



Town of Lancaster  
**Planning Board**  
 Lancaster, Massachusetts 01523



**SPECIAL PERMIT FOR DEVELOPMENT  
 UNDER THE INTEGRATED PLANNING OVERLAY DISTRICT (IPOD)  
 FINDINGS OF FACT AND DECISION**

**APPLICANT:** Harbor Classic Homes, LLC  
 493 Lancaster Street, Suite 1  
 Leominster, MA 01453

**OWNERS:** RHO, LTD  
 32 Sandy Pine Road  
 Templeton, MA 01468

**SITE AREA:**

A total of approximately 25.4 acres consisting of that certain parcel of land shown on Assessor's Map 004.0 as Parcel (Lot) 0009.0 (the "Site") more particularly described in a Quitclaim Deed dated February 2, 2010 and recorded in the Worcester District Registry of Deeds Book 45525, Page 246.

**INTEGRATED PLAN:**

The plan entitled "Proposed Residential Development 'Royal Estates' at 2038 Lunenburg Road (Map 004 Parcel 0009.0), Lancaster, Massachusetts 01523, Worcester County, December 26, 2019," prepared by New England Engineering, LLC 601 Shea Street, Fitchburg, MA 01420 and J. M. Grenier Associates, Inc. 787 Hartford Turnpike, Shrewsbury, MA 01545, dated December 26, 2019, with revisions on February 4, 2020, April 3, 2020, April 21, 2020 and May 7, 2020, including a Definitive Subdivision Plan and Site Development Plan (the "Integrated Plan").

**Procedural Background**

1. A Special Permit Application to develop under § 220-8.7 of the Lancaster Zoning Bylaw, Integrated Planning Overlay District (IPOD) was made by the Applicant and Owners and filed with the Lancaster Planning Board (the "Planning Board") on September 30, 2019.
2. The Special Permit Application was accompanied by a Project Narrative prepared for Harbor Classic Homes, LLC by David King of RE/MAX Patriot Realty of 55 Mead Street, Leominster, MA and an Integrated Plan as specified in Section 220-8.7 entitled "Proposed Residential Development 'Royal Estates', 2038 Lunenburg Road (Map 004 Parcel 0009.0) Lancaster, Massachusetts, Worcester County" prepared by New England Engineering, LLC and dated October 3, 2019;

*Dianna M. Gordon*

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and a lighting plan dated May 27, 2020 by My LED Lighting Guide with attached luminaire schedule.

3. It was ordered by the Board that notices of a public hearing to be held on October 28, 2019 be sent to the individuals listed on the Town of Lancaster Certified Abutter's list for the property.
4. On October 11, 2019 and October 18, 2019, notice of the hearing was duly advertised in The Item.
5. A public hearing on the Special Permit application was held on October 28, 2019 and continued on December 9, 2019, January 13, 2020, February 10, 2020, February 24, 2020, March 9, 2020, April 13, 2020, April 27, 2020, May 11, 2020 and June 8, 2020.
6. A Motion to Approve the Special Permit was made on June 8, 2020 and seconded with five (5) votes in favor and none opposed and passed by a supermajority of 5 affirmative votes; the Motion to Approve the Special Permit was granted.
7. Present for all hearings were Planning Board members Philip Lawler, Chair, Jeanne Rich, Vice Chair, Russell Williston, Clerk, Thomas Christopher, and Carol Jackson.

**Findings**

1. On October 28, 2019, the hearing was called to order by Philip Lawler, Chair. Present for the hearing were Philip Lawler, Jeanne Rich, Thomas Christopher, Russell Williston and Carol Jackson.
2. RHO, Ltd. is the owner of the Site Area and Harbor Classic Homes, LLC is the applicant.
3. The parcel of land located at 2038 Lunenburg Road contains approximately 25.4 acres and is shown on Assessors' Map 004 as Parcel 0009.0 (the "Premises").
4. The Premises is located in part in the Enterprise District and in part in the Residential District, and is located in its entirety in the Integrated Planning Overlay District 1 (IPOD 1).
5. The petitioner seeks a Special Permit pursuant to Section 220-8.7 of the Lancaster Zoning Bylaw for approval of an Integrated Plan.

