

Present: Chair Doug Andrew, Vice Chair Dennis Howland, Member Jack Downing, Member Todd O'Malley, Alternate Member Josh Yokela, and Land Use Administrative Assistant Casey Wolfe

Also Present: Kristin Spellman

Mr. Andrew opened the meeting at 7:00 pm.

I. Minutes

Mr. Howland made a motion to accept the minutes of September 26, 2017. Mr. Downing seconded the motion. The motion passed 4-0-0.

II. New Business

Case # 017-0010/Variance

Kristin Spellman seeks a variance to the terms of Article IX Section 901 of the Fremont Zoning Ordinance to permit the construction of an eight by twelve foot shed in the 30-foot side property setback at 3 Beach Street, Map 7 Lot 72

To fill in for Mr. Janvrin, Mr. Andrew appointed Mr. Yokela as a voting member for this meeting. Mr. Andrew read the case into the record. Ms. Kristin explained that her property is very small and that she does not have the room to place a shed on her property without encroaching into a setback. This is a corner lot right across from the beach. In the pictures that Ms. Spellman provided, the orange stakes mark where she would like her shed to be built. Due to the septic system, she is unable to place the shed on the other side of her lot. Because the proposed shed is less than 100 square feet, the structure does not need a building permit. Ms. Wolfe passed out the septic plan for the lot to the Board members. There was some discussion about which side of the house is the front. Mr. Howland felt that he needed to take a look at the site.

Ms. Wolfe read the two submitted comments to the Board. The Fire Chief wrote, *"I don't have a problem with this as long as it doesn't hinder access for the Fire Department."* The Building Inspector wrote, *"I went out to look at this lot at 3 Beach Street. It is a tiny postage stamp lot, between the home, driveway, and septic I do not see where they could put it. That development, if memory serves me well, was Duston Shores, subdivided in 1953 along the riverside. The other roads were between 1953 and 1957. Long after our 1947 Zoning that had, 'must meet the setbacks unless unnoticed.' I do not believe that adding a shed there would meet the 30% rule (building, drive, septic & accessory), not sure where that is in the New Zoning but under Aquifer 1203.6 maximum lot coverage can be no more than 10%. I think they are over that now. Building code says all structures must be ten feet back from the property line and I do not see it meeting that either. It is in the aquifer."*

There was a discussion about the applicant needing a second variance. According to the property's tax card, the lot is .11 acres. The lot already has more than 10% covered. There was

some discussion about a second notice for the second variance requirement. Mr. Howland made a motion to continue the case to Saturday, December 9th for a 9:00 am site walk. Mr. Downing seconded the motion. The motion passed 5-0-0. Ms. Spellman left at 7:43 pm.

III. Other Business

The Board looked over the judge's decision for the *Galloway vs. Town of Fremont* case that went to Superior Court. Mr. Howland commented that the judge made his decision by looking at the strict letter of the law. Mr. Howland made a motion to go into non-public session per RSA 91-A:3(l) for the purpose of discussing a legal matter. The motion was seconded by Mr. Downing. The motion passed by a unanimous roll call vote. Mr. Howland made a motion to leave non-public session. Mr. Yokela seconded that motion. The motion passed with a unanimous roll call vote.

Mr. Yokela made a motion to accept Town Counsel's recommendation to not appeal the Court's decision or file for a reconsideration. Mr. O'Malley seconded the motion. The motion passed 5-0-0.

There was a brief discussion about the fees for Ms. Spellman's second variance request. The Board mentioned partially waiving some of the fees due to the Town.

Mr. Yokela made a motion to adjourn at 8:17 pm. Mr. Howland seconded the motion. The motion passed 5-0-0.

Respectfully Submitted,

Casey Wolfe
Land Use Administrative Assistant