



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

Do not write in this space.

Case # 021-006
Date filed: 6/24/21
Hearing Date: 7/27/21
Total Fees Received: 968.00 # 246
Signed: [Signature]
ZBA

Location of property

Map # 2

Lot # 20-96 20-004

ZONING INFORMATION

Zoning District of Property: Flexible Use Residential

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

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

*Elderly
Open Space
preservation
development*

Name of applicant: ROBERT H. ROY

Address: 11 CURRIER LANE FREMONT, N.H. 03044

Phone: 408-219-6903

Other contact information:

DIANE G. Roy (spouse) 408-621-9332

Name of owner:

DIANE AND ROBERT ROY

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

Address: 11 CURRIER LANE FREMONT, N.H. 03044

Phone: 408-621-9332

Other contact information:

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 VARIANCE

A Variance is requested from Article 9 Section 901 of the Zoning Ordinance to permit:

A 12 FOOT INTO REAR PROPERTY SETBACK. TO EXPAND EXISTING PORCH.

Facts supporting this request:

1. The variance will not be contrary to the public interest because;

IT WOULD BE AN EXTENSION OF 12 FEET TO AN EXISTING PORCH, WHICH IS 4 FEET. THIS WOULD ALLOW DIANE ROY (WIFE) WHO IS A LEFT-LEG AMPUTEE, TO USE THE EXTENDED PORCH.

2. The spirit of the ordinance is observed because;

THE SETBACKS, AS THEY STAND, WOULD NOT ALLOW DIANE ROY (WIFE) USE OF THE PORCH.

3. Substantial Justice is done because;

DIANE ROY IS HANDICAPPED WITH A LEFT LEG AMPUTATION ABOVE THE KNEE.

4. The values of surrounding properties are not diminished because;

THIS IS ONLY AN EXTENSION TO AN EXISTING PORCH.

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

(A) For 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;

NO

AND;

(ii) The proposed use is a reasonable one.

YES

OR

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

AN UNNECESSARY HARDSHIP GIVEN DIANE ROY'S AMPUTATION, AS DESCRIBED ABOVE. DIANE ROY SPENDS APPROXIMATELY 50% OF HER TIME IN A WHEEL CHAIR. THE EXISTING PORCH DOES NOT ALLOW ANY MOVEMENT WHILE IN THE WHEELCHAIR.

Signed:

Robert H. Ray
(Actual property owner)

**Town of Fremont
Zoning Board of Adjustment
PO Box 120
Fremont NH 03044-0120**

APPLICATION and PROCEDURE

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

1. Obtain a letter of denial from the Board of Selectmen or Building Inspector.
2. Compile a typed list of the names and addresses of all current abutters. This is to be obtained from the Fremont Selectmen's Office not longer than ten (10) days prior to submission of this application. An abutter is anyone whose property physically abuts the subject property or is directly across a street or stream. Please include the subject property, applicant, and anyone whose seal or stamp appears on the plan. The accuracy of the abutters list is the sole responsibility of the applicant.
3. 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 or date stamped by the recipient. This is for proof of date of delivery.
4. Applications can be left at the Town Hall at 295 Main Street in Fremont; or mailed to the Town of Fremont at the above address. The proper check amount for the fees due made payable to the Town of Fremont must be included with your application.

CHECKLIST FOR APPLICATION

This Application Includes:

☒ Letter of denial
☒ 6 sets of plans
☒ cover letter of intent
☒ current abutters list
☒ proper check amount
☐ letter of approval to allow representation

FEE SCHEDULE

VARIANCE

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

\$200.00 = \$ 200-

ADVERTISING

(current rate of expense)

~~\$115.00~~ = \$ 125-

ABUTTER NOTIFICATION (per abutter)

(See "2" above for definitions of an abutter.)

(11 x \$13-) = \$ 12.59 = \$ 143-

TOTAL FEES SUBMITTED = \$ 468-

**INSTRUCTIONS TO APPLICANTS APPEALING TO
THE ZONING BOARD OF ADJUSTMENT**

VARIANCE

The Board strongly recommends that, before making any appeal, you become familiar with the Zoning Ordinance and also with the New Hampshire Statutes TITLE LXIV, RSA Chapters 672-677 covering planning and zoning.

VARIANCE

A Variance is an authorization, which may be granted under special circumstances, to use your property in a way that is not permitted under the strict terms of the zoning ordinance.

