



January 24, 2019

BY HAND

Lancaster Zoning Board of Appeals
Prescott Building
701 Main Street, Suite 4
Lancaster, MA 01523

Re: Goodridge Brook Estates, Lancaster, MA

Dear Members of the Zoning Board:

This firm represents neighbors and abutters to the above-referenced Chapter 40B proposal on vacant land off of Sterling Road (Parcel 34B on Assessor's Map 41) in Lancaster, Massachusetts (the "Project" and "Project Site"). As of December 27, 2018, the Project consists of a rental component (96 units) and a homeownership component (56 units). At the last Board hearing on November 29, 2018, the Board and the Neighbors highlighted a number of outstanding planning, safety and environmental issues that have not been addressed by the applicant, Crescent Builders, Inc. ("Applicant"). The Board's next hearing, scheduled for December, did not occur due to a lack of quorum. The Applicant submitted revised plans on December 27, 2018, which eliminated several of the single-family homes and shrunk the size of the three proposed apartment building.

While these changes are small steps in the right direction, what is needed is a giant leap given the extraordinary impacts this Project will have on the environment, Lancaster's utility systems, and on public health and safety given its location surrounded by industrial uses in one of the Town's limited industrial zoning districts.

A. Environmental Impacts

This firm and the Neighbors retained Patrick Garner, an accomplished wetland scientist and hydrologist and a leader in his field, to review the environmental impacts presented by this Project. We urge you to read Mr. Garner's lengthy, but comprehensive, evaluation of the Project, and deny the requested waivers from the Town's Wetlands Bylaw, and the requirement for an environmental impact report found in the Town's Subdivision Rules and Regulations.

Specifically, Mr. Garner has observed that the Project would encroach within the 25-foot protected upland buffer to wetland resource areas on the following lots: 1, 32, 33, 34, 35, 36, 37, 38 and 42. The upland areas immediately adjacent to wetlands is vitally important to the fragile

wetland ecosystem, especially where there is likely to be rare or state-protected species that depend on upland for habitat. Mr. Garner noted that there are known endangered species within 200 feet of the Project Site.

The “environmental analysis” required under Section 301-8(d) would assist the Board (and the Conservation Commission) to evaluate whether the 25-foot buffer requirement in the Bylaw should be waived in this instance. The report that the Applicant must file would analyze whether and to what extent this buffer is utilized by rare species, whether vernal pools exist on the Site (as they do nearby) and whether the placement of stormwater detention basins right up against the edge of wetlands, as proposed here, would negatively impact the health of the wetland system. Extreme development of upland areas that naturally drain into adjacent wetlands inevitably affects the hydrology of the wetlands, often decreasing, or increasing, the flow of water into a wetland, and consequently throwing the ecosystem off balance.

Further, urban stormwater runoff (i.e, from roads and parking lots) can result in water temperature changes, and typically contains pollutants such as herbicides and pesticides, vehicular heavy metals, hydrocarbons and brake dust. Mr. Garner opined that the Project, as designed, does not filter out any of these pollutants, and as such, because the basins dump out directly into the wetlands, these pollutants would enter the wetland system including the stream (or streams) that flow southerly into a perennial coldwater stream (Goodridge Brook), which itself then flows into the Nashua River, an “impaired river” under the federal Clean Water Act.

It is critical for any permitting authority to be armed with the best available information, especially when making important decisions like whether to waive environmental protection provisions in bylaws and regulations. **We strongly urge the Board to deny the requested waiver from Section 301-8(d) of the Subdivision Rules and Regulations, and require the Applicant to undertake the “environmental analysis” while this public hearing remains open, to enable the Board to make educated decisions on the waiver requests.**

B. Compatibility With Adjacent Industrial Uses

The Project Site is bordered on the north and west by land zoned, and used, for industrial purposes. Abutting the Site to the west is the Bestway Lumber processing facility. By its nature, this facility creates noise, dust and other emissions, and constant heavy truck traffic that is inherently incompatible with quiet residential uses. The Bestway facility uses toxic chemicals as part of its operation, and stores those chemicals on site. As such, the facility is classified as a “Tier II” site by the Environmental Protection Agency (“EPA”) and the state Department of Environmental Protection (DEP), requiring regular monitoring and reporting to protect the environment and public health.

Across Sterling Road from the Project Site are two other industrial manufacturing facilities, James Monroe Wire and Cable, and Steel-It. Steel-It manufactures industrial paint coatings and Monroe manufactures electronic and electrical wire and cable products from its 100,000 square-foot facility. These facilities also generate constant heavy truck traffic on

Sterling Road, and use and store toxic chemicals on site.

