

**LANCASTER ZONING BOARD OF ADJUSTMENT**  
**October 28, 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, Tricia Frenette, Chris McVetty

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

**Others Attending:** Planning/Zoning Advisor Ben Oleson, Danny and Sherry Lufkin, Lewis Cassady, Sigrid Goceliak, Barbara Rossell.

**PUBLIC HEARINGS:**

**Case #528 – Anthony J Goceliak** for an Area Variance concerning article 5.04, “Building Setbacks in the Agricultural District”. Applicant/Owner wishes to construct a 24’ X 30’, 2-car garage on slab approximately 25’ from the front property line (Wesson Road ROW) when 50’ is required. All other setbacks will be met. Lot Zoned Agricultural. (102 Wesson Road, Tax Map R24-Lot 044, 26.5 acres).

Notices were sent to all known land abutters.

Chairman Rich Bernier opened the public hearing and invited Sigrid Goceliak, representing her husband, to present the request. She explained that the garage will be used to house several pieces of equipment that are currently being housed in a plastic garage that is falling apart.

Ben Oleson advised that he had heard from 2 abutters (Peter Bornstein and Chad Zanes) and neither of them had an issue with the request. He said the variance only impacts the front right of way.

Mrs. Goceliak shared with Board members a drawing of what the garage will look like. She said it will be timberframe and Garland Mill will be doing the work.

Chairman Bernier asked if there were any questions from board members or from the public. There being none the public hearing was closed and a motion was made.

**Moved by Steve Young and seconded by Les Hilton to approve the Area Variance as requested based on the applicant’s Statement of Reasons. Motion carried.**

Mrs. Goceliak was advised of the 30 day appeal process.

**Case #529 - Austin Cassady** for an Equitable Waiver of Dimensional Requirements concerning article 5.04, “Building Setbacks in the Agricultural District”. Applicant/Owner completed the foundation to a single-family home assuming it met all the required setbacks. Owner/Applicant later found the foundation was placed 37’ from the side

property line when 40' is required. All other setbacks have been met. Lot Zoned Agricultural. (40 Buffalo Road, Tax Map R15-Lot 007, 7.03 acres).

Notices were sent to all known land abutters.

Chairman Bernier opened the public hearing and asked if anyone wished to speak. Barbara Rossell, whose property abuts the property line in question, provided a letter prepared by her husband. Mr. Oleson read the letter for Mrs. Rossell. The letter will be part of the permanent record. It stated that Mr. Rossell had spoken to the planning department a few years ago about this issue. Mrs. Rossell corrected that statement by saying that it had been Town Manager Edward Samson that her husband had spoken to. It stated they are not opposed to the request but would like metal pins placed by a licensed surveyor along the property line to ensure this error does not happen again. Mr. Oleson stated he did speak with the surveyor that laid out the line for the applicant and he stated he could set them along the line at intervals between 50' to 100' along the adjacent property line that is approximately 440' long. Mr. Oleson has prepared a potential condition for the Board to consider to address this request.

Lewis Cassady was present to represent the applicant and asked if he could put the metal pins in rather than hire a surveyor to do it as there are currently wooden stakes along that line. Mrs. Rossell felt this was not acceptable and stated she wants it to be by a surveyor. Mr. Cassady asked if the board could make that request. Mr. Oleson said the Board can add conditions to decisions they make and this was appropriate. Mr. Cassady asked if the board could make the condition that the Rossells cannot come back with any other issues. Mr. Oleson said no, the Rossells may have other issues and it would be up to the Board to determine if they are valid.

Mr. Oleson read the following pressed condition: "Property pins shall be placed by a licensed surveyor along the property line directly adjacent to the applicant's home. Pins shall be placed so one can be seen from the other but no more than 100 feet and no less than 50 feet apart." Mr. Oleson stated his intent was for this to be along the line that is approximately 440' long and not the whole line from the road to the end corner. Mrs. Rossell stated that her husband wants the pins along the entire property line. Mr. Oleson explained the driveway runs along the lower end of the line and no building would be able to be placed there anyways. Mrs. Rossell was comfortable with the proposal.

Chairman Bernier recommended asked if there were any other questions or comments from the public. There being none he closed the public hearing and opened it up to the Board. There was some discussion from the Board on the need for condition. Mr. Oleson stated it was to have a neutral party place the pins so the abutter was comfortable no further issues would occur. He explained he felt it was a reasonable conditions. With no further discussion from the Board a motion was made.

**Moved by Les Hilton and seconded by Steve Young to approve the Equitable Waiver of Dimensional Requirements as presented with the following condition: Property pins shall be placed by a licensed surveyor along the property line directly adjacent to the applicant's home. Pins shall be placed so one can be seen from the other but no more than 100 feet and no less than 50 feet apart. Motion carried.**

Mr. Cassidy was advised of the 30 day appeal process.

