

TOWN OF LANCASTER
BOARD OF APPEALS
Remote Meeting Via Zoom
July 22, 2021

Present: Chair Jeanne Rich, Frank Sullivan, Matt Mayo, David Stadtherr, Ryan Aldrich, and Rob Alix.

Staff Present: Debra Dennis, Planning & Community Development

List of Documents:

- Agenda- July 22, 2021
- Special Permit Application-Kalon Farms 339 Seven Bridge Road
- Letter from Cara Sandford pertaining to 339 Seven Bridge Road
- Special Permit Application Amendment-David Murphy, 36 Vincent Ave
- Special Permit Application-Richard and Janet Lane, 436 South Meadow Road
- Variance Application- Gregory and Andrea Wasik, 495 Hilltop Road
- Minutes: April 22, 2021

There being a quorum present, Chair Rich called the meeting to order at 7:04 PM.

Roll Call Attendance: Matt Mayo here, David Stadtherr here, Rob Alix here, Frank Sullivan here, Ryan Aldrich here, and Jeanne Rich here.

Present: Tom Lane, Kopelman and Paige

Minutes:

April 22, 2021- Jeanne Rich said there were two typos. **A motion was made to Frank Sullivan to approve the meeting minutes of April 22, 2021. The motion was seconded by Rob Alix. Roll Call Vote: Rob Alix yes, Frank Sullivan yes, Ryan Aldrich yes and Jeanne Rich yes.**

Public Hearing: Kalon Farms, Inc. (applicant) for a Special Permits to operate a brewery with outdoor service and consumption only as an accessory to the existing use of the property; an outdoor hospitality area is proposed to the west of the existing buildings on the property; the applicant proposes to have live entertainment three days/evenings of each week; the applicant also plans on having larger events (mud races, artisan festivals, fairs, etc.) periodically, pursuant to 220-8.2.C and 220-8.3.D. of the Town of Lancaster Zoning Bylaws. The site is located in the Residential Zoning District at 339 Seven Bridge Road, Lancaster, MA, and is identified on Assessor's Map 30 as Parcel 128.
Kalon Farms

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

Present: Keith Kopley, Attorney Mike Stanley, and Engineer Wes Flis

Voting Members, Matt Mayo, David Stadtherr, Rob Alix, Frank Sullivan, and Jeanne Rich.

Ryan Aldrich recused himself at 7:10pm.

Chair Rich said she reviewed the application and tonight wanted to go over what exactly he is looking for. The Board can give a little direction and go over what is needed from the applicant to complete the request. The Board will be looking at only the special permit requests he is asking for. She said he will need to still follow up with other departments and Boards. Keith Kopley said he is aware of that.

Chair Rich asked what the principal use of the property is? Keith said agriculture. This property is a good source of retail. The grassland on this site provides food for the animals and they grow hops. He said the principal use is to grow hay and retail at this time. In the future it will also be to grow hops. Chair Rich said you are using 37 acres out of how many acres on the site. Keith said there is 53 acres on this site. Chair Rich said you are using 37 acres for grassland and how many acres for hops? She asked him to provide a document showing how many acres are used for hay to show principal use of the land. Keith said it goes by weight which justifies agriculture. Chair Rich said the parking is part of the site plan with the Planning Board.

Chair Rich asked you are looking for an accessory under outdoor recreation and accessory under retail sales of produce and under outdoor recreation 8.3.D doing your mud races under that section of the bylaw? Keith said that is the direction they were put in. Chair Rich asked artisan festivals and fairs what are they under? Keith said it would be mixed use under agricultural use, agritourism and the recreation.

Chair Rich and Keith Kopley discussed attendance and frequency of events. Chair Rich asked number of attendees at the most. Keith Kopley said 15,000 over an 8-hour event at the most for the terrain event which is only one time a year. The police department shut down one side of the road. Chair Rich in application asking outdoor hospitality area. Where in the Zoning Bylaw does that fall? Keith Kopley said that is where Town Counsel guided them.

