Lancaster Zoning Board
Location: Lancaster Town Hall
November 27, 2024

Call To Order: Chair Tricia Frenette opened the meeting at 1830H and led the Pledge of Allegiance.

Roll Call:
Regular Members Present: Chair Tricia Frenette, Steve Young, Les Hilton
Absent: Vice Chair Nate Kenison
Alternate Members Present: Robert Cass, Eric Livingstone
Absent: Donald Freddette
Others Attending: Land Use Coordinator Robin L Irving, Applicant Darren Williams, Applicant Diane Williams, Landowner Daniel Savage, Landowner Jesse Savage, Abutter Ken Tetrault, Abutter Stacey Tetrault, Abutter Chuck Martindill, Joseph Williams, Kristin Williams, Sage Williams, Timothy Williams, Camden Williams, Brian Williams

Chair Frenette moved both Eric Livingstone and Robert Cass to regular voting members for the meeting.

QUORUM

Minutes:
Les Hilton moved to APPROVE AS WRITTEN the August 28, 2024 meeting minutes. Steve Young seconded the motion. All members voted to **APPROVE AS WRITTEN** the August 28, 2024, meeting minutes, no objections. *Motion passed.*

Appointments: None

Public Hearings:

Chair Frenette **OPENED the PUBLIC HEARING** for ZBA Case #554:

Case# 554—Applicant(s) Darren & Diane Williams and Property Owner(s) Daniel A. & Jesse L. Savage request for a Variance (Use) concerning Article 5 "Districts," Section 5.04 "Permitted Uses in the Agricultural District." Applicant(s)/Owner(s) seek Variance approval to re-establish since 2004 the commercial use of the property as a function/dance hall. Land Zoned Agricultural District. [Tax Map R19 Lot 052 (11.58 acres; 504,424.80 sf; 408 North Road].

Applicant Darren Williams said that he and his wife Diane wish to purchase the property and convert it back to a dance hall. He had heard a lot of concerns about their plan so he wanted to address a few highlighted issues: The plan is to restore the building and business to how it was. There will not be any adult-type entertainment in the building. The focus will be on weddings, birthday parties, graduation parties, and family/community-type gatherings etc. The restoration will take some time as it is a large building and it needs a lot of work. The goal is to take care of the basics: get the landscaping back into shape, get the building painted, replace doors, windows and flooring. The original hardwood flooring is still in there; the Savages did a great job of keeping a lot of the original artifacts intact. The disco ball is still there and it works! They want to retain the character of the building and just have an affordable place where the community can go and have a good time. Les

Hilton asked if rollerskating was something that they planned to offer? Williams responded that skating is not going to be the main business, however, they would like to have special events, perhaps in the summer to have a rollerskating night(s). Hilton remembered the rink as being a popular place for the kids. Williams said that nearly everyone that he speaks to has a memory—there were no bad comments about how it was, so they would like to bring that kind of operation back. Chair Frenette asked what the hours of operation would be? Williams responded that the property would be available 7 days/week and typical events have cut off times around 11 pm—there will not be anything going until 1, 2, 3 in the morning. They have regular jobs and recognize that those around the property do as well, so nothing will go past 11 pm. Hilton said that he had 2 concerns: 1) the entryway and road going to the building, and 2) lighting. Williams mentioned that the driveway needs some work and there currently is no lighting. They are looking into some street type lighting that will be focused on the lot and not just lighting up the whole neighborhood. There are a lot of efficient LED fixtures. Eric Livingstone asked whether they planned on alcohol licensing for BYOB? Williams is looking into different types of liquor licenses but the preference is to serve on the premises. The first step is to have the State inspect the building. Landowner Dan Savage explained that telephone poles are set in the parking lot for lights if needed. Robert Cass asked about the landscaping and whether a hedge row or similar would be planted? Williams said, in reference to James Dubreuil's letter to the Board, that they intend to plant a hedge row around the property, or even find some kind of decorative fencing to clearly define the lines.

Chair Frenette read the Applicant's Variance Application:

A variance is requested from *Article 5, Section 5.04* of the zoning ordinance to permit: *"returning the use of the building at 480 North Road, currently Savage Discount Barn, formerly Dubreuil's Dance Hall/Skating Rink, to its original use as a function/party hall."*.

1. Granting the variance would not be contrary to the **public interest** because:
   Applicant's Response: "*The property was used for this purpose without public detriment for decades previously.*"

All members of the Board agreed with the applicant's response to question #1 as written, no objections.

2. If the variance were granted, the **spirit** of the ordinance would be observed because:
   Applicant's Response: "*Large areas of open space will be retained to maintain the rural feel.*"

All members of the Board agreed with the applicant's response to question #2 as written, no objections.