If you are applying for a Variance, you must first have some form of determination that what you propose for your property is not permitted without a Variance. Most often this determination is a denial of a building permit and/or a letter of denial from the Selectmen, or their designee.

For a Variance to be legally granted, you must show that your proposed use meets all of the following conditions:

- (1) The variance will not be contrary to the public interest;
- (2) The spirit of the ordinance is observed;
- (3) Substantial justice is done;
- (4) The values of surrounding properties are not diminished; and
- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - (A) For 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; and
 - (ii) The proposed use is a reasonable one.
 - (B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

6/22/2021

RECEIVED
6-24-21

TO: TOWN OF FREMONT, N.H. APPEALS BOARD

WE PROPOSE TO EXTEND AN EXISTING PORCH
12 FEET INTO THE 30 FOOT ^(SET-BACK) ZONE PROHIBITED
FOR STRUCTURE.

THE REASON FOR THE ABOVE IS DIANE ROY IS AN
ABOVE THE KNEE, LEFT LEG, AMPUTEE. THE
EXISTING PORCH, WHICH IS 4 FEET WIDE AND
EIGHT FEET LONG, DOES NOT ALLOW HER USE OF
THE PORCH.

PLEASE ALLOW AND CONSIDER THE ABOVE
VARIANCE REQUEST.

