

Present: Chair Doug Andrew, Vice Chair Dennis Howland, Member Neal Janvrin, Member Todd O'Malley, alternate member Josh Yokela, and Land Use Administrative Assistant Casey Wolfe

Also Present: Jason Broyer and Peter and Lisa Marggraf

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

I. Minutes

Mr. Janvrin made a motion to accept the minutes of May 22, 2018. Mr. O'Malley seconded the motion. The motion passed 4-0-1.

After an amendment, Mr. Janvrin made a motion to approve the site walk minutes of June 1, 2018. Mr. O'Malley seconded the motion. The motion passed 3-0-2.

II. Continued Business

Mr. Andrew appointed Mr. Yokela as a voting member for the meeting on behalf of Mr. Downing.

Case #018-005/Variance

Jason Broyer seeks a variance to the terms of Article IX Section 901 of the Fremont Zoning Ordinance to permit the construction of an in-ground swimming pool 20 feet from the rear property line when a 30-foot setback is normally required at 342 Sandown Road, Map 1 Lot 48-6.

The Zoning Board went on a site walk for this application on June 1, 2018. Mr. Howland made a motion to approve the variance request to the terms of Article IX Section 901 of the Fremont Zoning Ordinance to permit the construction of an in-ground swimming pool 20 feet from the rear property line when a 30-foot setback is normally required at 342 Sandown Road, Map 1 Lot 48-6. Mr. O'Malley seconded the motion. The motion passed 5-0-0. Ms. Wolfe will write a notice of decision for the applicant. She explained to the applicant that the Town likes to record these notices of decision at the registry of deeds and will need the recording fees from the applicant. Mr. Howland informed the applicant that there is a thirty day appeal period.

III. New 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 he has an existing garage, however, they have run out of room. He needs a place to store his plow and tractor. The

proposed garage is 24 by 42 feet, single story. If he does choose to pave to this new garage, he would need ten or twelve more feet of pavement, or crushed stone could do. The applicant cannot put the garage anywhere else on the property without being in the wetland setback.

Mr. Andrew read through the criteria for a variance that the applicant submitted. The variance will not be contrary to the public interest because, *“The structure is for personal storage and presents no threat to the public health or the safety and well-being of any neighbors. Trees will shield garage from view.”* The spirit of the ordinance is observed because, *“The structure will not impact our neighbors.”* Substantial justice is done because, *“Reasonable location, built to code structure will fit well with the other residential properties.”* The values of the surrounding properties are not diminished because, *“we will no longer have a tractor trailer, four wheeler, and lawn mower outside. They will be stored inside the garage. The structure will increase property value and positively impact neighbor’s property.”* The proposed use is a reasonable one, *“The structure would be used for personal storage/garage purposes.”*

Mrs. Marggraf stated that she was not sure how to fill out the questions. There was some discussion about hardship. Mrs. Marggraf explained to the Board that the neighboring lot also has wetlands. The buffer around this wetland takes up much of their back and side yard. After some discussion, it seems that there is no place for this garage without it being in a setback. Ms. Wolfe read the department comments, *“Because of the limited information submitted, the Commission recommends a joint site walk to be held before any decision is made by the Board to provide the information necessary for an aducated recommendation.”* The Police Cheif and the Code Enforcement Officer both wrote that they have no comments. Mr. Marggraf stated that the garage would be on a concrete slab and that the lot is 2.56 acres. There was some discussion about the sketch that the applicant submitted. The Board decided to schedule a site walk. After some discussion, Mr. Howland made a motion to schedule this site walk on Sunday, July 1st at 9:00 am. Mr. Janvrin seconded the motion. The motion passed 5-0-0. This hearing will continue after the site walk at the next reguarly scheduled Zoning Board meeting on Tuesday, July 24th at 7:00 pm.

Mr. Janvrin made a motion to adjourn the meeting at 7:31 pm. Mr. O’Malley seconded the motion. The motion passed 5-0-0.

Respectfully Submitted,

Casey Wolfe
Land Use Administrate Assistant