

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

Also present: Leanne Miner, Administrative Assistant

Mr. Andrew opened the meeting at 7:00PM

Ms. Miner announced that in accordance with the Governor's Emergency Orders, the Zoning Board of Appeals is permitted to utilize emergency meeting provisions of RSA 91-A to conduct this meeting through electronic means.

Ms. Miner noted that the meeting is being televised on FCTV Channel 22 and will be posted after the meeting on Vimeo. The following E-meeting procedures will be followed in accordance with the Governor's Emergency Order:

1. If anyone has problems with accessing the meeting they can call the Town Hall at 603 895-3200, extension 306 or email landuse@fremont.nh.gov for assistance during the meeting.
2. If for some reason the public is unable to access the meeting, the meeting will be adjourned.

I. ROLL CALL

A roll call of meeting attendees was conducted and the following Zoning Board Members responded as being present:

1. Doug Andrew
2. Dennis Howland
3. Neal Janvrin
4. Todd O'Malley
5. Joshua Yokela

Also present were Applicants for Case 021-004, Map 7, Lot 6, Joseph Seluk and Applicant and Representatives Case 021-005, Map 2, Lot 67 Patricia Kelly

II. MINUTES

Mr. Janvrin made a motion to approve the meeting minutes from March 23, 2021. Mr. Howland seconded the motion. The motion was approved 5-0.

III. NEW BUSINESS

Case 021-004 - Public Hearing Map 7, Lot 6 – 34 Tibbetts Road: *The applicant is seeking a Special Exception from the terms of Article V, section 503 (Expansion of Non-conforming Structures); and Variances from the terms of Article XII, Section 1201.5 (Watershed Protection District) and Article XII, Section 1203.8.C (Maximum Lot Coverage) of the Fremont Zoning Ordinance to allow a 36 sq. ft. expansion on their existing non-conforming structure (home) located within a watershed protection area.*

The case was announced by the Chair. Ms. Miner announced the public noticing as follows:

Date Published in Union Leader 5/13/21

Date Posted Town Hall 5/4/21

Date Posted at Post Office 5/17/21
Date Mailed to Abutters. 5/17/21

The Board decided to review the Variance requests first followed by the Special Exception request. Mr. Yokela questioned the need for the Variance requests to the terms of Article XII. The Board discussed the variance request to 1203.8,C (maximum lot coverage no more than 15%). Mr. Seluk explained that the driveway is a grassy area and they do not intend to pave it for parking. The Board decided not to treat this grass driveway area as an impervious surface. They reviewed the math noting the building as proposed is 1008 square feet. The property totals 7164 square feet so the proposed expanded building footprint is 14% of the lot. The proposed building expansion submitted by the applicant totaled 36 square feet.

Mr. Howland made a motion that the variance request to Article XII, Section 1203.8, Item C (Maximum Lot Coverage) is not applicable. Mr. Yokela seconded the motion and the motion passed 5-0.

Mr. Yokela questioned the need for a Variance to 1201.5 (further alteration of the surface configuration of the land). The Board discussed this and concluded that there would be disturbance of the land to demolish and install a new foundation, so the variance is needed.

The Board heard from the Applicant, Joseph Seluk on why he was requesting the variance. Mr. Seluk explained that the building was in severe disrepair and that in order to meet code he needs to demolish the existing building and rebuild from the foundation up. The existing building had a jog in the front. Part of their plan is to simply square off the building footprint as is and redesign the roof and its pitch. Overall the building will positively affect the neighborhood character.

No public was present to comment on the Public Hearing.

Mr. Janvrin made a motion to grant the Variance from the terms of Article XII, Section 1201.5 (Watershed Protection District) to allow the proposed expansion of the existing non-conforming structure (home) located within a watershed protection area at Map 7, Lot 6, 34 Tibbetts Road. Mr. Howland seconded the motion and the motion passed 5-0.

The public hearing was not opened to the public as no public was present at the hearing either in person or on the computer.

Comments were received from Fire – *I have no issues with this application.* and Police – *No issues.* There is also an approved Shoreland Permit Application from the NH Department of Environmental Services (NHDES).

Case 021-004, Map 7, Lot 6 34 Tibbetts Road. *The applicant is seeking a Special Exception from the terms of Article V, section 503 (Expansion of Non-conforming Structures) to replace and expand an existing non-conforming structure.*

The Board discussed the criteria to grant a special exception. They determined that a Special Exception could not be granted because the expansion doesn't meet Section 503, requirement E. As such the Board proposed to grant a variance to Section 503 to allow the proposed expansion of a non-conforming structure under the condition that there is no further encroachment into other setbacks than the existing building (no closer to the front than 25.32'). There is no number on the plan for side setback. Furthermore, the building shall not get any closer to the river than the existing northern corner.

Mr. Howland made a motion to grant a variance to Section 503 to allow expansion of a non-conforming structure with the condition that there will be no further encroachment into the front or side setbacks. Specifically, the proposed building will be no closer to the front property boundary than 25.32 feet and no closer to the river than the north corner of the existing building.

Following procedure, the Board held the motion and opened the hearing to the public.

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

No public comments were made.

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

Mr. Janvrin seconded the original motion made by Mr. Howland with a unanimous vote in favor of granting the variance 5-0.

SPECIAL EXCEPTION Case 021-005

The Public Hearing for Case 021-005 was called at 834PM.

Case 021-005 - Public Hearing Map 2, Lot 67 – 695 Main St: *The applicant is seeking a Special Exception from the terms of Article V, Section 503 (Expansion of Non-conforming Structures) of the Fremont Zoning Ordinance to allow a 120 sq. ft. expansion of their existing non-conforming structure (home) to build a larger porch with a covered roof to protect the entrance.*

CLERKS Report:

Date Published in Union Leader 5/13/21

Date Posted Town Hall 5/4/21

Date Posted at Post Office 5/17/21

Date Mailed to Abutters. 5/17/21

Ms. Miner read Ms. Kelly's Letter of Intent describing her request and went over the application package. There was discussion about what setbacks apply to the expansion, how much of the building structure is located in the setback currently. It appears that the farmers porch (if square) will not meet criteria A under Section 503. The Board requested that the applicant provide more clear

measurements so that the Board may review whether a Special Exception or Variance might be required.

Ms. Kelly noted that the stairs need to be replaced as her husband fell when the stairs gave way. She also has an elderly mother than visits. An expanded porch would provide larger and safer access and egress to the house from the front entrance.

The Board reviewed the impervious percentage in general, but there is plenty of space. They need more information to review Section 503, Items A and E. If the project requires a variance there will need to be some information on why the stairs are required.

Mr. Howland motioned to continue the public hearing for Case 021-005 to June 22, 2021 so the applicant can provide more information. Mr. Janvrin seconded the motion and the motion passed 5-0.

IV. CONTINUED BUSINESS - None

V. ADMINISTRATION - None

VI. ADJOURNMENT

Mr. Howland motioned to adjourn at 9:21PM. Mr. Janvrin seconded the motion and the motion passed 5-0.