SINCERELY,

ROBERT H. ROY

Robert H. Roy

DIANE G. ROY

Diane G. Roy



Roy Abutter Map

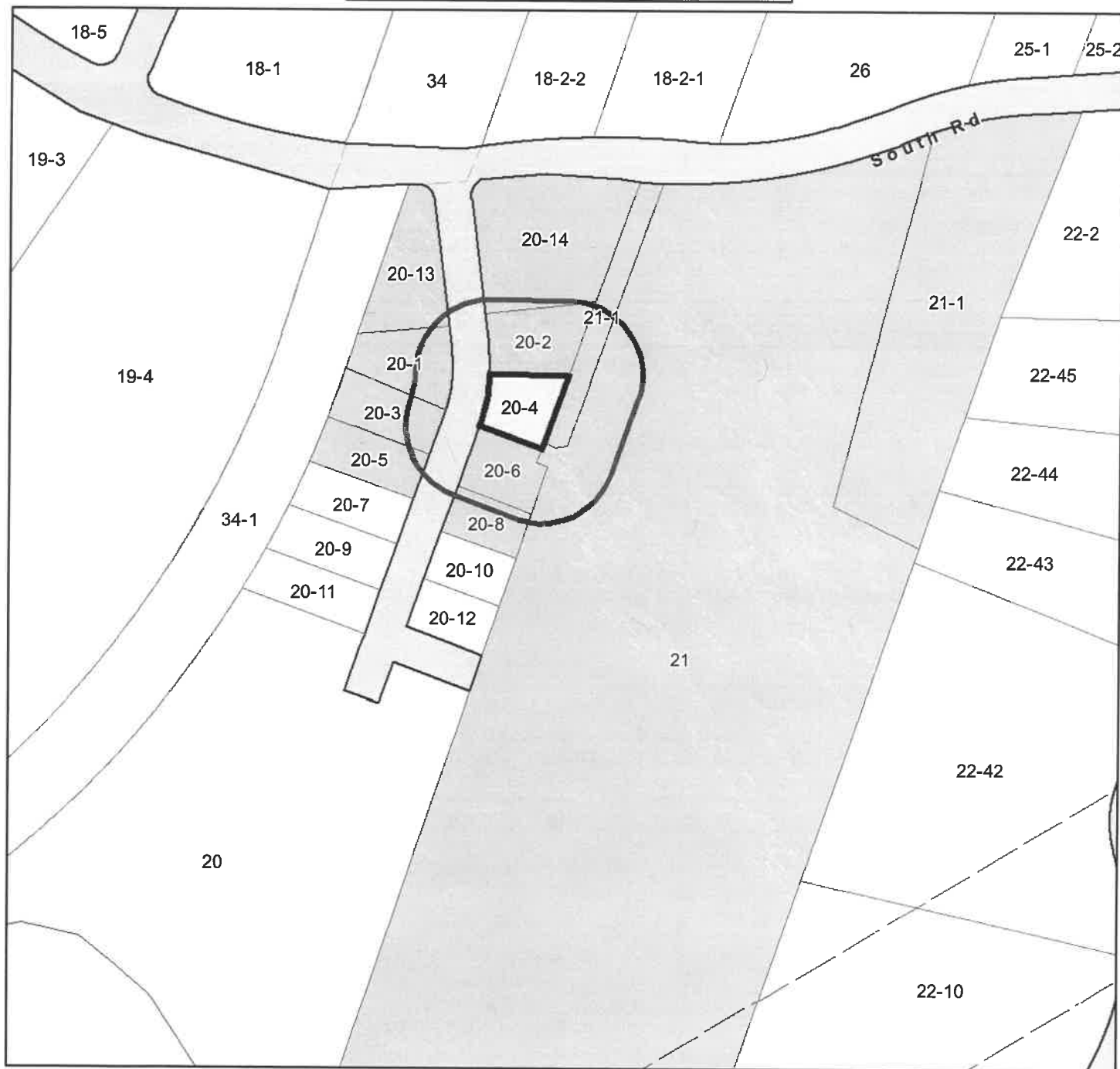
Fremont, NH



June 3, 2021

1 inch = 200 Feet

www.cai-tech.com



Street Names	— — —	EASE
PL	— — —	REC_TRAIL
ROW	— — —	STREAM
SURVEY	— — —	Right of Ways

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



100 foot Abutters List Report

Fremont, NH

June 03, 2021

Subject Property:

Parcel Number: 002-020-004-000
CAMA Number: 002-020-004-000
Property Address: CURRIER LANE

Mailing Address: DECM LLC
9 MERRIMAC STREET
SEABROOK, NH 03874

Abutters:

Parcel Number: 002-020-001-000
CAMA Number: 002-020-001-000
Property Address: CURRIER LANE

Mailing Address: DECM LLC
9 MERRIMAC STREET
SEABROOK, NH 03874

Parcel Number: 002-020-002-000
CAMA Number: 002-020-002-000
Property Address: CURRIER LANE

Mailing Address: DECM LLC
9 MERRIMAC STREET
SEABROOK, NH 03874

Parcel Number: 002-020-003-000
CAMA Number: 002-020-003-000
Property Address: CURRIER LANE

Mailing Address: DECM LLC
9 MERRIMAC STREET
SEABROOK, NH 03874

Parcel Number: 002-020-005-000
CAMA Number: 002-020-005-000
Property Address: CURRIER LANE

Mailing Address: DECM LLC
9 MERRIMAC STREET
SEABROOK, NH 03874

Parcel Number: 002-020-006-000
CAMA Number: 002-020-006-000
Property Address: CURRIER LANE

Mailing Address: DECM LLC
9 MERRIMAC STREET
SEABROOK, NH 03874

Parcel Number: 002-020-008-000
CAMA Number: 002-020-008-000
Property Address: CURRIER LANE

Mailing Address: DECM LLC
9 MERRIMAC STREET
SEABROOK, NH 03874

Parcel Number: 002-020-013-000
CAMA Number: 002-020-013-000
Property Address: SOUTH ROAD

Mailing Address: DECM LLC
9 MERRIMAC STREET
SEABROOK, NH 03874

Parcel Number: 002-020-014-000
CAMA Number: 002-020-014-000
Property Address: SOUTH ROAD

Mailing Address: DECM LLC
9 MERRIMAC STREET
SEABROOK, NH 03874

Parcel Number: 002-021-000-000
CAMA Number: 002-021-000-000
Property Address: 72 SOUTH ROAD

↘ Mailing Address: ALIX, ALBERT M ALIX, JACQUELINE A
72 SOUTH ROAD PO BOX 103
FREMONT, NH 03044-0103

Parcel Number: 002-021-001-000
CAMA Number: 002-021-001-000
Property Address: 64 SOUTH ROAD

