Lancaster Board of Appeals

June 23, 2022 Minutes

1. Meeting of the Board of Appeals called to order at 7:00 p.m. by Chair Jeanne Rich (JR).
2. Roll call vote: David Stadtherr – yes

Rob Alex – yes

Matt Mayo – yes

Ryan Aldrich – yes

Eric Jakubowicz – yes

Jeanne Rich – yes

Staff Present – Jasmin Farinacci and Brian Gingras

1. A Public Hearing notice was read into the record by the Chair for a Variance for Cleveland Street LLC, 197 and 211 South Main Street, Lancaster under Section 220-9C.4 of the Lancaster Zoning Bylaws. The voting members for this variance are: Jeanne Rich, David Stadtherr, Matt Mayo, Rob Alex and Eric Jakubowicz.

Raymond Safi, owner explained that he has two buildings which are abandoned and being refurbished. They will have a total of 9 units when complete. Due to this section of the bylaw he is unable to meet the total square footage of the land area and therefore is seeking a variance. Brain Gingras, Building Inspector, spoke and stated Raymond needs the variance due to the area and cannot reconstruct until one is granted.

Matt Mayo made a motion to close the hearing, David Stadtherr 2nd, no discussion. 5-0 to close the hearing.

Rob Alex made a motion to grant the variance for Section 220.9C.4 to allow reconstruction of the 9 units without having 300,000 + square feet of land area. Eric Jakubowicz 2nd the motion, no discussion and the board voted 5-0 to approve the variance.

1. A Public Hearing notice was read by the Chair for a petition by Cleveland Street LLC, 213-217-219 South Main Street for a Special Permit to utilize an existing abandoned building as a multifamily residential property under Section 220-8.1D of the Lancaster Zoning Bylaws. This is a continued pubic hearing from 5/26/2022 meeting. The voting members for this Special Permit are: Matt Mayo, Rob Alex, Ryan Aldrich and Jeanne Rich. Jeanne is stepping in to vote as Frank Sullivan and Dennis Hubbard were the appointed members to vote however are not present this evening. Jeanne has been present for all hearings and Mr. Safi has agreed to move forward with 4 voting members.

Brian Gingras, Building Inspector would like this SP to be conditioned as to when the affordable unit is going to be permitted. At this time Mr. Safi does not know which building the unit will be in or when it will be constructed. Rob Alex made a motion to close the hearing, Matt May seconded, no discussion, voted 4-0 to close the hearing.

Rob Alex made a motion to approve the special permit for 213-217-219 South Main Street with the condition that one unit be set aside as an affordable unit. The affordable unit is to be permitted during the first building permit issued whether it be the 4 or 5 unit building. Matt May seconded the motion. No discussion and the board voted 4-0 to approve.

1. Public Hearing notice read by the Chair for a Variance to the side yard setback for outdoor storage pursuant to Section 220-9.F(3) and screening under Section 220-11C(3) of the Lancaster Bylaws. This Variance is applied for by United Ag and Turf NE LLC and SCF RC Funding IV LLC. Voting members will be: David Stadtherr, Matt Mayo, Rob Alix, Eric Jakubowicz and Jeanne Rich.

Thomas Bovenzi, attorney for the applicant. David Hammond is also present. This is for the former John Deere facility at 700 Ft. Pond Road. The applicant is seeking to store farm equipment and accessories outside. The bylaw requires a set back of 30 feet on the western side of the property. This side of the set back is abutting a commercial property. The applicant presents a hardship due to the eastern side having wetlands and soils that cannot be disturbed. This variance, if granted, will not affect the abutter as it abuts the driveway only. This will not affect the front 30’ or the back 30’ as those are front yard and rear yard. This only affects the land in between the two. The screening is being asked for as natural vegetation that exists and nothing more and to allow storage up to 1’ of the property line on the western side.

Brian Gingras, BI, stated that the Board of Selectmen have requested that all sites be inspected at time of license renewal.

Rob Alix made a motion to close the hearing, Dave Stadtherr 2nd, no further discussion, voted 5-0 to close the hearing.

Dave Stadtherr made a motion to approve the variances to allow outdoor storage of equipment and accessories up to 1’ of the western property line and to allow the screening to be the natural vegetation that exists today with no additional screening needed. Eric Jakubowicz 2nd the motion, no further discussion, voted 5-0 to approve the variances.

1. Mark O’Hagan, 40B discussion. Mark presented a proposed draft of his permit and hoped to have a peer review by Adam Costa and Scott Miller at HaleyWard for the July meeting.

Mark stated this project started as a cottage style then went to a subdivision in 2010. He has created a proposed new permit making certain requests he is asking for, along with a summary of how we go to where we are. He has proposed findings, determination and conditions. The conditions were read by Mark for discussion purposes. Jeanne asked how many affordable, replied 8. In talking about the Stocker property Jeanne asked to please reference it by an address and not a name. Jeanne asked about the garages, how many would be constructed? Mark would like flexibility and is willing to a number allowed. He feels there may be garages at the home or garages put in bulk in a parking area. Mark will bring in a sketch of what the garages will look like. Jeanne requested that the board allow this to go to Adam Costa for review on the 40B.

Rob Alix asked about the garages and does not want them to distinguish the affordable from the regular. Rob would also like to see the original permit. Rob would also like to see more layers to the lottery as we have found that resale does not always work.

We will make sure that Jasmin sends this to Adam Costa and assures that the engineer has this for review. We will plan on the 28th of July for a final review of this project.

Rob Alix moved to adjourn, David Stadtherr 2nd. Roll call vote placed 5-0 to adjourn. Adjourned at 8:30 p.m.