Lancaster Planning and Zoning Boards-JOINT (DUAL) Meeting
Location: Lancaster Town Hall
January 31, 2024

LANCASTER PLANNING BOARD

Call to Order: Acting Chair Maggie Jones opened the meeting at 1830H and led the Pledge of Allegiance.

Initial Business: Roll call
Regular Members:
Present: Greg Westcott, Vice Chair Maggie Jones, Mark St. Pierre, Vickie Gibbs, Selectmen's Alternate Shane Beattie
Absent: Selectmen's Representative Kathy Jean Lavoie, Chair Andrew Nadeau, Ericka Canales
Alternate Members:
Present: Lee Ann Potter
Absent: Matthew Treamer
Others Attending: Land Use Coordinator Robin L. Irving, Joel Sanford (Resident), Linda Ogle (ZBA Chair), Tricia Frenette (ZBA Vice Chair), Les Hilton (ZBA), Steve Young (ZBA), Nate Kenison (ZBA), Don Freddette (ZBA), Melissa Potter (ZBA), Kyler Kenison (ZBA Applicant), Cody Charron (ZBA Applicant), Beverly Gesel Charron (Resident), Rich Mattos (ZBA Applicant)

QUORUM

Acting Chair Maggie Jones recommended that Lee Ann Potter be moved to voting status for the meeting. Greg Westcott moved to shift Lee Ann Potter to a voting member for the meeting. Vickie Gibbs seconded the motion. All members voted to shift Lee Ann Potter to a voting member for the meeting, no objections. *Motion passed.*

Minutes: Mark St. Pierre moved to approve the January 10th, 2024 minutes as written. Greg Westcott seconded the motion. All members of the Board voted to approve the January 10th, 2024 minutes as written, no objections. *Motion passed.*

PUBLIC HEARING: Short Term Rental Proposed Zoning Amendment and Conservation Subdivision Proposed Zoning Amendment

Acting Chair Maggie Jones **OPENED THE PUBLIC HEARING**

Short-Term Rental Proposed Zoning Amendment

LUC Irving explained that this is the second public hearing on this amendment because the Board substantively changed the original version at the last meeting. She also recommended pursuant to both the consultant's and legal counsel's advice, to consider rescinding the vote to approve the amended version due to recent cases that suggest that blanket prohibition of short-term rentals on Class VI/Private roads is overbroad. The condition and maintenance of the road can be reviewed during the condition use permit process and addressed per conditions of approval. A question was raised about whether the waiver of liability would still be enforceable. Irving responded that the building permit process can be amended to require disclosure.

LUC Irving further recommended that the Board consider amending the language regarding 'owner occupation' because there have been several inquiries about the duration of that occupation. It does open the interpretation to occupation for only one day versus the Board's intent was to have a permanent owner present.

Vickie Gibbs moved to rescind the January 10th, 2024 vote to approve as amended the Short-Term Rental Proposed Zoning Amendment. Greg Westcott seconded the motion. All members voted to rescind the January

10th, 2024 vote to approved as amended the Short-Term Rental Proposed Zoning Amendment, no objections. *Motion passed.*

Acting Chair Maggie Jones **OPENED TO THE PUBLIC** the public hearing on the Short-Term Rental Proposed Zoning Amendment.

There were no comments from the public.

Acting Chair Maggie Jones **CLOSED TO THE PUBLIC** the public hearing on the Short-Term Rental Proposed Zoning Amendment.

There was further discussion about the waiver of liability. LUC Irving said that all new structures on a Class VI/Private road are required to file a waiver of liability (per the land use permit and subdivision regs) but existing structures, having not been subject to that requirement, could be subject to a condition of approval to file and disclose.

Vickie Gibbs moved to amend the amended version of the Short-Term Rental Proposed Zoning Amendment to remove "Short term rentals shall not be permitted on property with sole access from Class VI/Private roads." Mark St. Pierre seconded the motion. All members voted to amend the amended version of the Short-Tern Rental Proposed Zoning Amendment to remove "Short term rentals shall not be permitted on property with sole access from Class VI/Private roads," no objections. *Motion passed.*

The Board discussed the meaning of "owner occupation." The intent was to have the homeowner of the permanent residence on site if an ADU were to be rented on a short-term basis. If owner occupied, it implies that someone lives there as a primary residence.

