

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

Present: Matthew Mayo, Chair; Jeanne Rich, Vice Chair; Hannah Meyer; Scott Miller, David Stadtherr, Sarah Gulliver and Robert Baylis

Absent: Frank Sullivan

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

List of Documents:

- Board of Appeals Agenda: July 26, 2018
- Email from Claudia Kelly requesting a continuance dated July 19, 2018
- Request for Modification of a Special Permit (Section 220-8.2 (B)), 61 Old Union Turnpike, Heidi Lundblad, Owner
- Request letter from Tyrone Jones, Jones Crossing Development requesting the discussion on water easements be continued until a later time
- Mullins certificate for Board of Appeals member Sarah Gulliver
- Letter dated July 24, 2018 to Board of Appeals Chairman Matthew Mayo from Crescent Builders Inc. concerning Goodridge Brook Estates Comprehensive Permit
- Site Development Plan of Land "Goodridge Brook Estates" Multi unit and Single Family Subdivision Layout prepared by GLM Engineering Consultants, Inc. dated February 8, 2018 and revised April 10, 2018 and July 5, 2018
- Emails from Victoria Marquis Petracca dated July 20, 2018 and July 25, 2018 with questions and concerns about the Goodridge Brook Estate Subdivision
- Request for Special Permit for Accessory Apartment (Section 220-9 (G)), 281 Mill Street Extension, Paul and Jeanne Rich, Owners
- Draft Minutes: June 28, 2018

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

**Public Hearing Continuation, Special Permit for Accessory Apartment (Section 220-9 (G)), 29 Mill Street, Claudia Kelly, Owner**

*Present: Claudia Kelly, Owner*

The Public Hearing is continued from January 25, 2018, March 22, 2018, May 24, 2018 and to July 26, 2018. The voting members are Jeanne Rich, Scott Miller, Sarah Gulliver, Robert Baylis and David Stadtherr.

The applicant has asked for a continuance until the October meeting.

The applicant is requesting a Special Permit to construct an accessory apartment out of the detached carriage house and a portion of the attached garage located at 29 Mill Street. The Board previously looked at the application and plans.

- The accessory apartment will remain owner-occupied.
- The existing primary residence has 2587 square feet of finished area. The carriage house and a portion of the attached garage as proposed to become as Accessory Apartment that is 848 square feet which is less than 33% of the primary residence.
- The accessory apartment unit will use the existing entrance (widened for egress) and a secondary egress through the garage.
- The accessory apartment unit will have one bedroom and will only be occupied by no more than three people.
- The dwelling is served by both Town water and Town sewer.
- The existing garage can accommodate one car and the existing driveway can accommodate an additional three cars.
- 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.

Scott Miller questioned since we previously looked at the drawings and the application and the only thing that is outstanding is waiting to resolve the wastewater disposal, he asked the Board members to consider closing the hearing and allow the applicant to go before the Sewer Commission.

**At 7:05PM Scott Miller made a motion to close the public hearing for the Special Permit request under Section 220-9 (G) of the Lancaster Zoning Bylaw. Jeanne Rich seconded the motion. No discussion. VOTE: 5-0-0.**

**At 7:08PM Scott Miller made a motion to grant the Special Permit for an accessory apartment under Section 220-9 (G) of the Lancaster Zoning Bylaw for Claudia Kelly, 29 Mill Street, with the condition that both public water and sewer be made available to the unit. Jeanne Rich seconded the motion. No discussion. VOTE: 5-0-0.**

The Notice of Decision will be drafted within two weeks and filed with the Town Clerk and then the twenty day appeal period will start.

**Public Hearing, Modification of a Special Permit (Section 220-8.2 (B)), 61 Old Union Turnpike, Heidi Lundblad**

*Present: Heidi Lundblad, Owner and Tom Bovenzi, Attorney*

At 7:10 PM, Chair Matthew Mayo read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a modification of a previously approved special permit for a barn and paddock area that was approved on February 25, 2016.

Chairman Mayo said the voting members will be Scott Miller, Jeanne Rich, Robert Baylis, Hannah Meyer and David Stadtherr.

The applicant is requesting to modify the special permit to change the paddock location. The paddock as relocated will be more than fifty feet from any off-premises dwelling as required in Section 220-8.2(B). The modified paddock location encourages the appropriate use of land and conserves the value of land by retaining several large and mature trees and utilizing the natural buffer on proposed fill easement and surrounding areas.

