



Town of Lancaster
Board of Appeals
Lancaster, Massachusetts 01523

Memorandum

To: Jeanne Rich, Chair – Board of Appeals

From: Michael Antonellis, Director of Community Development & Planning

CC: Board of Appeals Members

Date: revised May 28, 2019

Re: Comprehensive Plan: 0 Sterling Road

Application - Comprehensive Permit

Petitioner: Crescent Builders, Inc.

Address: 0 Sterling Road (MBL 041.0-0000-0034.A)

Scheduled Meeting Date: May 30, 2019

Project Summary

The applicant seeks to construct two, connected, multi family structures with a total of 96 units. The proposed multi-family, apartment, buildings are 3-4 stories tall with a total of 197 parking spaces. The petitioner also proposes 56 single family detached homes. The project will be served by 3 separate roads. The applicant has applied under the Comprehensive Permit, 40B, provision to allow all approvals through the Board of Appeals.

Update:

- Since the last meeting the applicant has met with staff during a working session and has shown a reduction in the height and stories without compromising density of the proposed multi-family. The applicant has also proposed a boulevard-style driveway serving the apartment units. The applicant has also altered their parking lot somewhat, instead proposing to immediately construct the proposed future lot and eliminating the other portion of the lot closer to Bestway.
- VAI (traffic peer review) has provided an updated peer review memo which details the changes that have been made since the last correspondence.
- A balloon test was performed April 12, 2019. Staff, Michael Antonellis, performed a site visit on the surrounding roads of Clinton Road, Sterling Road and Deershorn Roads and could not see the balloons from the street. The applicant has provided pictures of the balloons in the field which show the balloons were within the tree-line just below the canopy, suggesting that it would be difficult for any observer to see the balloons from the public way.
- CEI has completed the Environmental Analysis Peer Review and has indicated that vernal pool determination is inconclusive. The suggested course is for the board to empower CEI to contact NHESP for official determination of vernal pool status.

Updated since 4/25/19 meeting:

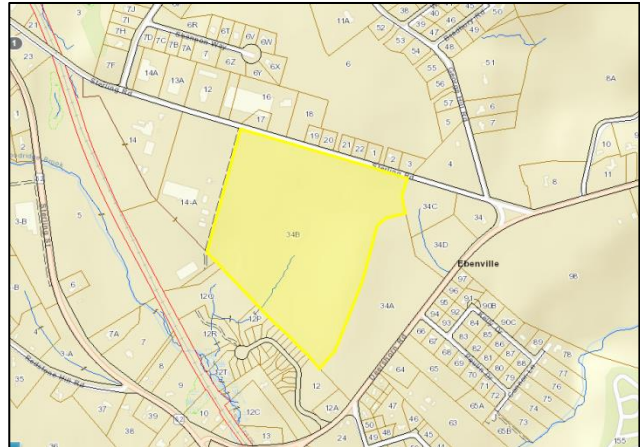
- The applicant provided a boulevard style median strip on the driveway for the multi-family site.
- Reconfigured the parking for the multi-family use to incorporate the “proposed future parking” from the previous plan and to move the fire truck turning circle to the end of the parking rather than in the middle.
- The applicant provided updated stormwater calculations as a result of the parking changes.

Project Location

Aerial Photo



Map



Property Photos



Project Comparison Analysis – For Single Family Lots

As requested by the board 2/28/19

Jones Crossing

<i>Area (square feet)</i>		<i>Frontage (feet)</i>	
Average	9,446.47	Average	45.24
Median	6624.50	Median	43.58
Mode	N/A	Mode	30.00
Minimum	5056.00	Minimum	25.00
Maximum	4,6274.00	Maximum	103.12
No. of lots	32.00	No. of lots	32.00

Eagle Ridge

Average	26,240.77	Average	113.71
Median	20,833.00	Median	100.00
Mode	20,000.00	Mode	100.00
Minimum	14,000.00	Minimum	70.00
Maximum	86,289.00	Maximum	564.37
No. of lots	131.00	No. of lots	131.00

Goodridge Estates

Average	10,213.63	Average	88.18
Median	10,098.50	Median	80.00
Mode	8,400.00	Mode	80.00
Minimum	8,040.00	Minimum	50.00
Maximum	19994.00	Maximum	186.39
No. of lots	56.00	No. of lots	56.00

Staff Recommendation

Staff recommends addressing the submitted list of requested waivers from the applicant as well as the noted waivers within the Engineering Review from HEI before rendering a decision.

If approved, staff recommends the following conditions of approval:

(The board may choose to modify, remove, or add conditions)

