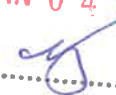




APPLICATION FOR SPECIAL EXCEPTION

Zoning Board of Adjustment
Town of Fremont
P.O. Box 120
Fremont, New Hampshire 03044

RECEIVED
JAN 04 2022
BY: 

Do not write in this space.

Case # 022-002

Date filed: 1-4-21

Hearing Date: 2-22-22

Total Fees Received: 460.00

Signed: 

ZBA

Name of applicant: Joseph Falzone

Address: 73 Harbor Street, Manchester, MA 01944

Phone: 1-603-772-8999

Owner: West 50% TIC, Bruce R., West 50% TIC, Wilfred C.

(if same as applicant, write "SAME AS")

Location of property Map # 1 Lot # 71-001

173 South Road, Fremont, NH 03044

(street address)

Zoning District of Property: SINGLE FAM MDL-01

Is the property in the Aquifer Protection District? Yes ☐ No ☒

Is the property in the Flood Zone? Yes ☐ No ☒

NOTE: This application is not acceptable unless all required statements in the appropriate section have been completed. Additional information may be supplied on a separate sheet if the space provided is inadequate.

APPLICATION FOR A SPECIAL EXCEPTION

Description of proposed use showing justification for a special exception as specified in the zoning ordinance Article 12 Section 1201.8

We are asking for a special exception to allow a single driveway to access a buildable upland area on the property. The proposed area will be located within an area that is already been utilized for haying and access to the property prior to this regulation.

Explain how the proposal meets the special exception criteria as specified in article 12 section 1201.8

Of the zoning ordinance: (List all criteria from ordinance)

Criteria 1- Is the use one that is ordinarily prohibited in the district?

The use has been granted in the zone / same road in the past. The proposed use is to allow access and utilities which is essential

to the productive use of the land. The proposed use is located to minimize impacts by utilizing buffers instead of impacting wetlands.

Criteria 2- Is the use specifically allowed as a special exception under the terms of the ordinance

The proposed use is listed under the allowed use via special exception listed as access ways and utility rights.

Criteria 3- Are the conditions specified in the ordinance for granting the exception met in the particular case?

The proposed impact of the buffer is in an area that has been utilized for accessing the property before the regulation was created.

Signed:

Signed: Joseph P. Feltz **Date** 1.3.22
(Actual property owner)

Date

1.3.22

SPECIAL EXCEPTION:

Certain sections of the Zoning Ordinance provide that a particular use of property in a particular zone will be permitted by Special Exception if specified conditions are met. The necessary conditions for each Special Exception will be granted if you can show that the conditions stated in the ordinance are met.

If you are applying for a Special Exception you will probably also need a determination from the Planning Board (relative to subdivision or site plan review). Even in those cases where no Planning Board approval is needed, presenting a site plan to the Planning Board will assist in relating the proposal to the overall zoning. This should be done before you apply for a Special Exception.

**SPECIAL EXCEPTION
APPLICATION and PROCEDURE**

PROCEDURE – To apply to the Zoning Board of Adjustment for relief, you must follow these steps:

- a. Obtain a letter of denial from the Board of Selectmen or Building Inspector.
- b. Compile a typed list of the names and addresses of all current abutters. This is to be obtained from the Fremont Selectmen's Office. An abutter is anyone whose property physically abuts the subject property or is directly across a street or river. Please include the subject property, applicant, and anyone whose seal or stamp appears on the plan.
- c. All requests for required reports or other correspondence (such as indicated in Article IX Section H) must be sent by the applicant via certified mail with return receipt requested. This is for proof and record of mailing. The hearing will not be scheduled before the 30-day time frame has lapsed from the date of mailing requests to pertinent officials.
- d. Applications can be left at the Town Hall at 295 Main Street in Fremont; or Mailed to the Town at the address above. Submit a check made payable to the Town of Fremont with your application for the fees due.

CHECKLIST FOR APPLICATION

This Application Includes:

- X _____ Letter of Denial ✓
- X _____ 4 Full size, 6 - 11"x17" sets of plans ✓
- X _____ cover letter of intent ✓
- X _____ current abutters list ✓
- X _____ proper check amount ✓
- X _____ letter of approval to allow representation ✓

FEE SCHEDULE

SPECIAL EXCEPTION

For the first request, and \$50.00 for each additional request if a separate Zoning Article

\$200.00 = \$ 200.00

ADVERTISING

(current rate of expense)

\$125.00 = \$ 125.00

ABUTTER NOTIFICATION (per abutter)

(See (B) above for definitions of an abutter. This covers two certified mailings.)

