

TOWN OF LANCASTER
BOARD OF APPEALS
Mary Rowlandson Elementary Auditorium
Thursday, September 27, 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 Brian Winner, from Mead, Talerman and Costa

List of Documents:

- Board of Appeals Agenda: September 27, 2018
- Variance Application dated August 28, 2018-Edward Tierney 34 Harkins Street, Clinton MA
- Memo from Edward and Liza Tierney dated 9/27/18-Variance Request for Addition, 302 (A) Form B Supplemental
- Drawing A dated September 27, 2018 showing the revised paddock location at 61 Old Union Turnpike.
- Letter dated 9/4/18 from GLM Engineering Consultants Inc.-Goodridge Brook Estates responses to the comments
- DPW memo dated 9/24/18-Goodridge Brook Estate
- Mass Housing Memo
- Orlando Pacheco, Town Administrator memo 9/24/18- Goodridge Brook Estate
- Mass Historical letter dated 9/10/18
- Lancaster Historical letter dated 9/10/18-Goodridge Brook Estates
- Conservation Commission letter dated 9/18/18-recommended wildlife studies and habitat assessments for site of proposed Goodridge Brook Estates
- Memo dated 9/27/18 from Michael Hanson, Fire Chief-Goodridge Brook Estates
- GLM Engineering Consultants Inc. –Goodridge Brook Estates, Preliminary List of Waivers
- Letter from Vanasse & Associates, Inc. dated September 26, 2018-Supplemental Traffic Engineering Peer Review
- Questions for ZBA from Greg Jackson, Joe D'Eramo, Deb D'Eramo and Victoria Petracca dated August 23, 2018
- Site Development Plan Goodridge Brook Estates dated September 18, 2018 (27 pages)

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 and William Kearney Owners and Tom Bovenzi, Attorney for applicant

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

William Kearney and Heidi Lundblad, along with their representative, Tom Bovenzi, appeared before the Board to request a modification of the existing Special Permit to change the paddock location.

Ms. Lundblad described the proposed modifications of the site plan:

The subject lot backs up to Route 2, and is flanked by a residential house lot with dwelling on each side. The lot is lightly wooded in the rear and has no wetlands.

The proposed revised site of the paddock will be more than one hundred (100) feet from any off-premises dwelling as required in Section 220-8.2B. The modified paddock location is to conserve several large and mature trees and utilize the natural buffer. The paddock exceeds the setback requirements in the bylaw.

There was a discussion between the Board and the applicant regarding the location of the paddock. The Board suggested to the applicant during the July 26, 2018 public hearing as well as tonight's hearing to place the paddock twenty (20) feet from the property line and go further back within the one (1) foot of the rear line. The applicant did not accept this compromise and did not change the dimensions for the paddock in their application.

Abutter Kevin Joyce of 27 Old Union Turnpike stated he was agreeable with the layout design and location that was previously approved. He is not agreeable to this plan. The area in question is along the property line. He said there has been no compromise with the applicant even though he proposed extending the paddock into the back area of the property which he said isn't heavily wooded. At 7:49 PM Scott Miller made a motion to close the public hearing. Jeanne Rich seconded the motion. VOTE: 5-0-0.

At 7:27 PM Scott Miller made a motion and seconded by Robert Baylis to approve the Modification to the Special Permit for Section 220-8.2 (B) of the Lancaster Zoning Bylaw to drawing A dated September 27, 2018 showing the revised paddock location with the exception that the easterly side line 69 feet in length of the fence be moved at least 15 feet to the west from the easterly property line. In discussion of the motion Scott Miller stated that the 50-foot offset to abutting dwelling noted in the bylaw is a minimum distance. The Board said the applicant should provide a buffer to the property line to prevent horses from reaching over fence on to abutting property and to improve safety along the abutting property. VOTE: 5-0-0.

Public Hearing, Variance for Front Yard, Side and Rear Yard Setback-Edward Tierney, Owner-34 Harkins Street

Present: Edward Jr. and Lisa Tierney

Voting members are Sarah Gulliver, 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 Edward Tierney, (applicant and owner) 34 Harkins Street for a Variance for Front, Side and Rear Yard Setback pursuant to Section 220-11 (A) and 220-11 (B) of the Lancaster Zoning Bylaw.

