

TOWN OF LANCASTER
BOARD OF APPEALS
Remote Meeting Via Zoom
September 24, 2020

Present: Chair Jeanne Rich, Matthew Mayo, Hannah Meyer, David Stadtherr, Frank Sullivan, Scott Miller, and Rob Alix.

Absent: Ryan Aldrich

Staff Present: Debra Dennis, Planning & Community Development

List of Documents:

- Agenda- September 24, 2020
- Variance Application-David Murphy 109 Vincent Ave
- Administrative Appeal-David and Lu Ann Murphy -109 Murphy Avenue
- Special Permit Application-Chris and Monique Schmidt 195 Kaleva Road
- Variance Carlyns and Jeanette Behrmann-375-381 Main Street

There being a quorum present, Chair Rich called the meeting to order at 7:00 PM.

Chair Rich went over the Public Meeting Remote Guideline. This is how to conduct a meeting remotely. First and last names need to be displayed. When using chat, you must state your full name and address.

Public Hearings

Continuance-Variance – David Murphy (applicant) - for a Use Variance to construct two accessory structures without including a garage and a wood shop 109 Vincent Ave.

Continuance-Administrative Appeal- Petition by David and Lu Ann Murphy regarding an Administrative Appeal based upon the denial of a building permit to construct structures on a parcel of land at Assessor's Map 10 Lot 109, Vincent Avenue.

Present: David Murphy and Attorney Steve Philbin

The voting members are Rob Alix, David Stadtherr, Hannah Meyer, Scott Miller, and Matt Mayo.

Attorney Steve Philbin went over the history of the purchase of 109 Vincent Ave. He said Mr. Murphy discussed the purchase with the Building Inspector at that time and was told he would have no issues to build on the property. Mr. Murphy said he demolished the structure because of safety issues and his intention was to rebuild on the property. The Board discussed abandonment of use. Attorney Philbin said this lot was grandfathered and not subject to zoning bylaws now. This is a pre-existing non-conforming buildable lot. Attorney Philbin discussed a compromise of a convenient deed that gives up the right to build a house on the lot.

Hannah Meyer asked if it is a buildable lot why have you been taxed as a non- buildable lot since 2011.

Scott Miller said the bylaw does not give the Board the ability to issue a use variance for an accessory structure since there is not a residential structure on it.

Attorney Steve Philbin said the intent was always to rebuild.

Public Comments: John Bottomly 50 Vincent Ave stated that all abutters are opposed to this. The road is paved. Mary Ellen Larkin Root-137 Stagecoach said she has been there since 1996 and there has not ever been a structure on the lot. It is a non-conforming lot and approving this would set a precedence.

After discussion of the Board members, they decided to ask the applicant for a continuance so they could get Town Counsel to answer questions about the abandonment and to review a document Attorney Philbin discussed.

David Murphy and Attorney Steve Philbin agreed to the continuance until October 22, 2020. **A motion was made by Scott Miller to continue this until October 22, 2020. David Stadtherr seconded the motion. Roll Call Vote: Rob Alix yes, Hannah Meyer yes, David Stadtherr yes, Scott Miller yes, and Matt Mayo yes.**

Chris and Monique Schmidt (applicants and owners) 195 Kaleva Road, Lancaster, MA, for a Special Permit or other zoning relief for an accessory apartment

Present: Christopher Schmidt, owner, and applicant

Chair Rich read the public hearing notice thereby convening the public hearing.

Voting members: Frank Sullivan, Hannah Meyer, David Stadtherr, Matt Mayo, and Scott Miller.

Christopher Schmidt said there is currently an above garage starter in-law apartment. He said they want to take over the lower part of garage and extend the starter in-law apartment. Frank Sullivan asked if the Board of Health has any issues concerning the septic system and number of bedrooms. Chris Schmidt said the septic system is for a four- bedroom home which includes the bedroom above the garage. The Board went over the list of criteria for an accessory apartment.

A motion was made by Frank Sullivan to close the public hearing. The motion was seconded by David Stadtherr. Roll Call Vote: Frank Sullivan yes, Hannah Meyer yes, David Stadtherr yes, Matt Mayo yes and Scott Miller yes.

A motion was made by Frank Sullivan to grant the Special Permit for an accessory apartment at 195 Kaleva Road with the conditions that the Board of Health give documentation that it meets water and sewer and a four- bedroom deed restriction be placed on the property. The motion was seconded by Scott Miller. Roll Call Vote: Frank Sullivan yes, Hannah Meyer yes, Scott Miller yes, Matt Mayo yes and David Stadtherr yes.

Carlyns and Jeannette Behrmann (applicants) for a Variance pursuant to Section 220-10, the owners of the properties are C and J Property Holdings Co. 375-381 South Main Street

Present: Carlyns and Jeanette Behrmann

The voting members are Frank Sullivan, Hannah Meyer, David Stadtherr, Matt Mayo, and Rob Alix.

Chair Rich read the public hearing notice into the record thereby convening the public hearing.

Mr. Behrmann said the lot is 4.04 acres. He said he wants to subdivide. He stated he is seeking to change the lot size of 375 Main Street to a half-acre lot which is consistent with all the surrounding properties. The use for the two properties is the brown house will stay a four-apartment building and the white house will be a center of influence to the community.

Public Comments: Heather Lennon 294 Nicholas Drive complimented the owners on their plan. She said this is a historical property.

A motion to close the public hearing was made by Frank Sullivan. The motion was seconded by David Stadtherr. Roll Call Vote: Frank Sullivan yes, Hannah Meyer yes, David Stadtherr yes, Matt Mayo yes and Rob Alix yes.

A motion was made by Frank Sullivan to grant the variance to create a conforming and a non-conforming lot. The apartment would be .5 acres with 297+/- frontage and the white house would be 3.97 acres with 225 frontage. The motion was seconded by David Stadtherr. Roll Call Vote: Frank Sullivan, Hannah Meyer, Matt Mayo, David Stadtherr and Rob Alix.

Adjourn

A motion was made by Frank Sullivan to adjourn. The motion was seconded by David Stadtherr. Roll Call Vote: Frank Sullivan yes, Hannah Meyer yes, Scott Miller yes, Matt Mayo yes, David Stadtherr yes and Rob Alix yes.

The meeting was adjourned at 8:55PM.

Respectfully submitted

Debra Dennis