

F 002-044

Case 22-004

confirm
setbacks

APPLICATION FOR SPECIAL EXCEPTION

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

RECEIVED
APR 26 2022

BY: 6

Do not write in this space.

Case # 022-004 0249

Date filed: 4-26-22

Hearing Date: 5-24-22

Total Fees Received: 489.45

Signed: [Signature]

ZBA

Name of applicant: Jitendra Patel

Address: 13A Pelican Circle, Derry, NH 03038

Phone: 603-479-5109 (Jiten82@comcast.com)

Owner: CHANDUBHAI Patel

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

Location of property

Map #

2

Lot #

44

6 DANVILLE Rd, Fremont, NH 03044

(street address)

Zoning District of Property:

Flexible Use Residential District / Main Street District

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 5 Section 503

Roof expansion to cover equipment. Expansion intrudes into side set back as shown in site plans.

Explain how the proposal meets the special exception criteria as specified in article 5 section 503

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

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

No longer permitted. Is permitted as existing non conforming use

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

yes

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

yes

Signed: C.D. Putty Date 4-26-22
(Actual property owner)

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:

- ☒ Letter of Denial – *email 4-14-22*
- ☒ ~~5 sets of plans~~ *8 copies*
- ☒ cover letter of intent
- ☒ current abutters list – *learned*
- ☒ proper check amount – *learned*
- ☐ letter of approval to allow representation *N/A*

FEE SCHEDULE

SPECIAL EXCEPTION

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

\$200.00 = \$ _____

ADVERTISING

(current rate of expense)

~~**\$115.00 = \$**~~ _____

125

ABUTTER NOTIFICATION (per abutter)

