

Town of Fremont NH 2017 Deliberative Session Minutes
Monday February 6, 2017 ~ Ellis School 7:00 pm

Moderator Michael Rydeen called the first session of the Annual Town Meeting to order at 7:01 pm at the Ellis School in Fremont. Mr. Rydeen led the audience and Town representatives in the Pledge of Allegiance. Rydeen introduced Town representatives seated at the head table including Budget Committee members Mary Anderson, Mark Kidd, Patricia Martel, Michael Nygren, Mary Jo Holmes, Joe Miccile, School Board Representative Jenn Brown, Selectmen Gene Cordes, Neal Janvrin and Roger Barham; Town Attorney Diane Gorrow; Town Administrator Heidi Carlson and Town Clerk Tax Collector Nicole Cloutier.

A presentation was then made by Selectmen for the 2016 Town Report Appreciation Award to Leon Holmes Jr, for 40 years of working for the Town of Fremont!

Selectman Gene Cordes reviewed the Town's Significant Activity of 2016:

- Welcomed Roger Barham to the Board last March as Leon Holmes Sr retired from the Board of Selectmen.
- Within the year the Town was able to provide 2 % pay rate increases to permanent Town employees.
- The Town entered into a contract to replace all of its insurance coverage and related risk management services.
- Through the leadership of the Road Agent Leon Holmes Jr, the Town was able to make significant road improvements to Sandown Road and Whittier Drive.
- The FFRD received and placed into service its new fire truck which received Town Meeting approval and was ordered in 2015.
- The FPD responded to resident and property owner concerns around property damage and nefarious activity on the closed portion of Shirkin Road.
- Progress was made on the basement renovations and HVAC replacement at the Town Hall.
- Through the coordination of the Library Trustees, repairs were completed to the chimney stacks at the Fremont Public Library.
- Volunteers continued to make significant impact in encouraging the use and maintain hiking trails on town owned property and carrying for the facilities at Memorial Park.
- Job descriptions and a wage study got underway for several positions with in the Town – near complete at year end.

Moderator Rydeen described that Fremont is an SB2 Town. He went over General Rules and Procedures as opposed to Robert's Rules. Rules were posted on the town website, a slideshow was demonstrated for audience members to follow along and given out as handouts during check in. The handouts included the Town's Budget Form MS 737, State Default Budget Form, Warrant Articles with narrative information, summary versions of the budget, revenues and tax rate impacts, Meeting Rules of Order, and a new handout created by the Moderator on Voter Rights and Responsibilities. After review, the Rules of Order were approved by the body by card vote.

ARTICLE 1: To choose by ballot all necessary Town Officers for the ensuing year.

Selectman: 1 for 3 years:
Gene Cordes

Cemetery Trustee: 1 for 3 years
Matthew E. Thomas

Trustee of Trust Funds: 1 for 3 years:
Jeanne Nygren

Library Trustee: 1 for 3 years
John J. Hennelly

Town Clerk Tax Collector: 1 for 3 years
Nicole E. Cloutier

Budget Committee: 2 for 3 years
No Candidates Declared

Budget Committee: 1 for 1 year
No Candidates Declared

The Moderator announced those running for Town positions and stated that Article 1 will go on the ballot as written.

Selectman Neal Janvrin made a motion to move discussion of the Zoning Articles (Warrant Articles 2, 3, and 4) to the end of the meeting. Gene Cordes seconded. Passed by card vote.

ARTICLE 5: Shall the Town of Fremont raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$2,819,626? Should this article be defeated, the default budget shall be \$2,633,644 which is the same as last year, with certain adjustments required by previous action of the Town of Fremont or by law or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

Note: This operating budget warrant article does not include appropriations contained in ANY other warrant articles.

