Lancaster Zoning Board
Location: Lancaster Town Hall
September 24th, 2025

Roll Call:
Regular Members Present: Chair Tricia Frenette, Vice Chair Nate Kenison, Donald Freddette, Les Hilton, Steve Young
Absent:
Alternate Members Present: Robert Cass, Eric Livingstone
Alternate Members Absent: David Anderson, Scott Lambert,
Others Attending Meeting: Land Use Coordinator Robin Irving, Clerk Kailey Kennagh, Applicant Josh Rivard, Abutters Robert and Patricia Quimby, Abutter Barbara Rossell

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

QUORUM

Minutes:
Freddette moved to **APPROVE AS WRITTEN** the August 27th, 2025 meeting minutes. Hilton seconded the motion. All members vote to **APPROVE AS WRITTEN** the August 27th, 2025 meeting minutes, no objections. *Motion Passed.*

Appointments: None

Public Hearings:

Case# 562—Rivard, Joshua L.–Applicant/Owner 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/Applicant requests approval to construct a 15'-wide addition to the existing, non-conforming, single-family dwelling up to twenty-five (25) feet from the side boundary when forty (40) feet is required, and at the existing structure's distance, approximately thirty-three (33) feet from the front right-of-way edge when fifty (50) feet is required. Walker Drive is a privately owned and maintained street with a right-of-way width of fifty (50) feet. Land Zoned Agricultural. [Tax Map R15 Lot 022 (4.14 acres; 180,338.40 square feet; 24 Walker Drive)].

The Board reviewed the application for variance:

1. Granting the variance would not be contrary to the public *interest* because: "Small addition to existing house raise values." The Board agreed with this statement.

2. If the variance were granted, the *spirit* of the ordinance would be observed because: There was no written answer for this part of the application. The Board said they would wait to hear from the applicant.

3. Granting the variance would do substantial *justice* because: "Not harming anyone else of property." The Board said they would wait to hear the abutters' statements.

4. If the variance were granted, the *values* of the surrounding properties would not be diminished because: "They would increase." Cass asked what the effect on taxes would be of abutters, and asked if Rivard's taxes increase, will surrounding properties increase. Irving responded not immediately or necessarily. This is done by comparing similar properties, not necessarily properties surrounding it.

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 the provision to be property because: This was left unanswered by the Applicant. It will be addressed when Applicant comments.

ii. The proposed use is a reasonable one because: "Would need to relocate to expand without sufficient income." The Board generally agreed, but there were some questions they'd like to ask the Applicant.

B) Explain how, if the criteria in subparagraph (A) are not established, and unnecessary hardship will be deemed to exists 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. "House is already within setbacks, addition will not change value."

Frenette asked the Applicant for a statement. Rivard stated he wants to add a mudroom/office, because his child's room is in his current office space. He cannot build it lower as it is a leachfield. The other side of the house is all windows and a porch. If he went out towards the road, it would be beyond the setbacks still. His house is in the corner of the property. He stated he would have to move his septic system if he built off the back of the house, and this would be his unnecessary hardship. He cannot be in strict conformance with requirement to be outside the setback because of the location. Rivard stated he would have to change pitch of roof also, which is a major renovation. Board agrees it is an undue hardship, the use is reasonable, and he cannot use property in strict conformity, which answers part B on question 5 of the application.

Chair Frenette **OPENED TO THE PUBLIC** the public hearing at 1850PM for Case #562.

Abutter Barbara Rossell explained that Crane (Paul) sold the lower portion of the road to them; Rivard said that the road that he is abutting is not really traveled because it is grown up and does not connect to an exit. Rossell stated that Rivard told her he would get the land surveyed and get pins put back

where they are missing between the properties. She is supporting Rivard in for the Variance, and has no issues with it. There was brief discussion about the pins, and getting those replaced. Robert Quimby stated he has pins on the upper portion, but not across the road. He stated they will also support Rivard being granted the variance.

Chair Frenette **CLOSED TO THE PUBLIC** the public hearing at 1852PM for Case #562.

The Board discussed if there should be a condition of approval that Rivard get the land surveyed to get all the pins in place. 3 years was mentioned, and Rivard stated he was going to get ahold of someone to do it right away and get it done as soon as possible, but 3 years was plenty of time.

Hilton motioned to **GRANT THE VARIANCE** with conditions of Applicant getting the land surveyed within 3 years. The motion was seconded by Young. All members vote to **GRANT THE VARIANCE** with conditions of Applicant getting the land surveyed within 3 years, no objections. *Motion Passed.*

Frenette informed the Applicant(s) of the 30-day appeal period. If they start the construction before the 30 days are up, it is at their own risk.

Other Business:

Land Use Permits:
25-075 – Joki, David & Donna – off Elm Street (911 pending), Residential single-family barndominium

Planning Board Agenda:
Irving informed the Board that the Planning Board is still scheduled to hear the continuation of the Major Site Plan application for the Lancaster Motel property at October's meeting.

Other:
None

Kenison motioned to **ADJOURN** at 1920PM. The motion was seconded by Young. All members vote to **ADJOURN** at 1920PM, no objections. *Motion Passed.*

Respectfully submitted,

Kailey Kennagh, Clerk

Approved: _____ Date APPROVED: 12/17/2025

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