

Lancaster Planning Board

Minutes of Meeting

Location: Lancaster Town Hall, 25 Main Street, 2nd Floor

Date: Wednesday, November 10, 2021

Chairman Nadeau opened the meeting at 1830H. Chairman Nadeau led the Pledge of Allegiance.

Initial Business: Roll Call

Regular Members

Present: Chairman Andrew Nadeau, Maggie Jones, Mark M.E. Frank, Selectmen's Representative Leon Rideout (late)

Absent: Vice Chairman Justin Carter, Mark St. Pierre

Alternate Members

Present: Greg Westcott, Donald Doolan, Rick McCarten, Selectmen's Representative Troy Merner

Absent: Vicki Gibbs

Others Attending: Land Use Coordinator Robin L. Irving, Joel Dupuis, Stephanie Dupuis, Garrett Savard

Chairman Nadeau appointed Alternate Members Greg Westcott and Troy Merner as full voting members for the meeting due to the absence of Regular Members at the opening of the meeting in order to complete a 5-member voting board.

Review and Approve Minutes:

Mark M.E. Frank detected a typo on second page of draft and requested of "Mr. Royal Academy" to "Mt. Royal Academy."

Mark M.E. Frank moved to approve the minutes as edited. Maggie Jones seconded the motion. All approved. The motion carried.

Minor Site Plan Case #826—Dupuis, Joel R & Stephanie L—Owners/Applicants wish to operate a business from their home property to sell vehicles and utility trailers as well as provide minor repairs to same. Access to property is from Main Street (Route 3) and a small display area is proposed along that frontage. Land zoned Agricultural with Zoning Use Variance (9/29/2021) (Tax Map R02 Lot 041 (3.6 acres), 550 Main Street).

Joel Dupuis explained that there will be no more structures built. He plans to put gravel on the land where the trailers would be displayed along the US3 frontage to be more presentable. It is basically a small add-on to current home-based businesses.

Chairman Nadeau wanted to know what triggered this to become a site plan. LUC Robin Irving stated that the zoning variance once changed from agricultural to commercial, created a change of use as the nature of this utility trailer business did not fit within the definition of home business. Even though the property was always used as a commercial property, the homeowner cannot expand a non-compliant use. There was disagreement between the homeowner and a couple members of the Board as to

whether that area had been previously zoned Commercial and re-zoned Agricultural when the Lancaster Fairgrounds prompted some re-zoning along US3. Regardless, a previous variance would have followed the property and no variance was on file.

The Board proceeded with review of the checklist to decide whether the application was complete. Mark M.E. Frank raised concerns regarding overuse of the property and wanted a more formal, detailed drawing of planned outlay with services, ditchline, topography, right-of-way, boundaries, and to-scale. Chairman Nadeau agreed. Leon Rideout emphasized that the area where the utility trailers were to be sold is easily definable and delineated by how the land flows and where these items for sale will actually be is unpredictable. Leon felt that the Board was micromanaging and this kind of scrutiny discourages businesses trying to come into town—the Board should try to do what they can to facilitate growth, not hinder it. Mark M.E. Frank disagreed and felt that outlays assist agencies like fire and help with next-gen development if the property sells. Chairman Nadeau feels that members should frame the question as “Are we going to accept a tax map with sketched boxes on it that are not to scale as a site plan?” Nadeau felt that it was not an unnecessary burden on the applicant to provide a more detailed diagram/plan. The original plan for this property is recorded in the Registry and at the Town Offices and were completed by Don Doolan. Don Doolan emphatically stated that if the plan were to be provided to the applicant for sketching purposes, he will not take responsibility for the plan as his stamp is on it. Chairman Nadeau iterated that a Site Plan creates a record of approval. Nadeau does not want to set up the applicant, or applicant’s property, for failure down the road e.g. if the property sells and the new owner wants to put in a car dealership because no standards were on file. Maggie Jones agreed that there needed to be a more detailed sketch.

