

TOWN OF LANCASTER  
BOARD OF APPEALS  
Remote Meeting Via Zoom  
December 23, 2021

Present: Chair Jeanne Rich, Matt Mayo, Frank Sullivan, David Stadtherr, Rob Alix, and Ryan Aldrich

Staff Present: Debra Dennis, Planning & Community Development

List of Documents:

- Agenda- December 23, 2021
- Minutes: October 28, 2021, and November 18, 2021

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

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

**Open: 7:00pm**

**Minutes**

Minutes- October 28, 2021-**David Stadtherr made a motion to approve and Frank Sullivan seconded the motion. No discussion. Roll Call Vote: Matt Mayo yes, Rob Alix yes, David Stadtherr yes, Frank Sullivan yes, Ryan Aldrich abstained (was not present) and Jeanne Rich yes.**

Minutes-November 18, 2021-**Frank Sullivan made a motion to approve, and David Stadtherr seconded the motion. No discussion. Roll Call Vote: Matt Mayo yes, Rob Alix yes, David Stadtherr yes, Frank Sullivan yes, Ryan Aldrich abstained, and Jeanne Rich abstained (both were not present).**

**Discussion**

**Ideas for Planner to work on-**Chair Rich said the new Planner starts January 3, 2022. She said she wants the Board to start looking at the bylaws and see which ones gives us a problem. The new Planner can rewrite bylaws/change zoning if needed. The Board should start thinking about where we see problems and issues and how she can help us.

**Public Hearing Continued:** Kalon Farms, Inc. (applicant) for a Special Permits to operate a brewery with outdoor service and consumption only as an accessory to the existing use of the property; an outdoor hospitality area is proposed to the west of the existing buildings on the property; the applicant proposes to have live entertainment three days/evenings of each week; the applicant also plans on having larger events (mud races,

artisan festivals, fairs, etc.) periodically, pursuant to 220-8.2.C and 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.

*Present: Keith Kopley, owner*

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

Chair Rich read the public hearing notice. The traffic study review has been done and sent to the Board. Matt Mayo asked to inquire effects propagate down to 110 and 117. He said he received a response back and her opinion stated the Bolton Fair is three times the size. He said the traffic study reviewer said she does not see any problem.

Chair Rich said if we do approve one or both special permits a police detail should be a requirement. She asked the members if they are ready to close the hearing and vote or would like to talk about them more. Frank Sullivan asked if the Police Department was ok with this. Chair Rich said Chief Moody sent an email and he said he did not have a problem with it.

Chair Rich asked if there were any public comments and at this time there were none.

Chair Rich said we have two hearings one is for the mud races, artisan festivals and fairs. She said her feelings are to allow seven a year, licensed by the Board of Selectmen to hold events, she said she has a problem with the outdoor hospitality area with entertainment. Those two things are not permitted in a residential zone. You cannot ask for a special permit, they must request a variance or zoning change unless you can prove you grow/produce the majority of the products on the property which she felt has not been proven to the Board. She said we can approve the mud races, artisan festivals and fairs but they cannot have the outdoor hospitality and food service for those accessories if not permitted to begin with in that zone.

Chair Rich said the Board of Health had received an application awhile ago for an indoor eating area and brewery. She said what has been presented to the Board was outdoors only. Debra Dennis commented per a discussion by the Board of Health at their last meeting the food was going to be prepared there but consumed off site.

The Board members discussed the agricultural exemption concerning producing more than 50% of ingredients on site. Rob Alix said he wants to approve this. If we can get hard numbers, we could go ahead with the special permit for the outdoor hospitality. Matt Mayo said early on we were thinking we could condition this as long as your products are going to increase to be in the majority.

Rob Alix said if they produced more than 50% then it would make this special permit easier. Chair Rich said town counsel said we need to be comfortable with what he is producing/growing.

Keith Kopley said per Town Counsel you are making a decision if you approve the special permit or if we would have to prove the 40A section B which would make me exempt from the special permit. The special permit is what we have to move on at this time.

Rob Alix said he could do it by right if he proved he was a 40A. Chair Rich said if he is saying he is a farm we do not have a special permit to vote on because it is a by right use. The special permit he is applying for outdoor hospitality and entertainment states you must produce a majority of the products on site. If that cannot be proven, how can we give a special permit since it is not permitted in a residential zone. The only way to do something that is not permitted is to apply for a variance or do a zoning change.

Chair Rich said from day one she was upfront and talked to Mr. Kopley about rezoning. She said she does not believe the Board can grant legally a special permit for something that is not permitted in our zoning. Since you cannot prove the majority of products are grown on the property then it would have to be done by a zoning change or variance. Chair Rich said she does not have a problem issuing a special permit for the mud races and artisan fairs. The traffic study was done because she wanted input of impact of traffic going through route 117 and 70.

Keith Kopley said we need to look back at the videos and continue this. Rob Alix said we need to invite Town Counsel to the next meeting to discuss this. Chair Rich said we can ask him to attend and to guide us through this. She said we should think about conditions.

**Rob Alix made a motion to continue the two public hearings until January 27, 2022, and was seconded by David Stadtherr. No discussion. Roll Call Vote: Matt Mayo yes, Rob Alix yes, David Stadtherr yes, Frank Sullivan yes and Jeanne Rich yes.**

**Invoices-The Engineering Corp (TEC)- Rob Alix made a motion to pay TEC for the traffic study for Kalon Farms and Frank Sullivan seconded the motion. No discussion. Roll Call Vote: Matt Mayo yes, Rob Alix yes, David Stadtherr yes, Frank Sullivan yes, Ryan Aldrich yes and Jeanne Rich yes.**

**Other Business:** None

### **Adjourn**

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

The meeting was adjourned at 7:50 pm.

Respectfully submitted

Debra Dennis, Office Manager  
Community Development & Planning