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6. § 220-8.7(B)(1) of the Zoning Bylaws of the Town of Lancaster (the "Bylaws") allows development of a site by Special Permit Approval of an Integrated Plan by the Planning Board. This section states that the Planning Board must find that there is no material impact to the neighborhood.
7. § 220-8.7(B)(3) of the Bylaws requires the minimum site area of an integrated plan shall be 10 acres.
8. § 220-8.7(B)(5) of the Bylaws allows any use allowed by right in at least one of the underlying districts to be located at any location within the Integrated Plan.
9. The uses shown on the Integrated Plan (Commercial Office (Lot 24) and single-family residential (Lots 1-23) are allowed by right or by special permit in the Enterprise District or the Residential District and thus are allowed by right or special permit, as the case may be, at any location within the Site.
10. § 220-8.7(B)(6) of the Bylaws requires residential uses comprise not less than 25% and not more than 75% of the gross floor area planned within any Integrated Plan.
11. § 220-8.7(B)(7) of the Bylaws requires that not less than 20% of the land area of the Integrated Plan be open space that meets the requirements of § 220-15C of the Bylaws.
12. The petition, as amended, seeks to construct twenty-three (23) single-family residential dwellings and one office building with sixty-five parking spaces.
13. The Integrated Plan showed Open Space Parcel A and Open Space Parcel B having a combined Area of 221,285 square feet.
14. Harbor Classic Homes, LLC proposes to convey the Open Space Parcels as described above to a Homeowners Association to be established in accordance with the Open Space requirements of the IPOD Bylaw § 220-8.7(B)(7).
15. The board received and credited testimony from the applicant that the Open Space Parcels will meet the requirements of § 220-15(C) and constitute more than 20% of the land area of the Site.
16. Under the IPOD zoning bylaw, there is no minimum lot area requirement for nonresidential uses and other dimensional standards shall be as provided in the approved Integrated Plan.
17. In accordance with the requirements of the IPOD zoning bylaw, the Board finds that the development of the Site as provided above and subject to the conditions set forth below will have no material impact to the neighborhood.

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*Dianne M. Barber*

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18. The board based its decision upon the following approval criteria referenced in § 220-8.7.E(4):

- a. The consistency of the Integrated Plan and Report with the intent and requirements;
- b. The degree to which the Integrated Plan furthers the policies articulated in the 2007 Lancaster Master Plan.
- c. The consistency of the Integrated Plan with the purposes stated at § 220-1 of the Lancaster Zoning Bylaw.
- d. The completeness and technical soundness of the Integrated Plan and Report.
- e. The degree of assurance that there will be compatibility of building design and siting with the existing vicinity through selection of building materials and colors, building scale and massing, fenestration, roof forms, and signage design.

**Decision**

At a meeting of the Board on June 8, 2020 Jeanne Rich made a motion to approve the requested Special Permit for an Integrated Plan pursuant to Section 220-8.7 of the Lancaster Zoning Bylaw with the conditions of approval noted by the Planning Director within staff review memo dated June 8, 2020, and with conditions of approval as noted within the engineering peer review memo dated June 5, 2020 by Fred Hamwey, Hamwey Engineering Inc. The motion was seconded by Thomas Christopher and the board voted 5-0 to approve the requested Special permit for an Integrated Plan.

The motion passed and the Special Permit is granted.

The Special Permit is approved with the following conditions of approval:

**Engineering:**

1. For the Commercial site, the light fixtures must be installed to ensure there is no light trespass onto any street or abutting lot;
2. The Applicant must submit an affidavit from a Professional Engineer confirming that the required sight lines are provided at the driveways and roadways after they are constructed and prior to the issuance of the first Certificate of Occupancy for the project;

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3. For the Commercial Site, all snow removal in excess of the storage area shown on the plan shall be removed from the site within 48 hours and properly disposed of;

Planning conditions:

