

TOWN OF LANCASTER  
BOARD OF APPEALS  
Mary Rowlandson Elementary Auditorium  
Thursday, November 29, 2018

Present: Chair Matthew Mayo, Jeanne Rich, Scott Miller, Hannah Meyer, Sarah Gulliver, Robert Baylis, David Stadtherr and Frank Sullivan

Also Present: Legal Counsel for the Town Lisa Meade, from Mead, Talerman and Costa

List of Documents:

- Board of Appeals Agenda: November 29, 2018
- Plan dated October 26, 2018 named Engelhardt New Residence 227 Harvard Road
- 2018 Water Use Concerns& Goodridge Brook Estate Proposal-dated November 11, 2018 received November 29, 2018
- Letter from Crescent Builders Inc. dated November 29, 2018-Goodridge Brook Estates Comprehensive Permit Responses to Engineering Peer Review-3<sup>rd</sup> comments (12 pages)
- Resident Comment-Goodridge Brook Estates sent by Art Johnson received 11/29/18
- Resident Comment-Goodridge Brook Estates sent by Anthony Deldon received 11/29/18
- Letter from Haley and Ward Inc.-Goodridge Brook Estates Water Use Projection dated 11/3/18
- Letter from Crescent Builders Inc. dated September 27, 2018 –Goodridge Brook Estates Comprehensive Permit list of documents submitted.
- Letter from GLM Engineering Consultants Inc. dated November 6, 2018-Goodridge Brook Estates Comprehensive Permit Application addressing comments from Hamwey Engineering Inc. dated August 2, 2018
- Letter from Green International Affiliates dated September 18, 2018-Goodridge Brook Estates response to Traffic Engineering Peer Review
- Letter from Crescent Builders Inc. dated November 15, 2018-Goodridge Brook Estates Comprehensive Permit responses to Traffic Engineering Peer Review.
- Copy of letter sent to Mr. Gregory P. Watson AICP, Manager of Comprehensive Permit Programs, Mass Housing Finance Agency dated November 15, 2018 sent by group of residents of Lancaster.

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

**Board Matter of Administration and Board Officers**

Chairman Mayo, steps down as Chairperson and nominated Jeanne Rich for Chair.

Robert Baylis makes a motion to accept resignation of Matt Mayo as chairperson and to nominate and elect Jeanne Rich as Chairperson. The motion was seconded by Scott Miller and passed 5-0-0.

Upon a motion by Scott Miller and seconded by Francis Sullivan the board voted 5-0-0 to nominate and elect Matt Mayo as Vice Chair.

**Public Hearing, Variance - Section 220-10 (A) (3) Lot Dimensions - 227 Harvard Road  
Richard and Ellen Hart, Owner**

**Jason and Kathryn Engelhardt, Applicant**

Chairman Rich read the public hearing notice into the record. Richard Hart, owner and Jason and Kathryn Englehardt, applicants were present.

Voting Members are Mr. Baylis, Ms. Gulliver, Mr. Sullivan, Mr. Mayo and Mr. Miller.

Chairman Rich discussed with the applicant about the size of the lot and the grandfathered status.

Mr. Hart stated that at one point there was a single family home on the lot somewhere around 2015 at which point the Fire Department used as a training exercise.

Mr. Hart gave an overview of the discussions he had with the prior Building Commissioner regarding the status of the lot and ability to build on the lot.

Mr. Miller commented on the grandfathered status of the lot.

Mr. Hart requests a leave to withdraw without prejudice. Upon a motion by Robert Baylis and seconded by Francis Sullivan the board voted 5-0-0 to grant the leave to withdraw.

Public Hearing, Special Permit - 227 Harvard Road

- Section 220-9 (D) Home Occupation
- Section 220-28 (A) Permitted forms of illumination
- Section 220-29 (B) Free Standing Signs

Richard and Ellen Hart, Owner present

Jason and Kathryn Engelhardt, Applicant present

Kathryn Engelhardt gave a description of the proposed home office to be served as a chiropractor's office. Parking would remain the same. The proposed sign is the same as the current office sign at a different location.

Mr. Miller inquired about the demand for the onsite use.

Ms. Gulliver asked about the maximum number of cars that would need to be accommodated at any one time and about the location of parking.

Mr. Miller asked about the square footage demand for the office. Ms. Englehardt stated 1,000 SF.

Ms. Rich opened the hearing to public comment.

Susan Smiley, 180 Harvard Road asked about zoning for the parcel. Chair Rich, explained the zoning on the site and allowances for Home Occupations by special permit. Ms. Smiley inquired about a maximum amount of space that can be granted. The board is unaware of such requirement. Ms. Smiley then addressed questions directly to the applicant about parking.

