Lancaster Zoning Board
Location: Lancaster Town Hall
April 29th, 2026

Roll Call:
Regular Members Present: Chair Tricia Frenette, Donald Freddette, Les Hilton, Steve Young
Absent: Vice Chair Nate Kenison
Alternate Members Present: David Anderson, Eric Livingstone, Robert Cass
Alternate Members Absent: Scott Lambert
Others Attending Meeting: Applicant Zach Colby, Applicants Peter and Barbara Mortenson, Applicants David Awwiller and Lori Summa, Abutter Trevor Bates (Case # 566), Abutters Redmond and Marie Thayer (Case # 565), Land Use Coordinator Robin L Irving, Clerk Kailey Kennagh

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

QUORUM

Chair Frenette moved up Livingstone to a regular voting member.

Minutes: Freddette moved to **APPROVE AS WRITTEN** the February 25th, 2026 meeting minutes. Livingstone seconded the motion. All members vote to **APPROVE AS WRITTEN** the February 25th, 2026 meeting minutes, no objections. *Motion Passed.*

Appointments: None

Public Hearings:

Case# 565— Summa, Lori L. & Awwiller, David N. -Applicant(s)Owner(s) for a Variance (Area) concerning Article 5 "Districts," Chapter 5.05 "Agricultural District," Section V(B) "Frontage: Frontage of no less than fifty (50) feet on a town road, private street or right-of-way." Owners/Applicants request approval to subdivide a parcel into a house lot situated off Rowell Road and land-only flag lot situated off the house lot having access via a 50-foot right-of-way across said house lot. Lancaster Subdivision Regulations, Article 7 "Subdivision Design Standards," Chapter 7.08 "Back Lots," Section (a): "A back lot with a minimum of fifty (50) feet of road frontage may be developed behind any lot with adequate frontage on a town or state-maintained road." Owners/Applicants are requesting approval of a back lot off a lot with inadequate frontage on a town-maintained road. Land Zoned Agricultural. [Tax map R07-Lot 002 (33.40 acres; 93 Rowell Road)].

Frenette read the case to the Board and then reviewed the application for variance:

1. Granting the variance would not be contrary to the public *interest* because: "Parcel does not present public safety issue because rear parcel is 1. Dedicated to conservation, and 2. Parcel is accessed by private means." The Board agreed.

2. If the variance were granted, the *spirit* of the ordinance would be observed because: "This is situated in the Ag Zone – by granting access, it provides a way to a wood lot." The Board agreed.

3. Granting the variance would do substantial *justice* because: "By not granting the variance, the subdivision cannot be granted, access to rear wooded lot is denied and the proposed lot with the dwelling cannot be conveyed." Livingstone asked for clarification here. Irving explained it was previously subdivided around 2015, but there is no found reason why the subdivision was allowed with no frontage when it is required. Public Works turns around in a cul-de-sac style area and that it is a driveway not a town-maintained road and not 50' wide. Livingstone asked if it was enforced in the original subdivision, Irving replied that it was not. There was an agreement with the previous owners on file that they agreed not to subdivide again if they were granted this subdivision. This was agreed to this without the frontage, and no one addressed the frontage issue. The Planning Board felt they didn't have authority to waive the frontage or change the agreement. They requested a waiver for frontage from the ZBA. Hilton asked how much land was in parcel 14, Awwiller replied with .75 of an acre which they own as well and they purchased it as two separate lots. Irving stated the applicants came to the Planning Board and they determined the access to the lots area off a driveway, not the road. Right now, this subdivision is for the purpose of selling the house lot, and the rear wood lot accessed by the right of way would remain in the ownership of the applicants. The house on the front lot would be sold to the Hill family who currently rent the home. The Board agreed that a variance of the frontage requirement was required.

4. If the variance were granted, the *values* of the surrounding properties would not be diminished because: "The tax base will not change- the use will not be different. Also, it actually would go up because the new 7-acre parcel would be removed from current use." Hilton was confused on the 7 acres. Awwiller clarified that the whole lot is in current use and because the house lot would be less than 10 acres, the house lot's value would go up because it would come out of current use. The Board agreed.