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 7-1. (Majority vote required)

Mary Anderson moved Article 5. Mark Kidd seconded. Mary Anderson spoke on Article 5 as the Budget Committee Chair. Heidi Carlson highlighted the operating budget changes reflecting an increase, which would not be in the default budget. This included: additional part-time hours in the Selectmen's Office, three extra hours in the Town Clerk Tax Collector clerical position; Planning and Zoning consultants and matching grant funding, a Cemetery Supervisor/Sexton position for projects and administrative tasks, additional part-time hours year round in the Highway Department, sealcoating roads to preserve pavement for longer use, completion of the paving final coarse on Sandown Road and Whittier Drive (almost 2 miles); an increase in Parks and Recreation property maintenance, replacement fencing and sprinkler heads, and Library maintenance costs and repair work.

Other changes in the budget include a small increase in the cost of the annual audit and a 3% increase in the solid waste hauling contract.

With no further discussion, the Moderator said Article 5 will go on the ballot as written.

ARTICLE 6: To see if the Town will vote to raise and appropriate the sum of forty-four thousand five hundred seventy-one dollars (\$44,571) to hire a new full-time police officer. This sum covers one-half year of wages and benefits and necessary gear, equipment and required testing for the officer. If approved, this funding will remain as part of the operating and default budget in future years.

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 5-3. (Majority vote required)

Article 6 was moved by Cordes and seconded by Janvrin. Chief Twiss made a presentation, beginning by stating that he feels Fremont PD is dangerously understaffed. The FBI recommends that towns have 2.3 full-time officers per 1,000 residents, putting Fremont at a recommended staffing level of 9 full-time officers. The

Northeast Region average is 2.9 which would put us around 11. He stated we are currently staffed with 4 full-time and 8 part-time police officers. Chief Twiss stated that part-time officers have significantly less training, and that crises such as the heroin epidemic have affected this town and overdoses have increased, as well as a host of other calls for service.

A part-time officer receives 200 hours of training, while full-time officers receive 640 hours. Generally a part-time officer works once a week, sometimes once every other week. He does not feel this is a job to work 2-4 times a month. Recently during a domestic call, the person involved tried to steal the officer's pistol, noting the severity of incidents that are happening in Fremont. He reported on a local survey he did in checking with other area departments. Fremont is low compared to nearby towns in terms of staffing, and he feels that relying so heavily on part-time officers is a liability for the Town. Many towns with several more full-time officers also have lower crime statistics than Fremont. He would like to see 6 full-time positions to be able to cover all shifts. This proposed addition would bring Fremont to 5 full-time officers.

Joshua Yokela asked how many part-time officers we currently have and if the plan is to reduce part-time officers to offset the cost of full-time officers. Chief Twiss replied that he reduced the budget by \$2,000 for this reason and reduced part-time hours from 48 to 30 hours per week. There are currently 8 part-time officers.

Mary Kaltenbach stated that the budget was \$44,571 and questioned what this covered, also referring to the \$80K number also listed. Chief Twiss stated that if this Article passes, it would take 2 or 3 months to hire, then send to the next full-time NH Police Academy (likely in August).

Carlson stated that once we have a full year of a new police employee, the \$83,700 is an estimate of a full year costs in 2018 to include wages, benefits, and retirement. If approved in March 2017 and we start the process immediately, we would be lucky to have someone hired by July. Carlson further explained the Selectmen and Budget Committee wanted to make clear this is a recurring expense once an officer is hired.

Yokela asked if the estimated tax increase is based on this year, future years would double. Carlson confirmed that that is the case.

Rydeen stated as a resident, that this is a 5-3 vote for the Budget Committee and asked for some explanation of their split. Anderson replied that every member on the Committee did not agree on this Article. She pointed out that the tax increase is 11 cents this year and 11 more cents next year.

With no further discussion, the Moderator said Article 5 will go on the ballot as written.

ARTICLE 7: To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$5,000) to be placed in the Library Building Maintenance Expendable Town Trust Fund.

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 8-0. (Majority vote required)

Article 7 was moved by Cordes, seconded by Barham. Eric Abney described that the building is 14 years old and additional maintenance and repair work is needed. The roof has already been replaced, but windows and the building's five furnace will need to be addressed.

With no further discussion, the Moderator said Article 7 will go on the ballot as written.