**APPROVAL OF MINUTES:**

**Moved by Linda Ogle and seconded by Steve Young to approve the minutes of the August 26, 2020 meeting as written. Motion carried.**

**OTHER BUSINESS:**

None.

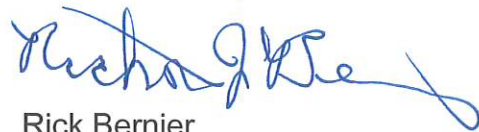
**Moved by Steve Young and seconded by Tricia Frenette to adjourn the meeting. Motion carried – meeting adjourned at 7:07 pm.**

Respectfully submitted,



Jean E Oleson  
Clerk

Approved: 12/30/2020



Rick Bernier  
Chairman

# TOWN OF LANCASTER - *New Hampshire*



*"The Friendly Town in the Friendly State"*

03584

Town Offices  
25 Main St.  
Telephone (603) 788-3391  
Fax 788-2114  
www.lancasternh.org

## NOTICE OF DECISION ZONING BOARD OF ADJUSTMENT LANCASTER, NEW HAMPSHIRE

**COPY**

Case No. 528

You are hereby notified that the appeal of Anthony J. Goceliak (102 Wesson Road, Tax Map R24-Lot 044) for an **Area Variance** regarding Article 5.04 of the Zoning Ordinance, "Setbacks in the Agricultural District", has been **APPROVED** by the affirmative vote of at least three members of the Zoning Board of Adjustment allowing the placement of a structure no less than 25' from the front property line when 50' is required.

### CONDITIONS:

- N/A.

Richard Bernier, Chairperson  
Zoning Board of Adjustment

10/28/2020  
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 11/02/2020. 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.

**COPY**

Statement of Reasons  
Zoning Board of Adjustment  
Lancaster, New Hampshire  
Date: 10/28/2020

**RE: Petition for a variance of: AREA**

**Name of Applicant: Anthony J. Goceliak**  
**Property Location: Tax Map R24-Lott 044**  
**Street Address: 102 Wesson Road**

After reviewing the petition and after hearing all of the evidence and by taking into consideration the personal knowledge of the property in question, the Lancaster Board of Adjustment has determined the following:

1. Granting the variance would not be contrary to the public **interest** because:

The proposed structure will only be non-compliant along the front property line which is the Wesson Road right-of-way (ROW). The building is proposed to be 25 feet from that line which will be well out of the Town right-of-way and in no way impede traffic or sight lines along the road. This is still greater than the minimum frontage setback in other zoning districts.

2. The **spirit** of the ordinance would be observed because:

All development of the property has been consolidated to one corner of the land and placement of this new garage would continue the trend. It could be pushed back further on the property but that would require relocation of garden beds or more ground disturbance to create a driveway access which would move it further from the house. This location accomplishes all goals of keeping open space as well as having access convenient to the house with little ground disturbance.

3. Granting the variance would do substantial **justice** because:

It would allow for the construction of a permitted structure while respecting all other goals and objectives of the Agricultural District such as open land and space for agricultural uses.

4. For the following reasons, the **values** of the surrounding properties would not be diminished:

The garage will be an attractive structure, built as a timber-frame building and not encroach on any individual's property line. It will fit in and complement my existing property and buildings, only impacting my property value.

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

i. there is not a fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:


All of the buildings and development of my property has been consolidated to one corner of my land. The existing building does not meet the front setbacks and has not been found to be a nuisance. The new garage will maintain open space on my land and follow the similar building lines already established.

ii. the proposed use is a reasonable one because:

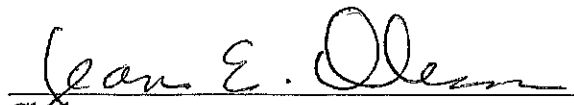
Garages are a permitted use in the Agricultural District and as the current building's front setback are non-compliant all other development (gardens, driveway, solar panels) have been based on that. Any variance from the current development and proposed placement would require greater ground disturbance and disrupt the open space already in place. Only the Town ROW is impacted and no other property's privacy is affected.

B. The criteria in subparagraph (A) having not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. The property cannot be used in strict conformance with the ordinance because:

My lot has been developed to maximize open space by placing all development in one corner. Any other plan to put the garage so it meets setbacks would make it inconvenient for the intended use and require much more clearing of land. This placement is the most ideal spot to allow for convenient siting with little to no neighbor disturbance.

  
Chairman of the Zoning Board of Adjustment

12/30/2020  
Date

  
Clerk

12/30/2020  
Date

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