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: "The Ag zone exists to perpetuate agricultural and forest so if variance is not granted the lot may remain in conservation, but the subdivision cannot occur. The purpose is to convert use of SFD from rental to long term permanent residence." The Board agreed.

ii. The proposed use is a reasonable one because: "Use doesn't change so previously considered reasonable, and remains reasonable." The Board agreed.

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. "Strict conformance denies access- so it is unreasonable and a variance is necessary." The Board agreed.

Frenette gave the Applicants a chance to speak and explain their case. Summa expressed that they want to keep this lot in conservation. The Hill family buying the house lot will reconsolidate and the total acreage would be 33.5. They would be shaving off the .75 acre. Irving added the rear lot has natural springs that they are trying to preserve so everyone can keep their spring rights. Awwiller added they bought that parcel so they could own their own spring. Hilton asked if the Board can make a stipulation to keep the spring lot in conservation. Irving stated yes, and the Applicants would agree to that.

Chair Frenette **OPENED TO THE PUBLIC** the public hearing at 1845PM for Case #565.

Abutter Marie Thayer wanted clarification on where the subdivision was taking place. They discussed amongst themselves and the Applicants to get their question answered and shown a map.

Chair Frenette **CLOSED TO THE PUBLIC** the public hearing at 1847PM for Case #565.

Frenette asked for the Board's thoughts and questions on the case. Hilton reiterated he would like to see the stipulation on keeping the back lot (because it has the springs) in conservation if the Applicants would agree to that. Frenette expressed that she was concerned about the landlocked situation. Even though the current owners are agreeable, future owners could buy and do something else with the lot. She expressed the Board should take into consideration that they either ask for a road accessing the property of that the variance granted doesn't carry over with the sale. Irving added that it would expire upon conveyance. Fredette asked how they would access it, Irving answered is would be a deeded right of way that goes from front parcel to the rear. The right of way wouldn't begin until you are half way up the driveway. Technically, they would still have access via a deeded right of way to a lot that doesn't have frontage. Even if potential buyers were to later buy it, it is still a deedable right of way. The only thing that would go away is the boundary, which would likely be re-merged. The issue is if someone else purchases it, a stipulation could be put on that it is not buildable.

Hilton motioned to **GRANT THE VARIANCE** with conditions that the rear lot remain in conservation and the variance expires upon conveyance. The motion was seconded by Fredette. Irving noted it should be amended that the variance expires upon conveyance to a party other than an abutter because if the abutter buys it then the lot basically becomes one parcel anyway. No one amended the motion. Freddette seconded the original motion. All members voted to **GRANT THE VARIANCE** with AMENDED conditions that the rear lot remain in conservation and the variance expires upon conveyance, no objections. *Motion Passed.*

Case# 566 – Mortenson, C. Peter & Barbara A.- Applicant(s)/Owner(s) for a Variance (Area) concerning Article 5 "Districts," Chapter 5.05 "Agricultural District," Section V(A)(2) "Setbacks and Frontage: Side and rear yards of no less than forty (40) feet from the property line." Owners/Applicants request approval of a variance to construct a 32'x32'26' single-family dwelling on a slab foundation at ten (10) feet from the side boundary when forty (40) feet is permissible. Land Zoned Agricultural. [Tax Map R12-Lot 030 (5.10 acres; 153 Garland Road)].

Irving started by stating that Mortenson came to the office and showed where the home would be in the new location, as shown by a narrow building in the too map diagram. Also, in the description of the case it was stated they wanted to be 10' from the boundary, when in fact it was written incorrectly and is only 10' INTO the setback, so 30' from the boundary when 40' is permissible. Mortenson added that the sizing for the house is also incorrect because the dimensions were changed from the submitted permit application, and it is going to be 54x28. He explained at the closing for the property, they were told it was not in a flood zone. When they went to get financing from the bank, they were denied because it was in a flood zone. They hired Mark VanderHeyden to survey and file for a LOMA and remove the upper part of the property from the flood zone. Irving noted that the FEMA and LOMA documents are included in the case file. Irving asked for clarification on where the spot was removed from the flood zone. Mortenson shows the Board where it was removed.