ARTICLE 8: To see if the Town will vote to raise and appropriate the sum of two thousand one hundred sixty dollars (\$2,160) to fund a Bookmobile service for the Fremont Public Library for services to elderly, disabled,

or shut-in residents. This includes two hours per week in wages and mileage costs. If approved, this funding will remain as part of the operating and default budget in future years.

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 8-0. (Majority vote required)

Cordes moved Article 8, Janvrin seconded. Abney stated that a few years ago the elderly enjoyed coming to the Library but some have since become too sick or immobile; and that there are times following surgery or other illness, when people cannot visit the Library. This service would account for two hours per week for a staff member to pick up and drop off books to the elderly or disabled.

Yokela asked if they have done any research to look to have this filled as a volunteer. Abney replied that if the bill does not pass, they do have volunteers willing, but it would not be as consistent. Volunteers are great but we can't guarantee the service of a volunteer.

Rydeen as resident, asked how people know to sign up for this service. Abney stated that it would be advertised on Channel 22 and to retirement communities, among other venues.

With no further discussion, the Moderator said Article 8 will go on the ballot as written.

Janvrin made a motion to restrict reconsideration of Articles 5, 6, 7 and 8. Barham seconded and the motion passed by card vote.

ARTICLE 9: To see if the Town will vote to raise and appropriate the sum of twenty-five thousand dollars (\$25,000) to be placed in the Bridge Construction and Reconstruction Capital Reserve Fund.

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 8-0. (Majority vote required)

Cordes moved Article 9. Barham seconded. Carlson stated that there are 2 currently red listed Fremont bridges, on Scribner and Martin Roads. The Town is currently working on the Martin Road Bridge. Several years ago we did the required RFQ process and are about 2/3 of the way through the engineering work. The Town is still waiting for written confirmation from the State of NH DOT to confirm we are on the Bridge Aid List and for which fiscal year of funding. The estimated cost of construction for the bridge is nearly \$500,000. Scribner Road construction is estimated between \$700,000 and \$900,000. We need to save in this fund to offset those future costs. If approved for Bridge Aid, the Town only has to pay 20% of the total costs, but it is a pay first and get reimbursed program.

With no further discussion, the Moderator said Article 9 will go on the ballot as written.

ARTICLE 10: To see if the Town will vote to raise and appropriate the sum of twenty-five thousand dollars (\$25,000) to be placed in the Highway Equipment Capital Reserve Fund.

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 8-0. (Majority vote required)

Cordes moved Article 10, seconded by Janvrin. Leon Holmes Jr explained that this is to replace the equipment we have and future purchases when needed. Last year the street sweeper was replaced from this fund. The biggest cost to replace is the backhoe, estimated at \$140,000 and a one-ton truck estimated at \$70,000. The Town owns plows and sanders and hire trucks out, as we couldn't afford to buy them. We need to keep saving in this fund for this purpose.

With no further discussion, the Moderator said Article 10 will go on the ballot as written.

ARTICLE 11: To see if the Town will vote to raise and appropriate the sum of twenty-five thousand dollars (\$25,000) to be placed in the Emergency Management Equipment Capital Reserve Fund.

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 7-1. (Majority vote required)

Cordes moved Article 11 and Barham seconded. Carlson explained that this is another savings account. We are looking to replace generators at the Safety Complex and Town Hall. We don't want to replace them until they wear out, but we had to put a lot into the Safety Complex generator during the large storm two years ago, and the Town needs to be prepared. The other longer term goal is to have a back-up generator at Ellis School.

With no further discussion, the Moderator said Article 11 will go on the ballot as written.

Janvrin moved to restrict reconsideration of Articles 9, 10 and 11. Cordes seconded and it passed by card vote.

ARTICLE 12: To see if the Town will vote to raise and appropriate the sum of one hundred forty-seven thousand nine hundred sixty dollars (\$147,960) to shim and repave three sections of North Road (4,070 feet) and do associated shoulder and repair work.