Chair Rich said she feels the application is incomplete. In bylaws nothing that allows brewery, restaurant, or outside entertainment in a residential area. Michael Stanley said the bylaw in the permitted use table there are like minded uses the town allows which this is just an extension that the town permits. Chair Rich read the bylaw. She said she doesn't see where hay grown on 37 acres produces beer, wine, and food to be sold on the premises. She said she need further explanation. Attorney Michael Stanley said he spoke to Town Attorney Ikman and was told this is the avenue you want to go down. There is a component of the property being used for agricultural. The brewing process is still an agricultural use. Chair Rich said the Boards goal is to make sure you meet the requirements of the special permit. She doesn't see anywhere it allows entertainment or serve food in a residential area. Next month you need to provide documentation to guide the Board and if yes, the food truck and brewery meets 40A section 3 exemption, so you are allowed to do it. Keith said in section 40A we are exempt from any special permits. Michael Stanley said he wrote two letters as to why they are exempt to the

zoning siting case law that would apply, which was sent to Orlando Pacheco and Attorney Ikman. Chair Rich said the Board hasn't seen them. Michael Stanley said he would forward them to the Board. Tom Lane said he has seen the letter and email chain outlining the positions back and forth. Chair Rich said they need to continue until next month to get a formal response from Town Counsel. Chair Rich said you are proposing 1,000 parking spaces which the Board would like to do a traffic study. She said the Board has received a quote for this and also a quote for the review of the plans. Chair Rich said we need a deposit to start the review. Keith Kopley said anything on town side the town is responsible to pay. Chair Rich said it's within the bylaws to seek reviews at the applicants expense.

Chair Jeanne Rich read a letter into the record from Cara Sandford. Tom Christopher explained ACEC which places an addition level of protection because of the valuable habitat it provides.

Rob Alix said he would need more information. Matt Mayo said he is looking to see more robust explanation/town counsel letter.

Chair Rich asked Keith to show volume of products on the site. Keith Kopley said 40A section 3 states can do this by rights. Michael Stanley if we fall under agricultural exemption that we don't need to be doing this. He asked for a temporary permit. Tom Lane said he isn't aware of any ability to offer a temporary special permit.

Public Comments:

Andrea Dunlop, 309 Harvard Road-likes what is going on at Kalon. She said she doesn't like the music. Supports what Keith is doing. Realizes there are some other issues then just a special permit. She said she is concerned with the use of the land.

Mark Ayotte, 289 Seven Bridge Road-business next door to the Kalon Farm. Let him operate so the land doesn't get developed.

Kimberly Reed-representing Profound Market-no decision tonight then Lancaster will lose Profound Market.

Tom Christopher, 252 Fort Pond Road-not a good idea for any Board in the town to entertain projects on the bases of give me what I want, or I will exercise the nuclear option such as a 40B project or a residential subdivision.

Joe D'Eramo, 127 Harvard Road-supports the Board in getting more data to support any special permit that's granted.

A continuance was granted by Michael Stanley to the next meeting on August 26, 2021, at 7pm.

A motion was made by Frank Sullivan to continue until August 26, 2021, at 7pm. David Stadtherr seconded the motion. Roll Call Vote: Matt Mayo yes, Rob Alix yes, Frank Sullivan yes, David Stadtherr yes and Jeanne Rich yes.

Ryan Aldrich returned to the meeting.

Public Hearing Continuance: David Murphy, (applicant and owner), 36 Vincent Ave, Lancaster, MA, to amend a Special Permit decision of the Board of Appeals pursuant to Section 220-52 of the Lancaster Zoning Bylaw. The site is located in the Residential Zoning District at 36 Vincent Ave, Lancaster, MA, and is identified on Assessor's Map 10 as Parcel 97&98.

Present: David Murphy

She said the voting members are David Stadtherr, Matthew Mayo, Robert Alix, Francis Sullivan who filled out a Mullins Certificate and listened to the meeting and Jeanne Rich who filled out a Mullins Certificate and listened to the meeting.

Chair Rich went over the previous approved Special Permit by the Board. This meeting is to vote to Amend the Special Permit that previously didn't allow windows on South and East side of the addition.

