

TOWN OF LANCASTER  
BOARD OF APPEALS  
Lancaster Community Center  
Thursday, June 23, 2016

Present: Scott Miller, Chair; Jeanne Rich, Vice-Chair; Sarah Gulliver, Matthew Mayo, and Robert Baylis

Absent: Frank Sullivan, Clerk; David Stadtherr, and Mark Eaton

Also Present: Noreen Piazza, Planning Director

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

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

Public Hearing, Special Permit – Mark Erian – 20 Carlton Place

*Present: Peter Erian, Representing owner*

Chair Miller stated that all present members would be voting members on the hearing.

At 7:01 PM Chair Scott Miller read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a petition by Mark & Atef Erian (applicant and owner), 20 Carleton Place, Lancaster, MA 01523 for a Special Permit for an existing accessory apartment pursuant to Section 220-9(G) of the Lancaster Zoning Bylaw. The site is located in the Residential Zoning District at 20 Carleton Place, and is identified on Assessor's Map 34 as Parcel 88. Abutters within 300 feet were notified via Certified Mail (return receipt) and interested parties were notified via First Class Mail. This matter was publicized in *The Item* on June 3, 2016 and June 10, 2016.

Mr. Peter Erian stated that the accessory apartment is existing and has been in existence since 1987 when building permits were pulled for the work. Mr. Erian stated that when the house was purchased by his brother, Mark Erian, in 2006 the accessory apartment never came up.

Mr. Erian stated that the house was built in 1963 meeting the 5 year requirement. Mr. Erian went on to state that the total square footage of the house is 1408 square feet and the apartment is 528 square feet meeting the one third requirement for an accessory apartment.

Mr. Erian went through the remaining requirements for an accessory apartment including entrances to the house and apartment and the number of people living in the apartment. Mr. Erian stated that the parking for the house and apartment also meets the requirements and is willing to plant shrubs to create screening is required by the Board.

Chair Miller stated that the Zoning Bylaw requires that all vehicles must be at least 20 feet from road.

There was a brief discussion regarding the parking at the location and the requirements listed in the Bylaw.

**At 7:14 PM Mr. Jeanne Rich made a motion to close the public hearing for 20 Carleton Place. Mr. Matthew Mayo seconded. No discussion. VOTE: 5-0-0.**

**At 7:15 PM Ms. Jeanne Rich made a motion to grant a special permit for the accessory apartment located at 20 Carleton Place with the condition that no vehicle will be parked within 20 feet from the roadway. Mr. Sarah Gulliver seconded. No discussion. VOTE: 5-0-0.**

Public Hearing, Special Permit – Steve Corcoran – 168 Mill Street Extension

*Present: Steve Corcoran, Owner*

At 7:01 PM Chair Scott Miller read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a petition by Steve Corcoran (applicant and owner), 138 Mill Street Extension, Lancaster, MA 01523 for a Special Permit for the construction of an accessory apartment pursuant to Section 220-9(G) of the Lancaster Zoning Bylaw. The site is located in the Residential Zoning District at 168 Mill Street Extension, and is identified on Assessor's Map 42 as Parcel 142. Abutters within 300 feet were notified via Certified Mail (return receipt) and interested parties were notified via First Class Mail. This matter was publicized in *The Item* on June 3, 2016 and June 10, 2016.

Mr. Steve Corcoran stated that he is looking to finish the space above an existing garage to add an accessory apartment in order to move into his mother's house.

Ms. Rich went over the Bylaw and the requirements listed.

Mr. Corcoran stated that the house has been there for over 25 years, will have a separate entrance from the house and has plenty of off street parking.

Mr. Corcoran went on to state that the apartment will be around 681 square feet and the existing house is about 2304 square feet.

The Board had a discussion regarding the square footage of the house and the proposed apartment. The Board has some concern that the apartment may exceed the one third requirements.

Chair Miller suggested that the Building Inspector verify the square footage prior to the issuance of a building permit.

Chair Miller read into the minutes a letter from the Board of Health requiring that a deed restriction be placed on the property or that the septic system be upgraded to a four bedroom system to meet Title 5 requirements.

Mr. Corcoran stated that he will do what is required for the apartment but had some questions and concerns in regards the Board of Health's request.

**At 7:33 PM Ms. Jeanne Rich made a motion to close the hearing for 168 Mill Street Extension. Mr. Matthew Mayo seconded. No discussion. VOTE: 5-0-0.**

**At 7:34 PM Ms. Jeanne Rich made a motion to grant a special permit for the accessory apartment located at 168 Mill Street Extension with the condition that a deed restriction be placed on the property per the Board of Health's request and that the Building Inspector verifies the square footage of the proposed apartment. Ms. Sarah Gulliver seconded. No discussion. VOTE: 5-0-0.**

**Discussion, Paul Cusson – Jones Crossing, LIP Proposal**

*Present: Paul Cusson, Delphis Association and Tyrone Jones, Applicant*

Mr. Paul Cusson stated that he is before the Board on behalf of the owners of the development requesting a minor change in the 40B permit to allow for a LIP Program.

