

TOWN OF LANCASTER
BOARD OF APPEALS
Remote Meeting Via Zoom
February 24, 2022

Present: Chair Jeanne Rich, Matt Mayo, Frank Sullivan (arrived late), David Stadtherr, Rob Alix,

Absent: Ryan Aldrich

Staff Present: Debra Dennis, Planning & Community Development and Jasmin Farinacci, Planning Director

List of Documents:

- Agenda- February 24, 2022
- Minutes: December 23, 2021
- Application for Special Permit-629 George Hill Road
- Administrative Appeal of Building Inspectors Decision-137 George Hill Road
- Email from Cara Sanford dated 2/17/2022
- Email from Dean Hamilton dated 2/14/2022

There being a quorum present, Chair Jeanne Rich called the meeting to order at 7:11 PM.

Roll Call Attendance: Matt Mayo here, Rob Alix here, David Stadtherr here, and Jeanne Rich here.

Public Hearing Continued: Kalon Farms, Inc. (applicant) for a Special Permits to allow the applicant to have larger events (mud races, artisan festivals, fairs, etc.) periodically, pursuant 220-8.3.D. of the Town of Lancaster Zoning Bylaws. The site is located in the Residential Zoning District at 339 Seven Bridge Road, Lancaster, MA, and is identified on Assessor's Map 30 as Parcel 128.

Voting Members: Matt Mayo, Rob Alix, David Stadtherr absent, Frank Sullivan, and Jeanne Rich.

Chair Rich said at the end of the last meeting we closed the public hearing. Chair Rich asked Jasmin Farinacci, Planning Director if she had anything to report or tell the Board.

Jasmin Farinacci said the Board should be extremely cautious with this if in conditioning it that you work it in a way that it can also meet the health requirements for porta potties on the site. She said once the Board has conditions, she said it would be advisable to send to town council for review if the Board approves the Special Permit.

Rob Alix said he was thinking in terms of conditions to limiting it to the same type and size events from 2019. He said with an approval by the Select Board of each event. Having a traffic plan reviewed by the Chief of Police. Another condition is limiting the number of people. He said he is concerned about the noise in a residential area. Limiting the entertainment to eight o'clock at night.

David Stadtherr said he thought eight o'clock is on the early side.

Matt Mayo said we would have to look at the noise bylaws.

Chair Rich said she looked at the bylaw and it says to permit things in a predominantly natural setting and then she looked at what the applicant wants to do. In some of the things are predominantly natural setting but questioned what a food truck festival has got to do with a natural setting.

Frank Sullivan joined the meeting at 7:08pm.

Chair Rich updated Frank Sullivan on what they have discussed so far. She said she would like to see approvals through the Board of Selectmen for any function and a traffic detail plan go to the Chief of Police.

Chair Rich said she would like to tie in the key partners into this because she is not sure that Kalon is running these functions, she thinks he rents out the land to these other entities.

Chair Rich went over the previously potential commented conditions. She said if the Board approves this, they should work with the Building Inspector on the disturbance control bylaw and have an acoustical engineer measure the sound prior to an event. She said this special permit if approved should go with the landowner and laps if he sells the property. All licenses need to be approved by the Select Board prior to any event. All events need approval by the Board of Health, the Select Board, Police Department, Fire Department, and the Building Inspector. The property should not be used for any type of commercial parking facility. Limit it to seven events per year that hold more than one thousand guests, and any event with more than three hundred people the police and fire personnel should be involved in onsite.

Chair Rich said she is concerned with the access and egress since there is only one way in and out. She said she would like to see an end in and out in the event that something was to happen, so the fire apparatus and or ambulance can to in or out. She agreed with limiting it to seven events per year and that they are not taking place during the same time as the Bolton Fair or any major soccer tournaments in North Lancaster because of the number of vehicles on the roads.

Chair Rich said she thinks it makes more sense to look at the area and rezone the area so that everything would be in compliance. She said she worries about what it does to other pieces of property in residential neighborhoods.

Rob Alix said he understands that we have to be consistent.

The Board members discussed the Bolton Fair and what conditions they have. Chair Rich said the fair she thinks requires a permit from the Select Board.

Chair Rich said it sounds like the Board may want to continue this until the next meeting so a little bit of homework and research can be done.

Rob Alix made a motion to continue the until the next meeting. Matt Mayo seconded the motion. No discussion. Roll Call Vote: Rob Alix yes, Matt Mayo yes, David Stadtherr yes, Frank Sullivan yes, and Jeanne Rich yes.

7:00PM-Public Hearing-Melinda Jones (applicant/owner) and Simon Griege and Nicole Jones Griege (owners) 629 George Hill Road for a Special Permit to utilize an existing barn as an accessory dwelling unit Section 220-8.1-AB.

Present: Melinda Jones, Simon Green and Nicole Jones, Owners and Applicants and Tim Hess, Principal Architect Studio335

Chair Rich read the public hearing into the record thereby convening the public hearing.

Voting Members: Matt Mayo, Rob Alix, David Stadtherr, Frank Sullivan, and Jeanne Rich.

Tim Hess shared the plans via zoom with the Board and attendees. He said the main house is 6100 square feet. It is older than five years. The building is not attached to the main house.

Chair Rich asked how many bedrooms are in the house? Nicole Jones-Greige said five and proposing one in the barn.