↘ Mailing Address: SOMMERS, KENNETH & MARY LOU
64 SOUTH ROAD
FREMONT, NH 03044



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6/3/2021

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Page 1 of 1



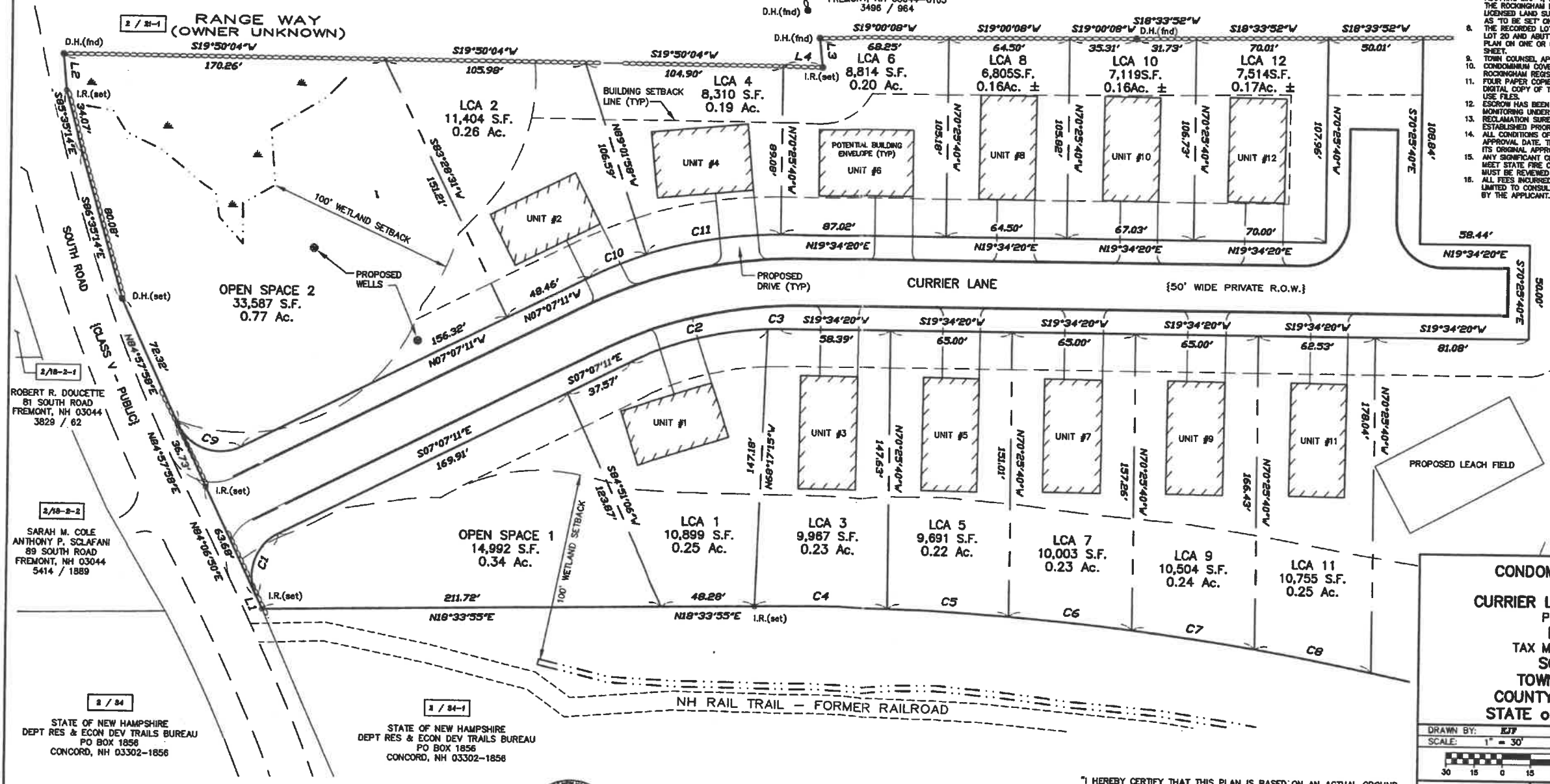
No.	Central Angle	Radius	Arc Length	Chord Length	Chord Bearing
C1	88°45'59"	25.00'	38.73'	34.97'	S51°30'11"E
C2	24°31'38"	175.00'	74.91'	74.34'	S05°08'38"W
C3	2°09'53"	175.00'	6.61'	6.61'	S18°29'23"W
C4	2°43'27"	1482.89'	70.50'	70.50'	N19°55'38"E
C5	2°30'54"	1482.89'	65.09'	65.09'	N22°32'49"E
C6	2°31'24"	1482.89'	65.31'	65.30'	N25°03'58"E
C7	2°32'11"	1482.89'	65.65'	65.64'	N27°35'45"E
C8	2°27'27"	1482.89'	63.60'	63.60'	N30°05'34"E
C9	92°05'10"	25.00'	40.18'	35.99'	N38°55'24"E
C10	8°19'36"	225.00'	32.70'	32.67'	N02°57'23"W
C11	18°21'55"	225.00'	72.12'	71.81'	N10°23'22"E

