Lancaster Zoning Board
Location: Lancaster Town Hall
August 30, 2023

Call To Order: Chair Linda Ogle opened the meeting at 1730H and led the Pledge of Allegiance.

Roll Call:
Regular Members Present: Chair Linda Ogle, Steve Young, Nate Kenison, Les Hilton
Absent: Vice Chair Tricia Frenette
Alternate Members Present: Donald Freddette (arrived 1833H), Melissa Potter
Absent: None
Others Attending: Robin L Irving (Land Use Coordinator), Steve Whitman (Resilience Planning-Consultant), Lee Ann Potter (Planning Board Member), Matthew Treamer (Planning Board Member), Paul Hayes (Caledonian Record Reporter), Hannah O'Neill (CEDC Intern), Ericka Canales (CEDC Exec/ Dir., Planning Board Member), Julie Renaud Evans (Northern Forest Center), Tim O'Neill (Non-resident), Maude Oetking (Resident)

Minutes:
Nate Kenison moved to approved the July 26th, 2023 minutes as written. Les Hilton seconded the motion. All members voted to approve the July 26th, 2023, meeting minutes as written, no objections. *Motion passed.*

Appointment #1: Resilience Planning's Steve Whitman delivered a presentation that highlighted the findings of the HOP regulatory audit and recommendations. This presentation builds upon the data that was collected from the last community engagement forum on June 7th. Potential solutions to housing deficits were presented including cost solutions. He explained that his team had met with Town Manager Ben Gaetjens-Oleson and Land Use Coordinator/Planner Robin Irving earlier in the month and narrowed the scope and designated priorities. Whitman's strategy was to identify gaps when comparing the proposed plan against the Town's regulations. There were small specific changes that emerged based on data from Board members and the public. The team narrowed the focus into six (6) housing strategies: 1) accessory dwelling units, 2) short-term rental regulation, 3) multi-unit housing regulations, 4) cluster subdivisions, 5) manufactured housing provisions, and 6) employer constructed housing. Town management is proposing focus on the top four (4).

1. Accessory Dwelling Units (ADUs): Public outreach responses clearly identified that housing units are needed for low-to-moderate income individuals, including the elderly. Accessory Dwelling Units (ADUs) are one potential way to provide such housing. ADUs provide both rental opportunities for renters and income opportunities for property owners. ADUs are permitted by the State so they cannot be prohibited, however, the Town's regulations can be more restrictive. The Lancaster Zoning Ordinance must include language that is consistent with the State, so there should be a definition of an ADU, and clarification of attached versus detached. Square footage of an ADU could be capped, or be a percentage of the primary structure square footage. For instance, Plymouth allows no larger than 750 square feet, Swanzey allows no larger than 1000 square feet, and Wellfleet MA allows no larger than 1200 square feet. In all of these cases, issues like upgraded septic systems had to be addressed. LUC Irving mentioned that she typically imposes a condition of permit approval for septic upgrades when additional units are proposed to be on the same system. Density limits must also be reviewed.

