**Lancaster Zoning Board**
**Location: Lancaster Town Hall**
**July 30th, 2025**

**Roll Call:**
**Regular Members Present:** Chair Tricia Frenette, Vice Chair Nate Kenison, Donald Freddette,
**Absent:** Les Hilton, Steve Young
**Alternate Members Present:** Eric Livingstone, David Anderson, Scott Lambert, Robert Cass
**Alternate Members Absent:** None
**Others Attending Meeting:** Land Use Coordinator Robin Irving, Clerk Kailey Kennagh, Applicants Michael & Shelli Roberts, Applicants Lori & Scott Baldwin, Abutters Christofer and Kelly Kage

Meeting opened at 18:30 PM by Tricia Frenette with the Pledge of Allegiance.

Frenette moved Livingstone and Anderson to regular members to make a quorum.

QUORUM

**Minutes:**
Donald Freddette moved to **APPROVE AS WRITTEN** the June 25th, 2025 meeting minutes. Nate Kenison seconded the motion. All members voted to **APPROVE AS WRITTEN** the June 25th, 2025 meeting minutes, no objections. *Motion Passed.*

**Appointments:** None

**Public Hearings:**

**Case # 559 – Roberts, Michael G. & Shelli J.** for a Special Exception concerning Article 5 "Districts," Chapter 5.05 "Agricultural District," Section "Uses Permitted by Special Exception," Subsection (b) "Multi-unit housing, provided there be no more than three (3) dwelling units per acre and provided that the land area is capable of supporting on-site waste disposal and provided adequate domestic water is available." Applicant/Owner seeks special exception approval to convert an existing single-family dwelling into a two (2)-dwelling units, wherein density regulations allow a maximum of two (2) units per the 0.67 acres, for use as long-term rental property having access to town water and sewer utilities on land situated in the Agricultural District. Land Zoned Agricultural. (Tax Map R02- Lot 074, 0367 acres (29, 185.2 sf), 7 Page Hill Road).

Frenette opened the conversation on the case with announcing new rules and regulations that need to be taken into consideration before hearing the rest of the case. Irving read the revised law "New basic requirements: shall allow accessory dwelling units in all zoning districts that permit single-family dwellings, attached or detached, no longer require a conditional use permit or special exception." Our

zoning ordinance has square footage and other requirements. This would have likely fallen into attached ADU category. The law's definition of ADU states "residential living unit that is located on a lot containing a single-family dwelling that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. Accessory dwelling units may be constructed at the same time as the principal dwelling unit. Within or physically connected to the principal dwelling unit." There is nothing else listed for required shared access. An apartment would have its own entrance, versus the shared door of an ADU.

All members of the Board agreed that the proposed apartment is an attached ADU per the new definition.

Freddette moved to **DISMISS THIS CASE** for lack of jurisdiction. Livingstone seconded the motion. All members voted to **DISMISS THIS CASE** for lack of jurisdiction, none opposed. *Motion passed.*

Irving stated that this new law that allowed the board to dismiss this case for lack of jurisdiction was signed by the Governor on the 15th and it was retroactive for the 1st.

**Case # 560 - Baldwin, Scott A. & Lori M. – Applicant(s)/Owner(s)** for a Variance (Area) concerning Article 5 "Districts," Chapter 5.05 "Agricultural District," Section "Setbacks and Frontage," Subsections (a)(2) "Side and rear yards of no less than forty (40) feet from the property line," and (a)(3) "No building or other structure shall be located less than fifty (50) feet from the nearest existing edge of the public or accepted private street." Owner(s)/Applicant(s) request approval to construct a 30'x30' single-family dwelling and a 20'x30' accessory use building up to ten (10) feet from the side boundary when forty (40) feet is required, and up to fifteen (15) feet from the front right-of-way edge when fifty (50) feet is required (residential district setbacks rather than agricultural district setbacks). Land Zoned Agricultural. [Tax Map R28 Lot 012-1 (1.44 acres; 62,726.40 square feet); 230 Martin Meadow Pond Road].

The Board reviewed the application:

1) Livingstone asked what being adjacent to other homes really means. Irving stated that it could be next to commercial or a farm. Single family dwellings are allowed in both residential and agricultural zones. It is next to a single-family dwelling. All members agree with the response to question one.
2) Livingstone stated that the spirit of the ordinance is to maintain the open space without structures and not crowded together, but the density and character of the neighborhood isn't really going to change. Cass stated forest trees are agricultural commodity for this particular lot, and asked if anyone was going to grow on it. He also asked if the applicants want to change it to a residential? Irving stated no, it's zoned agricultural but this would be residential use. Uses include a single-family dwelling or farm, both permitted in the agricultural district. The setback is what the case is asking for, not the use. Cass asked if the setbacks apply to agricultural lot. Irving said yes. All members then agree on the response to question two.