The applicant proposes to build an addition for a mudroom and garage that is (15.01) feet from the side property line, as well as being within (9.83) feet from the front property line.

The property owners, Edward Jr. and Liza Tierney, were present at the time of the hearing. Mr. Tierney stated that they want to build the addition to use as a mudroom and garage. The property is unusual

because of its small lot size, frontage and odd shape. The shape is not perpendicular to the road. The current structure and pool eliminate any other location for the addition.

The new addition is in line with neighborhood and current houses. The neighborhood was mostly built in the 1950s and consists of ranches and capes. The proposed addition is in line with neighborhoods character.

The side yard setback variance necessity is only at the back side of the new garage given the odd shape of the property. The garage addition size will be 14 feet x 37.02 feet.

At 8:05PM Robert Baylis made a motion that was seconded by Sarah Gulliver to close the public hearing for the Variance request under Section 220-11 (A) and (B) of the Lancaster Zoning Bylaw 8:05PM. VOTE: 5-0-0.

At 8:13 PM Robert Baylis made a motion that was seconded by David Stadtherr to grant a (20.17) foot Variance from Section 220-11 (A) for the addition, and to grant a (4.99) foot Variance from Section 220-11 (B) of the Lancaster Zoning Bylaw. VOTE: 5-0-0.

Scott Miller recused himself and left the table.

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 Brian Winner, Mead, Talerman & Costa, LLC

Chairman Mayo stated he would like the Board to spend some time discussing the requests for waivers tonight. He read the letters from the Historical Commission, email from DPW and an email he wrote to Mass Housing, the Fire Department memo, memorandum from Orlando Pacheco to the Board of Appeals into the record.

Chairman Mayo read the letter dated 9/18/18 from the Conservation Commission recommended a wildlife studies and habitat assessments for the site of the proposed Goodridge Brook Estates. They recommended the Board keep the Public Hearing open until such study can be done at a later time. Chairman Mayo asked if the applicant was ok keeping the public hearing open until the spring. Paul Haverty, Attorney for the applicant said they will have plenty of opportunity when the Notice of Intent is filed with the Conservation Commission after Board of Appeals renders a decision. Brian Winner said extending the time would cause an issue since the applicant is not in favor of providing an extension. There isn't sufficient time to accommodate this under the timeline that is mandated by the state.

Fire Chief Mike Hanson commented on questions that were brought up at the last meeting. He said after reviewing the plan with the developer the road width is fine for their apparatus. The parking lot width is fine. He said he has no issues with the closeness of homes in a fire event. He said the department is trained and equipped to handle these types of situations. All the houses have to meet the state codes, and there are houses in town that are much closer than these. Water for fire

suppression should be sufficient through the town's water infrastructure and hydrant system. This development will not require the need for any additional equipment or staffing.

Attorney Winner said the BOS have undertaken a 30-day comment period having to do with the projects eligibility letter. This is a separate process from the Board of Appeal. There is no impact to the Board.

Chairman Mayo said at the last meeting the applicant asked for feedback of the waiver list. At this time he wanted to go through the waivers and get some feedback.

Subdivision Rules and Regulations Waivers

1. Section 301-8:D: Environmental Analysis: Jeanne Rich asked why should this be waived. Sarah Gulliver said she doesn't see any reason to waive.
2. Section 301-10.C(2): Dead End Streets: Request waiver to allow turnaround to have a pavement diameter of 102 feet and property diameter of 120 feet. Fred Hamwey said the ZBA should request response from Fire Department. The Fire Department is confident with the design now.
3. Section 301:10.C (1): Dead End Streets: Request waiver to allow dead end street for collector road. Jeanne Rich, Sarah Gulliver and Robert Baylis said they weren't in favor of this. Fred Hamwey said this waiver is for subdivision homes. It doesn't apply to the apartments.
4. Section 301:10.D (1): Width: Request waiver to allow 40 foot right of way and 22 foot pavement width. Fred Hamwey said the ZBA should request input from the Fire Department.
5. Section 301.13F. (1): Monuments: Request waiver to install iron Rods w/survey caps at each lot corner along the street and as necessary to locate any easements. Fred Hamwey wants the Board to require the bounds.
6. Section 301.10.L: Berms & Curbs: Request waiver to allow Modified Cape Cod berm.-Chairman Mayo said Fred Hamwey doesn't believe this request is necessary. He said he doesn't think it's a real issue.

