

LANCASTER ZONING BOARD OF ADJUSTMENT
December 30, 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: Don Freddette

Alternate Members Absent: Linda Ogle and Nathan Kenison

Others Attending: Planning/Zoning Advisor Ben Oleson and Matt Tellier

Moved by Steve Young and seconded by Les Hilton to appoint Alternate Member Donald Freddette a Regular Voting Member for the night's meeting in place of Regular Member Chris McVetty. Motion carried.

PUBLIC HEARINGS:

Case #530 – Debanne Stone for a Use Variance concerning article 5.02, "Placement of Manufactured Homes in the Commercial District". Applicant/Owner wishes to receive approval to place a single wide manufactured home on property she owns.

Applicant/owner is selling the property and wishes to have the option available to any new owner if they so desire it. Lot Zoned Commercial. (Depot Street, Tax Map P05-Lot 060, .17 acres).

Notices were sent to all known land abutters. It was noted no abutters or other members of the public were present.

Matt Tellier, Real Estate Broker for the property, was present to represent Debanne Stone's request. Mr. Tellier briefly explained the history behind him being involved with the property. Chairman Rick Bernier advised Mr. Tellier that a stick built house or a modular home could be placed on the property without a variance. Mr. Tellier explained that Ms. Stone has been trying to sell the property for more than 2 years and the only inquiry was from someone who wanted to place a mobile home on the property. He said he has been the broker on the property for one year now and there has not been any interest in the property other than the mobile home inquiry. Mr. Tellier said he has been trying to find a way to market it. Because it is in the commercial zone he has tried to market it as a place for a laundromat or storage unit.

Ben Oleson stated because the land is in the flood zone there are challenges to development however, he explained that since a culvert was replaced over 10 years

ago near the property the land has not flooded but it is still in the flood zone and needs to abide by the requirements for building there.

Mr. Tellier stated he advised the person interested in placing a mobile home there that it was not an allowed use and the person then decided not to pursue it further. Mr. Tellier then asked Ms. Stone if she wanted to pursue applying for a variance to see if placement of a mobile home could be allowed. She agreed which is why this meeting is held. Mr. Tellier explained Ms. Stone inherited the property and just wants to sell it. Mr. Tellier asked if there was water and sewer on the property as it appeared that at one time there was a structure there. It was explained that there is water and sewer at the street but it is unclear if it goes into the property.

Chairman Bernier informed Mr. Tellier that Brian Lee had recently purchased the land next to the lot in question and that he may be interested in purchasing Ms. Stone's. Tricia Frenette stated that her concern was if the board granted a variance then someone could purchase the property and place an old and unattractive mobile home there. She felt the request was too vague and general. Les Hilton was also concerned that the board could be setting a precedent.

Mr. Oleson advised Mr. Tellier that a variance is only good for 2 years so if it was approved there would be a time limit for implementation. Mr. Tellier noted that the property is the last lot on the street and if it were zoned residential it would be more desirable. He said that he can't imagine that anyone would use the precedence argument since the lot is directly across the street from a mobile home park. He said he will try to market it as residential/commercial use. Mr. Tellier asked if the property will always be grandfathered regarding lot size. Mr. Oleson stated that because it was already built upon he would classify it as a grandfathered buildable lot. Mr. Tellier did feel the lot would be more desirable and sellable with a variance allowing a mobile home.

Mr. Hilton said he was uncomfortable approving the request. Chairman Bernier agreed. He said he would much rather give permission for placement of a house even with the setback restrictions. Chairman Bernier said that there are already several areas in the town where mobile homes are allowed. Other board members agreed.

Moved by Donald Freddette and seconded by Steve Young to deny the Use Variance request of Debanne Stone, based on concerns discussed and summarized in the Board's Statement of Reasons (attached to minutes), to place a single wide manufactured home where not permitted in the Commercial Zoning District. Motion carried.

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

APPROVAL OF MINUTES:

Moved by Les Hilton and seconded by Steve Young to approve the minutes of the October 28, 2020 meeting as written. Motion carried.

OTHER BUSINESS:

Mr. Oleson advised that the following Board Members have terms expiring in 2021: Les Hilton, Steve Young and Linda Ogle. He explained that if any were interested in being reappointed they needed to send him a letter of interest addressed to the Selectboard.

The Zoning Board should vote to recommend individuals before the Selectboard appoints them. These are 3 year terms.

Mr. Oleson said in order to keep the Board's planned minimal schedule they will meet in January. If there are no cases he will provide a training session.

Moved by Steve Young and seconded by Tricia Frenette to adjourn the meeting.
Motion carried – meeting adjourned at 7:12 pm.

Respectfully submitted,



Jean E Oleson
Clerk

Approved: 1/30/2021



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. 530

You are hereby notified that the appeal of Debanne Stone (Depot Street, Tax Map P05-Lot 060) for a **Use Variance** regarding Article 5.02 of the Zoning Ordinance, "Placement of Manufactured Homes in the Commercial District", has been **DENIED** by the affirmative vote of at least three members of the Zoning Board of Adjustment.

CONDITIONS:

- N/A.


Richard Bernier, Chairperson
Zoning Board of Adjustment

12/30/2020
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 01/04/2021. 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.

COPY

**Statement of Reasons
Zoning Board of Adjustment
Lancaster, New Hampshire
Date: December 30, 2020**

RE: Petition for a variance of: USE

**Name of Applicant: Debanne Stone
Property Location Tax Map P05 Lot 060
Street Address: Depot Street**

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 be contrary to the public **interest** because:

The only placement of single wide mobile homes closely abutting the property are in a manufactured home park and allowed to be there. Allowing a single wide on an individual lot where not permitted would be contrary to the other housing styles in the area.

2. The **spirit** of the ordinance would not be observed because:

Manufactured housing is only allowed in certain areas of Town and permitting placement of one on this lot, when there is the option in the direct area, would create a precedent for similar requests.

3. Granting the variance would not do substantial **justice** because:

There are other options available for residential development on that lot which would not impact the character of the neighborhood as negatively.

4. For the following reasons, the **values** of the surrounding properties would be diminished:

There is a movement to clean up the neighborhood, including removing blighted buildings on the street and condemned mobile homes from the abutting park, and approving a general variance for a manufactured home would go against that effort.

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 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:

There are other options for placement of a residential building on the lot that would be compliant with the ordinance and just as economical.

ii. the proposed use is not a reasonable one because:

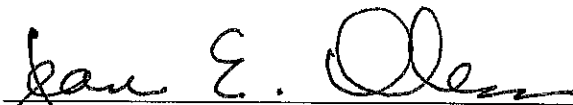
Other options are available that would be consistent with the efforts to revitalize the neighborhood and still be economical.

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 can be used in strict conformance with the ordinance because:

Other affordable residential buildings which comply with the Zoning Ordinance could be placed on the lot taking into account the location within the flood zone and the small size of the property.


Chairman of the Zoning Board of Adjustment

2/24/21
Date


Clerk

2/24/2021
Date