2. Short-Term Rentals (STRs): This is for properties that rent for periods less than thirty (30) days. From AirDNA research, there are supposedly seven (7) short term rentals in Lancaster. There may be more but they are not tracking as they tend to track more on AirBnB, VRBO, and HomeAway. From what has been observed in other communities, short-term rentals are likely to be an emerging issue; they are a good business opportunity for some landowners, however take off the market potential housing units. The 2022 draft Master Plan for Lancaster identified the creation of an ordinance limiting short-term rentals as an implementation task. A public safety registration process and annual licensure could be required--this is a way of knowing who has a short-term rental in the community and how to contact them if there are issues. Failure to register results in a default with fines. There is also the option of permitting short term rental via the Special Exception application. Short term rental properties could also be assessed as commercial use, and if connected to utilities be charged a commercial base/demand fee. The Town of Meredith defines it as a "use of a single-family detached unit offered for a fee for less than 30 consecutive days at a time"—in this case, Meredith specifically delineates that STR as a secondary structure. STRs also require review of septic capacity. LUC Irving mentioned that a requirement registration and the Special Exception process could require fire inspection for code deficiencies and occupancy limits based on square footage and septic capacity. Sprinkler systems may even be required based on square footage—LUC Irving stressed that, so long as the property owner commits to progressive improvements on sprinkling, code enforcement and the fire department would collaboratively work with them. LUC Irving also emphasized that STRs in the North Country are typically marketed for "the wilderness experience" in the Agricultural District. For the most part, the typical homeowner in the Agricultural District has purchased their home distinctly because it is rural and not overridden with commercial enterprise including weekend rentals; in this case, abutters would be notified to comment at a Special Exception public hearing. Irving noted that traveling nurses and teachers usually rent more than 30 days but less than one year (~90 days) so the short-term rental requirements would not apply to their situations. Chair Ogle stressed that the Town would not want to see the limited rental stock become a short-term rental market. Lee Ann Potter asked if there have ever been aquifer studies to determine whether all of the wells can be supported? LUC Irving said that she would share an aquifer transmissivity map that she acquired while working on a well study project in Northumberland; the same aquifer system extends under both Northumberland and Lancaster.

3. Multi-Unit Housing Regulations: The 2022 draft Master Plan identified an implementation task to encourage multi-unit housing through increased density allowances. Amendments to the land use regulations could provide incentives for multi-unit developments that incorporate a range of housing for various ages and income levels. The current definition of multi-unit housing needs to be updated to be consistent with State law. There could be an increase in density in the downtown area. Currently the Residential District allows 4 units per 10,000 square feet of land, Commercial District allows 2 units (either a multifamily or a mixed-use) per 10,000 square feet, Commercial/Industrial District density is the same as Commercial District, and Agricultural District permits no more than 3 dwelling units per acre. The Central Business District permits 4/10,000sf in the South, and 3/10,000 sf in the Middle and North. The proposal is to change Central Business limits to 6 units/10,000 sf in the South, 4 units/10,000 sf in the Middle and North zones, and 3 units in the Commercial and Commercial/Industrial Districts. LUC Irving said that the Master Plan is clear on what the community wants and intends for the Ag Zone, so it is not likely to change. The goal is to address the missing middle housing represented by townhomes, duplexes, triplexes, and

quads. One of the concerns often voiced to Resilience is whether there will be a focus on creating affordable units for the lowest earning households in the community? This could include seniors who want to downsize but is not exclusive to elderly housing and not Section 8. Existing old homes, when given an incentive for one more unit, makes renovation and conversion more affordable and eventually more profitable. LUC Irving noted that, with the InvestNH Capital Grant, developers had the option to create 50% to 100% of all apartments to be deed-restricted as affordable—with this scenario, all apartments are built and improved to the same level of quality, safety, and reliability, yet are offered to all income levels and do not segregate based on the classification, meeting the tenets of diversity, equity, and inclusivity.

4. Cluster Subdivisions: There are currently no clusters in Lancaster, but a town that is using this as a tool would have a provision in their zoning so that some of the design criteria in the subdivision regulations would have the flexibility to work for that particular application. The 2011 Master Plan referred to margin cluster housing in the Agricultural District. The strategy here is to focus the new units on a portion of the property and still have some protection of the remainder. Conservation of certain parts of the land certainly contribute to the character of the community. Conservation, renewable energy sources, open space protections, and other green directives could be converted to cluster development incentives, perhaps for design flexibility or density bonus for deed-restricted affordable units.

5. Manufactured Housing: Manufactured houses are currently allowed in the two mobile home parks and along some designated road areas. The designated areas could be expanded. Manufactured housing subdivisions are not allowed in the Central Business District or the Commercial District unless by application for Special Exception. An option may be to regulate only single-wides, limiting them to subdivisions/parks. LUC Irving mentioned that the concern revolves primarily around allowing mobile homes in the Agricultural District or along scenic byways. The provisions regarding foundations should be reviewed. A definition of a micro, tiny, and cottage home must be developed.

