Lancaster Board of Appeals

Minutes

5/26/2022

1. Meeting called to order at 7:00 p.m. by Chair Rich. Roll call of members: Eric Jakubowitz, Matt Mayo, Dennis Hubbard, David Stadtherr, Rob Alex present. Frank Sullivan at 7:10 p.m. Ryan Aldrich at 8:13 p.m.
2. Minutes 4/28/2022 – Rob Alex motion to accept minutes, Matt Mayo second, correct the minutes to reflect that David Stadtherr and Eric Jakubowitz were present. Roll call vote: Matt Mayo, Dennis Hubbard, Rob Alex and Jeanne Rich yea, 4-0-0.
3. Public Hearing continued from 4/28/22 for Cleveland Street LLC. The voting member of Ryan Aldrich is not present therefore asked Mr. Safi if he was willing to go with 4 members or wait for Ryan to be present. He suggested we wait for Ryan.
4. Comprehensive Permit from Mark O’Hagan for Jones Crossing project. We had sent this to Adam Costa for review to determine if the changes in the plans constituted a substantial or non-substantial change. Members discussed at length the changes and the CMR as well as Atty. Costa’s letter. Victoria Petrucci informed the board that the change from single family homes to all rental units was suggested by the Housing Trust and not the developers original idea. Matt Mayo made a motion that the project change is non-substantial however would like it to be reviewed by the consulting engineer and to have all permits corrected with the various other boards. Motion was seconded by Frank Sullivan, no discussion, voting yea are Matt Mayo, Rob Alex, David Stadtherr, Frank Sullivan and Dennis Hubbard. 5-0-0.
5. Discussion on whether to have CEI or HaleyWard conduct the review of the project. Rob Alex made a motion to use HaleyWard and to instruct Jasmin to send all documents to them by end of day 5/27/22 for review at June, 2022 meeting. Frank Sullivan seconded motion, voting yea are Matt Mayo, Rob Alex, David Stadtherr, Frank Sullivan and Dennis Hubbard. 5-0-0.
6. Public Hearing read into minutes for Craig and Angela O’Brien for a Special Permit under 220.8.1GG at 2231 Lunenburg Road for the construction of a chicken coop to house up to 6 chickens. Voting members will be David Stadtherr, Rob Alex, Matt Mayo, Frank Sullivan, Jeanne Rich. Angela informed the board they were not aware of the bylaw and built their coop too close to the property line. The Building Inspector informed them of a neighbor’s complaint and therefore they are here tonight. The building inspector, Brian Gingras met with the O’Brien’s and is willing to work with them to find the correct location on the property for their coop and fencing that keeps the coop 20’ from the property line and 50’ from existing dwelling. There being no public comment, Matt Mayo motioned to close the hearing, 2nd by David Stadtherr. Voting yea were Matt Mayo, David Stadtherr, Rob Alex, Frank Sullivan and Jeanne Rich, 5-0-0.

Motion to approve the special permit by Matt Mayo, 2nd David Stadtherr, no discussion, all voting yea: Matt Mayo, David Stadtherr, Frank Sullivan, Rob Alex and Jeanne Rich, 5-0-0.

1. Cleveland St LLC still having only 4 members for the special permit. Raymond Safi agreed to move forward with the 4 members being Dennis Hubbard, Frank Sullivan, Matt Mayo and Rob Alex. The continued public hearing for 213, 217, 219 South Main Street was read into the record and the hearing was opened. A letter was received from Town Counsel concerning the inclusionary zoning bylaw and Atty. Heep reports that one unit must be set aside for an affordable unit. Much discussion from Raymond Safi concerning how he got to this point in the process, putting both buildings under one application however having two separate construction loans and is at risk of defaulting on his note due to how this was originally presented to the lender and now has changed with the affordable unit. Ryan Aldrich has arrived at 8:13 p.m. Raymond would like to have the inclusionary zoning waived for this project and used on one of the other projects he has in town. Jasmin reports that there is no language in the article to waive, no grandfathering, etc. The application was presented 11/21/21 and that was after the article was approved at town meeting.