The paddock will only be used for two horses and is separated from the abutter by steep grade and heavy vegetation and will not present any deleterious smells, noises or sights. The paddock will be properly secured by standard wood and electric fencing used in equestrian facilities.

Kevin Joyce, 27 Old Union Turnpike, stated he is an abutter and he said the applicant previously proposed construction of the paddock on the left side of the property and it was only supposed to be eighty feet by sixty feet.

The Board members discussed whether the applicant would consider moving the fence over and or cutting the size of the paddock. Mr. Bovenzi discussed this with his client and he said they can't move the paddock because they would like to keep the large trees.

The applicant then requested to continue the hearing until August 23, 2018 in order to reconsider the request.

**At 7:49 PM David Stadtherr made a motion to continue the public hearing until August 23, 2018. Jeanne Rich seconded the motion. No discussion. VOTE: 5-0-0.**

**Scott Miller recused himself at 7:50 PM and left the table.**

**Discussion, Water Connection, Jones Crossing Development-off of Deershorn Road**  
**Tyrone Jones, Arcadia Construction**

The applicant submitted a letter requesting a continuance of the water easement discussion until a later time.

**Jeanne Rich made a motion to continue the discussion for the Jones Crossing water easement to a future meeting of the Board of Appeals. David Stadtherr seconded the motion. No discussion. VOTE: 5-0-0.**

**Continuation of Public Hearing, Comprehensive Permit, Goodridge Brook Estates Development**  
**Iqbal Ali, Crescent Builders, Inc.**

*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 he received into the record the Mullins certificate that Board of Appeals member Sarah Gulliver submitted.

Chairman Mayo gave an update of what has been received by the applicant. Town consultants haven't completed their reviews yet. At the next meeting he said the Board should be able to review the engineering review and the traffic study.

Town Attorney Adam Costa spoke about the concerns that were addressed in emails received. He addressed the legal questions.

- Project Eligibility Letters were issued by Mass Housing. They are only preliminary approvals for the project. All they indicate are general review of the application materials submitted by the applicant, and based on the review of the materials that the project could be funded as a 40B comprehensive project.
- Potential conflict of interest with the property owner and role on Sewer Commission is not in this Board's purview since it's a separate Board.
- 61A Question-The questions on tax classification are beyond this Board's preview.

Dean Harrison read the letter from (Crescent Builders Inc.) dated July 24, 2018, sent to the Lancaster Board of Appeals attention Matt Mayo. The letter listed the revised development plans and documentation as well as the list of waiver requests. He asked the Board to acknowledge receipt of the documents necessary for the peer reviewers to do their review of the project and therefore the clock of 180 days will now restart. He asked to postpone the reviews of the plans until the next meeting until the peer reviewers will be present. He asked if their engineer can speak directly to the peer reviewers.

Fred Hamwey, Hamwey Engineering acknowledged receipt of the plans necessary to start the review and has no issue corresponding with the applicant's engineer.

Chairman Mayo said the one hundred and eighty days will start today, July 26, 2018.

The following concerns/questions were expressed by residents:

- Paula Cioffi, 33 Fire Road 7- insufficient parking spaces for residents and guests
- Jason Allison, 343 Brockelman Road- asked about the criteria to evaluate/ to approve or disapprove the project. Attorney Adam Costa said a 40B is different than other types of zoning relief. The standard is whether the project is consistent with local needs.
- Jason Allison, 343 Brockelman Road - questioned if the Board has ever evaluated a proposal of this size if so results submitted, ensure the proposal is in the best interest of the town, which will be answered through the peer review process,
  - Evaluate environmental impact of this application which will be done through the Conservation Commission, impact of other projects in the town, Board said will be processing application at each meeting when needed.
  - What recourse the town or residents have if the project is approved when it shouldn't have been? Attorney Adam Costa explained the process and the appeal period.
- Marilyn Chambers, 60 Creamery Road-Disability regulations are taken into account