Chair Miller asked Mr. Cusson to go over the details for the Board so that they understand what the LIP program is.

Mr. Cusson stated that under the current permit only banks approved by Mass Housing can be used for funding, but a LIP program allows for them to use any bank. Mr. Cusson stated that even if the Board votes to allow for the change the Board of Selectman need to also approve the change in the permit as well.

Chair Miller asked if anything with the town changes with the Lip Program.

Mr. Cusson stated that the Board of Selectmen are more involved under a LIP Program but nothing else changes in the permit.

Chair Rich asked if there were any benefits to the town for allowing the program to be used.

Mr. Cusson stated that the LIP Program allows for funds to be given to the town if they are used for veteran housing.

Chair Miller asked if there were any changes to the affordable requirements.

Mr. Cusson stated that the requirements for affordable housing and the lottery do not change with the change in program.

Chair Miller stated that he did not see the change to a LIP Program as a major change.

**At 7:50 PM Mr. Jeanne Rich made a motion that the change in financing to a LIP is not a significant change. Ms. Sarah Gulliver seconded. No discussion. VOTE: 4-0-1, Mr. Bob Baylis abstained.**

**Public Hearing, Special Permit – Richard Threadgould, MYSA – 512 Old Union Turnpike**

*Present: Richard Threadgould, Mass Youth Soccer Association*

At 8:02 PM Chair Scott Miller read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a petition by Richard Threadgould (applicant), and Mass Youth Soccer Association (owner), 512 Old Union Turnpike, Lancaster, MA 01523 for a Special Permit for the

construction of fence along the property line to Section 220-13 (C) of the Lancaster Zoning Bylaw. The site is located in the Enterprise Zoning District at 512 Old Union Turnpike, and is identified on Assessor's Map 9 as Parcel 9. Abutters within 300 feet were notified via Certified Mail (return receipt) and interested parties were notified via First Class Mail. This matter was publicized in *The Item* on June 3, 2016 and June 10, 2016.

Mr. Richard Threadgould stated that Mass Youth Soccer would like to construct an eight foot tall fence along the property line. Mr. Threadgould stated that the fence is the request of the Planning Board to keep people from dropping off children along Route 70.

Chair Miller read into the record a letter from Prime Toyota, direct abutter, stating that they have no issues with the fence being placed along the property line.

Chair Miller asked how long the fence would be.

Mr. Threadgould stated that the fence will run the length of the property approximately 2000 feet.

Mr. Bob Baylis asked if the fence would only run along Prime Toyota's property.

Ms. Rich stated that the Planning Board had requested that Prime Toyota stop soccer parking at the dealership and requested that Mass Youth Soccer Association build a fence to block access to the fields from Route 70, for safety reasons.

Mr. Baylis asked if there will be anyone to redirect traffic once the fence is in place.

Mr. Threadgould stated that Mass Youth Soccer Association has been sending information on access to the fields via Old Union Turnpike and that there is no access via Route 70 to all those that use the fields.

**At 8:14 PM Ms. Jeanne Rich made a motion to close the hearing for 512 Old Union Turnpike. Mr. Matthew Mayo seconded. No discussion. VOTE: 5-0-0.**

**At 8:15 Ms. Jeanne Rich made a motion to grant the special permit for the 8 foot fence located one to two feet off the property line. Ms. Sarah Gulliver seconded. No discussion. VOTE: 5-0-0.**

Vote, Right of First Refusal – 709 Blue Heron Drive

**At 8:17 PM Ms. Jeanne Rich made a motion for the Zoning Board of Appeals to not exercise their Right of First Refusal for the property located at 709 Blue Heron Drive. Ms. Sarah Gulliver seconded. No discussion. VOTE: 5-0-0.**

#### **General Business**

Minutes from March 24, 2016 Meeting

**At 8:22 PM Ms. Jeanne Rich made a motion to approve the minutes as written from the March 24, 2016 meeting. Mr. Matthew Mayo seconded. No discussion. VOTE: 5-0-0.**

Minutes from May 26, 2016 Meeting

**At 8:23 PM Ms. Sarah Gulliver made a motion to approve the minutes as written from the May 26, 2016 meeting. Mr. Matthew Mayo seconded. No discussion. VOTE: 5-0-0.**

There being no further business to come before the Board, the meeting was adjourned at 8:24 PM.

Respectfully submitted,

Heather Hampson  
Office Manager