Vickie Gibbs moved to amend the amended version of the Short-Term Rental Proposed Zoning Amendment to "Short-term rentals shall not be permitted in accessory dwelling units unless the property is owner occupied as a primary residence." Greg Westcott seconded the motion. All members voted to amend the amended version of the Short-Term Rental Proposed Zoning Amendment to "Short-term rentals shall not be permitted in accessory dwelling units unless the property is owner occupied as a primary residence," no objections. *Motion passed.*

Vickie Gibbs moved to approve the Short-Term Rental Proposed Zoning Amendment as amended. Mark St. Pierre seconded the motion. All members voted to approve the Short-Term Rental Proposed Zoning Amendment as amended, no objections. *Motion passed.*

<u>Conservation Subdivision Proposed Zoning Amendment</u>

LUC Irving provided the Board with 2 images, ones depicting growth pursuant to the traditional Euclidian zoning and the other pursuant to a conservation design. The Euclidian zoning illustrates growth as random sprawl and the conservation design illustrates growth as concentrated housing with larger areas of shared green space She also verified that the language that the Board questioned at the last hearing regarding optional versus mandatory conservation design was drafted to mean mandatory. The consultant's intent was to be consistent with the growth patter that has been adopted by the Lancaster Master Plan.

The illustration of traditional zoning growth was alarming because the Master Plan's long-term vision is not two-acre lots extending into the outer region of the Town. The Board discussed concerns about converting to mandatory conservation design. Landowners and developers will not want to be forced to design on a conservation basis given that the intent is to maximize the number of lots in order to maximize return. On the flip side, if conservation design is optional, landowners and developers are not likely to opt for it when they have the option for more lots/more return with traditional zoning. After further discussion, the Board agreed that there needs to be more education and outreach relative to this proposed amendment. A major concern

revolved around the limited availability of buildable land, and if restricted to a conservation design, the housing options become limited. The community surveys for the Master Plan, however, clearly support the goal to maintain rural character and conserve land. LUC Irving emphasized that the intent behind this proposed amendment was to provide the vehicle and streamline the process for affordable/workforce housing subdivisions as it is not addressed in the current ordinance. The Board agreed that more time was needed

Acting Chair Maggie Jones **OPENED TO THE PUBLIC** the public hearing on the Conservation Subdivision Proposed Zoning Amendment.

There were no comments from the public.

Acting Chair Maggie Jones **CLOSED TO THE PUBLIC** the public hearing on the Conservation Subdivision Proposed Zoning Amendment.

Mark St. Pierre moved to not recommend to vote on the 2024 ballot the Conservation Subdivision Proposed Zoning Amendment and to table a decision on its approval for Town Meeting 2025. Vickie Gibbs seconded the motion. All members of the Board voted to not recommend to vote on the 2024 ballot the Conservation Subdivision Proposed Zoning Amendment and to table a decision on its approval for Town Meeting 2025, no objections. *Motion passed.*

Acting Chair Maggie Jones **CLOSED THE PUBLIC HEARING** for the proposed zoning amendments.

Appointments: None

Other Business:

Preliminary Conceptual Consultation: None

Merger of Lots: Melanie L. Colby, Gregory Caron & Shawn Caron, Map P03, Lots 031/032, 1 & 3 Starr King Park

There is a vacant land lot adjacent to the house lot. The Board agreed that it made sense to merge and the merger is straightforward.

Vickie Gibbs moved to approve the merger of lots for Melanie Colby, Gregory Caron & Shawn Caron. Greg Westcott seconded the motion. All members of the Board voted to approve the merger of lots for Melanie Colby, Gregory Caron & Shawn Caron, no objections. *Motion passed.*

Land Use Permits: None
Zoning Board Decisions: None:
Other permits: None
Training Topic(s)/Material(s): None
Announcement(s)/Correspondence: LUC Irving reminded members with expiring terms to submit letters of intent to renew by Town Meeting. She also reminded the Board that there are 5 public hearings scheduled on the February 14th, 2024 meeting date.

