

TOWN OF LANCASTER
BOARD OF APPEALS
Remote Meeting Via Zoom
April 28, 2022

Present: Chair Jeanne Rich, Matt Mayo, Frank Sullivan, Dennis Hubbard, Rob Alix, and Ryan Aldrich (arrived late)

Absent: David Stadtherr and Eric Jakubowicz

Staff Present: Debra Dennis, Planning & Community Development and Jasmine Farinacci, Planning Director

List of Documents:

- Agenda- April 28, 2022
- Minutes: March 31, 2022
- Applications: Special Permit for 161 Fire Road 12, Special Permit for 241 Chace Hill Road and Special Permit for 213,217,219 South Main Street
- MC Cottage Rentals-ZBA Package
- 4-28-2022 Director's Memo
- 40 Maple Street documents

There being a quorum present, Chair Jeanne Rich called the meeting to order at 7:02 PM.

Roll Call Attendance: Rob Alix here, Matt Mayo here, Frank Sullivan here, Dennis Hubbard here and Jeanne Rich here.

Minutes

Minutes- March 31, 2022- **Rob Alix made a motion to approve, and Dennis Hubbard seconded. No discussion. Roll Call Vote: Rob Alix yes, Matt Mayo yes, Frank Sullivan yes, Dennis Hubbard yes, and Jeanne Rich yes.**

Public Hearing

A petition by Stephen Mudgett (applicant/owner) of 241 Chace Hill Road, for a Special Permit for an accessory apartment in a single-family dwelling with no change in the principal use of the premises pursuant to Section 220-8.1(AB) of the Lancaster Zoning Bylaw.

Present: Steve Mudgett, Owner, and Applicant

Chair Rich read the public hearing into the record thereby convening the public hearing for 241 Chace Hill Road Special Permit.

Voting members are Frank Sullivan, Matt Mayo, Rob Alix, Jeanne Rich, and Dennis Hubbard.

Steve Mudgett explained what he wanted to do. He said he wants to renovate the barn to make room for the two seasonal workers. He said currently the bathroom exists in the barn.

Matt Mayo went over all the special permit requirement for an accessory apartment. He said the dwelling has been in existence for more than five years, it is owner occupied, there is a separate entrance to the outside, there are no outdoor stairs, adequate sewage disposal, no more than three inhabitants per the applicant, there are three parking spaces.

Frank Sullivan made a motion to close the hearing and Dennis Hubbard seconded the motion. No discussion. Roll Call Vote: Frank Sullivan yes, Matt Mayo yes, Rob Alix yes, Dennis Hubbard yes, and Jeanne Rich yes.

Matt Mayo made a motion to approve, and Frank Sullivan seconded the motion. No discussion. Roll Call Vote: Rob Alix yes, Matt Mayo yes, Frank Sullivan yes, Dennis Hubbard yes, and Jeanne Rich yes.

Request-40 Maple Street-Request for determination of a minor modification of an existing special permit.

Present: Anthony Tomaselli Jr and Joe Villani (owner)

Chair Rich said you want to add a ventilation system and the Building Inspector felt you needed an extension of an existing special permit.

Anthony Tomaselli Jr. went over the previous permit process. He said the HVAC is an old tower up on the roof which they thought they could replace which they cannot. He said he wants to put new towers behind the building. The change is minor in nature, the use of the building is the same. He said he wants to add five HVAC towers. The total ground cover would be six hundred square feet. The noise level of the new system would be lower than the old one.

Chair Rich questioned the ventilation system proximity to the property line and the height of the system. Joe Villani said the system would be five feet wide and sixteen feet long. The vents will come off the units, it is three feet off the ground.

Chair Rich said she is not seeing it as an extension of an existing use. Matt Mayo said the use is not changing. If during the building permit process, we find out setbacks are an issue then they would have to come back to the board.

Frank Sullivan made a motion to send a letter that states that the Board does not find adding a ventilation system to be a modification to their special permit and Dennis Hubbard seconded the motion. No discussion. Roll Call Vote: Rob Alix yes, Matt Mayo yes, Frank Sullivan yes, Dennis Hubbard yes, and Jeanne Rich yes.

Ryan Aldrich joined the meeting and said he needs to abstain from the next public hearing due to conflict. He was placed in the waiting room.

Public Hearing

A petition by Maurice Ribble (applicant/owner) of 161 Fire Road 12, for a Special Permit to utilize an existing barn for a home occupation Section 220-8.1-CC of the Lancaster Zoning Bylaw.

Present: Maurice Ribble, owner, and applicant

Chair Rich read the public hearing into the record thereby convening the public hearing for 161 Fire Road 12 Special Permit.

Voting Members: Matt Mayo, Rob Alix, Dennis Hubbard, Frank Sullivan, and Jeanne Rich

Maurice Ribble shared a slide presentation of his project. He said he lives on the property, he has no employees, there will be no impact on the neighbors. He said he has a warehouse in Leominster where he stores and ships products.

Jasmin Farinacci, Planning Director said this meets the requirements, conditions would be no employees or deliveries there.

