

TOWN OF LANCASTER  
BOARD OF APPEALS  
Lancaster Town Hall Auditorium  
Thursday, April 26, 2018

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

Absent: Jeanne Rich

Also Present: Noreen Piazza, Planning Director and Legal Counsel for the Town Adam Costa, from Mead, Talerman and Costa

List of Documents:

- Board of Appeals Agenda
- Application for an Amendment to a Special Permit, 121 Mill Street-Brian Lussier, Comfort Homes, Inc.
- Application for a Special Permit-Accessory Apartment, 61 Moffett Street-Bob and Janet Baylis, Owners.
- Letter to the Town of Lancaster dated April 5, 2018 from Paskks LLC concerning the Jones Crossing Development.
- Application for a Comprehensive Permit, Goodridge Brook Estates- Crescent Builders, Inc.
- Department Comment Letters concerning Goodridge Brook Estates
- Resident Comment Letters concerning Goodridge Brook Estates
- Draft Minutes: March 22, 2018

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

**Public Hearing, Amendment to Special Permit (Section 220-52 and 220-61), 121 Mill Street**

*Present:* Brian Lussier, Comfort Homes, Inc., Douglas Deschenes, Deschenes & Farrell

Chairman Mayo said the following members will be voting members: Scott Miller, Sarah Gulliver, Robert Baylis, Hannah Meyer and David Stadtherr.

At 7:00 PM, Chair Matthew Mayo read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering an amendment to a Special Permit for Section 220-52 (Nonconforming Uses) and Section 220-61 (Board of Appeals) of the Lancaster Zoning Bylaw, in order to expand the existing non-conforming uses to include sale of second-hand automobiles.

The applicant is requesting a Special Permit to use a 2,000 square foot portion of the existing building for sale and storage of high-end used, specialty cars.

The applicant proposes the primary sale of the vehicles will be internet based. The applicant will not display the vehicles outdoors or solicit sales through outdoor advertising or display. The applicant proposes since sale will be done via the internet and except for the occasional customer coming to view or pick up a car, it is not expected that there will be a significant number of customers coming to the site. The

applicant proposes the new use will not be substantially more detrimental to the neighborhood than the pre-existing non-conforming structure and use. The new use will have less traffic, as compared with the previous use, and will not disturb any of the current abutters more than the current uses.

The following abutters expressed the following comments:

- Tom Breen (137 Mill Street) said he is opposed to used car sales at the adjacent abutting property.
- Stephen Nosek (106 Mill Street) expressed his concern about more traffic to the residential area.
- Jeanne Nosek (106 Mill Street) expressed her concerns about the devaluation of her property.
- Lisa Breen (137 Mill Street) expressed her concerns of an influx of strangers to the neighborhood.

**At 7:40 PM Scott Miller motioned to close the public hearing for the Special Permit Amendment to the under Sections 220-52 and 220-61 of the Lancaster Zoning Bylaw. Robert Baylis seconded the motion. No discussion. VOTE: 5-0-0.**

**At 7:42 PM Scott Miller motioned to issue the Special Permit pursuant to Sections 220-52 and 220-61 of the Lancaster Zoning Bylaw in order to expand existing non-conforming uses to include the sale of second-hand automobiles for Lussier Inc., 121 Mill Street, with the following conditions:**

- **Indoor sale and storage of up to six vehicles on site.**
- **No vehicle repair, body work or painting onsite.**
- **No cleaning and vehicle detailing.**
- **No additional exterior advertising beyond what currently exists.**
- **Hours of operation will be from 7:00 AM-7:00 PM.**

**David Stadtherr seconded the motion. No discussion. VOTE: 5-0-0.**

Robert Baylis recused himself and left the table at 7:46 PM.

**Public Hearing, Special Permit-Accessory Apartment (Section 220-9 (G)), 61 Moffett Street**

At 7:47 PM, Chair Matthew Mayo read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a Special Permit under Article III- Use regulations, Section § 220-9 (G) of the Lancaster Zoning Bylaws for an Accessory Apartment located at 61 Moffett Street.

Chairman Mayo said the following members will be voting members: Scott Miller, Sarah Gulliver, Frank Sullivan, Hannah Meyer and David Stadtherr.

Robert and Janet Baylis said that they would like to obtain approval for an existing accessory apartment.

Mr. Scott Miller read through all the requirements for an accessory apartment under Lancaster Bylaw Section 220-9 (G) to ensure that the apartment met all the requirements.

The Board reviewed the square footage for the apartment and the existing house.

- The principle single-family attached dwelling has been lawfully in existence for more than five years prior to the date of application for the special permit.
- The accessory apartment will remain owner-occupied.
- The total house is 2359 SF of which the 768 SF apartment is 33% of the house.
- The accessory apartment has its own separate entrance. All stairways to the upper floors are 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 a private septic system.
- There are ten 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 stating based on the information provided it appears that the existing septic system is adequate for the existing (4) bedroom dwelling which includes the existing accessory apartment.

Ms. Suzanne Crawford, 9 Rigby Road, asked why this wasn't addressed prior to the building of the accessory apartment. Board Member Scott Miller said this is the first time this is being addressed by the Board. This is usually brought to the Board's attention at the building phase of the project.

**At 7:58 PM, Scott Miller motioned to close the public hearing for the Special Permit request under Section 220-9 (G) of the Lancaster Zoning Bylaw. Sarah Gulliver seconded the motion. No discussion. VOTE: 5-0-0.**

**At 8:00 PM, Scott Miller motioned to issue the Special Permit for the accessory apartment under Section 220-9 (G) of the Lancaster Zoning Bylaw for Robert and Janet Baylis, 61 Moffett Street. Sarah Gulliver seconded the motion. No discussion. VOTE: 5-0-0.**

At 8:01 PM, Robert Baylis returned to the table.