3) Frenette asked if this is a hardship because it will create more excavation or because there is no other place to put it. If it's a hardship for excavation challenges, it's not really a hardship. Irving stated that the applicant claims that the steep slope is a specific character of the land that creates the hardship. Members decided to table section three as the hardship is addressed further in the application.
4) Irving stated that out of the abutters, there is one residential home that directly abuts property. Do those two other green open lots say that it is small residential homes surrounding it? Freddette stated that the green space lots could be developed as agricultural or residential with agricultural setbacks. This should also meet agricultural setbacks, not residential. All members agree with the response to question 4.
5) A(i) – Kenison linked this section back to the hardship in section three. The Board agreed with the responses to both questions three and 5(A)(i).

   A(ii) – Lambert stated that the closer to the road issue would be irrelevant because it's not a setback on the side. This was built most likely before that came in. It needs to be 50' front the road. The natural landscape is retained in 50' or 40'.

   B – Lambert asked if there were setbacks for a driveway. Irving stated all that is needed is the road agent to approve the location and see if it would require a culvert. There are no actual setbacks for a driveway. The road agent for the town did visit and approve this location and did not require a culvert.

Freddette asked the Applicants if they were aware of the slope and the zoning regulation when they bought the property. Lori Baldwin stated the realtor told them it was residentially zoned, but they were aware of the slope when purchased. They later found our it was agricultural. Freddette asked if the realtor specified any zoning regulations upon purchase, Lori answered no. Lori said they understand the sloping is there, but they would like the driveway to be more accessible and closer to the road for fire and rescue, too. It also looks like the land was logged at some point. It would be more accessible as they age as well. Freddette stated the biggest issue is the setback of 15' for the side, and that it could be an abutter issue. Lori stated they spoke with the abutters and they are in favor. Abutter Christofer Kage, agreed that the slope is dangerous. Lori stated they were hoping to avoid having to dig into that slope. Freddette stated the realtor didn't give the applicant any favors, and now they would like a setback variance from the Board and those concerns should've have been addressed at the sale of the property. Lambert asked if the septic has been designed, and Lori answered that they are working on the design currently. Freddette asked if the well was ready, and Lori answered they are waiting on the septic design first.

Chair Frenette **OPENED TO THE PUBLIC** the public hearing at 1901PM for Case #560.

Christofer and Kelly Kage, abutters at 244 Martin Meadow- They saw last season's erosion and dirt excavated to redirect south of where they're intending to put their driveway. To push it in that direction would be a concern for them, the water would be closer to the foundation and open to more erosion. Applicant plans on putting a culvert in. Christofer stated they have no issues in relation to nature of road and neighborhood as far as agriculture goes. A lot of its camps are on the pond side of the road and the

applicants house wouldn't change the nature of the road. Kelly stated the road crew has created a diversion to get the water off the road and they want to keep that intact.

Frenette read a letter from abutters that were not able to attend the meeting:

*"Dear Town of Lancaster Zoning Board,*

*We are reaching out as abutters to the property located at 230 Martin Meadow Pond Rd., which we understand is the subject of a recent setback variance request for new construction. We unfortunately will not be able to attend the public hearing so we have submitted this statement for the record.*

*To be honest, we hesitated to even send this letter, as we truly don't want to create any tension or seem opposed to someone building on the lot. We fully support thoughtful development and understand that growth is a natural part of any community.*

*We purchased our property this year and were so excited to find and be able to purchase a property in such a wonderful location. We spent the greater part of the last three years searching for the perfect home to start our family. We love the town of Lancaster and had made a decision early on that we were going to purchase a home and spend our lives here. With that in mind it we wanted to live in an area of town that was not a busy residential area nor with neighbors on top of one another. We recently purchased our home here because we were drawn to the peaceful, countryside feel of the area. The area of Martin Meadow is one of Lancaster's gems and we completely understand why someone would choose a lot on the road to build on. When we purchased our home we were informed early on in the process that the lot next door had been for sale for around two years due to the zoning of the property and it being a subprime building lot. We were very aware that at some point if not us to purchase the lot that at some point it would sell, most likely resulting in new construction. The positives of the neighborhood outweigh the added challenges of the lot so we knew at some point the right person that saw the full value of the property would come along. What we did have in mind however, is that while there maybe new construction in the future, the zoning would allow for us to maintain the feel of our property even if someone were to build right at the limit of the existing 40ft setback next door. Modifications of these setbacks truly seems to go against what the area is all about. We feel that being the only property on the road with an adjacent house 15ft from its property line would diminish our property value and worry this is a major detriment to our investment in our property. We understand the added difficulties required with construction within the correct setbacks but feel these concerns should have been addressed prepurchase of the property. While there are a number of residences on Martin Meadow Pond Rd., none of these residences are located at the proximity proposed by the variance applicants. We also worry that if the variance were to be granted, this may be set as a precedent for future development on the road and in other rural spots of town.*