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

~~**\$12.59 = \$**~~ _____

14.95 each
TOTAL FEES SUBMITTED \$ *489.45*

see estimate detail

RECEIVED
APR 29 2022
BY: _____

RECEIVED
APR 26 2022
BY: *[Signature]*



6 Danville Road

Fremont, NH

April 26, 2022

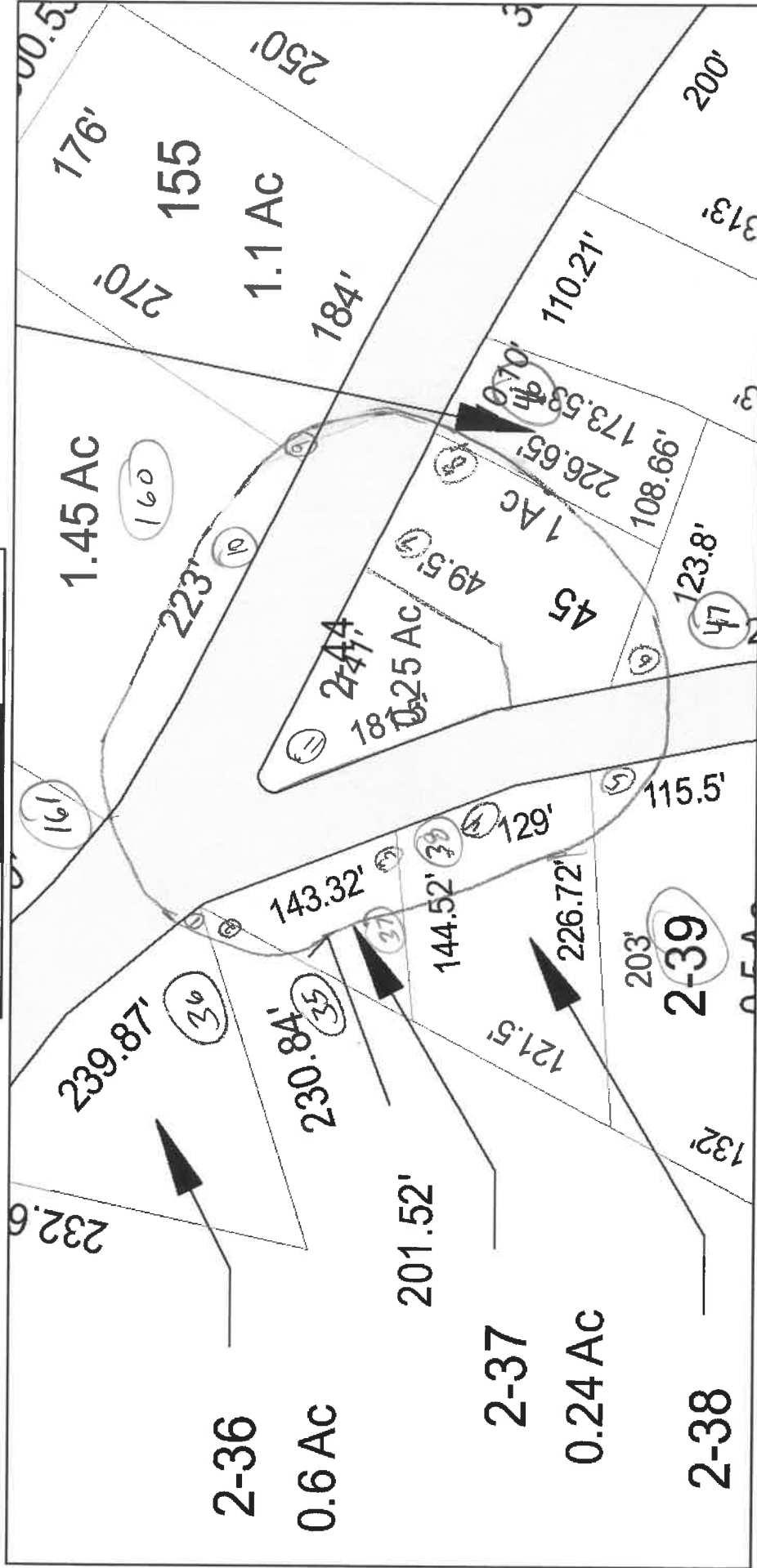
1 inch = 100 Feet



CAI Technologies

Professional Mapping & Surveying Solutions

www.cai-tech.com



DEED	tanno_poly
PL	Right of Ways
ROW	
SURVEY	

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.

FREMONT VILLAGE MARKET

6 DAN VILLE RD

FREMONT,NH,03044

Dear Zoning Board Committee Member

I have Business located on 6 Danville Rd , Fremont NH 03044. And I Am Here To Request To Put The Roof Over The Equipment Back Off The Building. The Reason For This Is To Preventing From Rain And Snow To The Equipment. It Will Make Equipment Last Longer And Low maintenance. Built The Roof Make Lot Easier To Keep The Snow Off In The Winter And Keep Everything Clean. I Will Be replacing the wooden dock and adding stone to the area beneath the new roof.

Thank You.

Latter Of Approval To Allow Representation

I, Chandubhai Patel, Owner Of Fremont Village Market.

Grant/Approve Jitendrakumar Patel To Represent Me In All Matters Related
To My Special Exception Application In The Town Of Fremont NH.

Owenr Name *Chandubhai Patel*

Owner Signature *CD Patel*

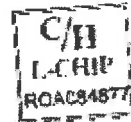
Date *4-26-22*

Return **MAIL TO**

Simip, LLC

6 Danville Road

Fremont NH 03044



035891

WARRANTY DEED

Stephen A. Gillingham, married, of 6 Danville Road, Fremont NH 03044 and Bruce C. Gillingham, married, of 6 Danville Road, Fremont NH 03044, for consideration paid grant to Simip, LLC, a New Hampshire Limited Liability Company, of 13A Pelican Circle, Derry NH 03038, with warranty covenants;

A certain tract of land with the buildings thereon, situate in Fremont, County of Rockingham, State of New Hampshire, bounded and described as follows:

Beginning at the Northwest corner of the conveyed land on the Southerly side of the highway known as Route 107, and by a driveway to the residence now or formerly of Wesley B. Bishop;

1. Southeasterly 3 rods to the center of a well by land now or formerly of Donald L. Duston and Virginia L. Duston;
2. Southwesterly from center of well by land now or formerly of Donald L. Duston and Virginia L. Duston to an iron pipe, at the highway leading from Fremont Depot to Danville, known as Route 111A (N.H.);
3. Northerly 11 rods by said N.H. Route 111A to the highway N.H. Route 107 leading from Fremont Depot to Brentwood;
4. by said N.H. Route 107 8 rods and 9 feet to the place of beginning.

Subject to Easement from Thomas K. Cumings and Shirley Fortier to Lewis N. Rizos, dated March 11, 1974 and recorded at Book 2217, Page 1348.

Meaning and intending to describe and convey the same premises conveyed to Stephen A. Gillingham and Bruce C. Gillingham by Warranty Deed from Edward E. Norling, dated October 2, 1990 and recorded in Book 2854, Page 37 of the Rockingham County Registry of Deeds.

