

**Lancaster Planning Board**  
**Location: Lancaster Town Hall**  
**Wednesday, August 10, 2022**

There was a quorum. Chairman Andrew Nadeau was absent. Vice Chairman Mark M.E. Frank submitted his resignation effective immediately on August 7, 2022. Leon Rideout moved to have Mark St. Pierre serve as Chairman. Maggie Jones seconded the motion. All members voted to have Mark St. Pierre serve as Chairman, no objections. *Motion passed.*

**Acting Chairman St. Pierre opened up the meeting at 6:35pm. Acting Chairman St. Pierre led the Pledge of Allegiance.**

**Initial Business:** Roll call

**Regular Members:**

**Present:** Mark St. Pierre, Maggie Jones, Vickie Gibbs, Selectmen's Representative Leon Rideout

**Absent:** Chairman Andrew Nadeau, Vice Chairman Mark M.E. Frank (resigned)

**Alternate Members:**

**Present:** Donald Doolan, Ericka Canales, Selectman's Representative Troy Merner

**Absent:** Greg Westcott, Rick McCarten

**Others Attending:** Land Use Coordinator Robin L. Irving, Judi Donnelly, Carol Haas, David Haas, Linda Ogle

Maggie Jones moved to approve the July 13, 2022 minutes as written. Vicki Gibbs seconded the motion. All members voted to approve the July 13, 2022 minutes as written, no objections. *Motion passed.*

**Appointments:** Chairman Mark St. Pierre appointed Alternate Members Donald Doolan, Ericka Canales, and Troy Merner as voting member for the meeting and public hearing.

**Public Hearing(s):**

Chairman St. Pierre **opened the public hearing** and read the case description.

**Major Site Plan Review—PUBLIC HEARING CONTINUED FROM 7/13/2022**

**Case # 833-Colby, Zackary** - Applicant/Owner requests approval to construct an approximately 2,660 sf commercial building intended to be used as a 30-seat restaurant with a pre-order-pickup only drive thru lane and an 875 sf outside dining patio. Additional improvements include 13 parking spaces, landscaping, and installation of stormwater management systems. Applicant/owner requests both a waiver of the wetlands delineation/study requirement and for Public Hearing to be conducted at same meeting as Review for Completeness of Application. Land Zoned Central Business District-North (Tax Map P04 -Lot 033 (.037 acres), 212 Main Street

## Discussion

LUC Robin L. Irving announced that she had received an email from Applicant Zackary Colby at 8:46 PM on August 9, 2002 which read as follows:

*To the Lancaster Planning Board,*

*Due to the additional information that was requested of me from the board at the June meeting, I will need to withdraw my application in order to meet your requests. It is my hope moving forward that I now have all the information needed in order to successfully submit my application.*

*I look forward to working with you in the future, and if you have any questions, please feel free to contact me. Thank you for your time at the June meeting, and your consideration moving forward.*

*Sincerely,  
Zack Colby*

Irving explained that whether the Board votes to deny the application due to insufficient information because they must make a decision on the application within the statutory 65-day period or approve his withdrawal has the same end. Leon Rideout moved to accept the Applicant's withdrawal. Vicki Gibbs seconded the motion. All members voted to accept Applicant Colby's withdrawal of application, no objections. *Motion passed.* This case is closed until the Applicant re-submits an application.

**Public Closed.**

**Preliminary Conceptual Consultation(s):** None

**Other Business:**

**Preliminary Conceptual Consultation(s):** None

**Commercial Building Permit(s)**

<p><b>LUC Permit #22-054, Owner/Applicant –Tri County Community Action/ Agent Michael Gagne, 56 Prospect Street, to install pre-cast piers in rear 10'x23' section of house and close in crawl space; replace roofing, replace existing 6'x34' wraparound open porchfront on piers</b></p>
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LUC Irving notified the Planning Board members of a sign permit issued to Taproot Marketplace as they will have a hanging bracket sign and entryway sign that should be compatible with the other commercial signs in that area as they are all being designed and made by Lincoln Sign Company.