Mark St. Pierre moved to adjourn at 190H. Greg Westcott seconded the motion. All members voted to adjourn at 1901H. *Motion passed.*

ZONING BOARD OF ADJUSTMENT

Call To Order: Chair Linda Ogle opened the meeting at 1904H

Roll Call:
Regular Members Present: Chair Linda Ogle, Vice Chair Tricia Frenette, Steve Young, Nate Kenison, Les Hilton
Absent: None
Alternate Members Present: Donald Freddette, Melissa Potter
Absent: None
Others Attending: Robin L Irving (Land Use Coordinator), Lee Ann Potter (PB), Maggie Jones (PB), Joel Sanford

Minutes:
Les Hilton moved to approved the November 29th, 2023 minutes as written. Nate Kenison seconded the motion. All members voted to approve the November 29th, 2023, meeting minutes as written, no objections. *Motion passed.*

Appointments: None

Public Hearings:

Case# 550– **Kenison, Kyler Stephen** for a Variance concerning Article 5, Section 5.04, "Uses Permitted in the Agricultural District." Applicant/Owner seeks Variance approval to operate an automotive and engine repair business out of the pre-existing garage on land situated in the Agricultural Zoning District. Land Zoned Agricultural. (Tax Map R14-Lot 015, 2.03 acres, 405 Elm Street).

Chair Ogle **OPENED THE PUBLIC HEARING** for Case #550 and read the application:

A variance is requested from article **5** section **5.04** of the zoning ordinance to permit operation of an automotive and engine repair business out of a pre-existing garage on land situated in the Agricultural District.
Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public **interest** because:

Applicant's response: *"The existing garage structure is already built. The parking yard will be shielded from public view by a fence."*

2. If the variance were granted, the **spirit** of the ordinance would be observed because:

Applicant's response: *"The existing property infrastructure will be utilized thereby not requiring any additional development that would result in sprawl which the zoning for the Agricultural District specifically addresses."*

3. Granting the variance would do substantial **justice** because:

Applicant's response: *"A variance would allow for a lower-impact use which utilizes the existing previously-commercially-used structure."*

4. If the variance were granted, the **values** of the surrounding properties would not be diminished because:

Applicant's response: *"The garage on the property has been used commercially for decades having no impact on surrounding properties. The abutting lots are both large land lots, one specifically used for farming and the other is a densely wooded lot in current use."*

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary **hardship** because:
   i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

Applicant's response: *"The request business is home-based at its core and not a strictly stand-alone mechanic shed."*

and:
ii. The proposed use is a reasonable one because:

Applicant's response: *"Agricultural uses require a lot of equipment maintenance which our operation can replicate. An example is the abutter, Forbes Farm, who operates a mechanic shed to fix equipment."*

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Applicant's response: *"The property has situated on it an existing, large, commercial quonset hut that is ideal for an auto service. The property also situated along a well-traveled State road and has adequate access from that road. There would be property alterations are necessary other than a fence to shield the view from the road."*

Applicant Kyler Kenison was present. He introduced his business partner, Cody Charron. LUC Irving explained some background: the Land Use Office issued a letter approving a home-based occupation based on the Applicant's assertions of part-time hours and low-volume. After the Town's approval of a home-based occupation was issued, the Department of Safety sent a request for the Town's recommendation of an inspection station at the location. Because the scope of the operation had changed, the Land Use Office recommended approval with conditions. The State denied the application. Irving felt that the best way to handle the situation was to request a variance so that commercial use in the agricultural district was not in question. The Quonset hut was used previously as a welding business and operating as a commercial entity since it was built. The level of commercial activity affects the zoning determination and impacts the Applicant's ability to move forward with an inspection station. If denied a variance, the traditional use of the Quonset hut would essentially render it unusable in its ordinary capacity.