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 8-0. (Majority vote required)

Cordes moved Article 12, seconded by Janvrin. Holmes Jr explained that we chose North Road because there are 9 connector roads that feed into it. North Road is the longest road in Fremont. He explained that with some engineering advice, they chose the worst 3 sections, the first of which is from Beede Hill Road to 61 North Road. He explained we will need to grind the road, grade and repave, and replace some culverts and improve drainage. The second section is from Old Ridge to the first entrance of Karlin Road and the third section is from Martin Road to the Fremont/Brentwood town line. The total length is 4,070 feet of improvements. The total cost may come in less through the bid process. The Highway Department has worked with the Town Engineer to get the estimate and scope of work.

Jennifer Brown asked what happens with extra funds if unspent? Holmes Jr responded that all of the money has to be used on North Road. If it comes in less, he would request from the Selectmen to do more on this road.

Brown asked if Selectman can approve this decision and Carlson responded that they could, and would generally do that versus turn the money back and wait another year to see the tax benefit. She further explained the process of what happens with unspent appropriations and that it takes a year to return those funds as a tax rate offset. It makes more sense to use the appropriation and make the roads better.

With no further discussion, the Moderator said Article 12 will go on the ballot as written.

ARTICLE 13: To see if the Town will authorize an increase in the Town Clerk Tax Collector's annual salary by seven hundred dollars (\$700) to be a total of thirty-five thousand seven hundred dollars (\$35,700); and further to raise and appropriate the sum of seven hundred dollars (\$700) for this purpose.

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 6-2. (Majority vote required)

Cordes moved Article 13 and Barham seconded. Town Clerk Tax Collector Nicole Cloutier spoke to the Article indicating that she had put this forward to coincide with the 2% that the Selectmen have proposed as a wage increase for permanent Town employees. She said that as an elected official, she has to put this on a Warrant Article to receive a raise. Cloutier stated this would be the only raise she has received in her 3 years in the position.

With no further discussion, the Moderator said Article 13 will go on the ballot as written.

ARTICLE 14: To see if the Town will vote to raise and appropriate the sum of forty-nine thousand five hundred fifty dollars (\$49,550) to continue the Public Health Mosquito Control Program.

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 8-0. (Majority vote required)

Cordes moved Article 14, Janvrin seconded. Carlson stated that this is the same proposal as the past 8 years and the same price as the past three years. She briefly explained the program, which is also the same as prior years. There is additional information on the Fremont and NH websites regarding statistics.

With no further discussion, the Moderator said Article 14 will go on the ballot as written.

ARTICLE 15: To see if the Town will vote to raise and appropriate the sum of fifty thousand dollars (\$50,000) to be placed in the Fire Truck Capital Reserve Fund.

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 8-0. (Majority vote required)

Cordes moved Article 15 and Janvrin seconded. Fire Chief Rick Butler spoke on the Article indicating that the Fire Rescue Department is behind schedule on replacement vehicles and that it makes sense to save for this instead of a large one time appropriation.

With no further discussion, the Moderator said Article 15 will go on the ballot as written.

Janvrin moved to restrict reconsideration of Articles 12, 13, 14 and 15. Cordes seconded and the motion passed by card vote.

ARTICLE 16: To see if the Town will vote to raise and appropriate the sum of twelve thousand five hundred dollars (\$12,500) to be placed in the Radio Communications Equipment Capital Reserve Fund.

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 7-1. (Majority vote required)

Cordes moved Article 16 and Janvrin seconded. Carlson spoke that this is a savings account, and referenced the 2015 fire truck purchase wherein we had \$175,000 saved, which allowed for a down payment and for us to get a \$15,000 prepaid discount on the truck. We need to replace radio communications and there is only approximately \$5,200 in the account presently. Radios cost \$3,000 to \$4,000 each.

With no further discussion, the Moderator said Article 16 will go on the ballot as written.

ARTICLE 17: To see if the Town will vote to raise and appropriate the sum of twelve thousand dollars (\$12,000) to be placed in the Historic Museum Renovation Capital Reserve Fund.

