Lancaster Board Of Appeals

July 28, 2022

1. Meeting called to order at 7:00 p.m. by Chair Rich.
2. Roll call vote: Dennis Hubbard, Eric Jakubowicz, David Stadtherr, Jeanne Rich; Staff present – Jasmin Farinacci and Brian Gingras
3. Dennis Hubbard made a motion to approve the minutes of May 26, 2022, Eric Jakubowicz 2nd motion, Dennis, Eric and Jeanne voted 3-0 to approve the minutes.
4. Frank Sullivan arrived at 7:03 p.m.
5. Moved agenda to Jones Crossing as Haley Ward was present. Received a copy of Mark O’Hagan’s comments at 6:56 p.m. Scott Miller went through the 8 items that he would like to see addressed for the engineer review.
   1. Reference to plan revisions, calculations will be sent to Scott Miller
   2. 2” water main – Water dept. is fine with 2”, wants meter pits
   3. Water main easement plan – subdivision plan to be rescinded – provide plan for utility easement to be sent to Scott Miller
   4. Easement by unit 1 – has been left as the town was the one who requested it. Will incorporate in final plan.
   5. Will not be a town road, remain private
   6. Garages, plans have been submitted and will be sent to Scott.
   7. Minimum front yard not necessary as no longer a subdivision, homes will be closer to street and does not believe the front yard offset is necessary. 10’ is what is being proposed.
   8. Parking lot #2 connecting has been changed.
   9. Detail on abandoned low pressure sewer main. Once septic’s are approved by Board of Health they should have more direction as to what to do with this sewer main.

Scott was unable to see Adam Costa’s comments. Mark made changes to plans and sent them to Jasmin. Jasmin to make sure Scott and Adam receive all the changed documents as soon as possible to review and have comments available to the Board for the 8/25/22 meeting. Mark reviewed the comments from Adam Costa. After much discussion it was agreed that we wait one more month to allow Adam to review and Scott to review all documents one more time. Mark would like to start working with Brian Gingras, Board of Health and Conservation Commission in the meantime. Everything to be coordinated with Jasmin as to the different departments and their comments. Frank Sullivan made a motion to continue this to August 25, 2022. David Stadtherr 2nd the motion. Frank, David, Dennis Hubbard, Eric Jakubowicz and Jeanne Rich voted 5-0 to continue to August 25th.

1. Public hearing notice read into the record by Chair Rich for a Special Permit for a home occupation pursuant to 220-8.1CC for Carlyns and Jeannette Behrmann of C & J Property Holdings Co. of 381 South Main St. Voting members will be Jeanne Rich, Francis Sullivan, David Stadtherr, Dennis Hubbard and Eric Jakubowicz. Mark Schriver presented for the owners. Mark explained they own a 7,400 sq. ft. house and would like to use 597 sq. ft. for a home occupation in which they will offer zoom classes, sewing, life skills classes not to exceed 3 students and ministries. This is to be located on the lst floor only. Brian Gingras questioned the 2nd floor and wants to assure the home occupation is to be on the 1st floor only. They will sell no other products produced by others, employ no other personnel, no changes to the outside of the building. Dennis Hubbard asked about the first floor having one bathroom. Mark pointed out there is a bathroom under construction next to the stairs. Brian wants to make sure all the building codes are met, not something for this board. Board discussed possible conditions of no more than 597 sq. ft. on the first floor, offer zoom classes, sewing classes, life skill classes not to exceed 3 students, having day classes and may have some evening classes and activity does not produce odor, noise, traffic or a nuisance to the neighborhood. Motion by Frank to close the hearing, David 2nd, voted 5-0 to close hearing.

Motion by Frank to approve the Special Permit for a home occupation located at 381 South Main Street under section 220-8.1CC with the following conditions: 597 sq. feet to be located on the first floor only,

offer zoom classes, sewing classes, life skill classes not to exceed 3 students, having day classes and may have some evening classes and activity does not produce odor, noise, traffic or a nuisance to the neighborhood. David 2nd motion, no further discussion, voted 5-0 in favor of the Special Permit.

1. Public Hearing notice read into the record by Chair Rich for a Special Permit under Section 220-8.1AB for Carlyns and Jeannette Behrmann, C & J Property Holdings Co. of 381 South Main Street to allow an accessory apartment in an existing single-family dwelling. Voting members will be Jeanne Rich, Francis Sullivan, David Stadtherr, Dennis Hubbard and Eric Jakubowicz. Mark Shriver, architect explained there is an existing 3rd floor apartment which they would like to reutilize this once the work is redone. It will contain 1,180 sq. feet, has an exterior exit and a second exit interior. Has 2 bedrooms, kitchen, living room and one bathroom. Frank went through 22.9D requirements to assure it meets all requirements. The exterior stairwell on the right side of the building are not enclosed and the bylaw requires them to be enclosed. Mark is to look into a way to accommodate this so as to meet the bylaw and not to deter from the historical value of the property. Suggestions were made to look at making another exit on the back or inside to meet this section. Frank made a motion to close the hearing. David 2nd the motion, no further discussion, closed the hearing with a 5-0 vote.

Motion to approve the Special permit for an accessary apartment made by Frank, 2nd by Dennis with the following conditions

* 1. Apartment not to exceed 1,180 sq. ft. to be located on the third floor of the home.
  2. The right stairwell on the exterior of the building to be fully enclosed.
  3. The design of the enclosure of the stairwell to be approved by the Board of Appeals prior to construction.
  4. If the stairwell on the exterior is not used, it must be removed.

Voted 5-0 to approve the Special Permit.

1. Public Hearing notice read into the record by Chair Rich for a variance under Section 220-10B for a dimensional variance to construct a single family dwelling on a vacant lot created in 1989 with 170 feet of frontage located at 0 North Main Street for Alex Watson and Sandra and Barry Watson. Voting members to be Jeanne Rich, Francis Sullivan, David Stadtherr, Dennis Hubbard and Eric Jakubowicz.

Attorney Brian Foley representing the applicant presented the history of the property. He explained this lot was created in 1989 when the frontage was 170 feet. There were three lots approved, the other two being already built upon and leaving this third lot with 2.46 acres and 170.07 feet of frontage. There is no way to create any more frontage than exists on this lot. Board did not have any questions nor did the Building Inspector. Planning Director felt it is a preexisting non conforming. Frank made a motion to close the hearing, Dave 2nd the motion. Board voted 5-0 to close the hearing.

Motion made by Frank to approve the variance, 2nd by Dennis. Board voted 5-0 to grant the variance to allow the applicant to receive a variance to have a building lot with 107.07 feet of frontage.

1. Frank made a motion to adjourn, Eric 2nd, no discussion, 5-0 to adjourn. Meeting adjourned at 8:42 p.m.