Melissa Potter asked why the letter to DOS recommends a limitation of 2 vehicles queued for service/inspection. Irving explained that her response was based on the operation being a home occupation; the intent was to request approval of the inspection station but impose conditions limiting the scope. Potter felt that this condition on a full-time operation would be too restrictive. Tricia Frenette asked how many cars on the lot would be expected? Applicant Kenison responded that he really did not know but he was not a fan of lawn art. He anticipated at least 6-7 vehicles, maybe 10, all registered so the lot does not constitute a junkyard. The goal would be to focus on local business. LUC Irving pointed out that a condition of approval to the effect that a junkyard shall not be permitted would allow up to 2 unregistered vehicles for parts if necessary. She reminded the Board that the decision for the auto service business on Wesson Road had a condition of approval limiting the number of vehicles on the lot. Nate Kenison asked the Applicant if there was an area designated for the vehicles. LUC Irving provided an aerial and Kenison pointed out that cars would be parked in a single row to the right of the entry in front of the Quonset. The condition of a fence had not been considered until the Land Use Office recommended it; they have decided to install a white picket fence situated in front of that row, set back a little from the right-of-way. Because this is the location of his home, he wants the fence to be tasteful and have curb appeal.

Chair Ogle **OPENED TO THE PUBLIC** the public hearing for Case #550.

There were no abutters present nor any comments from the public.

Chair Ogle **CLOSED TO THE PUBLIC** the public hearing for Case #550.

Tricia Frenette moved to APPROVE the application for variance WITH CONDITIONS that "a maximum of fifteen (15) vehicles shall be allowed on the property of which no more than two (2) may be unregistered. Les Hilton seconded the motion. All members of the Board voted to APPROVE the application for variance WITH CONDITIONS that "a maximum of fifteen (15) vehicles shall be allowed on the property of which no more than two (2) may be unregistered," no objections. *Motion passed.*

Chair Ogle reminded the Applicant that there is a 30-day appeal period. LUC Irving notified the Applicant that the recorded decision will require his signature.

LUC Irving recommended that an alternate be moved up to voting status and acknowledged that she forgot to ask before the Kenison hearing; there was still a quorum just not a full voting Board. Chair Ogle asked to shift both Don Freddette and Melissa Potter to voting status for the remaining public hearing. Steve Young seconded the motion. All members of the Board voted to shift both Don Freddette and Melissa Potter to voting status for the remaining public hearing, no objections. *Motion passed.*

Case# 549—Lepeska, Peter for a Special Exception Article 5 Districts, §5.04, Uses Permitted by Special Exception in the Agricultural District, §§(f) "Motels, inns, cabins or other transient lodgings provided that every individual cabin or rented space shall be supplied with its individual running water and sewage facilities." Owner(s)/Applicant(s) seek special exception to rent as transient lodgings on a short-term basis (<30 day) both the 3BR, 1845 sf (GLA) cabin and the 1-2BR, 960 sf studio apartment located above the garage. Land Zoned Agricultural. [Tax Map R22 Lot 004-2, 25.40 acres; 21 Weeks Road].

Chair Ogle announced that Case #549 has been withdrawn by the Applicant. LUC Irving explained that the withdrawal occurred after the agenda, published notice of public hearing, and certified letters were sent out. The notice of withdrawal was posted on the website.

Case# 548 – Mattos, Richard d/b/a TECHPROS Computer Sales & Gun Shop, Ammo & Repairs (Applicant) & Town of Lancaster (Owner) for a Sign Special Exception concerning 1) Article 6 Regulation of Signs, Section 6.12 "Sign Special Exceptions," and 2) Section 6.04(e) Commercial District-"Lots under single ownership with multiple businesses and with building(s) that set back seventy-five (75) feet or more from the street right-of-way may have one sign not to exceed fifty (50) square feet for each business on the building(s) and a sign not to exceed twelve (12) square feet for each business on a single sign standard located on the property near the entrance." Applicant(s) seeks special exception approval to construct a larger than permitted permanent 2'x8' wooden sign to be affixed upon an existing off-premise mount. Land zoned Central Business District Middle. [Tax Map P007-Lot 004, 0.34 acres, off Main Street aka Park Street Municipal Parking Lot].