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 5-3. (Majority vote required)

Cordes moved Article 17 and Barham seconded. Matthew Thomas of the Historical Society stated that a number of years ago the Town established this Capital Reserve Fund and has discussed adding 3 bays onto the museum to house the hand tub and horse-drawn logging sled. He said they often get donations to the Museum of memorabilia and that it would be nice to consolidate vehicles into the Museum. The Fire Rescue Department could use the space that the hand tub is taking up there. The Museum gets an average of 8-20 people during the one day per month they are open to the public. He would also like to incorporate other artifacts held in a private barn since 1999, with more space on Town property.

With no further discussion, the Moderator said Article 17 will go on the ballot as written.

ARTICLE 18: To see if the Town will vote to re-establish cable franchise fees at 2% (on the television portion of cable bills) in accordance with the Town's Cable Contract dated 02/19/2009 for the continuation of broadcasting, programming and other FCTV activities.

The Selectmen recommend this article 3-0. The Budget Committee recommend this article 8-0. (Majority vote required)

Cordes moved Article 18 and Janvrin seconded. Carlson explained that a few years ago voters voted to discontinue this fee collection, at a time when there was not a lot of activity outside of some meeting taping/rebroadcasting. The Town's Cable Contract allows for a franchise fee to fund community access activities such as cable operators, cameras, and the bulletin board. Shortly thereafter, Bruce White with the help of RCTV folks and Fremont volunteers, moved FCTV to fruition. The studio is in the Town Hall where they rebroadcast information, video, meetings, Town events etc, and operate an informational bulletin board.

Reinstating this fee on cable subscriber bills will allow those activities to continue, and without tax impact. If you are a Comcast subscriber, the fee is based on the television portion of your bill. As proposed, it is anticipated that \$14,000 to \$20,000 a year would be collected in franchise fees and go back into this fund for the future of FCTV. We have used the money collected in the early stages of the cable contract and established a pay schedule of stipends for cable operators and those who set up and record meetings. Carlson stated she felt it was important to get the word out and for the public to see Committee and Board meetings, as this is the only way for some people to be informed.

This Channel is open to anyone in the community, and FCTV is looking for additional pieces for programming. Reference was made to the cable operators here tonight, including Bruce White, Leo Danjou and Alex Coulombe. If this article doesn't pass, the existing fund of money will run out and Channel 22 will stop broadcasting within approximately a year. Again, this is currently no tax impact, and would not be a tax impact, as it is completely funded by franchise fees paid by cable subscribers.

Abney stated that many people come to the Library to view Channel 22 who don't have cable at home. This is important to the community to receive. Yokela stated that he doesn't have cable but watches the material from FCTV via Vimeo and Facebook. He said he likes watching the channel better than reading minutes to get informed. Carlson added that DVD's are uploaded to Vimeo and other links to allow viewing via internet.

With no further discussion, the Moderator said Article 17 will go on the ballot as written.

Janvrin moved to restrict reconsideration of Articles 16, 17 and 18. Cordes seconded and the motion passed by card vote.

Moderator Rydeen stated that we are now done with amendable articles and will now return to Zoning Articles.

ARTICLE 2: Are you in favor of the proposed amendment to Article XVIII submitted by petition for the Fremont Zoning Ordinance as follows:

- 1) Change the Moderate Hazards Use from permitted to prohibited in Corporate Commercial District (Article XVIII, Section 7)
- 2) Change the all uses under the Factory Industrial category, with exception to the Moderate Hazards use, to require a Conditional Use Permit within the Corporate Commercial Districts and Commercial Highway District. The uses are to remain prohibited in the Flexible Use District. (Article XVIII, Section 7)
- 3) To remove transportation-oriented activities and related services such as trucking and warehousing from the Corporate Commercial II.6.1 Purposes, to read as follows:

II.6 CORPORATE COMMERCIAL

II.6.1 Purpose:

The intent of the Corporate/Commercial district is to provide areas for corporate business parks, research and development, light-manufacturing, processing, assembly, and wholesaling providing that such uses are determined not to be injurious or hazardous to the public health, safety, and/or welfare. Furthermore, the intent of the district is to reserve suitable land for the location of the new industry and to enhance economic development and employment.