No.	Bearing	Distance
L1	N84°06'50"E	7.57'
L2	S75°52'33"E	19.40'
L3	S76°32'37"E	15.60'
L4	S19°50'04"W	20.44'

LEGEND

- D.H.(fnd) - DRILL HOLE (FOUND)
- D.H.(set) - DRILL HOLE (SET)
- I.R.(fnd) - IRON ROD W/ L.D. CAP (TO BE SET)
- I.P. (fnd) - IRON PIPE (FOUND)
- S.F. - SQUARE FEET
- Ac. - ACRE
- (TYP.) - TYPICAL
- R.C.R.D. - ROCKINGHAM COUNTY REGISTER OF DEEDS
- U.P. - UTILITY POLE
- R.O.W. - RIGHT OF WAY
- E.O.P. - EDGE OF PAVEMENT
- WETLAND - WETLAND
- EDGE OF WETLAND - EDGE OF WETLAND
- STONE WALL - STONE WALL
- LCA - LIMITED COMMON AREA

- TOWN OF FREMONT - PLANNING BOARD
- CONDITIONS OF APPROVAL 1/22/20
- THE CONDOMINIUM SITE PLAN SHEET 3A MYLAR SHALL BE RECORDED AT THE ROCKINGHAM REGISTER OF DEEDS.
 - ALL CONDITIONS OF APPROVAL BE NOTED ON THE APPROVED PLANS AND ON THE RECORDABLE MYLAR SHEET.
 - ALL LICENSED PROFESSIONALS WHOSE NAMES APPEAR ON THE APPROVED PLANS AND MYLAR SHEET SHALL HAVE ORIGINAL STAMPS AND SIGNATURES.
 - ALL REQUIRED STATE PERMITS ARE RECEIVED AND PERMIT NUMBERS NOTED ON THE APPROVED PLANS AND RECORDABLE MYLAR SHEET.
 - APPROVED WAIVERS AND DATE THEY WERE GRANTED TO BE NOTED ON THE APPROVED PLANS AND RECORDABLE MYLAR SHEET.
 - DETAILED CONSTRUCTION PLANS AND SPECIFICATIONS FOR THE ON-SITE COMMUNITY WATER SUPPLY SYSTEM SHALL BE PROVIDED PRIOR TO CONSTRUCTION.
 - THE LOT LINE ADJUSTMENT BETWEEN THE SUBJECT MAP 2, LOT 20 AND ABUTTING MAP 1, LOT 62 SHALL BE FULLY APPROVED, RECORDED WITH THE ROCKINGHAM REGISTER OF DEEDS, AND CERTIFICATION BY A LICENSED LAND SURVEYOR THAT ALL BOUNDARY MONUMENTS IDENTIFIED AS TO BE SET ON THE DRAWINGS HAVE BEEN SET.
 - THE RECORDED LOT LINE ADJUSTMENT BETWEEN THE SUBJECT MAP 2, LOT 20 AND ABUTTING MAP 1, LOT 62 SHALL BE CITED AS A REFERENCE PLAN ON ONE OR MORE OF THE APPROVED PLANS AND RECORDABLE MYLAR SHEET.
 - TOWN COUNSEL APPROVAL OF FINAL CONDOMINIUM DOCUMENTS.
 - CONDOMINIUM COVENANTS AND ITS EXHIBITS SHALL BE RECORDED AT THE ROCKINGHAM REGISTER OF DEEDS.
 - FOUR PAPER COPIES OF THE FINAL PLAN SET SHALL BE SIGNED AND A DIGITAL COPY OF THE SIGNED PLAN SET BE PROVIDED FOR TOWN LAND USE FILES.
 - ESCROW HAS BEEN POSTED WITH THE TOWN FOR SITE COMPLIANCE MONITORING UNDER SPR 1.19 PRIOR TO CONSTRUCTION.
 - RECLAMATION SURETY OF THE SITE UNDER SPR 1.21 HAS BEEN ESTABLISHED PRIOR TO CONSTRUCTION.
 - ALL CONDITIONS OF APPROVAL ARE MET WITHIN 365 DAYS OF THIS APPROVAL DATE. THE PLANNING BOARD MAY GRANT AN EXTENSION OF ITS ORIGINAL APPROVAL WITH GOOD CAUSE.
 - ANY SIGNIFICANT CHANGE TO THE APPROVED SITE PLAN REQUIRED TO MEET STATE FIRE CODE, BUILDING CODE OR STATE OR FEDERAL PERMIT MUST BE REVIEWED BY THE PLANNING BOARD.
 - ALL FEES INCURRED BY THE PLANNING BOARD, INCLUDING BUT NOT LIMITED TO CONSULTING, ENGINEERING AND LEGAL FEES, HAVE BEEN PAID BY THE APPLICANT.



