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FEB 24 2020

COMMUNITY DEVELOPMENT
AND PLANNING

Town of Lancaster, Massachusetts
Office of Community Development and Planning

LANCASTER BOARD OF APPEALS
SPECIAL PERMIT APPLICATION

This application consists of several sections. Please read through the entire application before proceeding:

- 1) Instructions
- 2) Form A – Application for Hearing
- 3) Form B – Special Permit
- 4) Form C – Certified List of Parties in Interest
- 5) Form D – Revenue Certification
- 6) Important Information on Special Permits

Associated Fees

Special Permit \$150.00 for a single-family dwelling
Application Fee: \$250.00 for a multi-family dwelling or commercial property

Advertising Fee: \$50.00

Checks should be made payable to the *Town of Lancaster*.

Important Contact Information

Office of Community Development and Planning	978-365-3326 Ex. 1311
Zoning Enforcement Officer/Building Inspector	978-365-3326 Ex. 1309
Fax	978-368-4009

March 26, 2020 P.H.

INSTRUCTIONS

APPLICATION PROCEDURE

- Obtain application forms from the Community Development and Planning Office located at the Town Hall on the 2nd floor. Application forms are also available online at <http://www.ci.lancaster.ma.us>.
- Complete applicable forms and required exhibits (see Zoning Bylaw for specifics).
- Complete and have Assessor certify list of Parties in Interest (Form C).
- Complete and have Town Collector certify Revenue Certification (Form D).
- File with Town Clerk completed signed application and forms.
- Applicants will be notified of public hearing date.
- The Board's rules should be reviewed prior to hearing.
- Additional exhibits may be submitted at hearing.
- Do not attempt to discuss case with Board members.
- Applicant must appear personally or by an authorized representative.
- Approved permits allowing use of construction will not take effect until appeal periods expire, the decision is recorded, and proof of recording is submitted to the Community Development and Planning Office.

NOTE: Please submit a complete application. Applications deemed incomplete will not be acted upon.

SITE PLAN CHECKLIST

A site plan must accompany each application, petition or appeal to the Board for projects involving new construction. This check list provides a summary of the site plan contents as specified in the Board's Rules and Regulations. The Rules and Regulations are available online at www.ci.lancaster.ma.us and at the Community Development and Planning Office.

IMPORTANT NOTE: By checking the "No" box on any of the items listed below, *the applicant is requesting that Board consider granting a waiver* of strict compliance with the Rules and Regulations. Please note that if this waiver requested is not granted, the hearing process may be continued until the Site Plan is completed.

Provided YES	Provided NO	Site Plan Requirement
		Minimum Drawing size of 8.5" x 11"
		Drawn to scale with scale noted
		Property lines and boundaries
		Name and address of record owner
		Names and locations of adjacent streets
		North arrow
		Zoning district and any zone lines in vicinity of project
		Existing and proposed buildings or additions including number of stories and height of all structures
		Paved areas, existing and proposed parking or loading spaces
		Existing utility lines including septic and underground structures
		Locations of structures on adjoining property
		Lot area and dimensions, including setbacks where new construction or additions are proposed

The Board may also require that additional drawings or drawing content be provided specific to the application. This may include items such as site topography or existing and proposed building elevations. The applicant should consider providing this type of information with the initial application if it will help the Board better understand the basis of the requested findings.

FORM A

APPLICATION FOR HEARING

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF LANCASTER:

I, the undersigned respectfully petition your Honorable Board for a hearing upon Applicant's Request for [variance, special permit, comprehensive permit, appeal].

(1) Applicant Marc LaFrance 240 Fort Pond Inn Rd. 978 808 9617
Name Address Telephone

(2) Owner Marc + Michelle LaFrance 240 Fort Pond Inn Rd. 978 808 9617
Name Address Telephone

(3) If there is an option to purchase; the name and address of the prospective purchaser
NA

(4) The record Title stands in the name of: Marc T. LaFrance / Michelle M. LaFrance whose address is
by a Deed duly
recorded in the Worcester District Registry of Deeds, Book 60244, Page 95 OR
Land Court Title Certificate # _____

(5) Said premises are situated in a District classified under the Zoning By-Law of the Town of Lancaster
as: Residential 101

(a) Location of property affected 240 Fort Pond Inn Road, Lancaster

(b) Assessor's Book 30529, Parcel 147/05.0-0000-0007.0

(c) State what is located on premises (e.g. number, type and use of buildings; type of vegetation, etc.)
Home and detached garage.

