



TOWN OF LINCOLN

MASSACHUSETTS

16 Lincoln Road, Lincoln, MA 01773

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Zoning Board of Appeals

Minutes

Thursday, June 13, 2019

Hearing

Members Present: Joel Freedman, Co-Chair, David Henken, Co-Chair, William Churchill, Kathy Shepard, David Summer, Eric Snyder, Tobias Brambrink and David Stifter.

NEW MATTERS:

Richard Jensen, 161 Concord Road, M/P 155-1-0. Request for renewal of a special permit for an accessory apartment. The board reviewed the renewal application and a brief discussion ensued.

No one in the audience appeared or spoke.

Action: Motion to approve an extension of the special permit for a period of seven (7) years expiring on June 13, 2026 was duly made and approved subject to the written decision on the same terms and conditions as the existing special permit. The motion was unanimously approved as follows: Joel Freedman – yea, David Henken – yea, William Churchill – yea, Kathy Shepard – yea, David Summer -yea and Eric Snyder – yea.

Richard Albert, 190 Bedford Road, M/P 114-4-0. Request for a special permit to construct a deck with pergola on a non-conforming lot.

The Applicant did not appear for this hearing, and the board, as a courtesy, voted to continue it to the July 11, 2019 hearing.

Action: Motion to continue the hearing until July 11, 2019 was duly made. The motion was unanimously approved as follows: Joel Freedman – yea, David Henken – yea, William Churchill – yea, Kathy Shepard – yea, David Summer -yea and Eric Snyder – yea.

170 South Great Road LLC, 170 South Great Road, M/P 172-27-0. Request for a special permit to sell used vehicles on the property. Daniello Jeha, Owner of the property appeared before the board to explain the request. He operates a gas station repair business and would like to extend the use to sell cars. The Board discussed that this property is being used as a gas station under a settlement agreement entered into by a previous owner and the Town in settlement of litigation in 2004. The board explained that he needs to operate under that judgement, under that use, and the Zoning Board does not have authority to alter the terms of a settlement agreement filed with the court. The Board suggested he contact a land use lawyer to look into the judgment.

Daniello Jeha withdrew his application.

Action: Motion to accept the withdrawal was duly made. The motion was unanimously approved as follows: Joel Freedman – yea, David Henken – yea, William Churchill – yea, Kathy Shepard – yea, David Summer -yea and Eric Snyder – yea.

CONTINUANCES:

9 Lewis Street Realty LLC, 9-11 Lewis Street, M/P 161-5-0. Request for a modification to a special permit to modify and uses in a B-2 zoning district, and to alter and improve the buildings located on the property. John Michaud, Architect with Michaud Design Associates and Dickran Babigian, Mayer Tree Service appeared before the board at this continuance hearing. A new site plan was reviewed by the board. The applicant clarified the large truck parking area, the mulch containers, the fence, the use of moving the old landscaping to new areas, the state idling law and the screening for the neighbors. The board then reviewed with the applicant each condition in the current special permit. The board requested revisions to the new site plan showing the location of the landscaping and the parking, the location of the mulch containers and a 40' setback for the parking of trucks.

Sarah Postlethwait, 7 Lewis Street appeared before the board and spoke of her concerns with the project.

Action: Motion to continue the hearing until July 11, 2019 was duly made. The motion was unanimously approved as follows: Joel Freedman – yea, David Henken – yea, William Churchill – yea, Kathy Shepard – yea, David Summer -yea and Eric Snyder – yea.

Ayr Muir, 1 Meadowbrook Road, M/P 172-25-0. Request for a special permit to demolish the existing garage and replace it with a new two-story garage with studio above. Mr. Muir appeared at the continuance hearing. The board reviewed the new drawings submitted and noted no changes to the vegetation and clarified the relationship between the garage and the house and the comparison of the new structure to the existing older structure. The board reminded the applicant the new studio cannot be used as an accessory apartment.

No one in the audience appeared or spoke.

Action: Motion to approve the special permit was duly made, subject to signing of a decision and the terms of that decision. The motion was unanimously approved as follows: Joel Freedman – yea, David Henken – yea, William Churchill – yea, Kathy Shepard – yea, David Summer -yea and Eric Snyder – yea.