NO.	DATE	DESCRIPTION	BY	CHK
REVISIONS				
19-2230	CONDO SITE	19-04	5-39	
PROJECT NO	TYPE	FIELDBOOK & PAGES		

STATE OF NEW HAMPSHIRE
DEPT RES & ECON DEV TRAILS BUREAU
PO BOX 1856
CONCORD, NH 03302-1856



APPROVAL BY THE FREMONT PLANNING BOARD

CHAIRMAN *[Signature]* 3-16-20 DATE

SECRETARY *[Signature]* 3-16-20 DATE

"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."

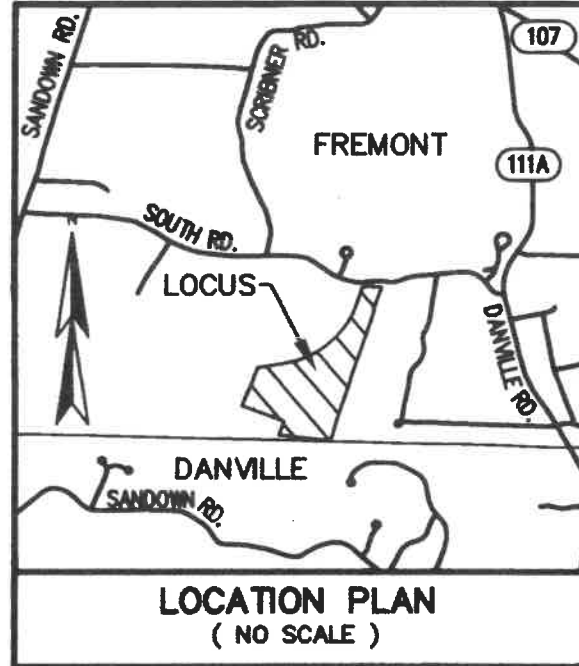
"I HEREBY CERTIFY THAT THIS SITE PLAN IS ACCURATE AND COMPLIES WITH RSA 356-B:20 I. ALL UNITS DEPICTED HEREON HAVE NOT YET BEGUN."

3/16/20 *[Signature]*
DATE: / KEVIN M. McNEANEY L.L.S. 681

CONDOMINIUM SITE PLAN
OF
CURRIER LANE CONDOMINIUMS
PREPARED FOR
DECM, LLC
TAX MAP 2, LOT No. 20
SOUTH ROAD
TOWN of FREMONT
COUNTY of ROCKINGHAM
STATE of NEW HAMPSHIRE