(d) State in full what Applicant desires to do upon the properties: Replace existing
24x24 Block foundation with 26x27 Foundation. Add additional
floor to new foundation (2 stories total)

Received and Filed:

2/24/2020
Date

Dianna M. Beaudet
Town Clerk

TOWN CLERK

FEB 24 2020

LANCASTER, MA 01523

Marc LaFrance
Signature of Applicant

Marc LaFrance
Signature of Owner

FORM B (Special Permit)

**REQUESTS FOR FINDINGS OF FACT IN
SUPPORT OF PETITION FOR SPECIAL PERMIT**

Applicant hereby requests that the Board, upon public hearing and after review of the evidence submitted, find as follows in support of the Application for Special Permit:

1. The Applicant Marc LaFrance whose address is 240 Fort Pond Inn Rd, Lancaster MA, is the (owner) (lessee) or (option holder) of certain land situated at 240 Fort Pond Inn Rd in the Town of Lancaster and more particularly described in a deed recorded with the Worcester District Registry of Deeds, Book 60244, Page 95.

If Applicant is not the owner, complete the following:

The owner of said land is _____,
whose address is _____

2. Said land is situated in a district classified under the Lancaster Zoning By-Law as:
101 - Single Family Res.
3. Presently located on the premises is: Home and detached garage / water Resource district

4. The Applicant desires to use said premises as follows and in conformity with the Site Plan filed with this application: Replace existing 24x24 Block foundation with 26x27 poured concrete foundation. Additional second floor to be added to area covering new foundation

5. Grant of the Special Permit is authorized by Section 220-51 of the Lancaster Zoning By-Law.
6. Applicant alleges that each of the requirements for the grant of the Special Permit set forth in G.L. c. 40A §9 and the Zoning By-Law are met for the following reasons (attach extra sheets if necessary):
- (A) The proposed use is in harmony with the general purpose and intent of the Lancaster Zoning By-Law, for the following reasons: The proposed renovation is not detrimental to the neighborhood. The project should enhance the neighborhood.

(B) The specific site is an appropriate location for the proposed use, for the following reasons:

The property is already used and zoned for
single family residence.

(C) The proposed use as developed will not adversely affect the neighborhood, for the following reasons:

The proposed project will improve the property
to a level consistent with surrounding properties on
the street.

(D) There will be no nuisance or serious hazard to vehicles or pedestrians, for the following reasons:

Project will take place on private property

(E) Adequate and appropriate facilities will be provided for the proper operation of the proposed use, for the following reasons:

Water and septic are already in place.

7. (Applicable to requests for Special Permit for Uses in Water Resource District - Section 220-39). The proposed use will conform to any special requirements provided in Section 220-39 of the Zoning By-Law in the following respects:

Conform with provisions of water
resource district

8. (Applicable to a request for extensions or alteration of a pre-existing non-conforming structure or use pursuant to G.L. c. 40A §6 and Section 220-51 and/or 220-52 of the Zoning By-Law.) The requested change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood, for the following reasons:

The proposed project will improve the property to a level
consistent with surrounding properties on the street

Marc LaFrance
Signature of Applicant

Marc LaFrance
Signature of Owner

FORM C

CERTIFIED LIST OF PARTIES IN INTEREST

OWNERS NAME: Marc + Michelle LaFrance

ADDRESS OF PROPERTY: 240 Fort Pond Inn Rd, Lancaster

MAP & PARCEL: map 005.0 parcel 147/005.0-0000-0007.0

The following is a list of all parties of interest, as defined by Massachusetts General Laws, Chapter 40A, Section 11.

PARTIES IN INTEREST shall mean the Petitioner, abutters, owners of land directly opposite on any Public or Private Street or way and abutters to the abutters within 300' of the property line, even though said land is in another city and/or town, and the Planning Boards of Lancaster and contiguous towns.

