

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

Also Present: Scott Barthelemy and Roscoe Blaisdell

Mr. Andrew opened the meeting at 6:59 pm.

I. NEW BUSINESS

Case # 017-009/Variance

Scott and Brenda Barthelemy seek a variance to the terms of Article IX Section 902 of the Fremont Zoning Ordinance to permit the creation of a 2 acre building lot with no road frontage when 200 feet of road frontage is normally required at 154 Martin Road, Map 6 Lot 21

Mr. Andrew appointed Mr. Yokela to be a voting member, due to Mr. Janvrin's absence. Mr. O'Malley is also absent from this meeting. Mr. Andrew read the case into the record. Mr. Andrew informed the applicant that there are only four voting members present at tonight's meeting. The applicant does have the right to wait for a full Board. Mr. Barthelemy stated that he is willing to have his case heard by the four voting members. Mr. Barthelemy informed the Board that he would like to create a single family lot for his son from his existing 80 acre lot. Mr. Blaisdell explained that the lot straddles the Epping-Fremont town line with about 40 acres on each side. Mr. Barthelemy accesses his lot on the Epping side. There is about 1,500 feet of road frontage in Epping on Martin Road with no frontage in Fremont. The Epping side of the lot has a high water table, so the new home is proposed to go behind the existing home. There would be a shared driveway that splits to each of the houses. Mr. Roscoe showed the Board an aerial image of the lot. He stated that another option for the applicant would be to ask for a variance to have two dwelling units on the same lot.

Mr. Andrew asked if there would need to be a second variance request for the building permit for the new home, separate from the variance request for the new lot. The rest of the Board said no. Mr. Howland felt that this would be a simpler case if the lot was only in one town. Mr. Andrew stated that the proposal could create a hardship if the house is to be sold in the future. Mr. Yokela stated that it is unusual for a house to be on a lot with no frontage. Mr. Howland stated that the deed would need to have some kind of provision that would allow access to the lot. Mr. Blaisdell stated that there would need to be a driveway easement and a power easement drafted by an attorney and then reviewed by the town's attorney so that no one is hurt down the road. Mr. Barthelemy stated that it would ultimately hurt him and not the Town if he were unable to sell the home in the future. Mr. Blaisdell explained that a driveway easement would be created. The driveway is about 1,800 feet.

Ms. Wolfe read the comment made by the Fire Chief into the record, "*What is the access to the lot from Martin Road, if it is a driveway, what is the proposed width and is there a turnaround area/hammerhead for fire apparatus and how is it going to be identified from the road?*" Mr. Blaisdell responded that Mr. Barthelemy would extend his driveway by about 200 feet and then

put a hammerhead on that extension. Mr. Barthelemy stated that two cars can pass on the driveway now. Mr. Blaisdell stated that there is no drop-off in the sides of the driveway and that it is flat on either side. Mr. Blaisdell stated that there is a fire pond between the two houses that the Fire Chief has seen before. Mr. Blaisdell went through each of the five criteria, *“The variance will not be contrary to public interest because the lot will not be near any abutting residences. The spirit of the ordinance is observed because sometimes meeting the rules of zoning is not achievable. Substantial justice is done because the owner’s son will be able to live in his own house at the family farm. The values of the surrounding properties are not diminished because the proposed house and lot will not be near any abutting houses. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because the lot will meet all other town standards and the owner’s son will be able to continue living at the family farm.”*

Mr. Andrew asked if the two acre lot can be created on the Epping side of the lot with road frontage. Mr. Blaisdell stated that that side of the lot is agricultural land and wetlands. Mr. Yokela stated that there would still be access to the new lot even though there is no road frontage in Fremont. He felt that this certainly was an unusual lot. Mr. Howland stated that he would want the necessary easements to be in place and he would want to be sure that the driveway could support fire equipment. Mr. Downing stated that the driveway is basically a road. Mr. Barthelemy stated that the Fire Department has been out there before. Mr. Howland stated that the other possible variance the applicant could request would be a variance from Article IX Section 903, the ordinance that does not allow more than one single family dwelling on a single lot. Mr. Andrew opened up the discussion to the public. There were no comments. There was a discussion about easements. Ms. Wolfe stated that the Town Administrator mentioned having a condition that the lot can no longer be subdivided. Mr. Howland and Mr. Yokela did not think that this was a good idea. Mr. Howland made a motion to approve the variance request to permit the creation of a two acre building lot with no road frontage with the condition that all of the necessary easements are satisfactory with town counsel. Mr. Downing seconded the motion. The motion passed 4-0-0.

II. MINUTES

Mr. Yokela made a motion to approve the July 25, 2017 minutes with corrections. Mr. Downing seconded the motion. The motion passed 4-0-0.

Mr. Yokela made a motion to approve the August 22, 2017 minutes as written. Mr. Downing seconded the motion. The motion passed 4-0-0.

Mr. Yokela made a motion to adjourn the meeting at 7:46 pm. Mr. Downing seconded the motion. The motion passed 4-0-0.

Respectfully Submitted,

Casey Wolfe
Land Use Administrative Assistant