

LANCASTER ZONING BOARD OF ADJUSTMENT
July 25, 2018
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: Rick Bernier, Steve Young, Tricia Frenette, and Les Hilton.

Regular Members Absent: Chris McVetty.

Alternate Members Absent: Chris Foss.

Others Attending: Ben Oleson, Zoning Advisor and Linda Ogle (interested in being appointed to the Zoning Board).

APPROVAL OF MINUTES:

Moved by L. Hilton and seconded by S. Young to accept the minutes of the May 30, 2018 meeting as written. Motion carried.

PUBLIC HEARINGS:

None.

OTHER BUSINESS:

Training: Mock Cases

Ben Oleson explained he created 3 cases to demonstrate the process for evaluating an Appeal of an Administrative Decision, an Area Variance and a Special Exception. He first handed out the Appeal request and explained this was based on an instance that almost came before the Board where Mr. Oleson allowed temporary off-premise signs for the Farmers Market. Another business owner did not agree with the decision and stated their intentions to appeal the decision but has not done so yet.

Tricia Frenette arrived at 6:40 PM

Mr. Oleson explained the process where the appellant would submit the appeal form with the required fees and a Public Hearing would be scheduled. At the hearing they would be allowed to state their case first. The Administrative Officer would next explain the basis for their decision. Members of the public would be allowed to offer input and then the Board would render a decision. If they granted the appeal then the applicant whose permit was overturned would have the opportunity to later file for a variance or special exception, whichever was applicable.

Mr. Oleson then passed out the Variance application with the corresponding Board Finding Form. He explained this was an Area Variance and the Board Form would be

used to evaluate the claims the applicant is making for their request. The mock scenario was for the construction of a residential garage closer to the property line due to steep grades on the existing property. Chairman Rick Bernier asked if considerations would change if the garage was to be used more commercially. Mr. Oleson stated that it could be a consideration, especially if it still was abutting a residential property and the neighboring home was very close to the proposed garage. He continued by stating that this is why every case should be evaluated differently because the facts and conditions are usually different. Mr. Oleson also explained the Board could direct the applicant to place the structure somewhere else or place specific conditions on an approval.

Tricia Frenette stated that conditions are sometimes not always followed. Mr. Oleson agreed and stated that when that happens it is up to him to enforce the Board's decision. He explained he is sometimes not as pro-active on that task as he should be. He did inform the Board he is actively pursuing the non-compliance with a recent Board decision to allow a mobile home on land off McGary Hill Road. He has attempted to reach the owners by phone but has been unsuccessful. His next step will be certified mail and then possibly Superior Court.

The last case was a Special Exception to allow an outdoor recreation facility in the Agricultural District off Route 3, south of Town. Mr. Oleson again passed out the application and the Board Finding Form for the request and read through the request. Linda Ogle asked how long the Board has until they needed to make a decision. Mr. Oleson explained the Public Hearing process and that the Board could take several meetings if necessary to make a decision but it had to be within the Public Hearing/Meeting forum. He also stated that after the hearing was closed to the public the Board could ask questions of them but the public did not have the right to further discuss or comment on the case unless directed by the Chairman. Les Hilton asked if the Public Hearing process could be provided to Board members so they can refer to it when needed. Mr. Oleson agreed to provide it to them within the Board's Rules of Procedure and as a separate document.

Any other business as may be legally brought before said meeting:


Tricia Frenette asked if the new school at the Catholic Church, Mount Royal Academy, was going to have a sign. Mr. Oleson stated that was part of their plan and he felt if they wanted to put a free-standing one off Depot Street it would be appropriate and he would approve the permit. He did look through the sign ordinance and read the section that relates to a property fronting two streets where more than one sign could be erected. It was determined this would be applicable to the school.

Mr. Oleson announced that at the Board's September meeting he would present the draft sign ordinance written by Anson Cassady who interned with him last school year. He hoped it would be on the Town Warrant for the 2019 Town Meeting.

Moved by S. Young and seconded by L. Hilton to adjourn the meeting. Motion carried.

Meeting adjourned at 7:50 PM.

Respectfully submitted,



Benjamin S. Gaetjens-Oleson
Clerk Pro Tem

Approved: 9/20/18



Rick Bernier
Chairman