This is not homestead property.

6 Danville Road, Fremont, NH 03044

Buyer Initials:

2010 AUG 25 AM 8:19

ROCKINGHAM COUNTY
REGISTRY OF DEEDS



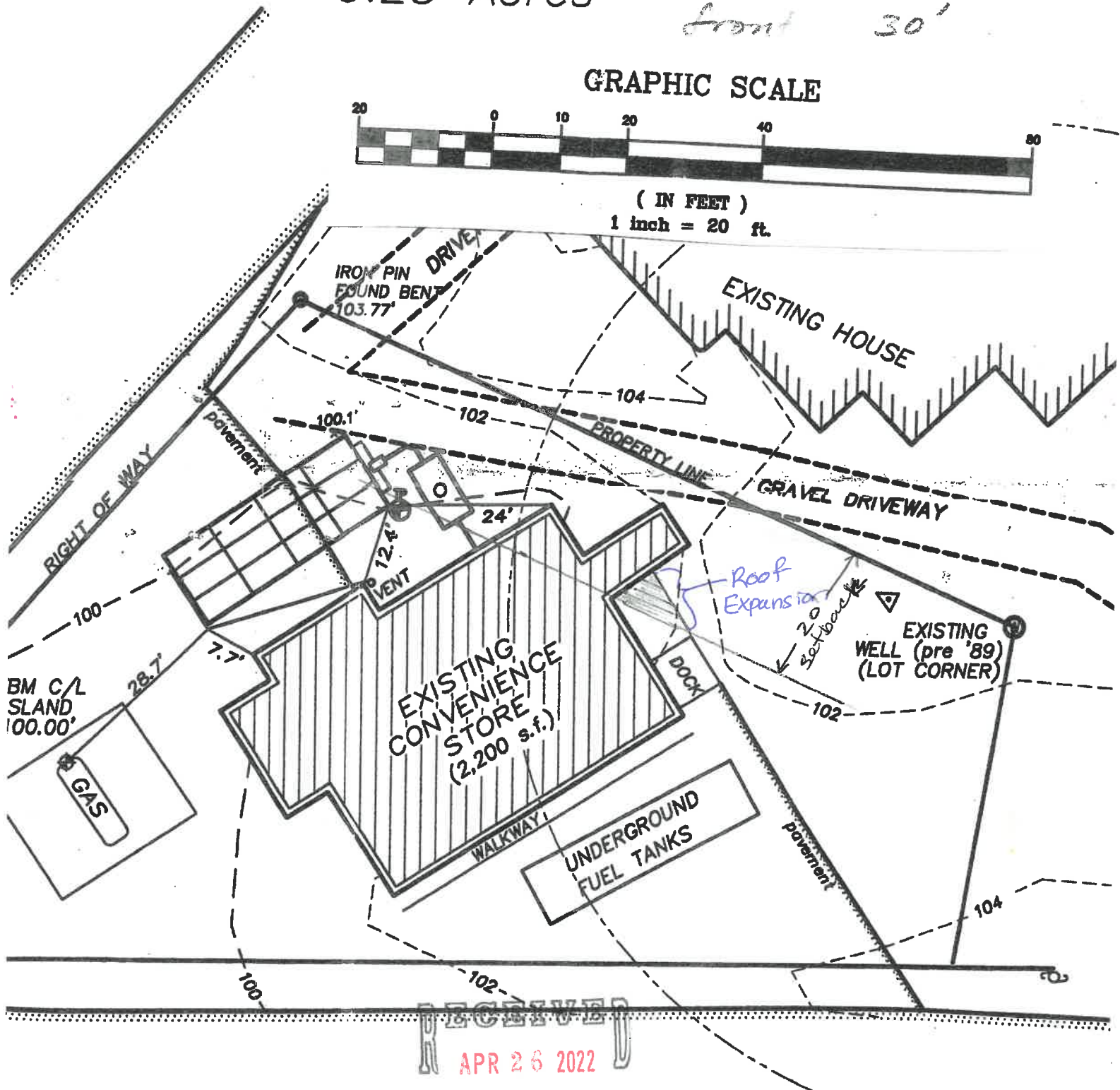
Tax Map 2
Lot 44
0.25 Acres

Setbacks
Side + rear 20'
front 30'

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.