Frank Sullivan made a motion to close the public hearing and Rob Alix seconded the motion. No discussion. Roll Call Vote: Matt Mayo yes, Rob Alix yes, Dennis Hubbard yes, Frank Sullivan yes, and Jeanne Rich yes.

Frank Sullivan made a motion to approve the special permit for 161 Fire Road 12 with the conditions stated previously and in the Directors report. Matt Mayo seconded the motion. No discussion. Roll Call Vote: Matt Mayo yes, Rob Alix yes, Dennis Hubbard yes, Frank Sullivan yes, and Jeanne Rich yes.

Ryan Aldrich was taken out of the waiting room and rejoined the meeting.

Public Hearing

A petition by Cleveland Street LLC (applicant/owner) 213-217-219 South Main Street, for a Special Permit to utilize an existing abandoned building as a multifamily residential property in a residential area under Section 220-8.1-D of the Lancaster Zoning Bylaw

Present: Robert Safi, owner and Mark Schriever, Architect

Chair Rich read the public hearing notice into the record thereby convening the public hearing. Voting Members are Dennis Hubbard, Frank Sullivan, Matt Mayo, Rob Alix, and Ryan Aldrich.

Mark Schriever said they are not changing the footprint or exterior decks (one will be removed). Historically it has been used as a multi-family by Atlantic Union College. He said they are proposing town house type units. They are not changing the number of units. He said we are looking for a special permit to reoccupy them.

Jasmin Farinacci said they were denied a building permit because they have not used the multi family for two or more years. Multi families are allowed by special permit.

Chair Rich questioned whether it was a flexible development.

Matt Mayo went through the requirements which are location, sewer, lot frontage, and lot area.

Chair Rich questioned if it is for only two buildings why there are more addresses in the Public Hearing notice. Jasmin Farinacci said because of the discrepancy with the address and the Accessors data they wanted to make sure it was covered.

Victoria Petracca, Affordable Housing Trust commented that the inclusionary zoning bylaw applies to refurbishment of units six or more. If there are two buildings with nine units in total it requires one affordable unit.

Chair Rich said Town Counsel should look at this and we can discuss it further next month.

Leroy Millot, 27 Bennett Lane and abutter questioned whether there will be any significant changes or additional structures. Mark Schriever said no there will not be.

Jeff Linthwaite, representing an abutter at 207 Main Street said he is in support of Mr. Safi. The Fire Department did train there. It seems like he is 99% there and this will benefit everyone.

Matt Mayo said we need to assess this to make sure we are educated on this project. Rob Alix said he wants clarification as to where inclusionary zoning applies.

The Board members agreed to send it out to Town Counsel and get advice.

Chair Rich asked the owner Robert Safi is this could be continued until the May 26th meeting. Mr. Safi agreed.

Rob Alix made a motion to continue the public hearing May 26th and Frank Sullivan seconded the motion. No discussion. Roll Call Vote: Dennis Hubbard yes, Frank Sullivan yes, Matt Mayo yes, Rob Alix yes, and Ryan Aldrich yes.

Comprehensive Permit request to modify-Jones Crossing Site

Present: Mark O'Hagen

Chair Rich said she does not think that the Board has had Adam Costa (Town Counsel), or a town engineer look at this project since you acquired it. Mark O'Hagen said he is not changing much in the development. The road, and drainage are the same. He said instead of having seven septic system they will be having one.

Chair Rich asked Mark O'Hagen if they could continue this until the next meeting on May 26th at 7pm so they have time to get Town Counsel to give input whether it is a non-substantial plan modification. Mr. O'Hagen said that would be fine.

Victoria Petracca asked if Mass Housing had wayed in whether it was substantial. Mark O'Hagen said they are comfortable with it.

Discussion

Chair Rich commented that she received an email from Kathi Rocco about reappointment of Dennis Hubbard and Frank Sullivan. She also commented that at the Planning Board meeting Tom Christopher discussed they received something about Goodridge Estate. She asked for a copy of it.

Other Business:

Invoice: TEC-Kalon Farms \$3,250.00-Dennis Hubbard made a motion to approve to pay TEC the sum of \$3,500 for the Kalon Farm traffic study and was seconded by Frank Sullivan. No discussion. Roll Call Vote: Dennis Hubbard yes, Frank Sullivan yes, Rob Alix yes, Matt Mayo yes, and Jeanne Rich yes.

Funds release request-Kalon Farms Keith Kopley \$800.00-Frank Sullivan made a motion to release \$800 from the Kalon Farms Account to Kalon Farm and was seconded by Rob Alix, No discussion. Roll Call Vote: Frank Sullivan yes, Rob Alix yes, Matt Mayo yes, Dennis Hubbard yes, and Jeanne Rich yes.

Adjourn

Frank Sullivan made a motion to adjourn, and Rob Alix seconded the motion. No discussion. Roll Call Vote: Frank Sullivan yes, Matt Mayo yes, Rob Alix yes, Dennis Hubbard yes, Ryan Aldrich yes, and Jeanne Rich yes.

The meeting was adjourned at 9:36pm.

Respectfully submitted

Debra Dennis, Office Manager
Community Development & Planning