LUC Robin Irving explained that she primarily drafted this application and guided the applicant to sketch the business as submitted because the focus was only on that portion of the property that was being used for the utility trailer business and not the entire property, so we/applicant didn’t envision needing a plan/drawing of the entire site because, according to the description in the Minor Site Plan Review, what the applicant is presenting to the Board is a utility trailer sale business using US3 frontage. Also, at the time of the application, the applicant had not contacted the trailer company and did not know how many trailers he would be carrying, so the tax map, as rudimentary as it may be with a half dozen boxes drawn on it to represent utility trailers, was crude enough, yet detailed enough to show what the application submitted.

Greg Westcott asked if there was any template or example plan that could be provided to the applicant so that he could use it as a reference. Chairman Nadeau referred LUC Robin Irving to the Mt. Royal Academy Plan. Nadeau also assured the applicant that he and LUC Robin Irving would avail themselves to assist the applicant with drafting a new plan that would satisfy the Board.

Chairman Nadeau stated that the Board will consider this gathering a non-binding conceptual hearing and request that we move forward with plans at scale.

Decision: Leon Rideout moved to deem the application incomplete. Mark M.E. Frank seconded the motion. All members agreed. The motion carried.

Minor Site Plan Case #827—VFW John W. Weeks Post 3041—Owners/Applicants want to construct on the vacant land lot located behind the VFW facility a pre-fab 42x44 metal shed intended to be used for storage. Land Zoned Commercial. (Tax Map P04 Lot 062 (4.85 acres), off Main Street).

Leon Rideout recused himself because he is a Board member of the VFW.

Garrett Savard presented o/b/o VFW his narrative verbally and explained that the VFW intended to construct a metal building with roughly 8-10 windows on a concrete foundation with a frostwall. The building has 2 overhead doors for easy access and one man-door. The building is unheated with no electricity/lighting or plumbing. It is located entirely on the land parcel and does not straddle property lines. It will be situated where the old Toys for Tots trailer was. The land is gravel-hardpack, level ground. The VFW plans to publish the RFP in January and hope to break ground in April 2022. The space is intended to be used for storage of tables and chairs (rentables) and for off-season stuff that is upstairs like excess Toys for Tots inventory and some hospital equipment like wheelchairs so that the main building will have space freed up.

The Board reviewed the Site Plan Checklist. LUC Robin Irving noted that when she was compiling the data for the Building Permit, she did find that the shed would be located in or on the border of the 2% flood zone. Chairman Nadeau suggested that the contractor elevate the slab for insurance purposes because of the potential of being near/in the flood zone. Garrett Savard stated that they expected the slab to be constructed approximately 6" above grade. Everyone agreed that should be okay.

Savard clarified that the operating hours were to be day time hours only and that there were no employees tasked to that building.

Review Application for Completeness:

The Board agreed that all of the checklist items were submitted and adequate.

Troy Merner moved to approve the submittal. Maggie Jones seconded the motion. All were in favor. The motion carried.

Chairman Nadeau opened the floor to the Public. There was no discussion. Chairman Nadeau closed the floor to the Public. Chairman Nadeau asked if there was any further discussion. LUC Robin Irving requested Garrett Savard's contact information and assured him that the Commercial Building Permit would be processed within the week. There was no further discussion.

Decision: Maggie Jones moved to approved the application. Greg Westcott seconded the motion. All were in favor. The motion carried.

Other Business: Reaffirm Vote of PB#825

Minor Site Plan Review Case #825—All Saints Catholic Church—Owner/Applicant request approval to construct a partially enclosed pavilion upon an existing concrete slab which previously supported temporary classrooms. The pavilion will be used for Church functions in order to open up greater opportunities to serve the community. Land Zoned Central Business District-Middle (Tax Map P06 Lot 039, 1.99 acres, 161 Main Street).