Brian Gurry, works with Raymond Safi, spoke informing the board that he runs a TV show and used one of these buildings to film the fire department training in the fall of 2021. He believes that the former Building inspector had agreed to allow this to take place and reconstruction was not an issue nor was inclusionary zoning.

Victoria Petracca stated that the bylaw must be upheld and that he could choose to do a Payment in Lieu and not have to deed restrict a unit, he could withdraw and apply with a basket of properties so that the affordable could be elsewhere.

Discussion amongst board members and Mr. Safi concerning the destruction of the building. Mike Hanson from the Fire Department stated that in the past no demo permits were required for the Fire Dept. to do their training. Building Inspector, Brian Gingras stated there was no demo permit, no permit for reconstruction and this building was abandoned in 2007 according to the town records.

Matt Mayo discussed the two/three properties totaling just over 2 acres and under 220-9C they must be merged, or he does not meet the requirements. After much discussion between board members and Brian Gingras it was decided that Mr. Safi needed to also request a variance from the zoning bylaw for the area as it is impossible to comply. Jeanne Rich requested a continuance to the June meeting for the special permit, Raymond to apply for a variance and in June we would hear the variance first and the special permit immediately after. Jeanne informed Raymond if we went to a vote tonight, we would not be able to grant the special permit due to lacking the proper area. Raymond agreed to a continuance and will provide a written continuance to Jasmin tomorrow, 5/27. Brian and Jasmin to assist Raymond in completing the proper paperwork for the June hearings. Motion by Matt Mayo to continue this hearing to June 23, Dennis Hubbard 2nd, voting yea were Matt Mayo, Rob Alex, Frank Sullivan, Dennis Hubbard, 4-0-0. Ryan Aldrich had to leave the meeting due to a fire call.

1. Public Hearing notice read for Carlyns and Jeannette Behrmann, 381 So. Main Street for a special permit to have a community center with no more than 500 sq.ft. in a residential unit. After reading the notice Jasmin informed us there was a corrected hearing notice which was then read into the record for more than 500 sq. ft. for a community center under 220-8.4C.

The second hearing notice cites the wrong section for an accessory apartment so the hearing will have to be redone. The Behrmann’s wish to proceed with the community center hearing. There will be two rooms on the first floor, parking on site and will be used for counseling, teaching sewing, a lot of zoom meetings and the conservatory may want to use for teaching music. They believe 15-20 people to use the outdoors, 3-4 times a year. The sewing 1-4 people 2 times a week and run 6–7-week programs. Hours would be 10-12 noon and no Saturday’s and maybe some Sunday’s.

The Building Inspector, Brian Gingras states that a 14-page memo was sent to the board however several members did not receive it. Brian expressed concern with the plan before the board as he has not seen this plan nor discussed it with the owner. The last action he had was for a building permit for a single-family home, which the plans now are conflicting as this is proposing a community center as a principal use or a mixed-use building in a residential zone. The use table does not have an accessory community center. Discussion continued with the building inspector and board and suggested that this application be withdrawn, a new application be applied for a home occupation, have the outdoor events apply through the Board of Selectmen. The building inspector and Jasmin have agreed to meet with the applicant and assist with the proper paperwork.

Jeanne Rich requested a written withdrawal for both of the applications this evening to which the Behrmann’s agreed to. Motion by David Stadtherr, 2nd by Dennis Hubbard to accept the withdrawals of both applications. No discussion, voting yea Dennis Hubbard, David Stadtherr, Matt Mayo, Rob Alex and Frank Sullivan, 5-0-0.

1. Motion to adjourn by Rob Alex, 2nd by David Stadtherr, voting yea Rob Alex, David Stadtherr, Dennis Hubbard, Eric Jakubowitz, Frank Sullivan, Matt Mayo, Jeanne Rich adjourned at 9:44 p.m.