The fundamental purpose of zoning is to segregate these types of uses so that they do not interfere with other uses, such as residential or commercial retail. The goal is not to eliminate noisome uses, since industrial manufacturing plays a vital role in our local economy (and of course, our quality of life). The managers and officers of these neighboring companies will explain to the Board that a large-scale residential project so close to their facilities threatens the viability of their operations. That, in turn, threatens the economic health of the Town of Lancaster, as the Town relies on the property tax income from profitable land owners. Undoubtedly, these businesses employ Lancaster residents, and others who may frequent Lancaster retail establishments. We know that Steel-It is contemplating an expansion here in Lancaster. A project like this could cause the business to re-think its plans, and could drive away the other companies as well.

We urge the Board to carefully consider the impact of this 152-unit project on the Town's economy, and the whether there are sufficient measures to completely protect the Project's future residents, especially children, from air pollution, noise pollution, and truck traffic that is common to large-scale industrial facilities, including those mentioned above that were here on Sterling Road well before this Project was conceived.

C. Other Civil Site Design Issues

1. *Water Pressure and Capacity*

We remain concerned with the fact that the Board is receiving and relying on advice concerning the adequacy of the Town's water infrastructure from an individual who apparently is under contract with the Town to provide water consulting services, and who is also a regular member of the Board (Scott Miller). My clients have expressed concern with the findings made in the Miller Report dated November 3, 2018, including the downplaying of the significance of the fact that the Town's water consumption has regularly exceeded the water withdrawal limit over the last 7 years, which this Project will only make worse. **We urge the Board to retain a third party water consulting firm to provide independent advice on this important issue.**

Your consulting engineer, Fred Hamwey, has requested the Applicant to undertake or pay for a water pressure analysis. However, the Applicant has refused to comply until after a permit has been issued. This response is antithetical to the Board's statutory obligation to evaluate all "local concerns" during its public hearing, in order to render a decision that balances these local concerns with the regional need for affordable housing. G.L. c. 40B, s. 20.

2. *Roadway Layout*

We understand that site plans have been modified to increase the pavement width to 24 feet. While this is an improvement, our concern remains that the entire roadway network may be too narrow or tight to accommodate the Town's largest emergency vehicles, not to mention other

large commercial vehicles and delivery trucks that are ubiquitous in our lives today. **The Board should ask its peer review engineer to perform an “Autoturn” analysis of the internal roadways**, through which the engineer uses a commonly available software program to simulate a truck’s travelled route through the Project. This exercise would inform whether trucks will be able to navigate the roads and cul-de-sacs without crossing the centerline (into oncoming traffic) or leaving the paved surface. The State Fire Code, §18.2.3.4.8 prohibits “[t]he use of the opposite travel lane [] ... in the design of all new fire apparatus access roads.”).

Contrary to the Applicant’s response (dated December 29, 2018), it is inappropriate to defer these questions to the Fire Chief, as this concern affects not just fire protection equipment, but all vehicles, and the Fire Chief is probably not a civil engineer who has access or experience with the Autoturn software program. Moreover, several waivers concerning this issue have been requested (i.e., centerline radius, cul-de-sac diameter), and therefore the Board needs to know, definitively, whether grating these waivers will present any conflicts.

3. *Stormwater Management*

The Neighbors’ hydrologist, Patrick Garner, noted that the Applicant drainage plans do not account for all of the runoff that enters the Site under existing conditions. For all projects like this, a developer must determine the “watershed” area that contributes runoff to the Site, and then account for that runoff in its plans to manage water on the Site. Mr. Garner opined that the Applicant’s plans do not account for known runoff from the Bestway property. Mr. Garner observed erosion and scouring at the property lines, evidence that water runs onto the Site from Bestway. Relatedly, Mr. Garner observed that Bestway operates a wood-kiln situated just 20 – 30 feet from the Project. The kiln generates surface water releases upgradient from the Project, and therefore could impact the Project Site’s hydrology. **All drainage calculation must be re-run to reflect the accurate watershed area and associated water quantities, since this has a material impact on how the drainage basins and pipes are sized.** If basins and pipes are not sized correctly, the system will be overwhelmed and will flood the Site and potentially Sterling Road and abutting residential properties.

Thank you for your attention to this matter.

Very truly yours,

/s/

Daniel C. Hill

cc: Lancaster Board of Selectmen
Adam Costa, Esq.
Paul Haverty, Esq.
Clients