3. Granting the variance would do substantial **justice** because:
   Applicant's Response: "Granting the ordinance [variance] will do substantial justice because *returning a historic town 'icon' to its former glory will benefit all.*"

Eric Livingstone stated that it may be an old building, however, perhaps not classified as 'historic;' certainly to the standards of the historic preservation projects in the downtown. Classifying it as historic also brings on a whole new level of restoration. Les Hilton felt that the use would not benefit all. Robert Cass mentioned that icon buildings usually have a public push to save the structure, yet often end up vacant and not benefiting anyone. Cass was concerned whether the applicants had a

solid business plan. Hilton said that the dance hall/skating seemed to be a success in its heyday, so it was logical to think that it would be a success again. Livingstone said that the fact that it was a business with employment and money transactions would do substantial justice, not necessarily whether they had a business plan. Hilton emphasized that substantial justice would be done by using the building and not having an empty building that would likely be torn down.

All members of the Board agreed that restoring this building to a function hall that can serve community members would do substantial justice, no objections.

4. If the variance were granted, the **values** of the surrounding properties would not be diminished because:
   Applicant's Response: *"Restoration of this property can only help increase the value of others around it."*

Eric Livingstone said that there would be no increase in the property value of neighboring property if the business is a nuisance. Hilton responded that there are not a lot of neighbors—just the Dubreuil rental. Livingstone countered that he was not aware of any abutter being concerned with diminished property value, so it is not flagged as an issue.

All members of the Board agreed that the level of proposed improvements would contribute to higher value, therefore values of the surrounding properties would not be diminished, no objections.

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 property is special in that it holds special memories for the older generation which enjoyed many years of fun and community gathering. Restoration will enable a new generation to experience that same feeling."*

All members of the Board agreed with the applicant's response to question #5(A)(i) as written, no objections.

AND

ii. The proposed use is a reasonable one because:
Applicant's response: *"The property was used for this previously."*

All members of the Board agreed with the applicant's response to question #5(A)(ii) as written, no objections.

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: *"If not allowed to restore the event hall, the property will continue to be used as basic retail space or possibly sold to someone who will tear it down, losing it forever."*

All members of the Board agreed with the applicant's response to question #5(B) as written, no objections.

Chair Frenette **OPENED TO THE PUBLIC** the public hearing for Case #554.

Abutter Ken Tetrault expressed two concerns. First, his property gets a lot of noise from the Pavilion already, all summer long. It is a big problem and the noise is very annoying. He further expressed that, given that there is going to be drinking at the establishment, this will have an effect on law enforcement; Lancaster police presence is not strong in the area and it would have to be stepped up if alcohol-related issues increase.

Les Hilton asked what the noise level was before? Tetrault responded that they have been at their property since 2007, so they did not experience the dance hall noise, only the pavilion noise which Jim (Dubreuil) said would be quieted by 10 pm, however, is not the case…if their windows are open it is as if they are present at the party. They do not want a situation like that and would like to have some mitigation condition in the decision.

Tetrault also mentioned that they own that pull-off on North Road where more trash happens when there is more action in the area. It is a nuisance. They recognize that it is not the owner's fault that people are littering but it is a result of the type of business that is going on. There can be a full bag's worth of trash.

Kristen Williams pointed out that the Pavilion is noisy particularly because it is an open structure whereas the dance hall is a solid cement enclosed building, so the noise should be more contained because events would be held inside. She also pointed out that having an on-site liquor license gives them the advantage of knowing and controlling how much people are consuming as opposed to BYOB. The family wants to offer fun, indoor activities and maybe offer outside wedding ceremonies.

Landowner Dan Savage commented that, from his mowing experience, there is not much trash on his side of the road (run of the mill litter level). He also said that the hall keeps things pretty quiet to the outside.

Abutter Chuck Martindill was concerned about the travel speed in the area, sometimes 60+ mph, because it is one of the few straight sections on North Road. Having this business will contribute to more traffic. Even the double yellow line does not stop passing.

Chair Frenette read Abutter James Dubreuil's letter:
"Jim Dubreuil, 500 North Road, Lancaster NH, 300' from Bargain Barn. My Concerns: The boundary pins that are missing should be replaced by a licensed surveyor before the property is sold. My apartment building has (4) apartments, late night noise I believe will be an issue and keeping wandering people off my property (I have animals on the north side.) In the past, the definition of dance hall was confusing (Could you define it?) In the past, nude dancing was in that category. Excessive late-night noise will effect my apartment rental business. I will be building livestock fencing along the north and east sides after the boundary pins are back. Some evergreen trees should

be planted by the apartment building on each side of the boundary. I already put some on my side and [am] going to put a few more. I would like a copy of the minutes. Thank you, Jim."

Landowner Dan Savage said that the parcel was surveyed a couple of years ago by Don Doolan and he drove pins. He surmised that Dubreuil's issue is with the pins in the upper parking lot where there is a rock at the pin location which may need to be reset. There is a pin on the corner where Dubreuil's sign is. Chair Frenette stressed that they should know where all of the pins are. Savage said that the driveway used to go on the other side and he granted Dubreuil permission to plant trees there to provide some privacy.