4. The Board expressly adopts and incorporates herein all those specifications and requirements set forth on the Integrated Plan, including but not limited to those set forth on sheet 2 of said plan, except as they may conflict with the requirements of the Zoning Bylaws, the Subdivision Rules and Regulations, and the further conditions of approval set forth herein and in the Board's approval of the Definitive Plan.
5. The conditions of the Certificate of Approval of the Definitive Subdivision Plan submitted as part of the Integrated Plan are hereby adopted and incorporated as conditions of this special permit by reference. Any substantial deviation from the approved plan shall require an amendment to this special permit approved by the Planning Board and subject to a Public Hearing.
6. The Lighting Plan submitted pursuant to e-mail of 6/4/20 is hereby expressly adopted and incorporated as conditions of this special permit.
7. The Stormwater Management Plan submitted by the petitioner as part of the special permit application, including, but not limited to Section 2.0: General Stormwater Maintenance Program, and Section 3.0: EPA NPDES, including all forms and reports, are hereby expressly adopted and incorporated as conditions of this special permit.
8. The open space depicted on the Integrated Plan shall be either deed restricted as conservation/open space or conveyed to the town.
9. Placement of homes on lots shall be staggered as to avoid visual repetition in home design and positioning.
10. The proposed commercial building shall be no more than 1-story and no more than 35 feet in height, and shall conform to the IPOD bylaws with respect to massing.
11. The proposed commercial building shall be limited to office-use only, or provide for a mix of retail and office which conforms to the 20 trips per acre requirement of the IPOD district;
12. Elevations and renderings of the proposed commercial building must be approved by the Planning Board prior to obtaining a building permit.

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13. A landscape plan depicting landscaping compliant with Section 220-37.1, except as otherwise set forth herein, must be submitted to and approved by the Planning Board prior to any work being conducted on the Site.
14. Trees must be at least 2 1/2 inches in caliper four feet above grade, be of a species common in the area, and be height of at least 12 feet. Shrubs must be at 36 inches in height, and be of a species common in the area.
15. At least four (4) non-invasive variety of tree species shall be used within the development.
16. All outstanding review fees shall be paid in full within two months of receiving Planning Board approval.
17. Additional funds in an amount determined by the Planning Board shall be placed in the Escrow Account to account for compliance inspections by the peer review engineer prior to work being conducted on the Site.
18. Two (2) of the twenty-three (23) units in the project shall be affordable to a household with income at or below 80% of area median income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Lancaster as determined annually by the U. S. Department of Housing and Urban Development (the "Affordable Units").
19. The Affordable Units shall be made subject to an affordable housing restriction and/or a regulatory agreement in a form acceptable to the Board that contains limitations on use, resale and rents. The affordable housing restriction or regulatory agreement shall be enforceable under the provisions of G.L. c. 184 and consistent with any applicable guidelines issued by the Department of Housing and Community Development ("DHCD") so as to ensure that the Affordable Units shall remain affordable in perpetuity, or for the maximum period allowed by law, and that the Affordable Units shall be counted towards the Town's subsidized housing inventory. The affordable housing restriction or regulatory agreement, when approved by DHCD, shall be recorded with the Registry of Deeds or filed with the Land Court, as applicable.
20. The affordable units shall not be placed next to each other and shall be spread out within the development.
21. The affordable units shall be indistinguishable from the other single-family homes in all respects.

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22. No more than 2 homes shall be located adjacent to one another that are of the same architectural style.
23. One (1) affordable unit must be constructed for every eight (8) market rate units constructed, for up to two (2) affordable units.
24. Every driveway must have a pole-light fronting the property in lieu of providing streetlights.
25. Crushed stone shall be used for 2 of the open space parking lots located off the proposed road.
  - a. The spaces located within the commercial lot (Lot 24) may be paved.

Waivers Granted from the requirements of the Lancaster Zoning Bylaws:

1. Pursuant to §220-8.7.C(5), a waiver for the lot area of Lots 1 through 23 to be reduced from 2 acres or 87,120 square feet to the lot area and square feet as shown on the approved subdivision plan.
2. Pursuant to §220-8.7.C(8), a waiver for minimum frontage for all lots from 225 feet to the lengths shown on approved subdivision plan.
3. Pursuant to §220-8.7.C(8), a waiver for Front Yard setback for Lot 24 to not less than 40 feet from 100 feet.
4. Pursuant to §220-8.7.C(8), a waiver for Side and Rear Yard setbacks for Lot 24 to not less than 20 feet from 100 feet.
5. Pursuant to §220-38.1.C(2), a waiver for parking on Lot 24 to face Lunenburg Road and the proposed subdivision roadway at less than 20 feet.

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A handwritten signature in cursive script, likely belonging to the Town Clerk, is written over the printed name.

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**Record of Vote**

The following Planning Board members voted in favor of granting the Special Permit:

*James B. B. B.*

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\_\_\_\_\_

Date: \_\_\_\_\_

Filed with the Lancaster Town Clerk on: Aug 3, 2020

*William M. B. B.*  
Lancaster Town Clerk



A TRUE COPY ATTEST:

*Deanne M. B. B.*

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