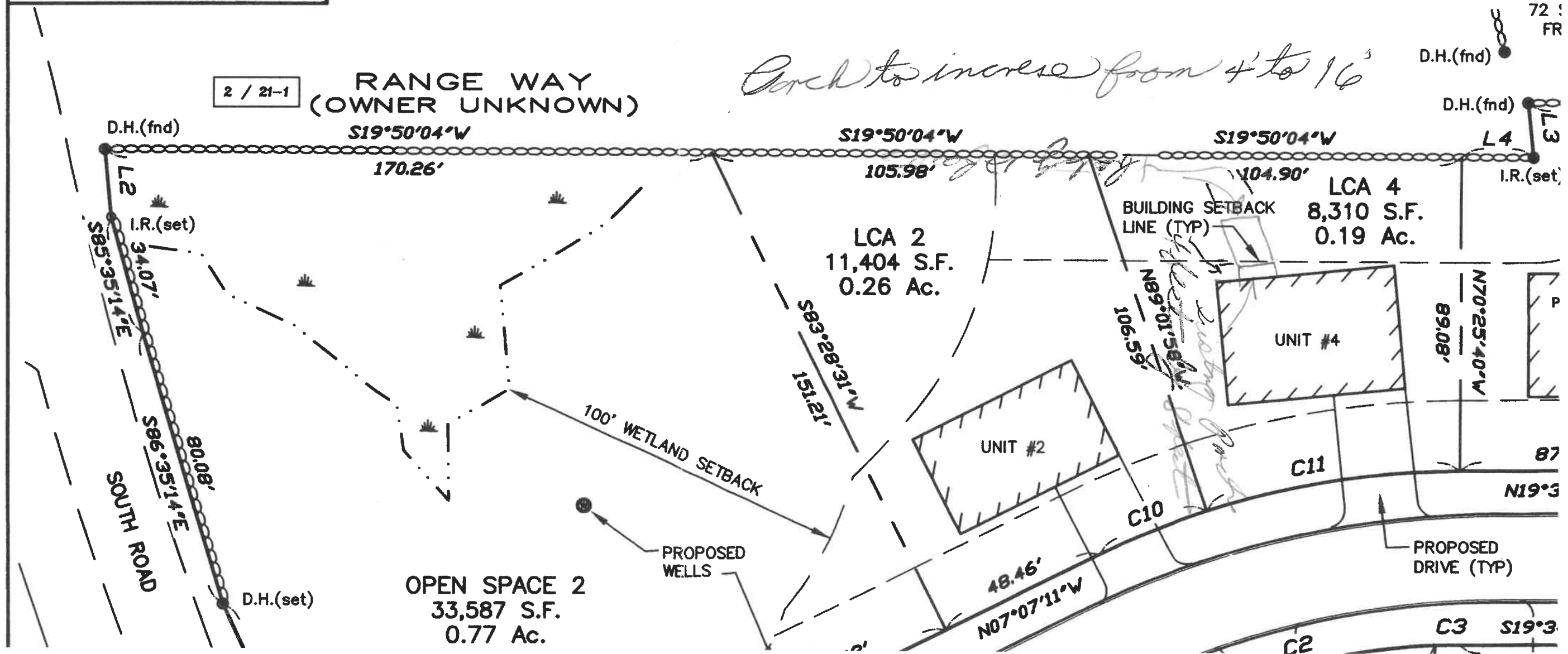
DRAWN BY: *[Signature]* FILE: MSA\2230\19-2230 CONDO
SCALE: 1" = 30' DATE: FEBRUARY 28, 2020