*As previously mentioned, we are by no means opposed to someone building on the lot in question. Our main concern from a personal standpoint with the variance is simply how close the proposed structure may end up being to our property line, and how that might affect the sense of space and privacy we—and likely others—value so much here. The town zones these lots the way they are for a reason, while the lot may not be used for agricultural purposes, the*

*setbacks of such zoning are important for keeping with the nature of surrounding properties and need to be maintained to hold the value they add to a property in these rural areas.*

*We are sharing this in the spirit of being good neighbors and with genuine respect for everyone involved. We also understand the unfortunate situation the applicants were placed in by the selling parties and feel for them greatly. We're hopeful a solution can be found that allows the new owners to build while also maintaining the rural character of the area and minimizing impact on nearby properties.*
*Thank you very much for your time and consideration.*

*Warmly,*
*Steven Shearer and Danielle Bilodeau*
*226 Martin Meadow Pond Rd."*

Chair Frenette **CLOSED TO THE PUBLIC** the public hearing at 1909PM for Case #560.

Cass had comments on research he did on zoning and setback: Starting in the mid-19th century St Louis was trying to stop the look of urban sprawl. In 1916 NYC had a large skyscraper amongst residential housing and was blocking sun and air. In 1924 the government made a national zoning ordinance, giving the States power to enact their own Zoning laws. The motivations and goals for zoning and setbacks are: light and air, sunlight, ventilation, fire safety, property value, esthetics, public health and safety, controlling development and exclusion. In a big city, every one of those motivations applies. On this rural piece of land, Cass does not see that any of those come into play as much.
Livingstone had a concern about the note from the abutter changing the character. This case provides exceptions that are justified, but he is concerned about this abutter against the lesser setback. If the setback came approximate to regulation, if not on it, the house and the garage would have to be move to more than 15' and would like to see someone say they could move the house and garage. Irving stated that Cass' research is valuable and insightful, but how does the Board interpret the zoning ordinance's character, intent and purpose?

Cass asked if conditions could be put on the case. Irving stated she wasn't sure at this point how conditions would impact the issue of setback.

Freddette asked the applicant if they were to move the house in, how much of the embankment would be destroyed? Lori stated they would have to fill the bank in, not destroy it. To alter their plans, they will wait for the decision on the setback, then the septic plan can be designed and then worry about how the house is built. Irving said they could use other ZBA cases in comparison. An abutter was opposed to 13' setback at a Buffalo Rd property. It was denied. They didn't have the topographical and geographical issues that these applicants were having. They both have drainage issues.

Frenette asked if the applicants have played with the measurements as far as moving it in at all. Applicants went and marked trees at 50' and 40', the 50' in front is fine. The house would overlap the road at 40' on the side or be in the slope. Lori stated they want a buffer as well; they are just trying to be flexible to fit everything in the property. Frenette made a suggestion to make a consideration on moving

the setback in another 10', making it 25' instead of the 15'. It would give the abutter more space, and it would help the applicant with dealing with the steep slope within the agricultural setback. The abutter can always appeal if they don't like the decision of ZBA.

Freddette asked if we could add another 5' to that setback. Lori replied that it would be much tighter and banked right up on to the driveway at that point.

Freddette motioned to **ACCEPT A SETBACK VARIANCE OF 25' WITH NO CONDITIONS** from the side of the abutter. The motion was seconded by Kenison. Anderson opposed. The Board voted to **ACCEPT A SETBACK VARIANCE OF 25' WITH NO CONDITIONS** from the side boundary, Anderson opposed. *Motion passed 4-1.*

The applicants asked what they can do about the setback from the roadside boundary. Freddette would like to be set back a little more. Kenison proposed 25' for that setback as well. The Board does not have a measurement from the road, and the Applicants didn't have that number either. It is supposed to be 50', and they know it will be less than that. Another 5' would push them off the town's right of way further.

Freddette moved to **ACCEPT A SETBACK VARIANCE OF 25' WITH NO CONDITIONS** on the frontage. Livingstone seconded the motion. The Board voted to **ACCEPT A SETBACK VARIANCE OF 25' WITH NO CONDITIONS** on the frontage, Anderson opposed. *Motion passed 4-1.*

Frenette advised the applicant that their application was approved, but someone can appeal within 30 days.

