Mr. Lavelle seconded the motion. The motion passed 4-0-0.

II. NEW BUSINESS

Public Hearing for a proposed amendment, submitted by a Citizen's Petition, to Article XI Section 1102 of the Fremont Zoning Ordinance, the Accessory Dwelling Unit Ordinance

The Planning Board looked at the language for the proposed zoning ordinance amendment. Ms. Rowden explained that the language of the proposed amendment cannot be changed; the Board can only vote to recommend or not recommended the change. Mr. Lavelle made a motion to open up the discussion to the public. Mr. Downing seconded the motion. The motion passed 4-0-0. Mr. Kohlhofer arrived at the meeting. Ms. Rowden summarized that the proposal modifies the definition of accessory dwelling units (ADU) by allowing for ADU's that are detached from the primary structure. It would also allow an ADU by a building permit rather than by a Special Exception from the Zoning Board of Adjustment. Additionally, the amendment would also allow an ADU to be up to one half the square footage of the primary dwelling unit or 800 feet (whichever is greater). The amendment would eliminate the two-bedroom maximum for an ADU. Finally, it would allow ADU's to exist in a detached structure that has been in existence since 2010 or has had an occupancy permit for more than five years.

Mr. Acton stated that there is a rental-housing crisis. Many of his friends cannot find a place to live. He explained that these accessory dwelling units will be used by singles and couples – not families. There is a need for affordable housing because rental costs are going through the roof. He stated that he had some trouble with the building inspector who insisted that accessory units are for family only. Ms. Rowden confirmed that this was not true. Mr. Acton stated that these units should be more flexible. The ordinance should be more homeowner friendly. He felt that taxes are going through the roof. He felt that rental income would help out significantly. The requirement to have a Special Exception from the Zoning Board creates a barrier for people from doing this. Mr. Acton felt that the process for a Special Exception is long and expensive.

Mr. Barham did not see a problem with applicants going through the Zoning Board to have an accessory dwelling unit. Mr. Karcz stated that he has a problem with allowing detached units. Mr. Lavelle commented that a detached unit could look like two houses on the same lot. Mr. Acton stated that times are changing and that there are too many restrictions in Fremont. People in town cannot fully utilize their property. Mr. Barham didn't think Fremont had any more restrictions than the surrounding towns. Mr. Acton stated that towns are in competition with each other and that Fremont needs to change with the times. Mr. Kohlhofer stated that part of the problem is that builders have to charge high rent and that it is a problem all over New Hampshire. He said that he did not have a problem with the proposal as presented. Ms. Rowden stated that towns that allow detached ADU's usually require the structure to be older. She stated that she has a problem with the maximum size allowed for an ADU in this proposed revision because the accessory unit could potentially be bigger than the primary unit. There was some discussion about the approval process of this Zoning Ordinance amendment. The Planning Board can only vote to recommend or not recommend the amendment. It will be on the Warrant Article in March either way.

Mr. Karcz was not comfortable recommending the language as presented. Mr. Sidlauscus commented that the language could always be tweaked again next year. Mr. Barham stated that the author could have come to the Planning Board to tweak the language ahead of time. Mr. Yokela stated that he came in earlier in the year and felt that changes from the Board would be slow and incremental. The Board did not take the opportunity last meeting to adopt part of his Home Occupation Ordinance amendment so that it could go on the Warrant Article. The Board has been dragging its feet. He felt that the Board has been unmotivated. He also stated that he met with Ms. Rowden before he got the signatures for the petitions to make sure that nothing that he was proposing was illegal. Mr. Karcz stated that the Board is slow to make changes to avoid unintended consequences. Mr. Kohlhofer made a motion to close the public hearing. Mr. Downing seconded the motion. The motion passed 5-0-0. Mr. Kohlhofer made a motion to recommend the Citizen's Petition for amending the Accessory Dwelling Unit Ordinance, Article XI, Section 1102. Mr. Lavelle seconded the motion. The motion did not pass 2-3-0.