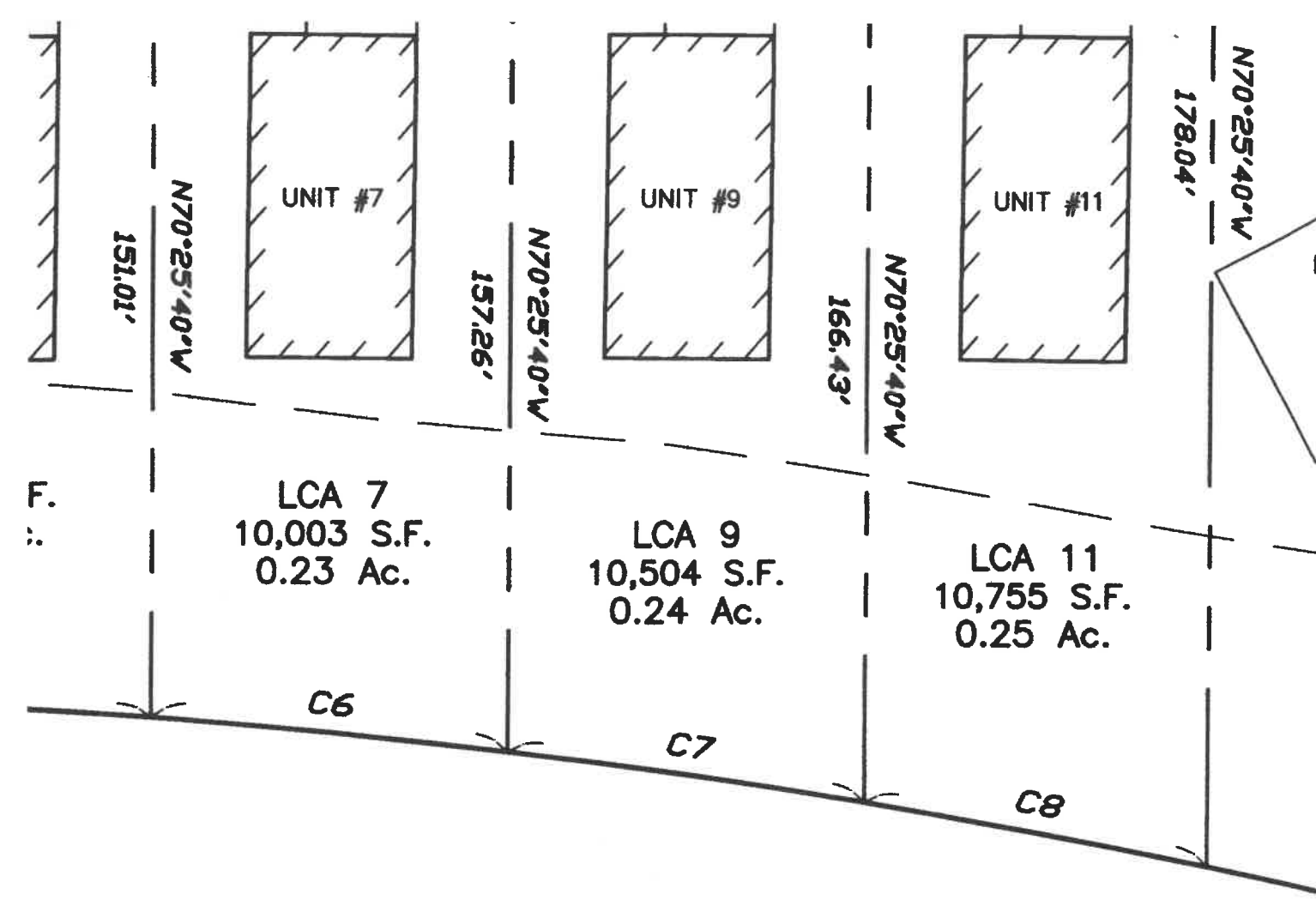
[Seal] **Mcneaney**
Survey
Associates
of NEW ENGLAND
P.O. Box 681 - 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911
SURVEYING - PLANNING - CONSULTING



No.	Central Angle	Radius	Arc Length	Chord Length	Chord Bearing
C1	88°45'59"	25.00'	38.73'	34.97'	S51°30'11"E
C2	24°31'38"	175.00'	74.91'	74.34'	S05°08'38"W
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C5	2°30'54"	1482.89'	65.09'	65.09'	N22°32'49"E
C6	2°31'24"	1482.89'	65.31'	65.30'	N25°03'58"E
C7	2°32'11"	1482.89'	65.65'	65.64'	N27°35'45"E
C8	2°27'27"	1482.89'	63.60'	63.60'	N30°05'34"E
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No.	Bearing
L1	N84°06'50"E
L2	S75°52'33"W
L3	S76°32'37"W
L4	S19°50'04"W





SEE SHEET 1 OF 2 FOR OPEN SPACE 3, NOTES AND REFERENCE PLANS

SHEET 2 OF 2

**CONDOMINIUM SITE PLAN
OF
CURRIER LANE CONDOMINIUMS
PREPARED FOR
DECM, LLC
TAX MAP 2, LOT No. 20
SOUTH ROAD
TOWN of FREMONT
COUNTY of ROCKINGHAM
STATE of NEW HAMPSHIRE**

DRAWN BY: KJF	FILE: MSA\2230\19-2230 CONDO
SCALE: 1" = 30'	DATE: FEBRUARY 28, 2020



"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."

"I HEREBY CERTIFY THAT THIS SITE PLAN IS ACCURATE AND COMPLIES WITH RSA 356-B:20 I. ALL UNITS DEPICTED HEREON HAVE NOT YET BEGUN."

3/6/20 *Kevin M. McEneaney*
DATE: / KEVIN M. McENEANEY LLS# 661



**McEneaney
Survey
Associates**
of NEW ENGLAND

P.O. Box 681 — 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911

SURVEYING — PLANNING — CONSULTING

BOARD
20
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20
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