

TOWN OF LANCASTER
BOARD OF APPEALS
Remote Meeting Via Zoom
October 7, 2021

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

Absent: David Stadtherr

Staff Present: Debra Dennis, Planning & Community Development

List of Documents:

- Agenda- October 7, 2021
- Special Permit Application -Kalon Farms 339 Seven Bridge Road
- Minutes: September 23, 2021

There being a quorum present, Chair Rich called the meeting to order at 7:01 PM.

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

Minutes:

Rob Alix made a motion to approve the minutes of September 23, 2021. Dave Stadtherr seconded the motion. Roll Call Vote: Matt Mayo yes, David Stadtherr yes, Frank Sullivan yes, Rob Alix yes and Jeanne Rich yes.

Public Hearing Continued: 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 in the Residential Zoning District at 339 Seven Bridge Road, Lancaster, MA, and is identified on Assessor's Map 30 as Parcel 128.

Present: Keith Kopley, Applicant and Owner

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

Chair Rich polled the members as to what are their feelings so far pertaining to this application. Rob Alix said with regards to the Special Permits we have enough information. Matt Mayo said we talked a little about traffic last time but if we were to move forward, we would condition it on

a traffic study. Frank Sullivan agreed with Matt Mayo. Ryan Aldrich said he was ok. Chair Rich asked if there was any public comments. No public comments.

Chair Rich asked if Kalon Farms had anything else to submit and if he was ok to move forward. He said his question is what we are moving forward on. If traffic was going to be the only condition, we would move forward. Chair Rich said we would be closing the public hearing 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. If we close the public hearing on those two special permits, we will start deliberating. Once we close the public hearing you will not be able to discuss this further. If a decision is to approve, we would set conditions if any, if we deny then we would state why we would deny.

Keith Kopley thanked the chair for clarifying.

A motion was made by Frank Sullivan to close both hearings. Rob Alix seconded the motion. No Discussion. Roll Call Vote: Rob Alix yes, Matt Mayo yes, Frank Sullivan yes and Jeanne Rich yes.

Chair Rich read 220.8.2 C. He is asking for the special permit to operate a brewery with outdoor service and consumption, have an outdoor hospitality area. The Board agreed with that. Matt Mayo asked if this applies for the parking areas which would satisfy both. Chair Rich said the retail sales of produce state a majority must be grown on the property. The parking would not be in the Special Permit. She questioned where the food was coming from. She said during her site walk she saw a couple strands of hops. She did not see pumpkins; she saw where he wants to have outdoor entertainment and where he wants to do the outside food area and serving beer. She said she is having a problem relating that to retail sales of produce where a major portion of goods must be raised on the premises.

The Board members discussed conditioning things and if they did who would follow up on it. Rob Alix and Frank Sullivan said his only concern is there he doesn't make a majority grown on the property. Chair Rich asked Jonathan Eichman if the Board moves forward with approving a Special Permit to operate the brewery with outside hospitality can the Special Permit be conditioned that they must provide documentation that the major portion of goods sold are raised.

Jonathan Eichman, Town Attorney said it is in the authority of the Board to approve a use with a condition that the application in a period of time is complying with that condition. The bottom line the statute of 40A section 3 does not apply. Matt Mayo asked if we are condition this do, we must be careful how we say it in the motion or just in the written decision. Jonathan Eichman said you have a fair amount of flexibility. You are not required to vote and come up with the final decision tonight. You have 90 days. Chair Rich said having a brewery in a residential zone along with outside consumption and service is not in our bylaws to permit. If we grant the Special Permit, we can condition these accessories uses to go along with it. They would still have

to go through the approvals/licenses with the Fire Department, Board of Selectmen, ABC, and everyone else for having a brewery. She said she is worried about setting a precedence. She said she thought a zoning change is the best approach and make it clean. Matt Mayo said it is a case-by-case basis. When we get to the traffic and safety, I want to make sure that gets conditioned. Rob Alix said he is looking for hard numbers not fluff of what is produced on site. Frank Sullivan agreed with Rob Alix. Jonathan Eichman said the Board can reopen the hearing and ask the applicant for more information as to what goes into the beer.

Rob Alix made a motion to reopen both hearings. Frank Sullivan seconded the motion. No Discussion. Roll Call Vote: Rob Alix yes, Matt Mayo yes, Frank Sullivan yes and Jeanne Rich yes.

