

# LANCASTER ZONING BOARD OF APPEALS

January 25<sup>th</sup> 2024, 7:00 PM

Nashaway Meeting Room, Prescott Building

701 Main Street

Lancaster, MA 01523

And

Remote Access Via Zoom

## Administrative

### 1. Attendance Roll Call

Frank Sullivan

Rob Alix

Eric Jakubowicz

Dennis Hubbard

Jeanne Rich

Matt Mayo

Brian Keating (Director of Community Development and Planning)

### 2. Approve meeting minutes:

The approval of the Meeting Minutes from 10/26/2023 was on the docket. Jean Rich made a motion to approve the meeting minutes from this date with the amendment of changing one spelling error. Member Hubbard seconded the motion. The Chair asked for any discussion. Hearing none the Chair called for a **Roll Call Vote**:

Jeanne Rich - Yes

Matt Mayo - Yes

Dennis Hubbard - Yes

Frank Sullivan - Yes

Eric Jakubowicz - Yes

Rob Alix – Yes

**Minutes from 10/26/23 were approved as amended.**

*Lancaster Town Offices • Prescott Building • 701 Main Street Lancaster, MA 01523 •*

*978-365-3326 ext. 1310 • Hours of Operation: Mon 9a.m. - 5 p.m. • Tue-Thur 9 a.m. - 4:00 p.m. • Fri – closed to public. All Zoning Board of Appeals Meetings are recorded and broadcast by SLC TV*

Next the Chair called for the approval of meeting minutes of 12/14/23. Member Rich gave the corrections to the document which were highlighted in yellow.

Member Rich made a motion to approve the meeting minutes from December 14<sup>th</sup> as amended. Member Sullivan seconded the motion. The Chair asked for any discussion. Hearing none the Chair called for a **Vote**:

Jeanne Rich - Yes

Matt Mayo - Yes

Dennis Hubbard - Yes

Frank Sullivan - Yes

Eric Jakubowicz - Yes

Rob Alix – Yes

**Minutes from 12/14/23 were approved as amended.**

### **3. Board of Appeals Reorganization.**

The Chair stated that the Board needed to be reorganized because it was the start of a new year. He volunteered to run as the Chair for a second year. Member Rich made a motion to appoint Robert Alix as Chair. Member Sullivan seconded the motion. The Chair asked for any discussion. Hearing none the Chair called for a **Roll Call Vote**:

Jeanne Rich - Yes

Matt Mayo - Yes

Dennis Hubbard - Yes

Frank Sullivan - Yes

Eric Jakubowicz - Yes

Rob Alix – Yes

**Robert Alix was approved as the Chair of the Board of Appeals**

The Chair then called for a nomination for the position of Clerk. Member Sullivan made a motion to nominate Jeanne Rich for this position. The Chair seconded that motion. The Chair asked for any discussion. Hearing none the Chair called for a **Roll Call Vote**:

Jeanne Rich - Yes

Matt Mayo - Yes

Dennis Hubbard - Yes

Frank Sullivan - Yes

Eric Jakubowicz - Yes

Rob Alix – Yes

**Jeanne Rich was appointed to the position of Clerk for the Board of Appeals**

## **Public Hearings**

### **1. 366 Mill Street – Variance Request**

The Chair read the Variance into the record. The Chair identified the voting members: Frank Sullivan, Jean Rich, Eric Jakubowicz, Matt Mayo, Dennis Hubbard. Next the Chair called the applicants onto the Zoom, Deb Highland, and Bob Parren. The Applicants ensued in a discussion concerning 366 Mill Street with the Board the primary point of discussion being around the placement of a deck and patio. The Chair then opened up the discussion to the public in the room. Not hearing any discussion, the Chair opened it up to any members of the public online. Hearing none the Chair looked for a motion to close the hearing. Member Sullivan moved, and Member Rich seconded. The Chair stated that the motion was closed and seconded by Member Rich. The Chair then took a **Vote**:

Jean Rich - Yes

Frank Sullivan - Yes

Matt Mayo - Yes

Eric Jakubowicz - Yes

Dennis Hubbard – Yes

### **Closing of the Hearing for the Variance Request on 366 Mill Street Approved**

Member Rich then made a Motion to approve the Variance for Extending the Deck. It would allow them to decrease the setback back to 12.5 to property line. The Chair seconded the vote. The Chair then asked for any discussion. Hearing none he took a **Vote**:

Jean Rich - Yes

Frank Sullivan - Yes

Matt Mayo - Yes

Dennis Hubbard - Yes

Eric Jakubowicz -Yes

### **Variance Request for Extending the Deck of 366 Mill Street Approved**

The Chair then reviewed the standard procedure with the applicant for approval of this Variance.

## **2. 71-75 South Main Street- Variance Request**

The Chair read the Variance into the record. The Chair identified the voting members: Frank Sullivan, Jean Rich, Eric Jakubowicz, Rob Alix, Dennis Hubbard.

The Chair then opened the floor up to John Farnsworth, Farnsworth Engineering. Also, present was the applicant, Grant Isaac, Mr. Isaac's family, and his staff.