Frenette read the case to the Board and then reviewed the application for variance:

1. Granting the variance would not be contrary to the public *interest* because: "The area of variance is significantly back from Garland Road and is not visible from any other residences and affects the neighbors in no negative way." The Board agreed.

2. If the variance were granted, the *spirit* of the ordinance would be observed because: "The 10' requested is only from an unusual point in the property where the neighbor affected would not be able to build regardless." The Board agreed.

3. Granting the variance would do substantial *justice* because: "When we bought the property the disclosure form stated the property was not in a flood zone when, in actuality it was in a FEMA flood zone. We have had part of the property removed from the flood zone, but find that we cannot locate the house near the new boundary without the variance." The Board agreed.

4. If the variance were granted, the *values* of the surrounding properties would not be diminished because: "Our property line to the West is such that it is significantly distant from our house site and there would be no noticeable change. The property in question to the East rises steeply, so that a house positioned there would not be able to see our house. The property across the road is so far away that no one would be able to tell the difference in the location of our house." The Board agreed.

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: "Without the variance we would not be able to build the house. It could result in us having to sell the property (difficult due to the flood zone issue) and start over elsewhere." The Board agreed that this was an unnecessary hardship.

> **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:** "The variance affects no one in the community because the house site is not visible from the road nor from our neighbor's houses." The Board agreed.

ii. The proposed use is a reasonable one because: "We purchased the property because we wished to live in rural Lancaster. The variance will allow us to do that and will not affect other properties in the area." The Board agreed.

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. "Given the shape of the property (especially the corner at the house site) and the line establishing the flood zone we cannot fit the house in without the variance." The Board agreed.

Irving noted Mortenson has already changed the dimensions of his proposed house so that he could have as little of a variance as possible and still meet his needs for housing. Hilton asked if they will have a cellar. Mortenson responded that it won't be under the whole house. There is no room in the house for a stairwell.

Chair Frenette **OPENED TO THE PUBLIC** the public hearing at 1909PM for Case #566.

Abutter Trevor Bates asked if they really didn't realize it was in a flood zone when they purchased, and if the septic and well were in the floodplain. It's pretty wet there. Mortenson answered they didn't know when they purchased; it wasn't disclosed. The septic and well are in the floodplain but it was all inspected and approved by the State. It was wet and they used truckloads of gravel to get trucks in to do the work. Bates asked about the dimensions of the house again. They discussed amongst themselves with a map of the proposed plan. Bates asked if it will be a double-wide or other trailer. He stated he wished he would have asked him about the property when they went to buy, he would've been able to help. Mortenson said when they first applied to FEMA for flood zone relief, they asked for the whole lot to be removed and it was denied. He put the second request in to have part of it removed and it was approved and show on the map provided. Irving added Mortenson did submit some conceptual building pictures. Bates asked if it would be 2 stories and Mortenson confirmed.

Chair Frenette **CLOSED TO THE PUBLIC** the public hearing at 1915PM for Case #566.

Frenette iterated that the variance verbiage changes, only being 30' where 40' is required. Mortenson said that he may be closer to the 35' mark, but asked for 30' just to be sure. Irving added that with the ledge in the property, he won't know where it goes yet until he is actually in the ground. Hilton asked how many acres were removed from the floodplain. Mortenson replied 1.25 acres. Bates noted that the land was originally 70 acres that got subdivided off, the previous owner had a trail to cut trees back on to Mortenson's lot to the waterline. He cut the wood off of it and then sold it.

Livingstone motioned to **GRANT THE VARIANCE** with no conditions. The motion was seconded by Hilton. All members vote to **GRANT THE VARIANCE** with no conditions, no objections. *Motion Passed.*

Case# 567 – Colby, Zachary A. & Jamie L. – Applicant(s)/Owner(s) for a Variance (Area) concerning Article 5 "Districts," Chapter 5.02 "Residential District," Section V(A)(2) "Setbacks and Frontage: Side yard of no less than ten (10)." Owners/Applicants request approval of a variance to construct a garage onto the existing garage foundation having a lean-to on SonaTubes up to five (5) feet from the side boundary when ten (10) feet is permissible. Land Zoned Residential. [Tax Map P05-Lot 018 (0.31 acres; 16 Wolcott Street)].