	NAME	LEGAL MAILING ADDRESS (ZIP)
APPLICANT:		
OWNER:		
AGENT/ATTORNEY:		
	LANCASTER PLANNING BOARD	
	HARVARD PLANNING BOARD	
	BOLTON PLANNING BOARD	
	CLINTON PLANNING BOARD	
	LEOMINSTER PLANNING BOARD	
	SHIRLEY PLANNING BOARD	
	LUNENBURG PLANNING BOARD	

FORM D

REVENUE CERTIFICATION

Application/Petition/Appeal of

1. Applicant: Marc LaFrance
2. Owner: Marc + Michelle LaFrance
3. Property: Assessors Map 000.5 Parcel 1471005.0-0000-0007.0

Pursuant to G.L. c. 40D, Section 57, and the General By-Laws of the Town of Lancaster, the undersigned applicant hereby certifies as follows:

- 1) The following named persons, firms or corporations constitute the complete list of all parties having an ownership or proprietary interest in the property or use subject to the above-entitled application.
- 2) Each of the below listed parties have complied with the laws of the Commonwealth of Massachusetts and the Town of Lancaster in that they have not neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period.

NAME OF
INTERESTED PARTY

ADDRESS

OWNER: Marc + Michelle LaFrance

240 Fort Pond Inn Rd

APPLICANT: Marc LaFrance

240 Fort Pond Inn Rd.

OTHER:

Signed under the pains and penalties of perjury,

Marc LaFrance
Signature of Applicant

DATED: 2/10/2020

CERTIFIED BY TOWN OF LANCASTER TOWN COLLECTOR

Shirley Gundy

DATED: 2-24-2020

IMPORTANT INFORMATION ON SPECIAL PERMITS

A special permit is generally a permit from a Town Board which allows the use of land or buildings for a specifically identified purpose upon satisfaction of provisions set forth in the zoning bylaw. With respect to the Use Regulations set forth in Article 3 of the Lancaster Zoning Bylaw, the authority for granting special permits is, in most cases, assigned to the Board of Appeals (designated by "SP") and, in other cases, to the Planning Board (designated by "PB"). You must initially determine the appropriate Board with which to file your special permit application and the application and materials filed with it must comply with the rules of that Board.

The special permits authorized in Article 3 of the zoning bylaw are limited to those specific uses that are so identified in the Use Regulation Schedule (Section 220-8), and special permits cannot vary from the requirements of the bylaw. For example, the Board of Appeals may grant a special permit which allows poultry to be kept on a residential parcel of less than 5 acres (Section 220-8.2(B)); provided that "no building housing poultry shall be within 150 feet of a property line". This requirement would prevent the Board from granting a special permit if the proposed building housing poultry was only 130 feet from a property line. The standards for special permits are consequently quite different than the standards applicable to variances.

Special permits may be issued "only for uses which are in harmony with the general purpose and intent of the bylaw and shall also be subject to the general or specific provisions set forth in the bylaw", as noted in the above example. The permit granting authority may also impose additional conditions, safeguards and limitations on time or use. Such additional conditions must be within the applicant's power to perform, however. Examples of permissible conditions include conditions relating to the design and siting of structures, and a limitation on the transferability of a special permit. A special permit may run with the land or may be limited to a particular applicant. A special permit may also be limited in duration.

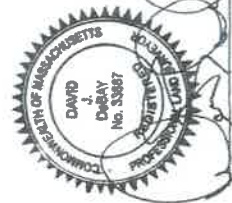
As long as the above requirements are satisfied, the standards applicable to a special permit granting authority in evaluating a special permit application are more lenient than the standards applicable to variances. However, special permits and variances are certainly not interchangeable forms of zoning relief.

191037



THE EXISTING FEATURES SHOWN HAVE BEEN
LOCATED BY AN INSTRUMENT SURVEY,
PERFORMED BY THIS OFFICE ON MAY 15, 2019.

THIS LAND MAY BE SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, COVENANTS, OR OTHER LIMITATIONS WHICH MAY BE DISCLOSED BY A TITLE EXAMINATION.



FLD:	AMB	CALC:	DSB	DRAFT:	DSB
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PREPARED FOR: MARC LAFRANCE
DATE: FEBRUARY 21, 2020 SCALE: 1" = 40'

GR

**Engineering Solutions
for Land & Structures**

GOLDSMITH, PREST & RINGWALL, INC.

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