Public Hearing for a proposed amendment, submitted by a Citizen's Petition, to Article XVI of the Fremont Zoning Ordinance

The Planning Board members looked at the language for the proposed amendment to the sign ordinance. Mr. Barham had a question about the size of the signs in the proposed ordinance compared to the size in the existing ordinance. Ms. Rowden stated that the permitted size in the residential zone would go from about one square foot to twelve square feet. Mr. Kohlhofer made a motion to open up the public hearing. Mr. Downing seconded the motion. The motion passed 5-0-0. Mr. Sidlauscus stated that he felt that the signs would not be anything enormous. Mr. Lavelle felt that the proposal is reasonable.

Mr. O'Brien stated that he used to have a home occupation but he does not currently. He stated that the Building Inspector denied him to have a business in his two-unit structure. As a home occupation, he could only have a piece of paper in the window advertising the business. He stated that he was told that signage would be a detriment to where his property exists. He did not think that signs would have been something out of the ordinary. He has been living residentially

on the property but has not been able to use the property as he should have been able to. He stated that he would need signs to have his business be seen. Before he bought the property, he was told that he can have a real estate business, but when he came back to the land use department he was told the use would be a detriment. He felt that things are moving slowly in Fremont and stated that this will not be the last of the Citizen's Petitions. Mr. Barham stated that Mr. O'Brien certainly can run his real estate business as a home occupation, however, he cannot have a sign to advertise the business under the home occupation ordinance.

Mr. O'Brien stated that he has 900 feet of frontage. Mr. Sidlauscus felt that he should be allowed to have a sign on his property. Mr. O'Brien stated that voters voted to have a Village District. Mr. Karcz said that he sees unintended consequences if there are no limit to the number of signs. Mr. Sidlauscus accused Mr. Karcz of thinking of the worst-case scenario. Mr. Acton explained to the Board that they need to keep with the times. People are starting businesses out of their homes. This can help with affordability issues. Ms. Rowden reminded the group that the amendment is not just for residential and home occupation signs. Mr. Yokela stated that the business sign that he was going for would be for multiple businesses so that they can be seen from the street. Mr. Lavelle made a motion to close the public hearing. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0. Mr. Kohlhofer made a motion to recommend the Citizen's Petition to amend the Sign Ordinance, Article XVI. Mr. Downing seconded the motion. The motion passed 3-2-0.

Heath Hathaway seeks a Home Occupation Permit at 166 Sandown Road Unit 3 at Map 1 Lot 98-1-5

Mr. Hathaway introduced himself. He owns a business in Epping called Hathaway Drilling and Blasting, LLC. He explained to the Board that he only stores records in his home. He does not bring equipment or customers back to his home. He does have a F-350 lettered truck. Mr. Barham made a motion that it was the Board's consensus that this operation with the maintenance of its records at home is in compliance with the Home Occupation ordinance. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0. Mr. Hathaway left at 8:00 pm.

III. OTHER BUSINESS

Ms. Rowden informed the Board that Stantec engineer Dan Tatem wanted some guidance from the Board while developing surety requirements for the conditionally approved cell tower at Map 1 Lot 12. Mr. Barham made a motion to instruct Stantec to bond the tower, enclosure, support building, generator, and LP tank while developing surety requirements. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0.

IV. CIRCUIT RIDER BUSINESS

There was some discussion about the home occupation ordinance. Ms. Rowden felt that the current allowance for only a one square foot sign is ridiculous. Mr. Barham stated that as long as the business owner is below the threshold in the home occupation ordinance, then there is no need for permitting. Ms. Rowden stated that there is difference between a home-based business

and a home occupation. There was a discussion about appealing the Building Inspector's decisions. Ms. Rowden wanted the Board to look at this ordinance this year.

Ms. Rowden asked the Board to look at other town's table of uses in their zoning ordinances and to think about what they want Fremont's table of uses to look like in the future.

Mr. Kohlhofer made a motion to adjourn the meeting at 8:25 pm. Mr. Lavelle seconded the motion. The motion passed 6-0-0.

Respectfully Submitted,

Casey Wolfe
Land Use Administrative Assistant