Applicant Zachary Colby wanted to clarify that the case reads he is using a previous foundation, but there isn't one currently. What it is supposed to read is that it uses the existing footprint and will be getting a new concrete foundation. The main structure will be concrete and the lean-to will be on sonatubes. Irving clarified that the lean-to is on the left side because he wants to use it to park an RV or trailer underneath and the angle of the turn for him if it is moved to the right side would be problematic if not impossible to back into.

Frenette read the case to the Board and then reviewed the application for variance:

1. Granting the variance would not be contrary to the public *interest* because: "Private garage on private property with no risk to the public- building solely closer to boundary than allowed." The Board agreed.

2. If the variance were granted, the *spirit* of the ordinance would be observed because: "Up to 5 feet closer to boundary still allows buffer with abutting property – structure is lean-to and open – not an enclosed structure that would obstruct light and air." The Board agreed.

3. Granting the variance would do substantial *justice* because: "if variance denied, access to lean-to obstructed and cannot build on opposite side." The Board agreed.

4. If the variance were granted, the *values* of the surrounding properties would not be diminished because: "The garage and its expansion is an improvement that will enhance property values." Livingstone wanted to clarify that the only thing encroaching on that side boundary is the lean-to. Colby answered yes. The Board agreed.

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: "The configuration of the driveway relative to the house is unobstructed with no angles to access that would limit entry – cannot move to the other side without obstruction – shifting building to left offers clearance." The Board agreed.

ii. The proposed use is a reasonable one because: "Accessory use building typical to residential homes for vehicle storage." The Board agreed.

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. "Strict conformance with ordinance will not allow garage/lean-to (extra space for boat, lawn mower, other household equipment) and remaining structures cannot accommodate." The Board agreed.

Colby explained that they are tearing out the old garage and building a new one in its place with the lean-to on the side. Cass asked if any trees were going to be taken out. Colby answered only one. The property line goes in between a line of trees and if he takes out this one on the corner of his lot that it will be easier to mow and maintain.

Chair Frenette **OPENED TO THE PUBLIC** the public hearing at 1929PM for Case #567.

No public comments.

Chair Frenette **CLOSED TO THE PUBLIC** the public hearing at 1929PM for Case #567.

Hilton motioned to **GRANT THE VARIANCE** with no conditions. The motion was seconded by Livingstone. All members vote to **GRANT THE VARIANCE** with no conditions, no objections. *Motion Passed.*

Other Business:

Land Use Permits:
26-003 – New to You Consignment – Sign Permit
26-001 – Jaime DeForge II d/b/a Twin State Mobil Home Repair & Remodeling – Sign Permit
26-08R – Greg Mitchell, Peter Rizzo, 62 Martin Meadow Pond Rd – Land Use Permit renewal for residential addition.
26-009 – David and Renee Shields, 105 Portland Street – Land Use Permit for generator on slab.
26-010YA – Rhodes Colossus 1 LLC, 281 Summer Street – Land Use Permit annual renewal for temporary greenhouse.
26-012 – Brian Matson, 65 Stebbins Hill Road – Land Use Permit for demo of existing shed and addition of stick-built garage.
26-013R – Charles & Seaneen Snider, 15 Terry Abbott Lane – Land Use Permit renewal for garage construction.
26-011 – Riverside Camping & RV Resort LLC, 90 Bridge Street – Land Use Permit for demo and removal of existing office and replace with stick-built office.
26-014D – DJC Contracting, 12 Grove Street – Land Use Permit/Demolition for existing front entry door and replace.

Other:

Irving reviewed the upcoming cases for the Planning Board for May:
Case # 883 – Off Causeway Street, Technical Subdivision
Case # 884 – 63 Country Village Road, Technical Subdivision

Freddette motioned to **ADJOURN** at 1953PM. The motion was seconded by Livingstone. All members vote to **ADJOURN** at 1953PM, no objections. *Motion Passed.*

Respectfully submitted,

Kailey Kennagh, Clerk

APPROVED: Tricia Frenette
Tricia Frenette, ZBA Chair
Lancaster Zoning Board of Adjustment

DATE OF APPROVAL: 8/26/2026