

Town of Fremont
Zoning Board of Adjustment
PO BOX 120
Fremont, NH 03044-0120

RE: Variance Application for 34 Tibbetts Road

It is our intent to seek a special exception to Article 12 Section 1203.8C and Article 12 Section 1201.5.

My wife and I recently purchased the property at 34 Tibbetts Road for making this a residence for our daughter and her new family. While reviewing renovation plans, we realized that renovating the existing home was unusable in its current design. We are seeking these Variance to simply square off the house in order to put on a roof that will be in code as well as add a basement to accommodate any projected flooding that might occur in the future due to the rivers proximity.

Our plan is to simply straighten the walls nearest to Tibbetts Road which will allow us to:

- Expand the bedroom nearest to the street.
- Raise the ceiling height for the rooms to become more usable.
- Redesign the roof and its pitch
- Update a utility room for a furnace and water pump for the well.
- Create a much more appealing home for the neighborhood.
- Overall better use of the property and its space.

The proposed expansion of approximately 36 Sq. feet will be gained by squaring off one corner of the home and filling in a jog in the outline.

We believe the request is a reasonable one and will not expand the house any closer to our neighbor's property line. It will improve the value of the property and the surrounding properties by increasing the curb appeal. The changes to the house will not affect the neighborhood character but will allow us to use the property and space much more effectively. The renovation will not block anyone's view of the river, nor hamper access or egress.

Thank you for your consideration,

Joseph Seluk
12 Evelyn Noyes Lane
Chester, NH 03036

April, 2021

Letter of intent

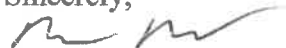
RE: Special Exception
Joseph Seluk
12 Evelyn Noyes Lane
Chester, NH 03036

Dear Sirs:

We are applying for a Special Exception for the above client to replace a house at Tax Map 7 lot 6 at 34 Tibbetts Road, Fremont, NH.

If you have any questions, please feel free to contact me. Thank you.

Sincerely,



Roscoe Blaisdell, owner agent
22 Scribner Road
Raymond, NH 03077
603-895-9947



APPLICATION FOR SPECIAL EXCEPTION

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

Special Exception
App Rec'd 4-13-21

Do not write in this space.

Case # 021-004

Date filed: 4-13-21

Hearing Date: 5-25-21

Total Fees Received: 684-

Signed: [Signature]

ZBA

*1 Special
Exc
2 variance*

Name of applicant: Joseph Seluk

Address: 12 Evelyn Noyse Lane Chester NH 03036

Phone: 603 545 1637

Owner: Same

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

Location of property Map # 7 Lot # 6

34 Tibbitts Rd Fremont
(street address)

Zoning District of Property: Residential

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

TAKEN DOWN EXISTING HOUSE AND REBUILD IT WITH
A SLIGHTLY LARGER HOUSE NO CLOSER TO TOW LOT LINES

↑ the
expanding inside
set back (M)

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

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

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

NO

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 Sec 503 E portion expanding into set back
does not exceed the portion in set back

Signed: _____

(Actual property owner)

Date _____

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
- ☒ 6 sets of plans
- ☒ cover letter of intent
- ☒ current abutters list
- ☒ proper check amount
- ☐ 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 = \$ _____

ADVERTISING

(current rate of expense)

\$115.00 = \$ _____

ABUTTER NOTIFICATION (per abutter)

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

\$ 12.59 = \$ _____

TOTAL FEES SUBMITTED \$ 684.00

*See
Fee
Summary*



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 # 021-004

Date filed: 4-27-21 pending Letter of Intent

Hearing Date: 5-25-21

Total Fees Received: 684 - 2 variance / 1 Spec Exe

Signed: [Signature]

ZBA

Location of property Map # 7 Lot # 6

ZONING INFORMATION

Zoning District of Property: Residential

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

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

Name of applicant: Joseph Seluk

Address: 12 Evelyn noye Lane Chester NH 03036

Phone: 603 545 1637

Other contact information: _____

Name of owner: SAME

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

Address: _____

Phone: _____

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 12 Section 1203.8C of the Zoning Ordinance to permit:

To permit greater than 15% of impervious surface

Facts supporting this request:

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

It would not diminish any of the abutters property values and would enhance the property values. The proposed work will not alter the essential character of the neighborhood

2. The spirit of the ordinance is observed because;

The construction would only square off a corner of the house outline. It would not extend any further into the setback area and will not impose any form of hazard, neighboring properties will be enhanced and will not cause injury to the public.

3. Substantial Justice is done because;

To grant this variance would not cause any harm to the general public or neighboring properties or other individuals. The neighboring properties would benefit with improved values and appearance.

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

The visual curb appeal of the house will be greatly increased. A better design will give the property a more appealing look and will enhance the neighborhood property values. Neighborhood values are not diminished but improved.

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;

This property has special conditions because it is smaller than neighboring properties therefore the problem is unique to this property. The restriction if applied, do not serve that purpose in a fair and substantial way.
AND;

(ii) The proposed use is a reasonable one.

The change in land use is minimal a 36² ft. increase in the coverage of the land. The change will not affect the character of the property OR nor the neighborhood.

(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.