Upon a motion by Mr. Miller and Seconded by Mr. Baylis the board voted 5-0-0 to close the public hearing.

Chairman Rich appointed Scott Miller, Frank Sullivan, Sarah Gulliver, Bob Baylis, and Dave Stadtherr to vote on the matter.

Ms. Gulliver asked about hours of operation.

Upon a motion by Mr. Baylis and seconded by Mr. Mayo the board voted 5-0-0 to approve the requested Special permits.

**Public Hearing, Appeal of Building Inspector/Zoning Enforcement Officer Determination - 290 Neck Road - Robert Lidstone, Applicant and Abutter**

Mr. Lidstone, the applicant was present. Chair Rich read the public hearing notice into the record.

Mr. Lidstone stated that there have been changes as a result of the operation of the business of Aldrich Excavating and challenges the Building Commissioner's determination regarding certain parameters stated in the Building Commissioner's determination letter. Mr. Lidstone expressed that the expansion of the business is unreasonable. The problem comes from the use of the land and described the effects of the business. Mr. Lidstone discussed items he submitted to the board.

Chair Rich read a legal opinion into the record submitted by the petitioner.

Mr. Lidstone suggested the board continue the hearing to allow for the board to hear both the Lidstone appeal as well as the Perron appeal.

Chairman Rich appointed Scott Miller, Sarah Gulliver, Matt Mayo, Robert Baylis and David Stadtherr to vote

Upon a motion by Mr. Baylis and seconded by Ms. Sullivan the board voted to continue the hearing the December 27, 2019 meeting.

**Continuation of Public Hearing, Comprehensive Permit-Goodridge Brook Estates Development**

Chairman Rich stated that since the last meeting the board has received revised plans and a letter responding to Fred Hamwey's 3<sup>rd</sup> review comments, a letter from Gregory Watson, Haley and Ward water review, email from Victoria Petracca and a letter from GLM Engineering.

Chair Rich stated the order in which the board would like to hear information.

Rob Truax, GLM Engineering, discussed changes made to plan regarding Hamwey Engineering review comments. Mr. Truax stated that other than minor details, the units and layout have remained the same, and also discussed sewer layout.

Dean Harrison discussed the lighting plan which was submitted. Mr. Harrison also discussed comments that have been received by the applicant and then submitted to the board, specifically regarding traffic plan study, Sewer demands, and a letter submitted by the applicant to the board in response to Hamwey's review letter.

Mr. Mayo asked about the date of the lighting plan and then a request for an aerial overlay with the plans submitted.

Mr. Harrison and Mr. Mayo conversed regarding the requirements for an aerial overlay on the map, including cross-sections, and current vegetation.

Attorney Lisa Meade asked about architectural drawings.

Chair Rich stated that the Lancaster Sewer Commission is requesting information from the applicant. Mr. Harrison stated that the applicant is working with the Clinton Sewer to address capacity issues.

Mr. Harrison stated that the applicant will be meeting with the town of Clinton to address issues in a letter from the Clinton Sewer District.

Fred Hamwey, P.E. of HEI gave a summary of his November 27, 2018 letter review of the applicant's plans submitted. Mr. Hamwey detailed the amount of proposed developed land, site distances, lighting plan, conditions of approval based on technical comments and issues.

Mr. Baylis asked about the playground area designation and parking concerns.

Attorney Paul Haverty commented on the parameters of 40b and the requirement to only submit preliminary plans. And that prior to construction the applicant must come back for final plan approval.

Mr. Harrison asked the board what the amenities they would like as a part of the playground.

Chairman Rich offered to provide comment on waiver. Mr. Harrison asked that be postponed.

Chairman Rich asked for a 60 day extension. Attorney Haverty stated that he will confer with his client and get back to the board.

Scott Miller, P.E., present to represent expected demand on the water system. Mr. Miller stated that he is working as a consultant to the DPW and not as an agent of the ZBA. Mr. Miller stated that he has recused himself from the Goodridge proceedings as a member of the ZBA.

Mr. Miller gave an overview of how his review was completed regarding what types of data and information, including town census. Mr. Miller described his report in and the demographic shift within the town.

Mr. Miller went over his suggestions to the DPW which are detailed in the Haley & Ward water use projections report dated November 3, 2018 submitted to the board.

Ms. Gulliver asked if the town is well within the boundaries of capacity. Mr. Miller confirmed that is the case.

Mr. Miller stated other concerns regarding capacity going forward which is detailed in the report.