II.6.1.1 Certain commercial and industrial operations may only be allowed by a Conditional Use Permit issued from the Planning Board. See the Table of Uses for a list of the uses that require a Conditional Use Permit.

The Planning Board does not recommend this article 4-1.

Since petitioned, Petitioner Renee King moved Article 2 and Petitioner Cindy Grasso seconded. They came to the microphone to explain their process in proposing this amendment.

King stated that she brought forth this article to amend Corporate Commercial allowances and the District on Shirkin Road. At a previous time there was a chart with several uses allowed. When originally designated as Corporate Commercial, most voters viewed this as meaning “corporate” or office uses. Over the last year, businesses have applied to go in such as asphalt manufacturing and asphalt recycling. Some residents feel this is much farther from corporate commercial than intended. King stated that the petitioners are proposing to remove moderate hazard allowances for more industrial categories. King expressed that these businesses need a Conditional Use permit as an extra step. They are proposing to remove transportation oriented services such as trucking and warehousing. They have also thought to not have large trucking company using roads in Fremont, damaging roads. King advised that over 527 people agreed and signed the petition. She said they all want business-tax relief but don’t want to do it at significant cost to the Town.

Yokela voiced that prohibiting moderate hazards, moderate uses banned companies such as bakeries, shoes, carpets and rugs, furniture, paper mills, textiles, wood, cabinetry. He expressed that those don’t seem to be as harsh, and asked if this Article could be worded better to not over-prohibit or more accurately prohibit.

Mark Kidd asked if the Town currently had corporate commercial industry defined? Barham explained that the comprehensive table lists all different uses as identified by national code.

Dennis Howland spoke that in Article 2, it allows for a Variance on a cabinet maker. He further stated that if we are serious about having commercial business we would need to improve our infrastructure.

Howland then made an observation on Articles 11 and 16. The generator at the Safety Complex is an issue of public safety. He would rather not give fellow residents the opportunity to shoot this down. He’d like to see

indicate his/her approval in writing to the Zoning Board of Adjustment as to proper certification having been received.

- G. The **accessory dwelling unit in-law/accessory apartment** shall be designed such that the appearance of the building remains that of the single family dwelling. Any new entrances shall be located on the side or rear of the building. **There shall be at least one independent means of egress to the outside or to a common space.**
- H. The ~~primary residence and the in-law/accessory apartment~~ **principal dwelling unit and accessory dwelling unit** must share common water, septic, and electric facilities, **and an interior door be provided between the principal dwelling unit and the accessory dwelling unit.**
- I. ~~In no case shall more than one in-law/accessory apartment be permitted within the structure. Dormitory type facilities and living are expressly prohibited whether seasonal or otherwise.~~
- J. **Detached accessory dwelling units are prohibited.** ~~In-law/accessory apartment shall not be constructed or established within any accessory use structure (such as a garage). Only the primary residential structure may contain the in-law/accessory apartment.~~
- K. Off-street parking must be available for a minimum of four automobiles for the entire structure. In no case shall an **accessory dwelling unit in-law apartment** be permitted to have a separate driveway or separate garage to accommodate its occupant(s).
- L. **All Fremont Zoning Ordinances shall be applicable.**
- M. **All Building and Renovation Permits, including Occupancy Permits, shall be required.**
- N. ~~All in-law/accessory apartments shall be provided with an interconnected smoke alarm system. All smoke alarms shall be listed and installed in accordance with the provisions of the IRC and the household fire warning provisions of NFPA 72.~~
- O. ~~The provisions of the International Residential Code (IRC) shall apply to all construction elements of the in-law/accessory apartment. There shall be no occupancy of the in-law/accessory apartment until the Building Official has issued an occupancy permit.~~
- P. ~~No in-law/accessory apartments shall be allowed within the Flood Plain as identified by the FIRM map relating to Fremont, N.H.~~

Upon receiving approval from the Zoning Board of Appeals and prior to receiving a building permit, the applicant shall demonstrate to the authorized official that the applicant has recorded the special exception decision with Rockingham Registry, indexed under the name of the property owner. ~~Any special exception granted under this Section shall contain a provision which states as follows: "Upon the cessation of occupancy by an immediate family member, the owner hereby acknowledges and purchasers are put on notice, that the in-law/apartment is to be used only by immediate family members and no others, and that no variances from this provision shall be obtained permitting any other use".~~

Variances to this special exception may not be granted.