RECEIVED
APR 26 2022

ROUTE 111A: DANVILLE ROAD

Leanne Miner

From: Leanne Miner
Sent: Thursday, April 14, 2022 1:58 PM
To: jiten patel
Cc: Building Inspector
Subject: RE: fremont village market

JT, I heard back from the County. If you expand a non-conforming structure (aka grandfathered) then the setbacks to be followed should be the ones closest to the date the lot was created. For you this is 1947 and the front setbacks were 30 and side and rear is 20. I'll give you a ring to walk through what we measured.

As an FYI - I noticed they did the same with the septic setbacks (using 1947 setbacks) which are 75 feet from a well, 10 feet from property line, and 100 from the road.

As far as our Site Plan Regulations go, the Planner felt that since the area is already impervious (dock is in place and ground compacted) then expanding the roof to cover the existing equipment and area does not constitute an expansion of use (ie. It's already impervious so no change in stormwater etc).

So if you go into one of the building setbacks highlighted above then in order to get a Building Permit you need to apply for (and obtain) a Special Exception from the ZBA. Please look over your project and markup the maps similar to how I did it for Larry to review.

Give me a call or stop by if you have any further questions.

Leanne Miner, landuse@fremont.nh.gov

Office Hours Tuesday and Thursday 11AM to 4PM or by appointment

Mailing Address: PO Box 120, Fremont NH 03044

Physical Address: 295 Main Street

Phone: (603) 895-3200, ext 306

From: jiten patel <jiten82@msn.com>
Sent: Thursday, April 7, 2022 1:45 PM
To: Leanne Miner <landuse@fremont.nh.gov>
Subject: fremont village market

*** This e-mail is from an external source. ***

hi this is jt from fremont village market can you please send me a form for process to get permit [thanks.my](#) phone is 6034795109 thanks.

Section 502 - Expansion of Non-Conforming Uses

Except as noted below, an expansion of a non-conforming use is prohibited except by variance by the Zoning Board of Adjustment.

A variance is not required if the expansion is a natural expansion which does not change the nature of the use, does not make the property proportionately less adequate, and does not have a substantially different impact on the neighborhood.

Section 503 - Expansion of Non-conforming Structures

Non-conforming structures may be expanded in accordance with the terms of a special exception issued by the Zoning Board of Adjustment, which must find the following factors to exist before issuing such a special exception:

- A. The proposed expansion must intrude no further into any setback area than does the existing structure.
- B. The expansion must have no further adverse impact on the view, light, and air of any abutter.
- C. The expansion must not cause property values to deteriorate.
- D. The expansion must not impede existing rights of access or egress.
- E. That portion of the proposed expansion, which will intrude into the setback must, in no event, exceed the footprint square footage of that portion of the structure which presently intrudes into the setback, regardless of the number of applications made over time under this subsection.
- F. In the event the non-conforming structure contains a commercial use, there must be no adverse impact on access, traffic, parking, lighting or other safety or visibility features of the existing structure.

A special exception under this subsection may be granted only as to expansions into the side, front, and rear setbacks, and is not available for expansions which violate height restrictions of this ordinance.

Section 504 - Discontinuance of Use

In the event that a non-conforming use is voluntarily discontinued for a period of one year, such non-conforming use shall be deemed abandoned and shall not be able to resume without compliance with the zoning ordinance or, alternately, without a variance from the zoning board of adjustment. Voluntary abandonment shall be evidenced by either of the following: discontinuance of the occupancy or nonconforming use for twelve (12) consecutive months with no ongoing attempts to sell or lease the property for its non-conforming use; or, failure to resume the nonconforming use within eighteen (18) months, even though there may be ongoing efforts to sell or lease the property for its non-conforming use.

Section 505 – Continuance of Use

505.1 All non-conforming structures and uses which predate the adoption or amendment of this ordinance may continue in their present use. These uses shall run with the land and may be transferred by sale or lease by present owner to future owners or lessees, subject to the other terms of this Ordinance which limit such non-conforming uses.

505.2 All new uses, changes of uses, expansion of uses or resumption of uses previously discontinued shall not be permitted until the property owner or authorized lessee has first made application to the Town of Fremont Code Enforcement Officer for an administrative decision seeking a determining whether a permit is required for such new, change, expansion or resumption of the non-conforming use or non-conforming structure under the terms of this ordinance. If a permit or other application is required, such use may not proceed until such application has been made a processed as required by town regulations and ordinances.

