

TOWN OF LANCASTER
BOARD OF APPEALS
Lancaster Town Hall Auditorium
Thursday, December 21, 2017

Present: Scott Miller, Chair; Sarah Gulliver; Hannah Meyer; Bob Baylis and David Stadtherr

Absent: Jeanne Rich; Frank Sullivan

There being a quorum present, Chair Miller called the meeting to order at 7:02 PM.

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

The following members will be voting members for the items on the agenda this evening:

- Scott Miller
- Sarah Gulliver
- Hannah Meyer
- Bob Baylis
- David Stadtherr.

Public Hearing, Special Permit-Accessory Apartment, 814 Langen Road

Present: Ms. Elizabeth Shook, Applicant

At 7:05 PM Chair Scott Miller read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a petition by Elizabeth Shook/Accessory Apartment-814 Langen Road, Lancaster, MA 01523 (applicant), for a Special Permit under the Lancaster Zoning Bylaw Section §220-9 (G) Supplementary use regulations for the construction of an accessory apartment. The property is located in the Residential Zoning District and shown on the Town of Lancaster Assessor's Map 33 as Parcel 4.

Ms. Shook stated the accessory apartment will be 743 SF. They will be adding 335 SF and using 408 SF of the existing house. The total home would be 2635 SF which the 743SF would be 28% of the house.

Ms. Hannah Meyer read through all the requirements for an accessory apartment under Lancaster Bylaw Section 220-9 (G) to ensure that Ms. Shook met all the requirements.

- The single-family detached dwelling has been in existence for more than five years.
- The accessory apartment will remain owner-occupied.
- The total home would be 2635 SF which the 743 SF would be 28% of the house.
- The accessory apartment has its own separate entrance. And all stairways to the upper floors shall be enclosed within the exterior walls of the dwelling.
- The accessory apartment unit will occupy no more than three persons.
- The dwelling is served by both Town water and private septic system.

- There are at least three parking spaces to service the primary dwelling plus the accessory apartment.
- There will be net benefits to the community through the proposed housing provision and the design of the proposal.
- The applicant supplied plans and calculations to demonstrate compliance with all requirements.
- A letter from the Board of Health expressing based on the information provided it appears that the existing septic system is adequate for the proposed addition and the anticipated number of inhabitants.

Mr. Bruce Kelling, 822 Langen Road, expressed he was in favor of the accessory apartment but was concerned with cutting down trees at the back of the lot, and also flood issues after the landscaping is done.

Ms. Shook stated there would be no trees cut down at the rear of the lot. She also stated she would make sure the landscaping doesn't produce flooding.

Robert Baylis motioned to close the public hearing for the Special Permit request for Elizabeth Shook, 814 Langen Road. David Stadtherr seconded the motion. No discussion. VOTE: 5-0-0.

Robert Baylis motioned to grant the Special Permit for Section 220-9 (G) of the Lancaster Zoning Bylaws for Elizabeth Shook, 814 Langen Road. Sarah Gulliver seconded the motion. No discussion. VOTE: 5-0-0.

The decision will be drafted within two weeks and submitted to the Town Clerk for a 20-day appeal period.

Public Hearing, Special Permit-Trolley Stop Pizzeria, 18A Prescott Street

Present: Raafat Abdou, Restaurant Owner

Chairman Miller explained under Chapter 40A, Section 16 of the Mass General Laws the Board has to review the application and determine if "specific and material changes" have been made to the application compared to the previous application that was denied. A vote of 4 of 5 members must be in favor of the finding and we must specify for the record, the specific and material changes.

If it is determined the Board of Appeals will open the hearing on the new application tonight and hear testimony. The Board will not take favorable action on the application until the Planning Board determines by a vote they consent with the decision that the new application has specific and material changes. The ZBA will hold the hearing open until the Planning Board responds.

Raafat Abdou explained the new sign has been light diffused and will be either translucent with a vinyl background which is 63% light diffused or be opaque with a vinyl background which is 96% diffused. The previous sign had a white internally illuminated background with red illuminated lettering.

The applicant's use of a mailing to additionally advertise the location was discussed.

Sarah Gulliver motioned to hold the public hearing for the Special Permit request for Raafat Abdou, Trolley Stop Pizzeria, 18A Prescott Street because the new application proposes substantially different lighting than the previous one. Bob Baylis seconded the motion. No discussion. VOTE: 5-0-0.

At 7:35 PM Chair Scott Miller read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a petition by Raafat Abdou, Trolley Stop Pizzeria, 18A Prescott Street, Lancaster, MA 01523 (applicant), for a Special Permit under the Lancaster Zoning Bylaw Section §220-28 (permitted forms of illumination) and Section §220-31 (Size, location and illumination exceptions) in order to install a wall-mounted illuminated sign, three (3) feet tall by eight (8) feet wide by six (6) inches deep located on the east side of the building, mounted on the roof fascia. The sign is a deep LED backlit cabinet sign. The property is located in the Neighborhood Business Zoning District and shown on the Town of Lancaster Assessor's Map 37 as Parcel 113.

Hannah Myer expressed her concerns of starting a precedent allowing small business establishments to have these types of signs.

Robert Baylis motioned to send to the Planning Board for their input on change of application. David Stadtherr seconded the motion. No discussion. VOTE: 5-0-0.

Bob Baylis motioned to continue the public until the January 25, 2018 meeting. Sarah Gulliver seconded the motion. No discussion. VOTE: 5-0-0.

General Business

Minutes from November 30, 2017 Meeting

The Board reviewed the minutes from November 30, 2017.

David Stadtherr made a motion to approve the minutes from the November 30, 2017 meeting as presented. Bob Baylis seconded. No discussion. VOTE: 4-0-1. (Sarah Gulliver)

The Board discussed a pending 40B application at Goodridge Brook. Noreen Piazza updated the Board on actions to date including a site visit. The mail included a letter from the Board of Selectmen to MassHousing listing their concerns and a willingness to work to a resolution.

Bob Baylis made a motion to authorize the Chair to distribute the pending Goodridge Brook 40B application to Hamwey Engineering and Mead, Talerman, and Costa, LLC for technical and legal review in advance of the hearing. David Stadtherr seconded the motion. VOTE: 5-0-0.

There being no further business before the Board, the meeting was adjourned at 8:01 PM.

Respectfully submitted,

Debra Dennis
Office Manager