Dave Murphy read the previous letter sent to the Board asking for the request of no windows facing east was asked for by a tenant not the owner of the property. He said he didn't agree to this restriction. He said he doesn't have a problem with no windows in the rear but does have a problem with no windows on the east side. Asking for restriction that no windows on the east side be removed.

Chair Jeanne Rich said you sent an email seven days after we voted. You missed the appeal period. She said the best thing to do is to amend the Special Permit.

Chair Rich read a complaint that came into the Building Inspector from Claudia Eczecki that said two windows installed now. Mr. Murphy said framing has been done.

Chair Rich said you are proposing two windows on the east side. Mr. Murphy said they are 36x36 inches looking down on the shingles of existing garage. The window on the northeast corner will be over the driveway which will be 36x48 inches.

David Stadtherr said he finds it unreasonable not to be able to place a window anywhere they want to.

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

A motion to approve to amend the Special Permit was made by David Stadtherr to allow two windows on the east side of the house. The motion was seconded by Frank Sullivan. Roll Call Vote: Matt Mayo yes, David Stadtherr yes, Rob Alix yes, Frank Sullivan yes, and Jeanne Rich yes.

Public Hearing: Richard and Janet Lane, (applicant and owner), 436 South Meadow Road, Lancaster, MA, for a Variance pursuant to Section 220-11 (B) (4) (Side Yard Setback) and Section 220-11 (A) (Front Yard Setback) of the Lancaster Zoning Bylaw, in order to construct a carport. The site is located in the Residential Zoning District at 436 South Meadow Road, Lancaster, MA, and is identified on Assessor's Map 44 as Parcel 0063.0.

Present: Janet and Richard Lane

Chair Jeanne Rich read the public hearing notice into the record thereby convening the hearing. She said the voting members are Francis Sullivan, Matthew Mayo, David Stadtherr, Rob Alix, and Jeanne Rich.

Janet Lane said she is trying to build a wooden pavilion carport and requesting a variance for the front and side setbacks. The carport will be post and beam like the house. Chair Rich said she went out there and that is the only conceivable place you can do anything.

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

A motion was made by Rob Alix to approve the variance for the front yard setback to be 3.5 feet from property line and 10.2 feet for the side yard and was seconded by Frank Streeter. Roll Call Vote: Rob Alix yes, Frank Sullivan yes, Matt Mayo yes, David Stadtherr yes, and Jeanne Rich yes.

Public Hearing: Gregory and Andrea Wasik (applicants and owners) 495 Hilltop Road, for a Special Permit to have horses on less than five acres pursuant to Section 220-8.2(B) of the Lancaster Zoning Bylaw.

Present: Gregory and Andrea Wasik

Chair Jeanne Rich read the public hearing notice into the record thereby convening the hearing. She said the voting members are David Stadtherr, Matthew Mayo, Robert Alix, Francis Sullivan, and Ryan Aldrich.

Andrea Wasik said she wants to have a pony and maybe one other one and build a barn and fences.

Public Comment:

Greg Jackson, 40 Farnsworth Way-said the applicants need to be aware that the GIS is showing wetlands. If tree cutting or building it needs to be run by the Conservation Commission.

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

A motion was made by Frank Sullivan and seconded by Ryan Aldrich to approve the special permit with the following conditions: that the proposed barn be subject to the Building Inspector's approval and review of nearby wetlands for potential jurisdiction of the Conservation Commission and that the use be limited to two ponies. Roll Call Vote: David Stadtherr yes, Matthew Mayo yes, David Stadtherr yes, Francis Sullivan yes. Ryan Aldrich yes, and Rob Alix yes.

Other Business: None

Adjourn

A motion to adjourn was made by Frank Sullivan and seconded by Ryan Aldrich. Roll Call Vote: Frank Sullivan yes, Ryan Aldrich yes, David Stadtherr yes, Rob Alix yes, Matt Mayo yes and Jeanne Rich yes.

The meeting was adjourned at 9:34 pm.

Respectfully submitted

Debra Dennis