

TOWN OF LANCASTER
BOARD OF APPEALS
Lancaster Community Center
Thursday, March 24, 2016

Present: Scott Miller, Chair; Jeanne Rich, Vice-Chair; Frank Sullivan, Clerk; Mark Eaton; David Stadtherr and Matt Mayo

Absent: Bob Baylis and Sarah Gulliver

Also Present: Noreen Piazza, Planning Director

There being a quorum present, Chair Miller called the meeting to order at 7:01 PM.

Chair Scott Miller went over the agenda for the evening's meeting.

Public Hearing, Special Permit, 86 Chace Hill Road, Structures for Storage and distribution of goods, supplies, equipment and machinery

Present: Brendan Laughlin, Owner

Chairman Miller stated that he will be an alternate for the hearing.

At 7:03 PM Chair Scott Miller read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a petition by Brendan Laughlin (applicant and owner), 300 Bolton Station Road, Lancaster, MA 01523 for a Special Permit pursuant to Section 220-8.6 (C) of the Lancaster Zoning Bylaw for storage and distribution of goods, supplies, equipment and machinery. The site is located in the Residential Zoning District at 86 Chace Hill Road, and is identified on Assessor's Map 44 as Parcel 11. Abutters within 300 feet were notified via Certified Mail (return receipt) and interested parties were notified via First Class Mail. This matter was publicized in *The Item* on March 4, 2016 and March 11, 2016.

Mr. Brendan Laughlin stated that he is looking to do something with an existing 40 X 1000 square foot, two story barn that is on the property located at 86 Chace Hill Road. Mr. Laughlin stated that he rents the house on the property. The existing barn is located on his property as well as the neighbor's property. The barn is in need of repairs and when Mr. Laughlin went for a building permit for the Zoning Officer referred him to the Zoning Board for permission to allow the renting of stalls in the barn.

Mr. Laughlin stated that he would like to rent out stalls in the in barn to contractors and or landscapers for storage to help offset the taxes he pays on the large barn.

Ms. Jeanne Rich asked why Mr. Laughlin did not restore the old dairy barn and use it for animals.

Mr. Laughlin stated that he does not own enough property to have animals in the barn.

Chair Miller asked if Mr. Laughlin had any tenants lined up for the barn.

Mr. Laughlin stated that he did not have anyone at this time, stating he wanted to get approval first.

Ms. Rich stated that the Zoning Bylaws do not allow for a Special Permit to be granted for the use Mr. Laughlin is looking for in a Residential Area. Ms. Rich stated that Mr. Laughlin will need to apply for a use variance.

Mr. Mark Eaton asked Mr. Laughlin if he had help filling out the application for the special permit.

Mr. Laughlin stated that Mr. Peter Munroe told him to apply to the Zoning Board for special permit.

Ms. Noreen Piazza stated that she informed Mr. Laughlin that the Board may not be able to act on a special permit since it is not an allowed use, but he wanted to apply anyways. Ms. Piazza stated that she did not consider a variance as an option for the request on the property.

Chair Miller stated that the Board cannot act on a special permit for the property as requested. Chair Miller went on to state that a variance request is needed for the use under section 220-61 under the Lancaster Zoning Bylaws.

Mr. Laughlin asked what he would be requesting a variance for.

Chair Miller stated that the variance will be for the use of the barn.

The Board had a brief discussion regarding the use variance and the requirements for application.

Chair Miller read allowed a letter addressed to the Board regarding the application for the special permit into the record.

Mr. Laughlin responded to the letter stating that he was hoping to use the barn more for storage of cars than as contractor's storage meaning there would be little traffic in and out of the property.

Mr. Miller addressed those present at the meeting to state that the application cannot be acted on as submitted, and have advised Mr. Laughlin to withdraw his application for a special permit and come back to the Board at a later date with an application for a variance for the use of the property.

At 7:40 PM Ms. Jeanne Rich made a motion to close the public hearing for the special permit request for Section 220-8.2(B) of the Lancaster Zoning Bylaw and accept Mr. Brendan Laughlin's request to withdraw his application without prejudice. Mr. David Stadtherr seconded. No discussion. VOTE: 5-0-0.

At 7:41 PM Ms. Jeanne Rich made a motion to waive the fees for the next application including the public hearing fee. Mr. Frank Sullivan seconded. No discussion. VOTE: 5-0-0.

