

**Board Members Present:** Chair Doug Andrew, Vice Chair Todd O'Malley, Members Neal Janvrin, and Joshua Yokela, and Leanne Miner, Alternate ZBA Member and Land Use Administrative Assistant.

**Also present:**

Applicant Jitendra Patel  
Applicant Brenda Thomas

**I. WELCOME**

Mr. Andrew opened the meeting at 7:00 PM. He appointed Ms. Miner as a voting member for the evening.

**II. MINUTES**

**Mr. Janvrin made a motion to approve the meeting minutes from April 26, 2022. Mr. O'Malley seconded the motion and the motion passed 5-0.**

**III. NEW BUSINESS**

The Applicant for Case 022-004 was not in attendance, so the Board called the next case.

**REQUEST for Special Exception, Case 022-005**

**The Public Hearing for Case 022-005 was called at 7:07 PM.**

**Ms. Miner read the case notice.**

**Case 022-005 – Public Hearing – 43 Midnight Sun Drive - Map 5, Lot 004-013 – Equitable Waiver of Dimensional Requirements** Applicant Brenda Thomas is seeking a Waiver of Dimensional Requirement from Article 9, Section 901 (Lot Requirements, New and Expansion of Existing Structures) of the Fremont Zoning Ordinance to replace 12 feet x 16 feet shed on an existing foundation located 15 feet from the side property boundary where a setback of 20 feet is required.

**Ms. Miner read the notification report as follows:**

Date Published in Union Leader 5/11/22

Date Posted Town Hall 5/10/22

Date Posted at Post Office 5/10/22

Date Mailed to Abutters. 5/10/22

**Ms. Miner noted Department comments as follows:**

Police – No issues

Building Inspector – Noted that Building and trade permits must be issued before the construction of the project.

Public Comment was received in the form of a letter from the rear-facing abutter at lot 17 (Lars O. Edendahl, Member Gunstock LLC, of 10 Gunstock Drive in Kingston NH. This comment letter was distributed to the Board and Applicant. The comment referenced new construction. The Board noted this and recognized that the shed is considered an existing structure given the presence of the concrete foundation.

Ms. Thomas was invited to present her case to the Board for an Equitable Waiver. Mr. Yokela questioned the necessity of the need for an Equitable Waiver citing Article 5, Section 502 (Reconstruction) and suggested that the Board decide to overrule the decision made by the Building Inspector who declined to issue a building permit since the foundation was located within the setback. There was discussion about what is non-conforming and the lack of permitting, the lack of past zoning board involvement, or violations for this structure. The home was built in 1985 when the side and rear setbacks were 30 feet front and 20 feet side and rear. Ms. Miner contended that the reconstruction allowance was for non-conforming structures. This structure is not non-conforming (e.g., grandfathered) as the setbacks were in the zoning ordinance when the shed was built, hence the construction of said shed was a violation of the ordinance therefore requiring the waiver for rebuilding.

**Mr. Yokela made a motion that the Board find the Equitable Waiver is not required pursuant to Article 5, Section 501 and that the Applicant be allowed to reconstruct the shed on the existing footprint. With no second the motion did not pass.**

Discussion continued with clarification regarding how long the shed was located in this position with no violation or citing of complaint. As no public was present the Board did not ask for public comment.

**Mr. Janvrin motioned to grant Waiver of Dimensional Requirement from Article 9, Section 901 (Lot Requirements, New and Expansion of Existing Structures) to build on the existing foundation also taking into consideration Article 5, Section 501 of the Fremont Zoning Ordinance. Mr. Yokela seconded and the motion passed 4-1. Ms. Miner voted Nay stating her disagreement with the applicability of Article 5, section 501.**

**The Case was closed at 7:44PM**

**The Public Hearing for Case 022-004 was called at 7:50PM.**

**Ms. Miner read the case notice.**

**Case 022-004 - Public Hearing – 6 Danville Road - Map 2, Lot 44 – Special Exception**

Applicant Jitendra Patel is seeking a Special Exception under the terms of Article V, Section 503 (Expansion of Non-conforming Structures) to expand the roof. A portion of the proposed roof expansion intrudes into the side setback.

**Ms. Miner read the notification report as follows:**

Date Published in Union Leader 5/11/22

Date Posted Town Hall 5/10/22

Date Posted at Post Office 5/10/22

Date Mailed to Abutters. 5/11/22

**The Applicant, Jitendra Patel, was invited to explain his request for Special Exception.** Mr. Patel explained that he wants to extend his roofline to cover equipment that support the building. Currently the equipment is being impacted by weather.

There was discussion about the proposal and Mr. Yokela reviewed the Special Exception criteria as they relate to this case.

**Ms. Miner noted Department comments as follows:**

Police – No issues

Building Inspector – Noted that Building and trade permits must be issued before the construction of the project.

**Ms. Miner state there were no comments received from abutters or other public.**

**Mr. Janvrin motioned to open the public hearing to the public with a second from Mr. Yokela. The motion passed 5-0.**

No other persons were present to comment.

**Mr. Janvrin motioned to close the public hearing to the public with a second from Mr. Yokela. The motion passed 5-0.**

**Mr. Yokela made a motion to grant a Special Exception to Case 022-004 from the terms of the terms of Article V, Section 503 (Expansion of Non-conforming Structures) to expand the roof over currently impervious surfaces as shown on the plan provided in the application. Mr. Janvrin seconded the motion and the motion passed 5-0.**

**IV. CONTINUED BUSINESS** – No continued business was discussed.

**V. ADMINISTRATION**– No administrative business was conducted.

**VI. ADJOURNMENT**

**Mr. Yokela motioned to adjourn at 8:14PM with a second from Mr. O'Malley and the motion passed 5-0.**

Respectfully Submitted,



Leanne Miner, Land Use Administrative Assistant