\$ 15.00 = \$ 135.00

TOTAL FEES SUBMITTED \$ 460.00



NICHOLS ENVIRONMENTAL, LLC.

102 CHESTER ROAD
FREMONT, NH 03044
nicholsenviro@gmail.com
Office: 603-244-5325
Cell: 603-234-3228

January 3, 2022

Chairman
Town of Fremont Zoning Board
295 Main Street, P.O. Box 120
Fremont, NH 03044

RE: Letter of Intent - Special Exception – Driveway South Road
Tax Map 1, Lot 71-2

Dear Members of the Board:

This letter of intent is being submitted for applying for a special exception. The Special Exception is to allow a driveway / underground utilities within the town of Fremont's 100' wetlands buffer. The proposed buffer impact is required to access the properties buildable area to service a single-family home.

Thank you for your consideration.

Joseph Paul Nichols

Joseph Nichols

9,567 sq ft (0.22 Acres)

Letter of Authorization

We, Wilfred C. West and Bruce R. West, owners of 173 South Road, Tax Map 01 Lots 60 & 70, Fremont, NH, do hereby authorize the following parties to act as agents on my behalf for the above-described property:

Joseph Falzone, 7B Emery Lane Stratham, NH 03885

Nichols Environmental, LLC, 102 Chester Road Fremont, NH 03044

Gove Environmental Services 8 Continental Dr Ste H, Exeter, NH 03833, and

Doucet Survey, Inc, 102 Kent Pl, Newmarket, NH 03857

as agents to act on my behalf in matters to be discussed with the Fremont Planning Board, Fremont Zoning Board, State Departments and other Land Use Boards concerning the property previously mentioned.

I hereby appoint Nichols Environmental & Doucet Survey, Inc as my agent to act on my behalf in the review process, to include any required signatures.

Wilfred C. West
dotloop verified
12/08/21 5:18 PM EST
ALIA-KYBO-DI4R-AVNO

Wilfred C. West

Date:

Bruce West
dotloop verified
12/08/21 9:24 AM CST
BAOV-QQOK-Z4AI-2EZO

Bruce R. West

Date:



NICHOLS ENVIRONMENTAL, LLC.

102 CHESTER ROAD
FREMONT, NH 03044
nicholsenviro@gmail.com
Office: 603-244-5325
Cell: 603-234-3228

Site Map 1, Lot 071.001

<u>SITE/OWNER:</u> MAP 01 LOT 71 BRUCE R WEST 50% TIC & WILFRED C WEST 50% TIC 173 SOUTH RD FREMONT, NH 03044 <i>1</i>	<u>DESIGNER:</u> JOSEPH NICHOLS NICHOLS ENVIRONMENTAL, LLC. 102 CHESTER ROAD FREMONT, NH 03044 <i>6</i>
<u>APPLICANT:</u> JOSEPH FALZONE 73 HARBOR STREET MANCHESTER, MA 01944 <i>2</i>	<u>SURVEYOR:</u> NORTHAM SURVEY LLC 239 LONG HILL RD DOVER, NH 03820 <i>7</i>
<u>WETLAND SCIENTIST:</u> JAMES GOVE, CWS, CSS GOVE ENVIRONMENTAL SERVICES, INC. 8 CONTINENTAL DRIVE BUILDING 2 UNIT H EXETER, NH 03833 <i>3</i>	MAP 01 LOT 70 ✓ ROBERT JR. & SUZANNE WOULFE 159 SOUTH RD FREMONT, NH 03044 RCRD BOOK 5390 PAGE 772 <i>8</i>
MAP 01 LOT 82 ✓ HERITAGE FARM TRUST STEPHEN L BASSETT, TRUSTEE PO BOX 212 ✓ NEWFIELDS NH 03856-0212 RCRD BOOK 5584 PAGE 847 <i>4</i> <i>201</i>	MAP 01 LOT 73 ✓ GERARD L SEVIGNY 210 SOUTH RD FREMONT, NH 03044 RCRD BOOK 3039 PAGE 1057 <i>9</i>
MAP 01 LOT 61 ✓ O'CONNELL REVOCABLE TRUST CECELIA L O'CONNELL, TRUSTEE 160 SOUTH RD. <i>PO BOX 75</i> FREMONT, NH 03044 RCRD BOOK 3437 PAGE 1274 <i>5</i>	