The following definitions shall pertain to this section:

- A. ~~In-law/accessory apartment~~ ~~An apartment within a single family residence. An in-law apartment is defined as "a separate living space within a single family dwelling unit consisting of separate sleeping, cooking and bathroom facilities and which is intended to be occupied by an in-law or in-~~

laws of a member of a family unit occupying the main part of the dwelling.” and meeting the following criteria:

~~In-law apartments may be occupied only by members of the family unit occupying the main part of the dwelling or by in-laws of a member of said family unit. The applicant must satisfactorily demonstrate that said apartment will be utilized only in this fashion. The occupancy or rental of an in-law apartment by persons other than in-laws, as defined in this ordinance, is expressly prohibited.~~

~~B. R 1/R 2/R 4 Residential occupancy groups as defined by the International Residential Code.~~

The Planning Board recommends this article 5-0.

Article 3 was moved by Cordes and seconded by Barham. Barham described that this was a change driven by the State law. The State limited what legislation Towns can impose. Changes are to bring the town in line with state regulations. Some changes were to put a limit on size necessity of dwelling units to 800 sq ft. This article changed wording to state “dwelling unit” vs “in-law apartment.”

Yokela stated that it’s not required that we limit the maximum size of dwellings to 800 sq ft, and asked why we would do that if it’s not mandated. He suggested the size could have gone higher to give more flexibility for residents. Barham replied that the Board felt that 800 square feet was adequate for the purpose of the regulations. Yokela stated that if it’s required that all provisions are to be met, this doesn’t leave any flexibility to residents. Barham replied that the Board was taking considerations, this limit was balanced and fair.

Article 3 will go on the ballot as printed.

ARTICLE 4: Are you in favor of the proposed amendment to Article XVIII Section 9. G submitted by the Planning Board for the Fremont Zoning Ordinance as follows:

New Language

~~Removed language~~

G. The home occupation should not require the need for the on-site, over-night parking of commercial vehicles. If on-site parking of a commercial ~~vehicles~~ vehicle, with three (3) axles or more is necessary, it shall be garaged or screened

The Planning Board recommends this article 7-0.

Cordes moved Article 4. Barham seconded. Barham said that the Home Occupancy Ordinance was added a few years ago, and after a few years of use, the Board felt that one area needed change. This keeps in line that home occupation was about living in residence, and being allowed to do certain things without disturbance of surroundings. This would mean a very limited outside appearance, reduced number of vehicles and that they specifically be shaded or garaged.

Howland questioned the Planning Board vote of 7-0 and if it was for or against. The answer was the Board recommended it 7-0.

Yokela questioned if having a home business, can you have a commercial vehicle not 3 axles, could be issue to have to keep in shade. Barham said that this means if you have vehicle with 3 axles or more, you can only have 1 on premises. This allows for a person to be self-employed but not to run commercial trucking. Yokela added that it looks like it is referring to all commercial vehicles.

Jamie Thompson said he was confused by the Article and agreed with Yokela. He questioned if a private trucker cannot bring his truck home? Or has to be private garage? Barham said it either needs to be screened or garaged, and if the truck is 3 axels or greater, it is limited to 1.

With no further discussion, Article 4 will go on the ballot as printed.

Motion to adjourn made by Mary Anderson and seconded by Neal Janvrin at 20:52 pm. The voice vote was unanimously approved.

Respectfully submitted,

Nicole Cloutier

Nicole Cloutier
Town Clerk