Chair Ogle OPENED THE PUBLIC HEARING for Case #548 and read the following application:

Section A: The ZBA shall look at the request for a Sign Special Exception with an eue to aesthetics and mitigating any impact to the surrounding properties (Section 6.12).

Will the proposed/requested sign:

1. Destroy or detract from scenic vistas? Applicant's response: *"NO, the sign would be an additional business advertisement to an existing sign in the downtown Central Business District—Middle."*
2. Compete unnecessarily with the natural environment? Applicant's response: *"NO. The sign is consistent with the character and environment of the existing sign."*

3. Will the sign cause a proliferation of signs in this area? Applicant's response: *"NO. The mount exists and can accommodate additional signage."*

Section B: Town of Lancaster Zoning Ordinance—Section 3.48 & NH RSA 674:33, IV

1. Is the granting of this Special Exception in harmony with the purpose of the Zoning Ordinance? Applicant's response: *"YES. The purpose is to direct the public to an identified business while having signage that is consistent with the environment and commercial character."*
2. Is the granting of this Special Exception in harmony with the intent of the Zoning Ordinance? Applicant's response: *"YES. The intent is to control overburdening of areas with signage. A sign already exists at this location and this placard extends the square footage maximum by 4 feet tot a total of 16 square feet. ZBA #393 granted an off-premise oversized sign of 80 sf for the Welcome Center only and if another business were to locate, the Welcome Center sign size must be reduced, however, the Welcome Center sign is 32 sf so this sign at 16 sf + 32 sf =48 sf < allowable 80 sf."*

Section C: NH RSA 674:16 & 17

Would the sign be detrimental to the:

1. Public health of Lancaster residents or the general public? Applicant's response: *"NO. It is for an established business in the downtown district."*
2. Safety of Lancaster residents or the general public? Applicant's response: *"NO. It is for an established business in the downtown district."*
3. Character of Lancaster? Applicant's response: *"NO. It is for an established business in the downtown district."*
4. Welfare of Lancaster? Applicant's response: *"NO. It is for an established business in the downtown district."*

Section D: Town of Lancaster Zoning Ordinance Section 6.12, Oversized Signs Special Exception Criteria

1. If approved, which Zoning District will the requested sign be located in?
   Applicant's response: *"Central Business District Middle"*
2. Is the requested sign larger than the largest grandfathered sign in the above Zoning District?
   Applicant's response: *"NO. The existing sign is larger."*
3. Which grandfathered sign is the applicant & board using as a comparable sign? (Provide a description of the comparable sign below):
   Applicant's response: *"The existing sing is 32 square feet-the ordinance limits signs with multiple businesses to 12 sf and this sign is 16 sf."*
4. Does the requested sign advertise a business similar in nature to the comparable grandfathered sign?
   Applicant's response: *"NO. But the business is located at the same building."*

Section E: Pursuant to Section 12.02 of the Zoning Ordinance, the applicant must introduce clear and convincing evidence in resolution of the following queries:

1. Will the "character of the are" be adversely affected?
   Applicant's response: *"NO. The sign is in the business district with no impedance of natural environment."*

[clarifying Language from the Zoning Ordinance: The proposed site should be an appropriate location for the use. Among the factors the Board of Adjustment will consider are: topography, soils, water resources, road access and location of driveways, condition of existing structures and other relevant characteristics such as whether the proposed use is compatible with surrounding land uses.]

2. Will the value of adjacent property be adversely affected?

Applicant's response: *"NO. The business has been located off premise for 1 year and has had no impact on adjacent values and no nuisance issues."*

[Clarifying Language from the Zoning Ordinance: The proposed use should not adversely affect the value of adjacent property. An adverse effect on adjacent property is one that would limit the use of neighborhood property by causing such problems as excessive noise, traffic, dust, fumes, glare or other conditions that are associated with the intended use but are not typical of permitted uses in the area.]