Williams said that he would share his number with Tetrault so that they can be contacted to pick up trash on the pulloff. Williams also agreed to have a surveyor reset the pins if they cannot locate them. It benefits him to know where the boundary is especially if he intends to install a fence and/or trees. Finally, all events would be supervised/monitored by the Williams' so there is no customer free rein of the property. Hilton asked if they intended to have any live bands? Williams responded that weddings sometimes hire live bands but they were not anticipating concerts. LUC Irving suggested that live events could be offered with conditions of notice to abutters.

Chair Frenette **CLOSED TO THE PUBLIC** the public hearing for Case #554.

Steve Young moved to APPROVE WITH CONDITIONS the application for variance. Said conditions subsequent are as follows:

1. A privacy and noise buffer shall be planted along the Dubreuil boundary (Tax Map R19-Lot 053);
2. A NHDOT driveway permit application shall be submitted and the driveway shall be improved to NHDOT standards;
3. Lighting of the lot shall be shielded, downward directed illumination toward the building;
4. There shall be no operations after 2300H;
5. Concerts shall be approved by the Lancaster Town Manager and abutters and Lancaster Police Department shall be notified immediately following Town approval.

Robert Cass seconded the motion. All members of the Board voted to **APPROVE WITH CONDITIONS** the application for variance (conditions above), none opposed. *Motion passed.*

Chair Frenette reminded the applicant that there is a 30-day appeal period post-decision.

Chair Frenette **CLOSED the PUBLIC HEARING** for ZBA Case #554.

OTHER BUSINESS:

Land Use Permits: LUC Irving announced the most recently issued land use permits (late May to present): 1) #24-077, Roger Fontaine & Brenda Dingman, 14 Woodcrest Lane, for installation of a storage shed on a gravel pad, 2) #24-072, Janet Arsenault, 27 Depot St., installation of a rooftop solar array, 3) #24-0074A (441 North Rd-construct single-family dwelling) and #24-073A (13 Mechanic St—demo to studs and reno), amended permits to reflect new ownership, 4) #24-071R3, Alan Savage, 493 Main St., RENEWAL #3 for construction of storage units, 5) #24-070R, Peter Bouchard, 26 Bunker Hill St., RENEWAL for construction garage, 6) #24-069, Mo Ingerson, 21 Summer St., for conversion of a single family dwelling into 1st & 2nd floor apartments, 7) #24-068A, Scott Lambert, 25 Kelsea Dr., for construction of basement living space & (AMENDMENT) detached metal kit garage, 8) #24-067, James & Jody Michaels, 76 Mechanic St., for installation of a

storage shed, 9) 24-066, Mark & Beth Vincent, 13 Stevens Terrace, for installation of a storage shed, 10) #24-065D, McGowan Southworth & Lavina Maykut, 8 Hill St., for demo of interior & exterior facades; 11) #24-064, Betty Brown, 53 Page Hill Rd, for construction of single-family dwelling with attached garage, 12) #24-063, Bert & Nancy Desrochers, 225 Elm St., for installation of a double-wide mobile home on a slab , 13) #24-062, Patricia Steady TTEE, 35 Winter St., for construction of a switchback-type ADA ramp, 14) #24-060, John & Deborah Curtis/Ronald & Tara Curtis, 16 Sunny View Dr., for construction of a slab, 15) #24-079, Paul & Marilyn Crane TTEEs, rear lot off Main St., for construction of a lean-to storage shed, 16) #24-078, Roy Ingerson Jr., 34 Ingerson Rd., for construction of a deck of an existing mobile home, 17) #24-076AR, Joel & Stephanie Dupuis, 550 Main St., for construction of 2nd addition of a garage bay AMENDED RENEWAL, 18) #24-075, David & Michelle Demontigny, 8 Prospect St., for installation of a metal framed poly covered garage.

Sign Permits: #24-007, Sarah Maroon d/b/a Pure Health Functional Medicine at 133 Main St. (Waystack & Frizzell building) for "Pure Health Functional Medicine," #24-007, Bazo Construction o/b/o Global Montello Group Corp at 202 Main St for Exxon "Mobil"

Planning Board Decisions: PB #863 Trisha & Jonathan McCabe, 74 Main Street, DENIAL on 10/9/2024 of a Conditional Use Permit to construct a residential apartment in the rear of the ground floor commercial space.

Training Topics/Materials: None

Announcements/Correspondence: None

Other:

Les Hilton moved to adjourn the meeting at 1915H. Robert Cass seconded the motion. All Board members agreed to adjourn the meeting at 1915H, no objections. *Motion passed.*

Respectfully submitted,

Robin L. Irving, Land Use Coordinator

Date of ZBA Approval: 1/29/2025