The distinguishing factor of our property is the small size in relation to neighboring properties. Due to its small size we are unable to be in strict conformance with the ordinance. A variance would allow us to have reasonable use of the property

Signed: _____

(Actual property owner)

APPLICATION FOR VARIANCE

A Variance is requested from Article 12 Section 1201.5 of the Zoning Ordinance to permit:

~~Build~~ Expand my building within the watershed protection district.

Facts supporting this request:

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

The entire lot is within the watershed protection area. the proposed use would not alter the Character of the land nor the neighborhood.

2. The spirit of the ordinance is observed because;

The renovation would maintain the essential Character of the neighborhood the expansion would not cause any public health or safety threat, public rights would not be injured in any way.

3. Substantial Justice is done because;

The neighborhood and neighbors would benefit from the improvement to the properties appearance, condition and value

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

it will add value to properties on street

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;

Compared to other properties on the street our lot is one of the smallest making it distinctively unique. Due to the properties limited size the restrictions do not serve that purpose in a fair way.

AND;

(ii) The proposed use is a reasonable one.

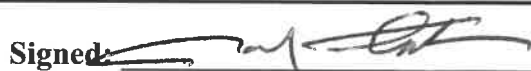
Our plan is to square off the corner of the building filling in the jogs and angles of the building and correct many defects!

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.

The property's size creates a special condition that only this property has a variance would allow reasonable use of the property allowing minimal changes to the footprint while addressing construction issues.

Signed:



(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 *(incomplete)*
- ☒ 6 sets of plans
- ☒ cover letter of intent *(due 4/29/21)*
- ☒ current abutters list
- ☒ proper check amount
- ☒ *N/A* 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 = \$

See spreadsheet

ADVERTISING

(current rate of expense)

\$115.00 = \$

ABUTTER NOTIFICATION (per abutter)

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

\$ 12.59 = \$

TOTAL FEES SUBMITTED = \$

**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.



3-29-21
Joe Seluk
12 Evelyn Noise Lane
Chester, NH 03036

TOWN OF FREMONT
Building Inspector/Code Enforcement
PO Box 120
Fremont NH 03044-0120

Telephone 603 895 3200 x 309
Facsimile 603 895 3149
BuildingInspector@fremont.nh.gov

RE: Parcel 7-006
34 Tibbetts Road
Fremont, NH 03044

Having reviewed your request for a building permit to replace the existing building as well as to add onto a nonconforming building lot, I am denying the said building permit because it is not in compliance with Fremont zoning Ordinances.

You need a special exception to Article 5 Section 503, to build what you are proposing at 34 Tibbetts Road. Nonconforming structures may be expanded in accordance with terms of a special exception issued by the Zoning Board of Adjustment.

Laurence A. Miner

Building Inspector, Code Enforcement



100 foot Abutters List Report

Fremont, NH
March 25, 2021

Subject Property:

Parcel Number: 007-006-000-000 ✓
CAMA Number: 007-006-000-000 ✓
Property Address: 34 TIBBETTS ROAD

Mailing Address: DILL, AMY E
978 RYAN ROAD
FLORENCE, MA 01062-3676

Abutters:

Parcel Number: 007-004-000-000 ✓ *Krista A*
CAMA Number: 007-004-000-000 *Lamontagne*
Property Address: 26 TIBBETTS ROAD

Mailing Address: ~~COLMER, AMY~~ *Krista A. Lamontagne*
26 TIBBETTS ROAD
FREMONT, NH 03044

Parcel Number: 007-005-000-000 ✓
CAMA Number: 007-005-000-000 *Gabriel & Sharon Percival*
Property Address: 30 TIBBETTS ROAD

Mailing Address: ~~GOLDEN, SEAN~~ *Percival*
30 TIBBETTS ROAD
FREMONT, NH 03044

Parcel Number: 007-007-000-000 ✓
CAMA Number: 007-007-000-000
Property Address: 38 TIBBETTS ROAD

Mailing Address: ~~BERGERON, ADAM~~
38 TIBBETTS ROAD
FREMONT, NH 03044

Parcel Number: 007-008-000-000 ✓
CAMA Number: 007-008-000-000
Property Address: 42 TIBBETTS ROAD

Mailing Address: ~~SILVA, KEVIN H & NANCY~~
4 WALDINGFIELD ROAD
GEORGETOWN, MA 01833

Parcel Number: 007-022-002-000 ✓
CAMA Number: 007-022-002-000
Property Address: 53 TIBBETTS ROAD

Mailing Address: ~~MILLER, IAN & JASMINE~~
53 TIBBETTS ROAD
FREMONT, NH 03044

Parcel Number: 007-029-000-000 ✓ *140*
CAMA Number: 007-029-000-000
Property Address: 26 TIBBETTS ROAD

Mailing Address: ~~COLMER, AMY~~ *Krista Lamontagne*
26 TIBBETTS ROAD
FREMONT, NH 03044

Parcel Number: 007-030-000-000 ✓ *140*
CAMA Number: 007-030-000-000
Property Address: 30 TIBBETTS ROAD

Mailing Address: ~~GOLDEN, SEAN~~ *Percival*
30 TIBBETTS ROAD
FREMONT, NH 03044

JOSEPH SELVIE
12 EVELYN NOYES LANE
CLUSTER NH 03036

BLAISDELL SURVEY, LLC
77 SENIORS ROAD
RAYMOND, NH 03077



www.cai-tech.com

3/25/2021

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