

Board Members Present: Chair Doug Andrew, Members Neal Janvrin, Todd O'Malley, Joshua Yokela

Also present:

Leanne Miner, Land Use Administrative Assistant; Applicant Marc Bernier, Faire Manager

I. WELCOME

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

II. MINUTES

Mr. Janvrin made a motion to approve the meeting minutes from February 22, 2022. Mr. O'Malley seconded the motion and the motion passed 3-1-0 (Yokela Abstaining).

III. NEW BUSINESS

Case 022-003 - Public Hearing Map 6, Lot 35 – Variance Request

Applicant Three Maples Renaissance Corporation of Rochester, NH is requesting a Variance to the terms of Article 7 of the Fremont Zoning Ordinance to permit the New Hampshire Renaissance Faire to take place annually for two (2) weekends in May on a residential property. Said property is identified as tax parcel Map 6, Lots 35, owned by the Scott and Brenda Barthelemy Revocable Trust, and is located on Martin Road in Fremont.

Mr. Yokela added that the request should include the Section Number 708 (Table of Uses).

Mr. Andrew noted that there was a quorum present, but Fremont does not currently have a full Board and asked if the applicant was okay with the Hearing moving forward with less than a full Board. Mr. Bernier stated that he was okay moving forward with the Board as is. Mr. Andrew invited the Applicant to present their case.

Mr. Bernier provided an overview of the site plan describing the group and the event. He stated that the even has no permanent buildings or structures. The Faire runs for 2 weekends in May from 10AM to 5PM.

Ms. Miner noted the previous ZBA variance granted for Map 6, Lot 34 to allow for the Faire and parking. This application is very similar except that parking will remain on Lot 34 and the event and supporting areas are proposed to be located on Map 6, Lot 35.

The Planning Board has reviewed the Site Plan for the project and by consensus supports the ZBA grant the variance for this specific event to take place on Map 6, Lot 35 on an annual basis as described in the supporting documentation.

Ms. Miner read the notification report as follows:

Date Published in Union Leader 4-12-22

Date Posted Town Hall 4-18-22

Date Posted at Post Office 4-18-22
Date Mailed to Abutters 4-18-22

Department Comments

Ms. Miner noted that she did not request comments for this application, but the comments received from Town Departments were all favorable in terms of conducting the event with minor additions to expectations for managing the event in terms of health and safety.

In the application the Applicant provided response to the 5 criteria which are summarized as follows:

1. The variance will not be contrary to the public interest because... *this event is a major fund raiser for major New Hampshire charities that can support Fremont residents.... Refer to application for complete response.*
2. The spirit of the ordinance is observed because... *hosting a Ren Faire as an event will not significantly impact local residents. The increase in traffic during the event will be monitored and controlled. We expect to work with the Fremont Police to verify this happens.*
3. Substantial Justice to the community at large will be accomplished... *by raising funds for charity. This event is popular because it is produced in a professional manner, and because it is a "For Charity" event... Refer to application for complete response.*
4. The values of surrounding properties are not diminished because: *No part of the event is in close proximity to residential properties.*
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. The Applicant replied that (ii) the proposed use is a reasonable one. *It is an excellent location for this type of charity event. Easy access away from residential housing with appropriate parking.*

The Board acknowledged the responses to the criteria and proceeded to public comments.

Mr. Yokela motioned to open the public comment period with a second from Mr. Janvrin. The motion passed 4-0.

Mr. Janvrin motioned to close the public comment period with a second from Mr. O'Malley. The motion passed 4-0.

Mr. Yokela motioned to grant the Variance to the terms of Article 7, Section 708 (Table of Uses) of the Fremont Zoning Ordinance to permit the New Hampshire Renaissance Faire to take place annually for two (2) weekends in May on a residential property identified as tax parcel Map 6, Lots 35, owned by the Scott and Brenda Barthelemy Revocable Trust, and is located on Martin Road in Fremont. Mr. Janvrin seconded the motion and the motion passed 4-0.

The hearing was closed at 7:18 PM.

IV. CONTINUED BUSINESS – No continued business was discussed.

V. ADMINISTRATION

Membership and Executive Roles Doug Andrew has been appointed to the ZBA as a member for another 3 years, a term of 2022 to 2025. Joshua Yokela has been appointed to the ZBA as a member for another 3 years, a term of 2022 to 2025.

The Board discussed their nominations for Chair and Vice Chair for the year. Mr. Janvrin nominated Mr. O'Malley to be Vice Chair.

Mr. Yokela made a motion to appoint Mr. Andrew as Chair and Mr. O'Malley as Vice Chair. Mr. Janvrin seconded the motion and the motion passed 4-0.

Other Business Mr. Yokela requested the opportunity to speak about a process for reviewing sealed minutes and unsealing those that are appropriate. There was an email forwarded from Mr. Yokela from the NHMA on suggested procedures. There was a lengthy discussion about a process for the ZBA. There was discussion about potential liability and how far back this would go and who would conduct the review on behalf of the ZBA. Mr. Yokela suggested designating someone on the ZBA to do this. Mr. O'Malley recommended that a process be developed by another department such as the Select Board given that they go into non-public session on a regular basis whereas the ZBA does not recall ever doing so.

Mr. Janvrin made a motion to table the discussion. Mr. O'Malley seconded the motion and the motion passed 3-0-1 (Yokela Nay).

Ms. Miner asked the Board to consider her as an Alternate Member of the ZBA. Should they wish to recommend her membership to the Select Board she will resign her Alternate position on the Planning Board.

Mr. Yokela made a motion to appoint Ms. Miner as an Alternate Member of the ZBA. Mr. O'Malley seconded the motion and the motion passed 4-0.

VI. ADJOURNMENT

Mr. Janvrin motioned to adjourn at 8:11 PM with a second from Mr. O'Malley and the motion passed 4-0.

Respectfully Submitted,



Leanne Miner, Land Use Administrative Assistant