Chairman shared a communication regarding the mobile home—apparently Schiavi is owed money and will not be moving the mobile home anytime soon or until they are paid. Town Manager Ben Gaetjens Oleson plans to write to the Academy a letter regarding their non-compliance.

Maggie Jones wanted to know if the Board can vote if not everybody present at the original vote is present at this meeting. Chairman Nadeau wanted to know if it was necessary for him to step down. LUC

Robin Irving explained that the previous vote already approved the application and that this re-affirmation is to make the language in the minutes clearer so that the decision of the Board was on good legal ground with respect to legal notice, and given that purpose, all parties present can vote.

To reaffirm and certify the previous vote on 10/13/2021 for Planning Board Case #825, Maggie Jones moved to approve the request as presented with the following conditions:

- The approval shall be for two (2) years. If the term expires without the proposed improvements being completed the applicant shall either remove the concrete slab and other post-development improvements from Planning Board Case #800 or seek an extension approval from the Planning Board after a duly noticed public hearing;
- Any design changes with the proposed structure shall be approved administratively unless they are considered substantial in which case they will be reviewed by the Planning board after a duly noticed public hearing

Mark M.E. Frank seconded the motion. All members were in favor. The motion carried.

These changes must be incorporated into the Notice of Decision.

Preliminary Conceptual Consultation

Leah Hart potential subdivision—This is a lot line adjustment of parcels off Pleasant Valley Road. Ms. Hart has completed her survey and is submitting her plans either tomorrow or Monday 11/15 so she will be scheduled for formal review on the December agenda.

Leo Jr. & Michelle Rideout potential Major Site Review—Leon Rideout recused himself as a member of the Planning Board and presented the project on behalf of his brother. The project proposes construction of a 30x100 stick-built storage building with 20 units on a concrete slab, located on Causeway Street on the opposite side of the street before the Drive-In.

The applicant is requesting whether the Board would consider waiver of 1) survey (due to the fact that the applicant/owner owns the abutting properties on 3 of the 4 sides), 2) traffic studies (because Causeway Street is not an arterial road nor state highway and the nature of this business does not generate regular ingress and egress, rental agreements will be generated and signed at the applicant's home), and 3) the wetlands study (the land is a gravel filled parking area).

The Board recommended that the Applicant submit a Plan with all of the required items and measurements to scale etc. and the Board would consider waiving the survey, traffic study, and wetland study. Don Doolan suggested that the applicant state the waivers in the written narrative in the application.

LUC Robin Irving agreed to look for a plan or survey that the applicant could use as a base map.

Commercial Building Permits:

- CBP on hold until Minor Site Plan Review as part of VFW John W. Weeks Post #3041 application for construction of 42x44 pre-fab metal storage on concrete slab, situated on land lot behind VFW facility off Main Street

- CBP 21-047 St. Paul's Episcopal Church/Ellen Endres application for construction of pre-fab 7x7 Craftsmen shed for accessibility to 24-hr free necessities, aka Little Free Pantry at 113 Main Street

Recent Zoning Decision(s):

ZB#534 USE Variance Notice of Decision—APPROVAL for Dupuis, Joel dated 9/29/2021

Training Topic(s) Material(s): None

Announcement(s)/Correspondence(s): LUC Robin Irving summarized her meeting on 10/26/21 with Lucy Wyman. The solution to some of the issues may be to amend the site plan review regulations to include a periodic review of old plans e.g. every 5 years for compliance. Chairman Nadeau stated that review would be academic to monitor cases but the purpose should not be about righting past wrongs. LUC Robin Irving mentioned that Lucy Wyman requested a specific review of the Shaw's site review. Ms. Wyman will raise the issue for the next agenda.

No other business was brought before the Board.

Mark M.E. Frank moved to adjourn. Maggie Jones seconded the motion. All members were in favor. The motion carried.

The meeting adjourned at 2034H

Respectfully,

Robin L. Irving

Approved:



Andy Nadeau--Chairman