The applicant was notified that the decision would be written and placed on file with the Town Clerk for a 20-day appeal period. At that time, if no appeal is filed, a Certificate of No Appeal will be issued.

Public Hearing, Special Permit, 149 Sterling Road, Accessory Apartment

Present: Ted and Denise Fremeau, owners and Douglas Storey, Two Story Building

Mr. Miller stated that he will sit as an alternate for this hearing.

At 7:42 PM Chair Scott Miller read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a petition by Ted and Denise Fremeau (applicant and owner), 149 Sterling Road, Lancaster, MA 01523 for a Special Permit pursuant to Section 220-9 (G) of the Lancaster Zoning Bylaw for an accessory apartment. The site is located in the Residential Zoning District at 149 Sterling Road, and is identified on Assessor's Map 41 as Parcel 25. Abutters within 300 feet were notified via Certified Mail (return receipt) and interested parties were notified via First Class Mail. This matter was publicized in *The Item* on March 4, 2016 and March 11, 2016.

Mr. Douglas Storey stated that the owners of 149 Sterling Road would like to build an accessory apartment onto an existing detached garage in order to have their parents come live with them. The property is located within the multi-family zoning district. Mr. Storey stated that they looked at other options for placement of the apartment including above existing garage and basement, but ground level entrance and a separate unit was best solution. The apartment will be a one bedroom, approximately 768 square feet with a driveway entrance on Sylvan Road. Mr. Storey stated that the water and sewer will tie into the existing house.

Mr. David Stadtherr asked if this would be attached to the existing garage.

Mr. Storey stated that the apartment would be attached to the garage.

Mr. Storey stated that it would be attached to the existing detached garage.

Mr. Matthew Mayo asked what the dimensions are for the apartment.

Mr. Storey stated that the building will be 32 X 24 square feet, 29% of the total existing house.

Mr. Storey went over the requirements for an accessory apartment under the Lancaster Bylaw Section 220-9(G).

At 7:55 PM Ms. Jeanne Rich made a motion to close the public hearing for 149 Sterling Road. Mr. David Stadtherr seconded. No discussion. VOTE: 5-0-0.

At 7:56 PM Ms. Jeanne Rich made a motion to grant the Special Permit for an accessory apartment at 149 Sterling Road. Mr. Frank Sullivan seconded. No discussion. VOTE: 5-0-0.

Update, Jones Crossing Development

Present: Tyrone Jones, owner, Pamela Skowyra and Mark Zulkiewicz, Paskks, LLC

Mr. Tyron Jones gave the Board an update on the project stating that he has received help with financing and is ready to move forward with construction. Mr. Jones stated that he still has some work to do in order to get all the Board of Health permits, but expects to start work construction on the site within the next week or two.

Mr. Jones stated that he is before the Board to ask for a modification to the original plan to build the project out in three phases in order to get income for the overall project. Mr. Jones stated that he has a

layout of the phases and the lots that will be included in each phase that he sent to Mr. Noreen Piazza in an email dated July 29, 2014.

Ms. Rich asked if the permits from the state for the 40b were still in good standing.

Mr. Jones stated that he still has time left on his permit but needs to start moving forward with the project.

Mr. Miller read the email from Mr. Jones dated July 29, 2014 and went over the lots that will be included in each proposed phase of the project.

Mr. Miller stated that the 3 to 1 ratio for affordable units will still need to be met if allowed to construct in phases.

At 8:10 PM Ms. Jeanne Rich made a motion to allow the Jones Crossing Subdivision to move forward in three phases as laid out in the Mr. Tyrone Jones' email dated July 29, 2014. A new phase cannot begin until the affordable units have been sold. Mr. Frank Sullivan seconded. No discussion. VOTE: 6-0-0.

Vote, Right of First Refusal, 63 Woods Lane

At 8:20 PM Ms. Jeanne Rich made a motion to have the Zoning Board not exercise their right of first refusal for the property located at 63 Woods Lane. Mr. David Stadtherr seconded. No discussion. VOTE: 5-0-1, Mr. Mark Eaton abstained.

General Business

Minutes from February 25, 2016 Meeting

The Board reviewed the minutes from the February 25, 2016 meeting.

At 8:21 PM Ms. Jeanne Rich made a motion to accept the minutes from the February 25, 2016 meeting as written. Mr. Matthew Mayo seconded. No discussion. VOTE: 6-0-0.

There being no further business to come before the Board, the meeting was adjourned at 8:22 PM.

Respectfully submitted,

Heather Hampson
Office Manager