**Discussion, Amendment to Comprehensive Permit-Jones Crossing Development**

*Present: Tyrone Jones, Arcadia Construction*

Chairman Mayo read the letter to the Town of Lancaster from Paskks LLC requesting a setback from the side lot lines of four (4) feet from (8) feet. Mr. Tyrone Jones commented because of market demand he is looking at adding garages to the original plan which would require a side setback of the lot lines to four feet. Scott Miller said this is a minor change and no new public hearing is required. After some discussion the Board requested Mr. Jones get more information from the Fire and Police Department for the next meeting.

**Public Hearing, Comprehensive Permit, Goodridge Brook Estates Development**

*Present: Iqbal Ali,, Crescent Builders, Inc.; Dean Harrison, Development Consultant; Rob Truax, GLM Engineering Consultants, Inc.; and Paul Haverty, Blatman, Bobrowski and Haverty, LLC.*

*Also Present: Attorney Adam Costa, Mead, Talerman & Costa, LLC*

Chairman Mayo said the following members will be voting members: Scott Miller, Sarah Gulliver, Robert Baylis, Hannah Meyer and David Stadtherr.

At 8:19 PM, Chair Matthew Mayo read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a Comprehensive Permit for a Chapter 40B Goodridge Brook Estates development.

Chairman Mayo said the any correspondence received will be entered into the record and placed on the Town web site for viewing.

Adam Costa, Attorney with Mead, Talerman & Costa, introduced himself as special counsel for the Board and will be assisting them with the Comprehensive Permit process. He explained that the Comprehensive Permit process is a bit different from other special permits. The Board of Appeals is being asked to review the project on behalf of various other Boards, which is why it makes it a “comprehensive” permit.

Chairman Mayo explained that this will be the first in a series of meetings. He stated that that there are many items the Board has not received that will be required and then reviewed by the Board and their consultants.

Mr. Dean Harrison then presented the application which was submitted as 80 duplex-style condominium units that will be sold, and 120 apartment-style units that will be rented. 25% of each of the condominiums and apartments will be set aside as affordable units.

Mr. Rob Truax then presented an alternative site plan with 64 single-family detached homes that will be sold, and 136 apartment-style units that will be rented. Again 25% of each of the single-family homes and apartments will be set aside as affordable units. Both plans total 200 units of housing.

There will be three entrances off of Sterling Road – two for the single-family homes and one for the apartment buildings, separated by a wooded section of wetlands. A traffic study will be submitted prior to the next meeting.

Scott Miller asked if they have an estimate of population for each of the plans. Mr. Harrison said he has some general demographics and will provide them soon. He understands there are concerns with the number of potential school- age children, but some recent data shows that the number of school-age children has been declining across the State. Attorney Paul Haverty of Blatman, Bobrowski and Haverty, LLC, said his client will not be submitting any information concerning the school impact because there is nothing the Board can do with the information.

The following other concerns were expressed by residents:

- Parking – insufficient spaces for residents and guests  
Paula Cioffi, 33 Fire Road 7
- Student population – NRHS study, stable population through 2025, presently not enough classroom space, using trailers

Kathy Codianne, 83 Shannon Way

- Additional taxes – based on increased student population and additional police, fire, EMS  
Emily Kerrigan, 325 Neck Road
- Traffic – large increase on Sterling Road and surrounding roadways  
Claudia Kelly, 29 Mill Street  
Rose Bissonnette, 185 Sterling Road
- Crime – from rental population  
Claudia Kelly, 29 Mill Street
- Police, fire, EMS – will need additional staff and budgets  
Claudia Kelly, 29 Mill Street  
Myra Perez, 61 Poulin Drive
- Water – insufficient capacity and pressure  
Hans Kivijarv, 390 Nicholas Drive  
Rose Bissonnette, 185 Sterling Road
- Environmental impact study – MEPA study for wetlands, endangered species  
Liz Narbonne, 724 Main Street  
Joanne MacLaughlin, 21 Poulin Drive
- Water table – high in the Sterling Road area, potential issues with stormwater runoff  
Joanne MacLaughlin, 21 Poulin Drive
- Sewer – insufficient capacity  
Rose Bissonnette, 185 Sterling Road

Paul Michaud (707 Sterling Road) commented he has seen 40B projects stopped in other communities.

Mr. Harrison then asked the Board which plan they would prefer – townhouse condominiums vs. single-family houses. Chairman Mayo responded they do not have enough information at this time to make a recommendation. After consulting with Mr. Iqbal Ali of Crescent Builders, Mr. Harrison stated they will proceed with the 64 single-family home plan.

Scott Miller questioned whether there is a moratorium with the sewer connection. Mr. Harrison said he met with the Lancaster Sewer District Commission, and have been made aware of what has to be done to tie in.

Mr. Miller requested that they have the engineering plans, traffic study, water plans and sewer plans available for the next Board meeting.

**Scott Miller motioned to continue the public hearing until May 24, 2018 at 7PM. Hannah Meyer seconded the motion. No discussion. VOTE: 5-0-0.**

**Minutes from March 22, 2018**

*The Board reviewed the minutes from the March 22, 2018 meeting.*

**Robert Baylis made a motion to accept the minutes from the March 22, 2018 meeting. Sarah Gulliver seconded. No discussion. VOTE: 5-0-0.**

**At 9:48 PM, Robert Baylis made a motion to adjourn. Hannah Meyer seconded the motion. No discussion. VOTE: 5-0-0.**

Respectfully submitted,

Debra Dennis, Office Manager