6. Employer Constructed Housing: The intent is to draft some proposed regulatory language for the process of permitting an employer to create housing units on their land and other properties. An example of such cottage housing is from a healthcare facility based in Durham. LUC Irving mentioned that Lancaster is on the cusp of a project similar to this as some professional offices are proposed to be re-purposed into transitional housing. Other options are to create group or shared accommodations with separate living quarters (boarding homes).

The Zoning Board members agreed that revisions and drafting should focus and prioritize the first four (4) issues. Whitman will share drafts with track changes/text boxes to assist with the editing process and context. There is another community engagement forum required for the regulatory development phase at which public review and comment is encouraged. LUC Irving stressed that the number of anticipated amendments will likely have to be phased so the Board should be strategic about which provisions move forward in 2024.

Appointment #2: CEDC Executive Director Ericka Canales had requested from the Town project proposals for CEDC's summer intern, Hannah O'Neill. Town Manager Ben Gaetjens-Oleson proposed a wayfinding project. Hannah O'Neill reviewed the proposal in detail: a) directional signs, b) Q code links to translations, c) location maps, d) themed signs specific to recreation, e)

geocaching, f) historic walking tour, g) color coding, h) incorporation of the new town branding (fox), and other options. Irving and Canales are seeking funding for the project. Irving further noted that the mapped tours could be integrated as an overlay on the newly digitized maps.

Public Hearings: None

OTHER BUSINESS:

Land Use Permits: LUC Irving announced the most recently issued land use permits: 1) Dennis Donnelly Jr. at 27 Grove St; construction of a shed off rear of existing garage, 2) Debra Chen at 6 Wolcott St; construction of a TuffShed on a gravel pad in existing footprint of previous shed, 3) Lisa & James Hampton at 8 Rowell Rd; interior renovation of kitchen and paving of driveway, 4) Dayton & Lisa Rivers at 45 Middle St; demo existing enclosed front porch and reconstruct open porch, 5) Tricia & Wayne Frenette at 96 Page Hill Rd; construct 20'x30' pavilion on a slab, 6) Justin & Kristina Bishop at 223 Summer St; remove existing porch and replace with open porch with a roof, 7) Gage Charron at 424 North Rd; construct 26'x30' metal fabricated detached 2-bay garage on a slab. This is the variance case that approved construction of a double-wide in the Agricultural District, 8) Henry & Karen Rennar at 16 Gore Rd; construction of a 24'x36'x18' building—their raising alpacas, 9) Joseph Spearin at 10 Mayberry Ln; installation of a rooftop solar array, 10) Kevin & Joann Whiting at 68 Buffalo Rd; construct attached 2-bay garage on slab, and 11) Daan Vondell at 112 Wesson Rd; construct a dry camp with a deck. This is now a multiple year renewal and will not be renewed without a progress inspection. There is a little hoop house out there that is not permitted, presumably a temporary lodging during the construction period.

Planning Board Decisions: None.

Training Topics/Materials: 1) The New Hampshire housing toolbox has been released, 2) the NHMA Zoning Amendment calendar was distributed

Announcements/Correspondence: Alternate Member Chris McVetty submitted a written resignation effective immediately therefore the Board does not need to submit a letter to the Board of Selectmen recommending appointment revocation due to absenteeism. There is now a vacancy.

Other:

Les Hilton moved to adjourn the meeting at 1851H. Steve Young seconded the motion. All Board members agreed to adjourn the meeting at 1933H, no objections. *Motion passed.*

Respectfully submitted,
Robin L. Irving, Land Use Coordinator

Approved: (RLI)
Linda Ogle

Linda Ogle, Chairman of the Lancaster Zoning Board of Adjustment