

TOWN OF LANCASTER
BOARD OF APPEALS
Mary Rowlandson Elementary Auditorium
Thursday, August 23, 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 Jason *Tiereman*, from Mead, Talerman and Costa

List of Documents:

- Board of Appeals Agenda: August 23, 2018
- Letter from Assessor Debra Sanders concerning 61A status of property.
- Letter from Treasurers Office concerning no taxes are owed on the property.
- Response to Traffic Engineering Peer Review Comments Goodridge Brook Estates-Sterling Road dated September 18, 2018 from William Scully Vice President, International Affiliates Inc.
- Conservation Commission letter dated August 20, 2018
- Letter from Bestway stating concerns

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

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

The applicant asked for a continuance until the September 27, 2018 meeting.

A motion was made by Jeanne Rich to continue the public hearing for a modification of a Special Permit for 61 Old Union Turnpike, Heidi Lundblad until September 27, 2018. Robert Baylis seconded the motion. No discussion. VOTE: 5-0-0.

Public Hearing, Special Permit for Accessory Apartment (Section 220-9 (G)), 50 Fire Road 10, Elizabeth Rutledge Foster, Owner and Michael and Elizabeth Fetterman, Applicants

Present: Michael and Elizabeth Fetterman

Voting members will be Jeanne Rich, Scott Miller, Robert Baylis, David Stadtherr and Hannah Meyer

Chair Matthew Mayo read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a petition by Elizabeth Rutledge Foster, (owner) and Michael and Elizabeth Fetterman (applicant) 50 Fire Road 10 for a Special Permit for an accessory apartment pursuant to Section 220-9 (G) of the Lancaster Zoning Bylaw.

Michael Fetterman said that they would like to obtain approval for an existing accessory apartment. The applicants described their plans to construct a new structure within a similar footprint of the existing

older, main section of the current structure. In addition the applicant indicated the new structure will have a finished basement to be included in the total living space area of the new structure.

Jeanne Rich read through all the requirements for an accessory apartment under Lancaster Bylaw Section 220-9 (G) to ensure that Mr. & Mrs. Fetterman met all the requirements.

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

At 7:24 PM a motion was made by Jeanne Rich and seconded by Mr. Scott Miller, to close the public hearing for the Special Permit request under Section 220-9 (G) of the Lancaster Zoning Bylaw. VOTE: 5-0-0.

At 7:25 PM a motion was made by Jeanne Rich and seconded by Scott Miller to issue the Special Permit for an accessory apartment under Section 220-9 (G) of the Lancaster Zoning Bylaw for Michael and Elizabeth Fetterman, 50 Fire Road 10, with the following conditions:

- **The owner must occupy the main house or the accessory apartment.**
- **The owner must get a letter from the Board of Health supporting the number of bedrooms for the private septic system.**
- **The dimensions of the new construction must be 1,576 square feet on the main floor and 1,576 square feet in the basement which must be reflected in the building permit application.**

The Board voted: 5-0-0.

At 7:29 PM a motion was made by Scott Miller and seconded by Robert Baylis to reconsider the motion for an accessory apartment under Section 220-9 (G) of the Lancaster Zoning Bylaw for Michael and Elizabeth Fetterman, 50 Fire Road 10. VOTE: 5-0-0.

At 7:30 PM a motion was made by Jeanne Rich and seconded by Scott Miller to issue the Special Permit for an accessory apartment under Section 220-9 (G) of the Lancaster Zoning Bylaw for Michael and Elizabeth Fetterman, 50 Fire Road 10, to include the following condition:

- **The accessory apartment cannot be more than one-third of the SF of the combined floor area of the main house and apartment.**

The Board voted 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 Jason Tiereman, Mead, Talerman & Costa, LLC

Chairman Mayo gave an update of what has been received and what is still needed by the applicant. The Board wasn't ready to respond to the waivers at this time. He went over some answers received concerning questions that were asked at the last meeting:

- Project Eligibility Letters were issued by Mass Housing. This was for 120 rental units. Plan now has 160 units. Will be asking if this changes the permit.
- Taxes owed-Letter from Treasurer's Office said no taxes are owed at this time.
- 61A Question-The property is out of 61A status per the Assessor.

Fred Hamwey, Hamwey Engineering discussed the applicant's submittal. At this time he would like the applicant to have time to review his comments. He went over his review letter. He also discussed the MEPA process.

Jeff Dirk, Green International Affiliates Inc. came forward to discuss the traffic study. He went over the response to the traffic engineering peer review comment letter.

Scott Miller, Haley & Ward gave an update on the water capacity. He said they looked at the pumping history of the wells and the population on the water system. There has been a general reduction off of the water system. The pumping capacity is .91 million gallons a day. The town is approved by DEP to pump that amount. The town also has a Water Management permit of .63 million gallons a day.

The letter from Conservation Commission dated August 20, 2018 was read into the record.

Dean Harrison came forward and said they would like to more time for review of the Engineering, Traffic Study and Site review studies. He said they are reviewing the MEPA to see if they meet the requirements.

Rob Truax, GLM Engineering Consultants, Inc. said they are in the process of making changes to the plan.

Public Comments:

The following concerns/questions were expressed by residents:

- Andrew Porter, Representative from Bestway, read the letter submitted by the company. Concern with complaints from the Goodridge Brook Estate residents.
- Eric Malkowski, 158 Devonshire Way-water use impact on what is permitted.
- Carol Stump, 567 Mill Street Extension-school bus turnaround-school bus stop.
- Chris Cosentino 11 South Meadow Road-water availability concerns and increase in traffic
- Jane Crossman, 88 Moffett Street-lighting plans for the site, a bus stop and extension of sidewalks on Sterling Road
- Victoria Petracca, 67 Woodland Meadow Drive –visibility of road at railroad crossings by the site. MEPA filing by the applicant.
- Greg Jackson, environmental review waiver, zoning rules waiver, sewer, water, building fee waivers

Jeanne Rich said the applicant has asked for feedback on the waivers. Town Attorney said discussion of any concerns helps the applicant to see what the Board might require. Sarah Gulliver talked about sidewalks and Robert Baylis discussed more parking spaces.

At 9:36 PM Jeanne Rich made a motion to continue the public hearing until September 27, 2018. Robert Baylis seconded the motion. No discussion. VOTE: 5-0-0.

General Business:

Minutes

The Board reviewed the minutes from the July 26, 2018 and July 30, 2018 meeting.

Robert Baylis made a motion to accept the minutes from the July 26, 2018 and July 30, 2018 meetings. Jeanne Rich seconded. No discussion. VOTE: 5-0-0.

Correspondence

The Board reviewed the correspondence folder.

At 9:37 PM Robert Baylis made a motion to adjourn. Jeanne Rich seconded the motion. No discussion. VOTE: 5-0-0.

Respectfully submitted,

Debra Dennis, Office Manager