Mr. Mayo asked if there have been other sources of water explored in the town. Mr. Miller stated that there has been a prolonged pump test.

Mr. Harrison stated that the applicant responded to the Haley and Ward letter and that the applicant is committed to working with the town regarding the report recommendations and open to phasing the single-family homes.

Mr. Hamwey stated that the board should receive something from the DPW regarding layout of the sewer and water lines.

Attorney Meade gave an overview of what is required for plans submitted to the board.

Mr. Harrison stated that the Fire Chief has no outstanding issues with the plans and that the Police Chief has also commented.

Attorney Meade stated that there are still outstanding concerns noted on the peer review letter regarding fire department comments.

Attorney Hill discussed details of the design submitted within the site plan to the board. Attorney Hill also discussed concerns regarding proposed conditions of approval.

Attorney Hill discussed concerns regarding timeliness of submitting information to the board and resulting requested for continuations. Attorney also expressed concerns about introduction of water and sewer analysis and impacts, traffic and fire design concerns, and school bus stop.

Mr. Harrison recapped his previous comments.

Chairman Rich asked the board to schedule a working session.

Attorney Meade gave the parameters of holding a public meeting versus a working session and the parameters of a public meeting.

Mr. Mayo wanted to be ensured that an extension would be granted.

Attorney Haverty stated he would confer with his client.

Ms. Gulliver asked for clarification regarding the parameters of a working session.

Ms. Gulliver stated concerns over the amount of waivers requested, parking, and the playground.

Chairman Rich stated concerns over the road width regardless of Fire Department comments, proximity to the Bestway site, and conformance with the character of the neighborhood specifically regarding the height of the apartment building, frontage and front lot setback for the single family homes.

Mr. Mayo stated he agrees with Ms. Gulliver and Chair Rich and that he is not in favor of waving the environmental analysis.

Mr. Baylis stated that there is not adequate parking, and would like to see a turnaround for the school bus, and additional parking.

Mr. Stadtherr stated he agrees with the comments by the board.

Mr. Harrison gave an overview of the issues stated and expressed concern regarding the productivity of the working session.

Ms. Gulliver asked about the expected number of children to be living at the site.

Mr. Harrison stated they are not required to research those numbers and cannot provide this information.

Tom Frain, resident, stated concerns over granting extensions.

Arthur Johnson, resident, distributed materials to the board. He then commented on the traffic study, fire code and safety issues, recommends 26 feet of pavement on the single-family section, height limitations, on site circulation, sidewalks, setbacks, eliminating lots, bus shelters, walkways, recreational areas.

Chairman Rich asked for clarification regarding story-limitation to structures Arthur Johnson mentioned.

Eric Malkowski, resident, stated concerns regarding water usage and critiqued the water study submitted by Haley & Ward Engineering.

Greg Jackson, resident, stated concerns over water demand and provided critiques of the same water study. Mr. Jackson also stated concerns regarding sewer capacity.

Victoria Petracca, resident, stated concerns regarding water supply analysis and offered critiques of the report provided. Ms. Petracca also asked for 3D renderings of the proposed structures. Ms. Petracca also stated concerns regarding sewer capacity, traffic, environmental analysis waiver, secondary access, and working sessions.

Anthony Deldon, resident, expressed concerns regarding the proposed school bus stop and the width of the road on Sterling Road, and traffic.

Richard Trussel, resident, stated concerns regarding water supply.

Attorney Meade gave an overview of how to address a working session.

The board stated they are okay with allowing one citizen in addition to the resident's legal representative to attend the working session.

Attorney Haverty stated they are ok with allowing citizen representation at the meeting.

Hannah Meyer stated that just having the citizen attorney representative would be enough.

Attorney Hill stated he didn't want to lock the residents into requiring legal representation present.

Chair Rich polled the board and the board decided only one representative of the residents can attend the working session.

Ms. Petracca stated concerns over working session attendance.

Chairman Rich then polled the board to see if how many members of the board were to attend.

The board opined that Chair Rich attend the working session.

Tom Frain, resident, questioned the attendance of the working session.

Chairman Rich stated Fred Hamwey would be included in the working session.

Richard Trussel, resident, questioned the reasoning of having a working session with limited public involvement.

Upon a motion by Mr. Mayo and seconded by Ms. Gulliver the board voted 5-0-0 to continue the hearing to the December 27, 2018 meeting.

**At 9:57 PM upon a motion by Ms. Gulliver and seconded by Mr. Baylis, the board voted 5-0-0 to adjourn. Robert Baylis seconded the motion.**