

Present: Chair Doug Andrew, member Jack Downing, alternate member Josh Yokela, and Land Use Administrative Assistant Casey Wolfe

Also Present: Peter and Lisa Marggraf

Mr. Andrew opened the meeting at 7:05 pm.

I. Minutes

Mr. Downing made a motion to accept the minutes of June 26, 2018 and the site walk minutes of July 1, 2018. Mr. Yokela seconded the motion. The motion passed 3-0-0.

II. Continued Business

Case #018-006/Variance

Peter and Lisa Marggraf seek a variance to the terms of Article XII Section 1201.5 of the Fremont Zoning Ordinance to permit the construction of a garage 62 feet from a wetland when a 100-foot setback is normally required at 110 Gristmill Road, Map 2 Lot 173-18.

Mr. Andrew read the case into the record. Mr. Marggraf explained that since the last meeting, he and his wife have re-written their answers to the five criteria for a variance. Mr. Andrew asked if there were any more comments from other departments. After a short recess, Ms. Wolfe grabbed a new comment from the Conservation Commission from of her office. The comment stated, *“Construction of a garage to house equipment will decrease any impacts from potentially leaky equipment that may enter the wetland. The construction of a garage within the 100-foot buffer will increase runoff to the wetland area. Runoff from the new garage should be managed by an engineered control (e.g., swale, berm, rain garden, or other engineered control). Refer to NHDES website for best stormwater management practices.”*

Mr. Andrew read through the new answers for the criteria that the applicant submitted. The variance will not be contrary to the public interest because, *“No harm will come to public interest. Garage will be for personal storage. Structure presents no threat to public safety.”* The spirit of the ordinance is observed because, *“Structure will not impact neighbors attempting to follow goals of zoning ordinance only impacting distance from wetlands not neighbor’s property.”* Substantial justice is done because, *“Variance will allow property owners to use residential property in a conventional way.”* The values of the surrounding properties are not diminished because, *“Homeowners will no longer have a tractor, trailer, 4-wheeler and lawn mower outside. They will be stored inside. Structures will increase property value and positively impact neighbor’s property.”* 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, *“Homeowners face a hardship due to no other place on the property appropriately away from the wetlands. Suggested location is the only location on the property that a garage can be built.”* The proposed use is a reasonable one, *“Property is surrounded by wetlands. Reasonable request to want a garage on property.”*

Mr. Yokela did not feel that a berm would be necessary. He felt that gutters to direct the water outside of the wetland setback would be better. Mr. Andrew explained to the applicant that he has the right to a full Board and can wait for a full Board if he wants to. For the variance to pass, he would need three positive votes. Mr. Marggraf stated that he would like the members to vote on his issue tonight. Mr. Yokela made a motion to grant the variance to allow a garage 62 feet from a wetland when a 100-foot setback is normally required with the condition that gutters are installed on the structure that release water outside the 100-foot buffer. Mr. Downing seconded the motion. The motion passed 3-0-0.

Ms. Wolfe explained that the Town likes to record notices of decision at the registry of deeds. She will contact the applicant to get fees in place so that the notice can get recorded.

Mr. Yokela made a motion to adjourn the meeting at 7:19 pm. Mr. Downing seconded the motion. The motion passed 3-0-0.

Respectfully Submitted,

Casey Wolfe
Land Use Administrative Assistant