## Zoning Board Decision(s)

**Case# 538 – Rivard, Josh** for a Special Exception concerning Article 5, Section 5.04, “Uses Permitted by Special Exception in the Agricultural District.” Applicant/Owner seeks special exception approval to construct a garage and operate a treescaping/landscaping business on land situated in the Agricultural Zoning District. Land Zoned Agricultural. (Tax Map R17-Lot 033, 3.47 acres, 222 Portland Street).

LUC Irving explained that forestry is a permitted use in the Agricultural Zone, however, the state’s definition of forestry is related to timber management of large stands of trees, logging etc. The Zoning Board of Adjustment first decided that Applicant Rivard’s proposed use is a form of forestry but on a much smaller scale and met the criteria for a special exception. The Zoning Board of Adjustment APPROVED the Special Exception with conditions to allow Rivard to locate his business at 222 Portland Street. There is no pending building permit, but Rivard plans to prepare the site in the meantime.

**Case# 539—Felch, Derrick--** for an Area Variance concerning Article 5, Section 5.04, “Agricultural District-Setbacks and Frontage.” Owner/Applicant wishes to construct/install a pre-fab 12’x20’ shed on a block foundation situated off the existing driveway approximately 32’ from the right boundary line when 40’ is required. All other setbacks will be met. Land Zoned Agricultural. (Tax Map R11-Lot 047, 1.92 acres, 49 Garland Road).

The Zoning Board of Adjustment APPROVED the variance to allow the setback to be reduced to 32’ for a Reed’s Ferry shed that is sided and colored to match the house. A building permit has been issued.

## Training Topic(s)/Material(s)

LUC Irving handed out materials from an email sent out by BEA regarding changes in planning and zoning laws in 2022. Board members engaged in a round table discussion and talked about the possible impacts of timeline changes and elimination of the 90-day extension. Because the objective of these changes seems to be to streamline the decision-making process, Irving recommended that the Board think about how they might want to conduct the preliminary consults and make them more structured. Don Doolan asked about the “church” case and how does that affect possible conversion of properties to residences. Irving clarified that the new legislation states that there can be no local restrictive language in their regulations that is specific to and restricts use of a property for religious purposes, therefore it doesn’t affect conversion of churches into housing stock. Irving stated that the new rules require posting of a fee schedule. The fees for site plan and subdivision are published on the applications. Irving requested an increase in the standard fee for advertising from the Zoning Board of Adjustment and they voted to raise it to \$300 based on having a single application cover the maximum. Board members felt that the \$300 fee was excessive and would deter compliance because people would ignore the regulations just to avoid paying high application fees. The Board asked for a breakdown of invoices and budget shortfall before they made a decision on the amount to charge for advertising.

Irving reminded the Board that the InvestNH grants include money to hire a consultant to review the planning and zoning regulations and make recommendations for changes that relate to housing. Irving asked the Board whether they feel that the planning and zoning regulations should be reviewed and whether the Board should submit an application for this review. Chairman St. Pierre raised the question of whether the housing shortage really requires these changes as a solution because supply and demand always fluctuate. Troy Merner cited the issues with short-term rentals reducing availability of housing stock in many towns, so that topic is one thing to consider addressing. The Board members discussed the interrelation between the site plan and subdivision regulations, zoning ordinance and the housing goals in the Master Plan and agreed that the Town should pursue this opportunity so long as there are no ramifications for failure to implement the recommendations.

**Announcement(s)/Correspondence:**

Vice Chairman submitted a written letter of resignation effective immediately on August 7<sup>th</sup>, 2022. The Board members expressed their gratitude for Mr. Frank's service to the Town. The Planning Board now has an alternate member, regular member, and clerk vacancy. The Board requested that an advertisement for these positions be published.

At the next meeting scheduled for Wednesday, September 14<sup>th</sup>, 2022, Irving and Town Manager Ben Gaetjens-Oleson will conduct the debriefing of the Colby PB#833 case.

**Other Business as may legally brought before said meeting:** None

Leon Rideout moved to adjourn the meeting at 1910H. Maggie Jones seconded the motion. All members voted to adjourn, no objections. *Motion passed.*

Respectfully submitted,

Robin L. Irving, Land Use Coordinator

Approved:

Mark St. Pierre, Acting Chairman