The Board asked Keith Kopley what goes into the beer. Keith Kopley said you have the water, grains, and yeast and hops. He said the water comes from the town; the grains are from when available western Mass but mostly Vermont. The yeast comes from the blueberries, raspberries, and apples. Chair Rich said the grains which is the bulk of the beer comes from Vermont or western Mass.

Keith Kopley said the harvest season would be open which would be May-October. Hours of operation would be stay open to 10pm but have last call at 8pm. Entertainment has stopped at 8pm. He said sale of beer and food would be outside not. Chair Rich said brewery open May-October weather permitting, entertainment until 8pm and would be Friday, Saturday, and Sunday. Keith Kopley said the food would be simple and produced from the farm. Matt Mayo asked where raised. Keith Kopley said Winchendon or Ashburnham. We feed the animals the hay from Lancaster. Chair Rich asked how many people outdoor for brewery and entertainment. Keith Kopley said we had licensed from NABH is 350 which is seated capacity.

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

Chair Rich said we are looking at the first special permit which is retails sales of produce from agricultural and related uses the major portion of goods sold must be raised or prepared on the premises. Matt Mayo said he needs to get at the 51%. Chair Rich questioned the large amount of grain being produced from Vermont or Western Mass. She said we need to determine to grant this special permit whether a major portion of goods sold prepared and raised on the site. The other thing we need to look at are the requirements of a special permit, which she went through.

Chair Rich went through the requirement again and did a pole vote with the members. She said it says all the requirements must be met.

Matt Mayo said the water isn't drawn from the site.

Jonathan Eichman said you might want to reopen the public hearing to allow questions to be answered.

Matt Mayo made a motion to reopen the hearings. Rob Alix seconded the motion. Frank Sullivan said he would only like discussion with Keith Kopley not with the public. Roll Call Vote: Matt Mayo yes, Frank Sullivan yes, Rob Alix yes, and Jeanne Rich yes.

Keith Kopley said we do have a stream that goes through the property. We are only using a portion of the field parking for regular business that more driven towards events. The 350 is for food seated service. We can fix 500 to 1,000 there. The 350 is what the Board of Health takes for food service. Chair Rich said you are asking for the brewery and entertainment and the food service to be for up to 1,000 people. Keith Kopley said yes.

Chair Rich asked the Board members if they want to get an opinion from the Police and Fire Chief if they have any concerns with this many people. The consensus was they wanted to. Jonathan Eichman said you must be cautious if the bylaws are requiring you need to make a finding on certain criteria you need to make that before you issue the permit. You need to hear from those departments before deciding. Rob Alix asked for more information from Mr. Kopley as to in the past how many people attended events. Keith Kopley said we can separate the event type stuff. We work closely with the two chiefs. Rob Alix said he want some hard numbers to look at.

Chair Rich said the artisan fairs and mud runs would you be operating the brewery, band at the same time which would increase the people. Keith Kopley said we work in conjunction with the event. Chair Rich said we need to get comments from the Fire and Police Chief before the next meeting. Rob Alix and Matt Mayo said they could like the traffic study as a condition. Chair Rich said we need to have that, so we know if there are any other conditions needed.

The Board decided they would like to hear from the Chiefs for input first.

The Board then looked at the other special permit 220-8.3. D under this section would be the artisan festivals, fairs, mud races etc. Chair Rich asked what the etc. stood for. Keith Kopley said we had mountain bike races, smaller type runs, 5 K races. He said he does not know what they will have. Chair Rich asked him to prepare some dates, numbers, and events. She requested some better direction. Keith Kopley said he can give the 2019 information. Chair Rich said when it comes to parking it is not a commercial parking lot.

Chair Rich asked if Keith Kopley can get a document confirming continuing until October 28, 2021.

A motion to continue this public hearing until October 28, 2021, at 7pm was made by Frank Sullivan and seconded by Rob Alix. Roll Call Vote: Frank Sullivan yes, Matt Mayo yes, Rob Alix yes and Jeanne Rich yes.

Other Business: None

Adjourn

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

The meeting was adjourned at 8:50 pm.

Respectfully submitted

**Debra Dennis
Planning & Community Development**