**Other Business:**

**Land Use Permits:**

25-065 – Recycle That Acquisition LLC – 202 Main St – Commercial for non-permanent clothing donation bins.
25-063 – Mercier, Adam & Theresa – 94 Elm St – Residential renovation on foundation.
25-064 – Thomas, Robert V Jr & Karen J, Trustees of the Thomas Investment Trust – 274 North Rd – Residential construction of garage.
25-055R – Rochefort, Richard & Diantha – 55 Stockwell Rd – Residential Renewal for Construction.
25-056D – Wolfe, Michael – 9 Burnside St – Demolition
25-006 – Parks, Jon W Jr – off Causeway St – Residential after the fact.
25-006 – Sparker LLC/Station-Glo – 100 Bridge St – Sign Permit
25-057 – Shearer, Steven James & Bilodeau, Danielle Ann – 226 Martin Meadow Pond Rd – Residential repairs and renovations of garage
25-059R2A2 – White, Mollie Ann & Fahey, Michael R. – 15 Church St – Residential Amended 2nd renewal for conversion of garage
25-060 – Oetking, Maude – 58 Elm St – Residential structural repair
25-054D – Ennis, James D. Jr. & Kristina J. – 175R Martin Meadow Pond Rd – Demolition
25-052 – Stanger, Eric C. & Linda A – 208 Grange Rd – Residential clearspan arena

25-051R2 – Carty, Jeffrey John & Cart, Amalia Mariah – 20 Hodge Rd – Residential 2nd renewal for demo of barn and construct shed.

**Planning Board Agenda:** 7/9 decisions

**Other:**

Irving informed the Board of new laws that were enacted:

1)ADUs

2)Requiring multi-family residential development in commercial zones. Irving brought up the motel case. Some sub-districts were required to be commercial on the first floor and residential on any upper floors. Any new buildings or structures in central business district (other than the south) don't have to be commercial on main floor. The way current properties are built now in those districts will stay the same because of the code when they were built.

3)Prohibits requiring more than 1 parking space per unit. Our zoning ordinance requires 2. This goes into effect September 13th. The Motel case was brought up again, as the Planning Board sees the case on August 13th. Since it was signed, Irving stated that it may be taken into consideration for the Motel case and only require the one space per unit law. Frenette asked if there would be restrictions on the municipal parking lots being used by the motel residents. Irving stated the Planning Board will have to decide whether they want to impose conditions to do that.

4)Prohibits the restriction of the number of occupants per bedroom in a dwelling. Lambert asked how many could be in a bedroom. Irving stated that there is no restriction in our ordinance. She stated it could be a health and life safety issue.

5)Floor to area ratio calculations, which we don't use.

6)Will permit residential buildings with 4 floors to have one only stairwell. The Granite Grind building was brought up, and they were supposed to have two because of fire egress. Cass asked how this got passed because of the fire and safety aspect. Irving stated that there is a statewide perception that "we" (towns) are not taking care of the people that need housing and things need to be made easier for them to be accommodated. Freddette asked for clarification on buildings have a height limit of 35'. Irving confirmed.

7)Building is allowed on class 6 roads without having to go to Planning Board and Selectboard. Planning Board has no authority to weigh in on construction standards of the road. We shall have waiver of liability and proof the buildings could be insurable.

8) Previously, if someone is on Zoning and Planning, and they disclosed a conflict, the Boards would be able to vote to say if you remain a voting member. Now, it's a mandatory recusal.

9)If an applicant doesn't do anything with an approved site plan, it used to be 2 years it would lapse, but now it is 3 years, and it has to be substantially complete within 7 years opposed to 5 years. This gives applicants more time to get stuff done.

Frenette asked for clarification on a property on Rowell Road and the agricultural zoning classification that lets the owner build specific things without needing to get an exception. Irving stated there is a case called the Vernon Family Farm case. They were having very large events, parties and concerts on the farm land. The abutters got angry about the noise and traffic that the property was bringing and they appealed what they were doing. The court decided that the activity they were doing fell within the agri-tourism statute which says you can do anything on your farm land or land associated with farming so long as it attracts people to farms and land associated with farming. For example, the Lancaster Fairgrounds wants to put in a driving range on their property. Because it is an agricultural event once a year, it is land associated with farming/agricultural land. Because it brings people to the agricultural associated land, it would be okay to do so. As far as the Rowell Road property, they have a greenhouse and event center and a campground. This is allowed because it's agri-tourism. There is another property on Hodge Road that is doing events and renting cabins, which didn't require them to get permitted because of the agri-tourism statutes. Buildings, however, still need to permitted to build.

Cass asked about the Heritage Trail signage, and where it is signed off of Page Hill. Lambert replied he found the sign about 4000' in. Irving confirmed there is a kiosk there. She also said there has been ATVs on the trails that are not allowed, and they are not sure how to handle that at this time.

Kenison moved to **ADJOURN** at 1955PM. The motion was seconded by Anderson. All members voted to **ADJOURN** at 1955PM, no objections. *Motion Passed.*

Respectfully submitted,

Kailey Kennagh, Clerk

Approved by: Robin Irving Date: 8/27/2025

Robin L. Irving, Land Use Coordinator for the
Lancaster Zoning Board of Adjustment