

LANCASTER ZONING BOARD OF ADJUSTMENT
February 24, 2021
6:30 PM

CALL TO ORDER:

The meeting was called to order at 6:30 pm by Chairman Rick Bernier.

ROLL CALL:

Regular Members Present: Chairman Rick Bernier, Steve Young, Vice Chair Tricia Frenette, Les Hilton and Chris McVetty

Alternate Members Present: Linda Ogle, Nathan Kenison and Don Freddette.

Others Attending: Alan Savage, Rob Christie, Friedrich K Moeckel, Roger Laro and Planning/Zoning Advisor Ben Oleson

PUBLIC HEARINGS:

Case# 531 – Rempro Enterprises & Property Management, LLC for an appeal of an Administrative Decision regarding the authority of the Planning/Zoning Coordinator to evaluate complaints on non-compliance with Planning Board subdivision approvals. More specifically as it relates to the applicant's/owner's access to their property. Lot Zoned Commercial/Industrial. (579 Main Street, Tax Map R01-Lots 036 & 037, 1.70 & 1.41 acres).

Notices were sent to all know land abutters.

Chairman Rick Bernier said that he has gone through all the information provided and his question is "why does it pertain to Zoning?"

Friedrich K. Moeckel, representing Rempro Enterprises, stated the following:

- The code enforcement officer can issue a plea by mail and/or file it through the Town in Superior Court.
- The code enforcement officer can send a letter of violation.
- Letters of violation have a legal effect. If the letter is not appealed it becomes a final decision.
- He is very concerned with the letter. If the property owner did not appeal the letter of violation he is stuck with it. His rights would be taken away.
- Code enforcement officer did not do his homework. Both deeds refer to Planning Board decision (right of way).
- Town had no authority to write the letter. The Town should have asked for more information. Should have done homework. Plan referenced does not apply.
- Made property owner think he did not have rights.

Chairman Bernier opened the meeting up for questions.

Chris McVetty stated that he is still not sure what decision the Zoning Board is making. Chairman Bernier added that the Zoning Board has never before been approached for an appeal in this way and for this reason.

Mr. Moeckel also noted that letter went to tenant not property owner.

Roger Laro asked when the complaining abutter approached the town. Ben Oleson said at the end of last year or first of this year. Mr. Laro also asked if the abutter was Pack Rat Storage. Mr. Oleson confirmed it was them and that this information was provided in the letter sent to Mr. Laro.

Moved by Chris McVetty and seconded by Les Hilton to deny the appeal due to the Board's lack of jurisdiction to review the merits of the appeal. Motion carried


Mr. Oleson apologized to the Board.


APPROVAL OF MINUTES:

Moved by Linda Ogle and seconded by Steve Young to approve the minutes of the January 27, 2021 meeting. Motion carried.

Moved by Les Hilton and seconded by Tricia Frenette to adjourn the meeting. Motion carried – meeting adjourned at 6:50 pm.

Respectfully submitted,


Jean E Oleson
Clerk

Approved: 3/31/21

Rick Bernier
Chairman

TOWN OF LANCASTER - *New Hampshire*



"The Friendly Town in the Friendly State"

03584

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NOTICE OF DECISION ZONING BOARD OF ADJUSTMENT LANCASTER, NEW HAMPSHIRE

COPY

Case No. 531

You are hereby notified that the Appeal of an Administrative Decision by Rempro Enterprises & Property Management, LLC (579 Main Street, Tax Map R01-Lots 036 & 037) regarding the authority of the Planning/Zoning Coordinator to evaluate complaints of non-compliance with Planning Board subdivision approvals; more specifically as it relates to the applicant's/owner's access to their property, has been **DENIED** by the affirmative vote of at least three members of the Zoning Board of Adjustment due to the Board's lack of jurisdiction to review the merits of the appeal.

CONDITIONS:

- N/A.

Richard Bernier, Chairperson
Zoning Board of Adjustment

02/24/2021

Date of Hearing

Note: The Selectmen, any party to the action or any person directly affected has a right to appeal this decision. See New Hampshire Revised Statutes Annotated, Chapter 677, available at the Town Office. This notice has been placed on file and made available for public inspection in the records of the ZBA on 02/25/2021. Copies of this notice have been distributed to: the applicant, abutters, Planning Board, Board of Selectmen and Town Clerk as well as posted at the Town Hall and Weeks Memorial Library.