

TOWN OF LANCASTER  
BOARD OF APPEALS  
Remote Meeting Via Zoom  
August 26, 2021

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

Staff Present: Debra Dennis, Planning & Community Development

List of Documents:

- Agenda- August 26, 2021
- Continued Public Hearing-Kalon Farms
- Minutes June 24, 2021, 2021

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

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

**Continued 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.

*Present: Jim Hunt employee of Kalon Farm*

Chair Rich said last month the Board asked Keith Kopley for his counsels opinion that he is exempt from zoning because he operates as a farm, dates of fairs, needed a check for the cost estimate and for the traffic review. The Board has received nothing. The Boards deadline is tonight unless Keith or his attorney gives us a request for a continuance until next month. Jim Hunt said the information he was given is he is working with his engineer and waiting for more information concerning the parking situation. Chair Rich said the application doesn't ask for parking. His application is to operate a brewery with outdoor service and consumption, outdoor hospitality area and proposes live entertainment which aren't permitted in a residential zone. The only way to apply for them is to ask for a variance or do a zoning change. The Board looks at only what comes

in an application and that is what they address. She said her advise is withdraw what is before the Board, correct the application and if he wants to go forward with a special permit request and variance request or give a continuance with the understanding the brewery, the outdoor hospitality and entertainment will have to be denied because it doesn't exist under the zoning. The other option is to speak with his neighbors to propose a zoning change.

Chair Rich said the Board will have to vote tonight without a continuance tonight.

Keith Kopley requested a continuance of the application until September 23, 2021, until 7pm.

She said the Board needs the documents requested at the last meeting. She said a request of the copy of his attorney's opinion that says you are a farm, and you don't need to apply for a variance for the brewery, entertainment, or restaurant. Also needed are the dates of events that are going to be held. Keith Kopley said that is a moving target every year, its different dates every year. He said listing by month a tentative schedule is the best we can do. Matt Mayo said holiday weekends events would be good to know. Chair Rich said we also need a deposit to do the reviews. Keith Kopley said as far as the traffic study he didn't know what they are going to review. Chair Rich said you gave us information as to what events, dates and traffic based on what is coming in and out. The last thing without counsels' opinion the restaurant, brewery, and entertainment you can't apply for a special permit. You need to file a variance request or prove by your legal counsel that you can do those by right. Keith Kopley said he would get the letters to the Board. He said he would like to start with that first before any variance requests.

Chair Rich said you didn't have parking on your application. She said Keith asked for a temporary permit for parking which Town Counsel said we could do. The Board isn't against you.

Chair Rich said get your attorneys legal opinion to us by next Friday and we will give it to the towns attorney and if they say they aren't incidental then we don't have to do the traffic study because those uses aren't going to be allowed there. If they are then you have to provide the money for the traffic study etc. Also provide in writing a continuance request.

**A motion to accept a continuance from Keith Kopley until September 23<sup>rd</sup> was made by Matt Mayo and seconded by David Stadtherr. Roll Call Vote: Matt Mayo yes, David Stadtherr yes, Rob Alix yes, Frank Sullivan yes and Jeanne Rich yes.**

### **Minutes      June 24, 2021**

Matt Mayo said a change of attendance should be David Stadterr not Frank Sullivan and on Line 47 it should say 29 feet not 29 inches.

**A motion was made by Matt Mayo to approve the minutes of June 24, 2021. The minutes were seconded by Rob Alix. Roll Call Vote: Matt Mayo yes, Rob Alix yes, and David Stadtherr yes.**

### **Correspondence:**

Notice of public hearing -Pole Hearing -Lunenburg Road from Select Board.

A motion was made by Rob Alix and seconded by David Stadtherr to send no comments or concerns response to the Select Board. Roll Call Vote: Rob Alix yes, David Stadtherr yes, Frank Sullivan yes, Ryan Aldrich yes, and Matt Mayo yes.

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

The meeting was adjourned at 7:38PM.

Respectfully submitted:

Debra Dennis