Tim Hess said our understanding is that town's sewer is approaches the parcel quite near so as we consider the project there is a possibility to tap into the town sewer. An alternative is to add a separate septic to serve only the barn structure or expand the existing septic that serves the existing house. The proposed accessory apartment would be 1,193 square feet. There will be no more than two occupants.

Chair Rich said one of the issues we have to resolve is when it is not on town sewer, we need to determine from the Board of Health that the septic system is adequate for the anticipated number of inhabitants.

John Farnsworth, Board of Health member said there isn't anything before the Board at this time. The existing works for that house, I believe, is five bedrooms so to use the current system you probably would end up with a five-bedroom deed restriction. Chair Rich asked him if putting two septic systems on the same lot so they could have one for the barn and then one for the five-bedroom house is allowed. John Farnsworth said he did not think so. He said the Board would have to see and make sure it was code compliance.

Chair Rich read the two emails received from Cara Sanford and Dean Hamilton into the record. Jeanne: I mean, I think we could condition it did it meets all the approvals of the board of health of the light caster sewer Commission, but I know, in the past when we have done accessory apartment, we have done the deed restriction for the number of bedrooms so.

Jasmin Farinacci, Planning Director said she believes that the safest way to do it is to say approve with up to six bedrooms, with the support, as long as the supporting septic or sewerage is accompanied by that bedroom. This decision does not exempt them from Board of Health regulations or however you think phrasing it would best support your decision without letting them get that six bedroom without the Board of Health approval.

John Farnsworth said he cannot speak for the Board but thinks if you have a caveat, it that they need to comply with all the health regulations I would think they would be in good shape.

Dave Stadtherr made a motion to close the hearing. Matt Mayo seconded the motion. No discussion. Roll Call Vote: David Stadtherr yes, Matt Mayo yes, Rob Alix yes, Frank Sullivan yes, and Jeanne Rich yes.

Rob Alix made a motion to approve the accessory apartment based on the approval for the septic by the Board of Health or Sewer Commission. David Stadtherr seconded the motion. Rob Alix

amended his motion to say no more the six bedrooms. Matt Mayo seconded. No discussion. Roll Call Vote: Rob Alix yes, Matt Mayo yes, David Stadtherr yes, Frank Sullivan yes, and Jeanne Rich yes.

7:05PM-Public Hearing-Administrative Appeal of the Building Inspector's decision filed by property owner 137 George Hill, LLC for use of a previous four-family home at 137 George Hill Road, further identified as Assessor's Map 37, Lot 161X.

Present: Brian Foley, Attorney representing the owners of the property and Abner Mena, one of the principles of 137 George Hill LLC.

Chair Rich read the public hearing notice into the record thereby convening the public hearing.

Voting Members: Matt Mayo, Rob Alix, David Stadtherr, and Jeanne Rich.

Brian Gingras, Building Inspector gave an overview of the denial. He said in determining the legal use of the property. In 2002 it was inspected as four units. They did not continue to maintain the certificates after that date. There is no evidence of any inspection certificates after July 2007. The college ceased operations in 2011. 137 George Hill is vacant and has been vacant since February 2010. He said a nonconforming use shall be deemed to have been discontinued if it has been abandoned or not used for a period of two years.

Brian Foley said this one property is in need of repairs. Presently the property consists of one four-unit apartment building with eight bedrooms. The college has spent \$27,000 in upgrading a four-unit fire alarm system in this building which is tied directly into the station and national grid. The Sewer Commission approved a permit this year for the eight-bedroom sewer system with 880-gallon flow rate. He said he is asking to Board to grant the applicant relief under Mass General Law 40 section 8 and 15 whereby an administrative appeal may also be construed as a petition for a variance and under MGL 40 section 10 the Board is afforded the power, not only to reverse its determination, but to grant the relief in the form of a variance as to present zoning. He said they are asking the Board to look at the totality of the circumstances and they are asking the Board to look at the ongoing snow maintenance, and yard maintenance. He said the history of the property supports a finding that the property can continue to be used as a multi-family building.

Chair Rich said she agrees with the Building Inspector, it is clear that the building has been abandoned. She said this is an administrative appeal of the building inspector not a request for a variance. She said if the Board decides to uphold the Building Inspectors decision the applicant can apply for a variance.

Public Comments:

Matt Hannigan, 57 George Hill Road said she is against this. She said this would set a precedent for the entire area and neighborhood. The town came up with single family zoning for a good reason.

Henry Noel Jr. 37 George Hill Road agreed with Matt Hannigan's comments.

Rob Alix made a motion to close the hearing and David Stadtherr seconded the motion. No discussion. Roll Call Vote: Rob Alix yes, David Stadtherr yes, Matt Mayo yes, and Jeanne Rich yes.

Rob Alix made a motion to uphold the Building Inspectors decision and deny the administrative appeal and David Stadtherr seconded the motion. No discussion. Roll Call Vote: Rob Alix yes, Matt Mayo yes, David Stadtherr yes, and Jeanne Rich yes.

Jeanne Rich commented that the applicant could apply for variances and that if he does the Board said they would waive the fee, but they would have to pay for the mailing fees and newspaper fees.

Adjourn

David Stadtherr made a motion to adjourn. Matt Mayo seconded the motion. No discussion. Roll Call Vote: David Stadtherr yes, Matt Mayo yes, Rob Alix yes, and Jeanne Rich yes.

The meeting was adjourned at 9:01pm.

Respectfully submitted

Debra Dennis, Office Manager
Community Development & Planning