

Present: Chairman Doug Andrew, Vice Chairman Dennis Howland, Members Neal Janvrin, Jack Downing, and Todd O'Malley, Alternate Member Josh Yokela, and Recording Secretary Casey Wolfe.

Also present: Bill Currier, Roscoe Blaisdell, Frank Quinn, Wayne Campbell, Ann Campbell, Arleigh Greene, Renee King, Randy Grasso, Cindy Grasso, & Travis Baum.

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

## **I. Minutes**

Mr. Andrew made a motion to approve the minutes of January 24, 2017. Mr. Downing seconded the motion with all in favor.

## **II. New Business**

### **Case # 017-002/Variance**

Mr. Currier seeks a variance to the terms of Article IV, Section 2 of the Fremont Zoning Ordinance to permit the creation of a new lot with road frontage of 151.38 feet where 200 feet is normally required at Map 1 Lot 48.

Mr. Andrew read the public notice: *"In accordance with NH RSA 676:7, you are hereby notified that the Fremont Zoning Board of Adjustment will hold a Public Hearing at 7:00 pm on Tuesday February 28<sup>th</sup>, 2017 at the Fremont Town Hall, 295 Main Street, Fremont NH, concerning a Variance to the terms of Article IV, Section 2 of the Fremont Zoning Ordinance to permit the creation of a new lot with road frontage of 151.38 feet where 200 feet is normally required. The existing lot is at Map 1 Lot 48. Said property is owned by Bill & JoAnne Currier and is located on 366 Sandown Road in Fremont, NH. You are invited to attend in person or by counsel or agent. Written comment will be accepted up until the date of the Hearing. A copy of the plan can be viewed at the Fremont Town Hall during regular business hours. Please contact Casey Wolfe at [fremontpz@comcast.net](mailto:fremontpz@comcast.net) or at (603) 895-3200 X 17 on Tuesdays and Thursdays with any questions."*

Ms. Wolfe stated for the minutes that the notice was posted around town on February 7<sup>th</sup>, mailed to the abutters on February 14<sup>th</sup>, and published in the Union Leader on February 10<sup>th</sup>. Ms. Wolfe also read the facts supporting the request of the application.

Mr. Andrew read the department comments that were submitted. The Selectmen/Town Administrator wrote: *"Concerns about wetlands and carving around this now vs when original subdivision was done. The problem of lack of frontage was created by the owner at first seven lot subdivision. Access via easement can be a long term issue. House numbering will change to "rear" and may affect both existing house and new construction. Review past subdivision for condition and terms."* Police Chief wrote: *"No issues."* The Road agenda wrote: *"Driveway must conform to all driveway regulations. Within Town ROW 18-foot minimum with at ROW."* The code enforcement officer wrote: *"This lot is already non-conforming regarding the required 200-foot frontage. I see no reason to allow an additional lot with non-conforming frontage."*

Mr. Blaisdell introduced himself to the Board. He is the surveyor hired by Mr. Currier for this project. Mr. Currier has been on the land since 2004 and is looking to downsize. The smaller road frontage has been like this for a long time. It has been a driveway since the 60's for the tree farm that operated on the property. There is plenty of buildable space for the new lot. Forty-three acres of the original lot is in conservation. This area will not be touched. The 200 feet of frontage was not required back when the original subdivision took place. The Wetlands Reserve Program has been holding the conservation easement since 2012. The new lot will be about nine acres. Mr. Howland brought up that there will need to be a driveway easement for the shared driveway. The Zoning Board felt that a site walk is probably not necessary. The Board considered attaching a condition that this can be the only time that the property gets subdivided. Mr. Yokela felt that this could be an issue if the easement was ever lifted. Mr. Howland explained that it is very difficult for conservation easements to be lifted. Mr. Roscoe suggested using the language, no more building lots" in the conditions. Mr. Janvrin made a motion to grant the variance with the condition that no further building lots will be created from this parcel after this one. Mr. Downing seconded the motion. The motion passed 5-0-0.

### **III. Other Business**

#### **Rehearing Request – Mr. Galloway submitted a Motion for Rehearing of the granting of an appeal issued on January 24, 2017**

Mr. Yokela proposed asking for a letter from the Planning Board that explains how they got to their decision that a concrete reprocessing plant is an allowed use in the Corporate Commercial District. The ZBA members went over some points that were made in Mr. Galloway's Motion for Rehearing. Mr. Howland stated that a variance for the use was never brought to the ZBA. Mr. Andrew did not feel that there was any new information for the ZBA to consider. Mr. Howland asked if the Planning Board could vote on the use tomorrow night. Ms. Wolfe said that it is too late for the Planning Board to address this in that fashion. Mr. Andrew, Mr. Janvrin, and Mr. O'Malley all felt that they made the right decision the first time. Mr. Howland stated that it was not the original intention to have the industrial use down Shirkin Road. A pile of debris is not a good selling point for the district. Mr. Downing did not have a problem with this use in the Corporate Commercial district. He would have a site plan and would have to answer to the Planning Board. Mr. Janvrin made a motion to deny the rehearing. Mr. O'Malley seconded the motion. The motion passed 3-1-1.

Mr. Howland made a motion to adjourn the meeting at 7:39 PM. Mr. Janvrin seconded the motion with all in favor.

Respectfully Submitted,

Casey Wolfe  
Recording Secretary