

**LANCASTER ZONING BOARD OF ADJUSTMENT**  
**June 24, 2020**  
**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, Les Hilton, and Tricia Frenette.

**Regular Members Absent:** Chris McVetty.

**Alternate Members Present:** Linda Ogle and Nathan Kenison.

**Alternate Members Absent:** Don Freddette.

**Others Attending:** Planning/Zoning Advisor Ben Oleson, Gage Charron, Terri Charron, Reginald Charron, Gary Naylor, Douglas Capute, Brian Lee, and Patricia Lee.

**PUBLIC HEARINGS:**

**Case #525 – Gage and Reginald Charron** for a Use Variance concerning article 5.04, “Placement of Manufactured Homes in the Agricultural District”. Applicants/Owners wish to place an approximately 27’ X 56’ “double wide” manufactured home on property they own to be used as a primary residence. The home will be connected to water by private well and sewer by a State approved septic system. Said property previously housed an RV used seasonally. Lot Zoned Agricultural. (424 North Road, Tax Map R18-Lot 009, 1.39 acres).

Notices were sent to all known land abutters. Chairman Rick Bernier opened the public hearing for the applicants to present their request.

Reginald Charron explained that the home will be for his son Gage who is 22 and just starting out. He said Gage works for the State of NH DOT (highway dept.) and is required to live within a 15 mile radius of the Jefferson shed. Mr. Charron said they have looked at homes in Lancaster but were not able to find any that would fit in his budget. He said they purchased the land on 424 North Road to place a double wide on the property. Mr. Charron said this will be Gage’s first home. He said it will have a private well and septic system that has been approved by the State. Mr. Charron said there is an existing driveway but eventually a new driveway will be constructed, a porch on the front and insulated skirting that looks like a foundation. He said for economic reasons Gage could not build the home he wants but the proposed manufactured home fits into his budget. It was noted that the axles will be removed from the structure.

**Moved by Les Hilton and seconded by Tricia Frenette to appoint Alternate Member Nathan Kenison as a regular voting member for tonight's meeting in the absence of Regular Member Chris McVetty. Motion carried.**

Gary Naylor was the only abutter present. He said he has no problem with a house on the property but objects to a manufactured home. He stated there are reasons the ordinance does not allow manufactured homes in this area and he feels approving this one will create a precedence. He also pointed out that it is important that all the setback requirements are met and that the septic design meets all requirements as well.

Vice Chair Tricia Frenette noted that a couple years ago the ZBA granted a request to place a manufactured home in the Agricultural District and stated it is hard to tell that it is not a stick built home. With no further comment from the applicant or public Chairman Bernier opened the hearing up to only the Board.

**Moved by Les Hilton and seconded by Tricia Frenette to approve a Use Variance at 424 North Road for Gage and Reginald Charron as requested based on the applicants' Statement of Reasons. Motion carried.**

Applicants were advised of the 30 day appeal process.

**Case #526 – Douglas S. and Terry A. Capute** for an Area Variance concerning article 5.01, "Building Setbacks in the Residential District". Applicants/Owners wish to construct an approximately 24' X 28' garage on slab closer to the side property line than allowed. The proposed garage will be no closer than 4 feet from the property line when 10 feet is required. Placement of the structure is to minimize removal of lawn area and extension of driveway. All other setbacks will be met. Lot Zoned Residential. (24 Cemetery Street, Tax Map P06-Lot 031, 0.19 acres).

Notices were sent to all known land abutters. Chairman Rick Bernier opened the public hearing for the applicant to present his request.

Douglas Capute was present to explain his request. He said he plans on removing his canvas storage unit and replacing it with a garage. The proposed placement of the garage shortens his driveway, puts the structure closer to the house and will not remove a lot of his lawn area. He said, since he heats with wood, placement will allow room for a truck to deliver his wood. Mr Capute said the garage will have storage upstairs and will be heated.

Brian Lee, abutter, objected to the less than 10' setback on the side. He said he believes in property owners' rights but said he feels Mr. Capute has room to move the garage over to meet the 10' setback. He was concerned that with only a 4' setback an excavator would have trouble digging without accessing his property.

Mr. Capute said if he has to move the placement of the garage over to meet the setback it will be 10'-12' behind his house and would not look esthetically pleasing. He said

anything dug out for the garage will be trucked away. Mr Capute said there would not be any need to go onto Mr Lee's property but in the event there was any disturbance to Mr Lee's property he said he will make sure it is fixed.

Mr. Lee repeated that he feels there is plenty of room to meet the 10' setback and if 10' is in the ordinance it should be followed. Mr Lee stated that if the variance is granted he will not allow Mr. Capute on his property to construct the garage.

Benjamin Oleson explained that the ordinance requires a 10' setback but the ordinance also gives the property owner the opportunity for relief from the ordinance through a variance under certain conditions. He said with the situation of the house and driveway, the proposal centers the garage door on the driveway and reduces the need to remove lawn and add asphalt or gravel. He noted that some houses on Cemetery Street do not meet all the minimum lot sizes, including Mr. Capute's, and this causes the issue with meeting setbacks as there is less land to put the garage on. Mr. Oleson reminded Mr. Lee that he has a rental property on Mechanic Street where there are similar type lots and Mr. Lee's has a shed that does not meet the setbacks which Mr. Lee acknowledged being aware of.

Mr Lee asked if he could put a fence on the property line. Mr. Oleson said yes and it could go right on the property line and could be as high as 6 to 8 feet. With no further comment from the applicant or public Chairman Bernier opened the hearing up to only the Board.

**Moved by Tricia Frenette and seconded by Les Hilton to approve an Area Variance at 24 Cemetery Street for Douglas S. and Terry A Capute as requested based on the applicants' Statement of Reasons. Motion carried.**

The applicant was advised of the 30 day appeal process.

**APPROVAL OF MINUTES:**

**Moved by Steve Young and seconded by Les Hilton to approve the minutes of the May 27, 2020 meeting. Motion carried.**

**OTHER BUSINESS:**

The board discussed vacancies and meeting attendance. Mr. Oleson will follow up on the attendance issue.

**Moved by Les Hilton and seconded by Tricia Frenette to adjourn the meeting. Motion carried – meeting adjourned at 7:23 pm.**

Respectfully submitted,

Jean E Oleson  
Clerk

Approved:

Rick Bernier  
Chairman