3. Will the character of the lot be adversely affected?
   Applicant's response: "NO. It is a sign adjacent to a parking lot."
4. Will hazardous waste be disposed of on the property?
   Applicant's response: *"NO. The business is for service and repair."*
5. Will provisions be made for disposition of all waste without jeopardy, financial or otherwise, to the Town of Lancaster?
   Applicant's response: *"YES. The Applicant manages [his] own waste collection and disposal."*

[Clarifying Language from the Zoning Ordinance: No hazardous waste shall be disposed of on the property, and provisions for disposition of all waste made without jeopardy, financial or otherwise, to the Town of Lancaster.]

6. Will "traffic in the area" be adversely affected?
   Applicant's response: *"NO. Traffic counts are already 11,000 per DOT, and the historic customer base is around 450 annually so the business will not increase traffic. Parking is in the municipal lot."*

[Clarifying Language from the Zoning Ordinance: Traffic generated by the proposed use must not represent a hazard to the neighborhood for either vehicles or pedestrians.]

Section F: Town of Lancaster Zoning Ordinance Section 6.12, Roof Sign Special Exception Criteria

Not applicable

Applicant Richard Mattos was present. Chair Ogle asked the Applicant if the banner depicted in the photographs was the proposed sign. Mattos confirmed that sign would be smaller by 1-foot but the design and color is proposed to be the same. When he had the banner up over the holidays, his business gained roughly 25 new customers.

Chair Ogle **OPENED TO THE PUBLIC** public hearing #548.

There were no abutters present nor were there any comments from the public.

Chair Ogle **CLOSED TO THE PUBLIC** public hearing #548.

LUC Irving provided some history: the sign mount was granted to the Welcome Center. Signs are supposed to be on the same lot as the business. The Welcome Center lot is separated from the Municipal Parking lot by land owned by the motel. The basis of the approval was that the sign would provide a benefit to the public by advertising a community service as opposed to a private commercial business. The previous approval also granted a sign of 80 sf with a clause that if another sign was intended to be installed that the Welcome Center sign must be reduced. The Welcome Center sign was not built at 80 sf and is 32 sf, so there is space for a sign up to 80 sf The Applicant submitted a sign permit application with a permission statement from the Welcome Center/Linda Hutchins, however, the landowner, the Town, had to consent. The Town Manager was not in favor of submitting the application, so the Applicant appealed this decision to the Board of Selectmen. The Selectmen decided to sign the application so that the ZBA could hear and decide the case.

LUC Irving also relayed Linda Hutchins opinion. Hutchins had granted the Applicant to erect a sign not only on the parking lot mount but also on the building. Linda's opinion is that she is in favor of having an additional sign on the mount because it is a draw for customers to the business district.

Irving stated that she has already permitted the sign for the building. The condition of approval was for the sign to be compatible with the natural environment and character of the surrounding commercial area. She also included a condition to remove the sign within thirty (30) days of discontinuation of operation at the Welcome Center location.

Tricia Frenette said that it is beneficial to have a tenant in the Welcome Center building. It is hard to get renters in that building because it is not handicapped-accessible to the second floor. Melissa Potter emphasized that it is a benefit to the public. Les Hilton pointed out that the dimensions of 2'x8' are to fit the mount. LUC Irving posed the argument that, when the Applicant/Tenant chose his business location knowing that there was no frontage for signage, he assumed the risk of not being able to erect a sign per the ordinance as he is not entitled to be on public space. There was some confusion as to why he was able to mount a sign on the building; Irving explained that the land is owned by the Town, but the building is owned by the Renaissance (Lancaster Main Street Inc) whereas the municipal parking lot where the sign mount is located is owned solely by the Town. There is no lot frontage for the Applicant to erect a pole mounted sign.

The Board discussed the design of the sign and recommended changes in the design and color. They felt that it was too bold and stuck out as a stark white background and recommended that the color scheme be changed to complement the Welcome Center sign; it could be a softer color like beige and include the gold framing and corner indents. The proposed sign is too modern and contemporary and does not exude the branded homey-ness.

