

Board Members Present: Chair Doug Andrew, Members Neal Janvrin, Joshua Yokela, and Kalup Veneman; Leanne Miner, Land Use Administrative Assistant.

Also present:

Applicant William Casazza of 74 Tibbetts Road

I. WELCOME

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

II. MINUTES

Mr. Veneman made a motion to approve the meeting minutes from April 25, 2023. Mr. Andrew seconded the motion and the motion passed 4-0.

III. NEW BUSINESS

The Public Hearing for Case 023 -002 was called at 7:04 PM.

Ms. Miner read the case notice.

Case 023-002 – Public Hearing – Map 7, Lot 16; 74 Tibbetts Road - Applicant William Casazza of Fremont NH. The Applicant is seeking a Variance from Article 9, Section 901 (Lot Requirements, New and Expansion of Existing Structures) of the Fremont Zoning Ordinance to place a shed ten (10) feet from the front property boundary where a setback of thirty (30) feet is required.

Ms. Miner read the notification report as follows:

Date Published in Union Leader 7/17/23

Date Posted Town Hall 7/13/23

Date Posted at Post Office 7/13/23

Date Mailed to Abutters 7/13/23

Date Posted on Town Website 7/13/23

Mr. Casazza was invited to present his case to the Board. Ms. Miner provided a summary of materials provided to the Board for consideration. She also reviewed her evaluation of the proposed shed in terms of impervious area. The proposed shed is to be built on piers, so it does not increase impervious coverage. If it did not meet the definition of impervious area then the coverage would total 15.5%. The Code Enforcement Officer concurred with this evaluation and denied the building permit based on the front setback only. Note: The lot was created circa 1955 when most of the homes were built in the area. At this time the 1947 zoning applies for new structures where front setbacks of 30 feet were required and side and rear setbacks required were 20 feet.

The parcels in this neighborhood straddle Tibbetts Road. The shed is proposed to be built on the parcel across from the home.

The Board reviewed each criterion for a variance. Below are the Applicant's responses as submitted in the application (*in italics*) and as read by Ms. Miner along with key findings and comments by the Board.

1. **The variance will not be contrary to the public interest because** *‘most of the neighborhood have sheds/vehicle structures on the opposite side of the road from their home. There is unusable property on Lot 15, and plenty of room on the side of Lot 17.’*
Board Comments: Mr. Yokela commented that the proposed location is more favorable than the previous location as it is further away from the river and overall the lot retains less coverage by structures than it had previously.
2. **The spirit of the ordinance is observed because** *‘the shed observes all sides setbacks but will be within 10 feet of the front setback.’*
Mr. Andrew asked the Applicant why he chose the location. Mr. Casazza responded that he didn’t want it too far from the house because he will need access during the winter as this is where he plans to store wood pellets and it would require less shoveling to access.
Board Comments: Both Mr. Yokela and Janvrin noted that the location of the proposed shed is in keeping with the rest of the neighborhood in terms of placement.
3. **Substantial Justice is done because** *‘the variance will not negatively impact neighbors, views, or property values.’*
Board Comments: Mr. Janvrin noted that the location is further from the river (view) so it is an improvement over the previous shed location.
4. **The values of surrounding properties are not diminished because** *‘there is no negative visual or change of use. Will not impair road/traffic line of site. This will help to keep our yard appearance as it will store items that otherwise would be on the lawn or property.’*
Board Comments: Mr. Yokela noted that although no expert testimony is being provided, he does not feel the proposed shed will not devalue the lot or neighboring lots.
5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**
 - a. **There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property.** *‘The lot is long and narrow and also split by the road which makes existing setbacks unable to support construction of a shed’; AND*
 - b. **The proposed use is a reasonable one.** *‘The shed is for storage of yard tools, lawn mower, snow blower and lawn furniture. All storage will be reasonable in a residential area.’*
Board Comments: All Board members agreed that it would be an unnecessary hardship to require the Applicant to build a structure that is of the size and shape of the available buildable area within the setback. This property has a unique conditions as it is bisected by Tibbetts Road it has two frontage requirements.

Submitted Comments: Ms. Miner reported the following comments received prior to the hearing:

1. An email was received from an abutter Scott and Kimberly Hiller, 67 Riverside Drive. They are abutters across the river. They expressed their full support of the variance request.
2. The Police Chief responded that he had no issues with the proposal.
3. Trisha Allen of 78 Tibbetts Road inquired via about the placement of the shed. Upon receipt of the plan showing the proposed location, she commented that the location was ‘perfect’.

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

There was no public comment.

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

Ms. Miner proposed the following verbiage to the Board for a motion to either grant or deny the Variance Request:

That the Board vote to grant or deny William Casazza of 74 Tibbetts Road in Fremont NH a Variance to the terms of Article 9, Section 901 (Lot Requirements, New and Expansion of Existing Structures) of the Fremont NH Zoning Ordinance to place a shed on his property also located at 74 Tibbetts Road in Fremont NH as shown on the plan provided in the application at a distance of 10 feet from the front property boundary where a setback of 30 feet is required.

Mr. Yokela put forward the motion to grant the Variance as read. Mr. Janvrin seconded the motion and the motion passed 4-0.

The Case was closed at 7:35 PM.

IV. NEW BUSINESS (continued)

Ms. Miner noticed the Board that the Rockingham Planning Commission obtained a grant for the Town to prepare a Source Water Protection Plan. All departments and land use boards were invited to appoint a member to represent them on the Steering Committee. Board members will take the opportunity under advisement and contact Ms. Miner if they wish to participate.

V. ADMINISTRATION –

- a. **Board Officers** – Ms. Miner informed the Board that although Mr. O'Malley was absent he informed her that he is willing to remain as Vice Chair if Doug Andrew remained Chair. **Mr. Yokela made a motion to retain Doug Andrew as Chair and Todd O'Malley as Vice Chair for 2023. Mr. Janvrin seconded the motion and the motion passed 4-0.**

VI. OTHER BUSINESS – No other business was brought to the Board.

VII. ADJOURNMENT

Mr. Yokela made a motion to adjourn the meeting at 7:40 PM. Mr. Veneman seconded the motion and the motion passed 4-0.

Respectfully Submitted,



Leanne Miner, Land Use Administrative Assistant