- Increase in taxes, water and sewer bills because of this project
- Martha Schmidt, 115 Harvard Road -Questioned why the Board gave another 180 days to review application since 90 days is gone by. Attorney Adam Costa said regulations say one hundred and eighty days can be extended with consent of applicant.
- Victoria Petracca, 67 Woodland Meadow Drive – Project Eligibility Letter references feedback by municipality and the public. She commented the letter was issued without public comment notice or comment. Since there was no thirty day public comment she questioned the validity of the letter. There was a public presentation and a site walk that were not posted.
  - ENF form with MEPA
- Lisa Zaikis, 2221 Main Street - Traffic study/time and day the traffic study was done.
- Joanne MacLaughlin, 21 Poulin Drive and Jason Allison, 343 Brockelman Road -Validity of traffic study prior to knowing the number of bedrooms
- Claudia Kelly, 29 Mill Street - Water and Sewer– how does the systems support the increase in people
- Mike Griffin, 334 Parker Road -Effects of gases from Best Way Lumber kilning process on residential units on the top floors
- Martha Schmidt, 115 Harvard Road -Police/Fire/EMS will they have enough room to access in the area
- Joanne MacLaughlin, 21 Poulin Drive - insufficient number of parking spaces for residents and guests
- Don Chaissen, 710 George Hill Road-Taxes/Liens/Chapter 61A status of property if so town has first refusal

**At 9:28 PM Jeanne Rich made a motion to continue the public hearing until August 23, 2018. David Stadtherr seconded the motion. No discussion. VOTE: 5-0-0.**

At 9:29 PM Jeanne Rich recused herself and left the table. Scott Miller returned to the table.

**Public Hearing, Special Permit for Accessory Apartment (Section 220-9 (G), 281 Mill Street Extension, Jeanne Rich, Owner**

*Present: Jeanne Rich, Owner*

At 9:32 PM, Chair Matthew Mayo read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a petition by Paul and Jeanne Rich (applicant and owner), 281 Mill Street Ext., for a Special Permit for an accessory apartment pursuant to Section 220-9 (G) of the Lancaster Zoning Bylaw.

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

Ms. Jeanne Rich stated that she would like to construct an accessory apartment in the basement of the primary dwelling and is requesting a Special Permit under Article III – Use regulation, Section 220-9 (G)- Supplementary use regulations – Accessory apartment.

- The accessory apartment will remain owner-occupied.
- The primary dwelling is 3860 SF of which the accessory apartment will be 1273 SF which is 32% of the house.
- The accessory apartment has its own separate entrance. All stairways to the upper floors shall be enclosed within the exterior walls of the dwelling.
- The accessory apartment will occupy no more than three persons.
- The dwelling is served by Town water and a private septic system.
- There are at least three 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 proposed addition and the anticipated number of inhabitants pending the completion of the following items:
  - The recording of a four (4) bedroom deed restriction in the deed of the property.
  - A Title 5 subsurface sewage disposal system inspection of the existing septic system, report to be submitted to the Board of Health for review.
  - The installation of two (2) sewer line cleanouts to bring the existing sewer line from the septic tank to the distribution box into compliance with Title 5, 222 (8).

**At 9:40 PM Scott Miller made a motion to close the public hearing for the Special Permit request under Section 220-9 (G) of the Lancaster Zoning Bylaw. Robert Baylis seconded the motion. No discussion. VOTE: 5-0-0.**

**At 9:41 PM Robert Baylis made a motion to issue the Special Permit for an accessory apartment under Section 220-9 (G) of the Lancaster Zoning Bylaw for Paul and Jeanne Rich, 281 Mill Street Extension, subject to getting a letter from the Board of Health stating the following has been done:**

- **Recording of a four (4) bedroom deed restriction in the deed of the property**
- **A title 5 subsurface sewage disposal system inspection of the existing septic system**
- **The installation of two (2) sewer line cleanouts to bring the existing sewer line from the septic tank to the distribution box into compliance with Title 5, 222 (8).**

**Scott Miller seconded the motion. No discussion. VOTE: 5-0-0.**

The Notice of Decision will be drafted within two weeks and filed with the Town Clerk and then the twenty day appeal period will start.

Jeanne Rich returned to the table.

**General Business:**

**Minutes**

The Board reviewed the minutes from the June 28, 2018 meeting.

**Jeanne Rich made a motion to accept the minutes from the June 28, 2018 meeting. Robert Baylis seconded. No discussion. VOTE: 5-0-2 (Sarah Gulliver and Scott Miller abstained).**

**Correspondence**

The Board reviewed the correspondence folder.

**At 9:43 PM Scott Miller made a motion to adjourn. David Stadtherr seconded the motion. No discussion. VOTE: 5-0-0.**

Respectfully submitted,

Debra Dennis, Office Manager