Tricia Frenette moved to **APPROVE the SIGN SPECIAL EXCEPTION WITH CONDITIONS** that 1) the sign shall be compatible and consistent with the existing sign branding and style, and 2) both the building sign and the mount sign shall be removed upon termination of the lease and/or discontinuation of the Applicant's business at the Welcome Center location. Melissa Potter seconded the motion. All members of the Board voted to APPROVE the SIGN SPECIAL EXCEPTION WITH CONDITIONS that 1) the sign shall be compatible and consistent with the existing sign branding and style, and 2) both the building sign and the mount sign shall be removed upon termination of the lease and/or discontinuation of the Applicant's business at the Welcome Center location., no objections. *Motion passed.*

Chair Ogle **CLOSED THE PUBLIC HEARING** for Case #548.

Chair Ogle reminded the Applicant that there is a 30-day appeal period. LUC Irving reminded the Applicant that the sign application must still be submitted to the Land Use Office and should include a new rendering of the sign.

OTHER BUSINESS:

Land Use Permits: LUC Irving announced the most recently issued land use permits: 1) #23-109 Poyant Signs obo Richard Albert dba Helrick Realty/Mountain View Donuts/Dunkin' to construct canopies over the drive-thru and order menu board and install a height crash-bar. Tricia Frenette stated that they had not done the canopy over the pickup window. Irving said that there is a condition of approval that the canopy shall not interfere with waste collection services, 2) #23-110 Melissa Hanson dba Scorpio's at 180 Main St.; to construct a wall and enclose the open porch, 3) #23-111 Brian Patnoe at 442 North Road, to install a pre-fab shed. The landowner is at the maximum accessory use building density, 4) #23-112 Jude & Laura Gesel obo Margaret Mattison at 7 Fletcher Street, to construct a shed and remodel the 2nd floor, 5) #23-113 Casey Henry off Kelsea Drive, to construct a shed, 6) #23-114 Donald & Elaine Bucci off Page Hill Road, to construct a single-family dwelling and shed. This lot is part of the Kelsea Drive subdivision and is one of the lower lots on the right when traveling up the hill. It is the lot where the public service line cuts through, 7) #23-115

Benjamin & Katelyn Smith at 32 Stebbins Hill Road, to demolish an existing attached shed and reconstruct a larger mudroom/storage room, and 8) #23-116R Sharon Kopp obo LRH-2 LLC at 55 Main Street, to demolish the interior and construct 8 apartments on the 2nd and 3rd floors. RENEWAL.

Planning Board Decisions: Continuation of public hearing of the Colby restaurant case.

Training Topic(s)/Material(s): None

Other Business as may legally brought before said meeting: LUC Irving addressed an email that both she and Chair Ogle had received requesting enforcement on the signs/banners located at the alarm store across from the Benoit salvage yard. The definition of "signs" in the ordinance is as follows:

> "Any material, structure or device displaying an advertisement, announcement, notice, insignia or name and designed specifically for the purpose of advertising or identifying any establishment, product, goods or services is considered a sign and shall include, but not be limited to: banners, awnings, canopies, portable signs, temporary signs, free standing signs, and building mounted signs."

These posters are personal expression that are protected by the First Amendment and are not signs per the Town's ordinance. Political signs are permitted per state regulations. Further, there was a question whether the posters were within the State right-of-way and the Land Use Department's position is that, because they are not signs subject to Town regulation, then the State would have to enforce the right-of-way encroachment.

LUC Irving reminded members with expiring terms to submit their letters of interest by Town meeting. She announced that Chair Linda Ogle will not be renewing her term. She encouraged the Board to continue with recruitment efforts and to think about how the Board will be restructured. The Board will be down to six people, leaving little flexibility in the absence of a quorum.

Les Hilton moved to adjourn the meeting at 1946H. Steve Young seconded the motion. All Board members agreed to adjourn the meeting at 1946H, no one opposed. ***Motion passed.***

Respectfully submitted,
Robin L. Irving, Land Use Coordinator

Approved:

~~Linda Ogle~~, Chairman of the Lancaster Zoning Board of Adjustment
Tricia Frenette

Approved: Tricia Frenette

Margaret Jones, Acting Chair of the Lancaster Planning Board