Zoning waivers

1. Section 220.14: Lot shape: Variance for lot shape requirement. Fred Hamwey said this variance is not applicable. The square lot meets the criteria. The waiver might not be needed.
2. Section 220-10.A. (3): Lot Dimensions: Jeanne Rich said you should keep with the character of the area. Should keep with 20-25 sf wide / 125' frontage preferable.
3. Section 222.11: Yard Dimensions: Chairman Mayo said should review similar situations. Follow along with previous decisions.
4. Section 225:-54 Building Permits: Request waiver of payment of any fees associated with the building permit fees for the affordable units. The Board was not in favor of this.
5. Section 225:55 Occupancy Permits: Request waiver of payment of any fees associated with Occupancy permits for the affordable units. The Board was not in favor of this.

Parking

1. Section 220-22.C: Request waiver to allow parking space dimensions to be 9 feet wide by 18 feet depth. Dimensions – Chairman Mayo said he will follow recommendations of the consultants.

Lancaster Sewer District

1. Lancaster Sewer District Full Amended Legislation: Request waiver of payment of any fees associated with any sewer connection, extension or any related fee for service required for the affordable units.

Lancaster Water District

1. Lancaster Water Division: Request waiver of payment of any fees associated with any water connection, extension or any related fee for service required for the affordable units.no

Paul Haverty said the position of this Board on certain waivers might make it necessary to look at reconsidering the development and go back to condos to make it more economic. This would eliminate issues with lot sizes and subdivision standards.

Traffic

Jeffrey Dirk, VAI Town's traffic consultant said based on their review of supplemental information, they are generally satisfied that the applicant has addressed their comments regarding the June 2018 TIAS. The Applicant has demonstrated that the transportation infrastructure affords sufficient capacity to accommodate the increase in traffic that the project represents. He said they continue to suggest that the applicant commit to: installing or providing monies to the Town for the construction of a sidewalk along Sterling Road and assist the Town in advancing improvements at the Sterling Road/Deershorn Road intersection. The majority of their comments pertaining to the site plans remains outstanding and should be addressed in order to demonstrate that the project is designed to function in a safe and efficient manner. Written responses to the comments should be provided so that we can continue our review of the Project on behalf of the town.

Dean Harrison said they are going back to the original plans of 120 apartments. Single family side is down to 62. Can't agree to any mitigation now until everyone is on the same page of what they want. They wanted to make clear some of the waivers asked for are for the affordable units. He said they are willing to work with the Board and the community.

At the next meeting, the Board will review the following:

- Fred Hamwey review
- Traffic mitigation review
- Architecture review
- Water and sewer

Public Comments:

The following concerns/questions were expressed by residents:

- Ken Rapoza-apartment egress and water capacity
- Victoria Petracca-sewer not resolved, scale & density of site, wetland disturbance, traffic, Lancaster Historical Commissions request for Project Notification Form on site.

- Joann MacLaughlin, 21 Poulin Drive-police, traffic concerns on counts, parking spaces, and bus stops on Sterling Road.
- Richard Trustle, Burbank Lane-wanted to know cost of the proposed project

At 10:43 PM Jeanne Rich made a motion to continue the public hearing until October 25, 2018. Sarah Gulliver seconded the motion. No discussion. VOTE: 5-0-0.

General Business:

Minutes

The Board tabled the minutes of August 23, 2018.

Correspondence

The Board reviewed the correspondence folder.

At 10:45PM David Stadtherr made a motion to adjourn. Robert Baylis seconded the motion. No discussion. VOTE: 5-0-0.

Respectfully submitted,

Debra Dennis, Office Manager