Section 506 – Junk Yards

No new junk yard or place for the storage of discarded machinery, vehicles or other materials shall be maintained in any part of said TOWN OF FREMONT unless written permit to make exception to this requirement is applied for by an applicant and granted by the Board of Selectmen. The Board of Selectmen before granting a permit shall consider the effect such a junk yard will have upon adjacent property and shall prescribe such conditions as in their judgment will prevent a nuisance or a danger to the health, safety and general welfare of the community.

Section 507 – New Commercial and Industrial Enterprises

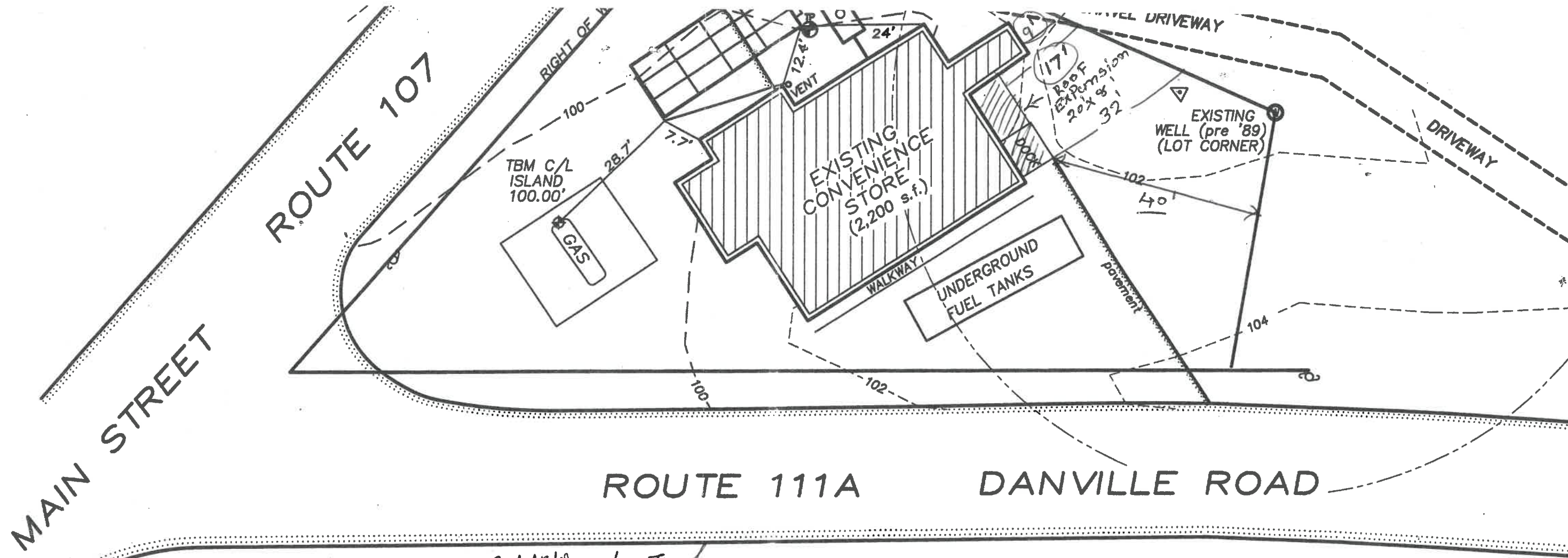
New commercial business or industrial enterprises shall be encouraged, provided that such commercial, business, or industrial enterprises will in no way be harmful to the general welfare of the community.

Section 508 - Manufactured Housing

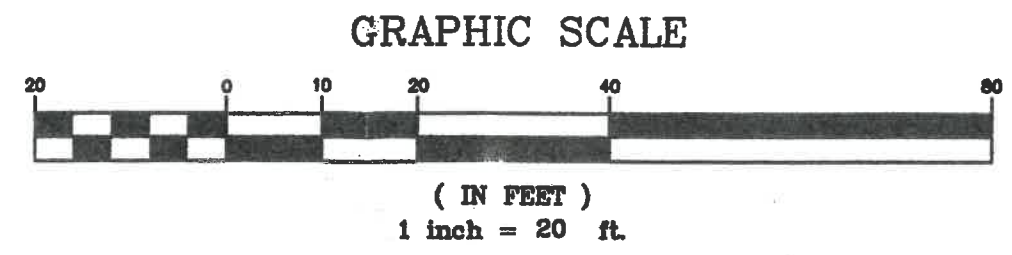
508.1 No new manufactured housing parks or expansions of existing manufactured housing parks shall be permitted.