A discussion ensued between the Board and Mr. Farnsworth concerning the building proposed and the Variance Request which included an extension over to the residential district for the commercial entity,

The Chair opened the procedure up to members of the public who were in the room. The Chair saw no residents in the room, so he opened up the procedure to residents online. There were no residents online, so the Chair requested a motion to close the hearing. Member Rich made a motion to close the Hearing for the Variance on 71-75 South Main Street. Member Sullivan seconded. The Chair then asked for any further discussion. Hearing none he took a **Vote**:

Jean Rich - Yes

Frank Sullivan - Yes

Rob Alix - Yes

Dennis Hubbard - Yes

Eric Jakubowicz – Yes

### **Hearing for Variance on 71-75 South Main Street approved to be Closed.**

The Chair asked for any discussion from the voting members. There was none so the Chair asked for a motion. Jean Rich made a motion to allow the variance to be in effect for 71-75 South Main Street for the addition of a 1,820 square foot building the height no higher than the existing building and to allow the corner of the building to extend to 17 feet to the rear property line with a 20 foot setback and any vehicles to be stored for more than 30 days to allow to be stored within the 25 foot residential area that this business is allowed to extend it to.

Additionally, the 17-foot area to remain clear of vehicles for emergency access and snow removal. Member Sullivan seconded the motion. The Chair asked for any discussion. Hearing none he took a **Vote**:

Jean Rich - Yes

Frank Sullivan - Yes

Rob Alix - Yes

Dennis Hubbard - Yes

Eric Jakubowicz - Yes

The Chair then reviewed the standard procedure with the applicant for approval of this Variance.

### **3. 659 Main St. – Variance Request/Special Permit**

Upon reading the Permit, the Chair noticed an error which he brought to the attention of the rest of the Board. Member Rich made a motion to amend the hearing notice for BOA. Hubbard seconded. The Chair called for a **Vote**:

Jean Rich - Yes

Frank Sullivan - Yes

Rob Alix - Yes

Dennis Hubbard - Yes

Eric Jakubowicz – Yes

**The Variance Request was approved to be left as is with the verbiage of “Planning Board” in place.**

The Chair read the Variance Request out loud. The Chair then invited the applicant to take the podium, Heather XXX. She brought with her, Jim, her partner and Doug her representative from the contracting company. A discussion ensued between the Applicant and the Board. The Chair asked for any discussion in the room; hearing none he asked for any discussion on-online. Hearing none he went on to ask for a motion to close the Public Hearing and the Special Permit. Member Rich made this motion. Member Hubbard seconded this motion. The Chair called for discussion and heard none. He then called for a **Vote: (jr – 759 sq ft addition 25 x 30 height no higher than existing)**

Jean Rich - Yes

Frank Sullivan - Yes

Rob Alix - Yes

Dennis Hubbard - Yes

Eric Jakubowicz – Yes

**The Special Permit and Public Hearing were approved to be Closed.**

Member Rich made a motion to allow an addition to the rear of the home and for the home to be no closer than 13 feet to the side lot. Additionally, the height of the home was not to exceed the height of the present house. Member Jakubowicz seconded. The Chair called for discussion and heard none. He then called for a **Vote:(jr extend the nonconforming bldg. no closer than 13’ to the side line)**

Jean Rich - Yes

Frank Sullivan - Yes

Rob Alix - Yes

Dennis Hubbard - Yes

Eric Jakubowicz – Yes

**The Special Permit and the Public Hearing were approved for 659 Main Street given the above-mentioned stipulations.**

Member Rich made a motion to allow a special permit under 220-5. This permit would allow the changes noted above because the changes to not appear to be more detrimental to the neighborhood than the existing structure. Member Hubbard seconded this motion. The Chair asked for any discussion; hearing none the chair called for a **Vote**:

Jean Rich - Yes

Frank Sullivan - Yes

Rob Alix - Yes

Dennis Hubbard - Yes

Eric Jakubowicz – Yes

Member Rich made a motion to approve the variance for 659 Main Street to allow the addition to the rear of the home 750 square feet (25 X 30) and to be no closer than 13 feet to the side lot. The height not to exceed the height of existing house (not on plan.). Member Hubbard seconded the motion. The Chair asked for any discussion; hearing none he called for a **VOTE**:

Jean Rich - Yes

Frank Sullivan - Yes

Rob Alix - Yes

Dennis Hubbard - Yes

Eric Jakubowicz –

Jean Rich - Yes

The Chair then reviewed the standard procedure with the applicant for approval of this Variance.

#### **4. Continued Public Hearing – 13 Neck Rd**

The Board received a request for continuance for 13 Neck Road. The Chair asked for a motion. Member Rich made a motion. Member Hubbard seconded. The Chair asked for any further discussion; hearing none he called for a **VOTE**:

Jean Rich - Yes

Frank Sullivan - Yes

Rob Alix - Yes

Dennis Hubbard - Yes

Eric Jakubowicz – Yes

**13 Neck Road is Continued until February 22<sup>nd</sup> at 7pm**

### **Correspondence:**

The Chair told the Board that sadly he received the resignation of Matt Mayo after nine years. Many thanks went to Matt Mayo.

### **Review Upcoming Meetings**

2/22/2024 @ 7PM hybrid

3/28/2024/2024 @ 7PM, hybrid

4/25/2024 @ 7PM, hybrid

### **Adjourn**

The Chair asked for a motion to adjourn the meeting. Member Rich made a motion to adjourn. Member Jakubowicz seconded. The Chair asked for any further discussion; hearing none he called for a **VOTE**:

Jean Rich - Yes

Frank Sullivan - Yes

Rob Alix - Yes

Dennis Hubbard - Yes

Eric Jakubowicz – Yes