508.2 Manufactured housing shall be allowed on individual lots under the following conditions:

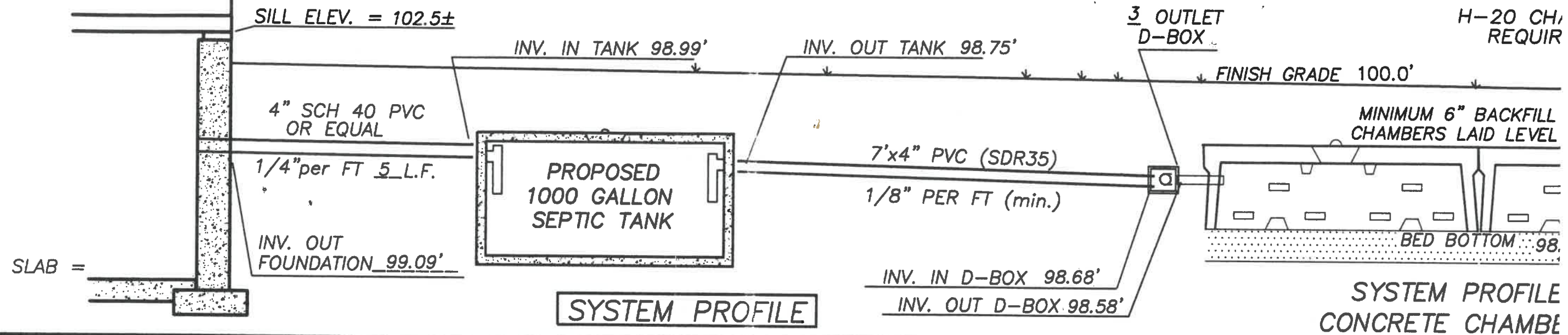
- A. All permanent manufactured housing shall be placed on a permanent foundation or on foundation piers.
- B. The design and construction of the permanent foundation of permanent foundation piers shall comply with current amended Building Codes at the time of construction.
- C. All manufactured housing to be placed on lots within the Town of Fremont shall be certified as US Department of Housing & Urban Development (HUD) approved.



Additional Info
 Dock Wood
 Bare ground Under Roof
 Adding Stone -
 → Existing Room is 9' From the Setback.
 → NEW Roof is 41'-48' Setback From (Danville Rd)
 17'- From the rear. Setback.
 40' From the Side. Setback.



RECEIVED
 APR 26 2022
 BY:



THIS LOT WAS CREATED PRIOR TO 1940.

ARTICLE IV SECTION 9. ANY LOT EXISTING AT THE EFFECTIVE DATE OF THIS ORDINANCE LAWFULLY CREATED BY DEED OR RECORDED PLAN AT THE ROCKINGHAM COUNTY REGISTRY OF DEEDS SHALL BE EXEMPT FROM THE LOT SIZE, FRONTAGE, AND STRUCTURE SETBACK STANDARDS OF THIS ORDINANCE; PROVIDED THAT EACH SUCH LOT, AND STRUCTURE THEREON SHALL COMPLY WITH THE LOT SIZE, FRONTAGE, AND STRUCTURE SETBACK STANDARDS IN EFFECT AT THE TIME OF THE CREATION OF THE LOT. EACH SUCH LOT AND STRUCTURE SHALL COMPLY WITH ALL OTHER PROVISIONS OF THIS ORDINANCE.

1947 setbacks 30' front 20' side + rear

PROVIDED FURTHER THAT LOTS EXISTING PRIOR TO MARCH 5, 1974 SHALL BE EXEMPT FROM ARTICLE IV. SECTION 8 PROVIDED THAT THEY MEET THE SPECIFICATIONS OF THE STATE OF NEW HAMPSHIRE WATER SUPPLY AND POLLUTION CONTROL COMMISSION FOR INSTALLATION OF WATER SUPPLY AND SEPTIC SYSTEMS.

THIS PROPERTY IS NOT IN THE FREMONT AQUIFER PROTECTION.

THIS PROPERTY IS NOT IN THE FREMONT SPECIAL FLOOD HAZARD AREA.

SEPTIC SETBACKS ARE;
75' FROM WELL
10' FROM PROPERTY LINE
75' FROM WETLAND

Tax Map 2
Lot 44
0.25 Acres