--Begins on next page--

1. The Development shall be limited to 56 single-family homes and 96 apartment units. All of the apartment dwelling units shall have three bedrooms or less. Deeds for each of the homes shall contain a restriction, submitted to the Board for approval as to form by legal counsel prior to the sale of any unit, establishing this restriction.
2. Prior to the issuance of any certificate of occupancy, the Applicant shall enter into a Monitoring Agreement, approved as to form by the Board's legal counsel. The Board shall notify the Building Commissioner, in writing, of such approval and provide to him or her copy of the Monitoring Agreement. Such Monitoring Agreement shall be consistent with the terms of this Decision and shall contain the following terms:
3. The Monitoring Agent shall be an entity acceptable to MassHousing, the Applicant, and the Board.
4. All costs associated with monitoring shall be borne by the Applicant, and, after the first round of sales, by the sellers of the Affordable Units.
5. All financial information submitted by the Applicant to the Monitoring Agent or other entity designated to perform the required cost certification after the first round of sales shall be provided by certified mail to the Board at the same time.
6. The final cost certification by the Monitoring Agent or other entity designated to perform that task shall be conducted in accordance with the provisions of the Regulatory Agreement, which shall be consistent with the regulatory agreement issued by MassHousing for comprehensive permit projects in which funding is provided through a non-governmental entity.
7. The Affordable Units shall not be segregated from the market rate units and should be interspersed within the development of both the single-family homes and apartment units. The Affordable Units shall not be substantially different in exterior appearance from the standard market rate units.
8. All necessary approvals shall be obtained from the Water Division.
9. All necessary approvals shall be obtained regarding Sewer connections and Inflow and Infiltration (I/I) with the appropriate entities in order to ensure that adequate service is available for both the project and properties that may be impacted.
10. Provide a six (6) copies of revised plans to the Department of Community Development and Planning prior to the issuance of a Building Permit showing the following:
 - a. Show type and size of water services to the south multi-family building;
 - b. Showing secondary emergency vehicle access to both the Multi-family apartment site as well as to Road A within the Single Family subdivision.
11. That all snow is stored in designated snow storage areas as shown on the approved plan and that any excess snow is trucked off site; or any snow stacked in excess of 6 feet high be trucked off site.
12. The project shall adhere to all laws and regulations applicable to noise and dust control including but not limited to regulations noted in 310 CMR 7.00.
13. That storage, public, or other non-dwelling, space explicitly excluded from dwelling units as noted on the submitted renderings and elevations not be converted to additional dwelling units within the apartment buildings at any point without approval from the Board of Appeals.
14. Substantial vegetative buffer be maintained between the multi-family use and the site at 840 Sterling Road N/F Bestway of New England, Inc. as noted on plan sets dated revised through May 15, 2019.

15. That a 6 foot high privacy fence and associated berm grading be maintained along the property line with 840 Sterling Road, N/F Bestway of New England, Inc. as noted on plan sets dated revised through May 15, 2019.
16. The permittee, to the maximum extent possible, shall maintain as many existing trees as possible.
17. A conservation restriction in a form approved by Town Counsel shall be placed on Parcel A.
18. Parcel A shall be maintained by the applicant and not to be conveyed to the town. Town of Lancaster shall not have, now or ever, any legal responsibility for operation, maintenance, or ownership to Parcel A.
19. Plantings shall all be of an Asian Longhorned beetle and Emerald Ash Borer resistant variety.
20. Prior to filing with Conservation Commission under the Wetland Protection Act the applicant shall submit for Vernal Pool Certification to the MassWildlife's Natural Heritage and Endangered Special Program.
21. None of the units in the project shall be age restricted.
22. At least 25% of the units shall be maintained as affordable to households with incomes up to 80% of the median family income, adjusted for household size.
23. A performance bond shall be reviewed by the Engineering peer review consultant for the board. After review of the bond, the applicant and peer review consultant shall agree on an amount, which will then be submitted to the Town of Lancaster.
24. No occupancy permit shall be granted until a performance bond is accepted by the town.
25. Performance bonds shall be released by the Board in accordance with the Subdivision Rules and Regulations of the Planning Board.
26. Parking shall be allowed on one side only of all internal site roadways and the Applicant shall place appropriate signage at the entrance or at regular intervals within the Development so indicating. This condition shall be enforced by the Lancaster Police Department.
27. The building designs shall be limited to those last revised and submitted on file with the Planning and Community Development Office as of May 30, 2019.
28. Final hydrant locations must be approved by the Lancaster Fire Department.
29. If above-ground propane or fuel storage tanks are to be utilized they shall be enclosed and shielded from view.
30. Sidewalks and walkways shown on the plan shall be constructed of concrete, asphalt, pavers or other solid surface.
31. All proposed street lighting to adhere lighting restrictions within the zoning bylaw pursuant to maintaining dark-skies.
32. No construction shall be allowed on national holidays or Sundays. No construction shall occur between the hours of 5p.m. to 7 a.m.
33. That the following aspects of the Development shall be and shall remain forever private, and that the Town of Lancaster shall not have, now or ever, any legal responsibility for operation or maintenance of same:
 - a. Stormwater management facilities

- b. Snow plowing
 - c. Landscaping
 - d. Trash removal
 - e. Street lighting
 - f. Open space, conservation restricted areas.
34. The Applicant shall promptly pay the reasonable fee of the consulting engineer and the Board's legal counsel for review of the documents or plans described herein. The Board may require the establishment of an escrow account to assure such payment.
35. Inspections during the construction phase shall be conducted, at the expense of the Applicant, in accordance with the Rules and Regulations of the Planning Board. The Board of Appeals may appoint an agent to conduct such inspections. The Board may require the establishment of an escrow account to assure such payment.
36. The Applicant shall pay to the Town of Lancaster the sum of \$5,000.00 per market rate dwelling unit upon the issuance of each and every certificate of occupancy. The form of such payment shall be approved by the Board's legal counsel. The funds may be used for any purpose designated by the Board of Appeals.
37. Applicant shall pay all outstanding review charges of the Town's consulting professionals prior to plan endorsement.
38. Amendments to the approval will be required should changes be made to the approved plan regarding;
39. Substantial deviation found in As-Built Site Plan in comparison to the approved plans including but not limited to;
- a. Dimensions of buildings;
 - b. Height of buildings;
 - c. Building setbacks;
 - d. Substantial projections not protected by the zoning bylaw;
 - e. Substantial change to the landscaping plan;
 - f. Number of parking spaces;
 - g. Size and location of parking spaces;
 - h. Alteration of proposed sidewalks;
 - i. Change in location or size in the proposed recreation areas;
 - j. Increase in number of units;
 - k. Any other changes made in the field that the Building Commissioner / Zoning Enforcement Officer determines to be a substantial deviation from the approved plan;
40. Provided that the project is constructed in substantial accordance with all final revised plans on file with the Town of Lancaster and in accordance with all applicable governmental codes.

Additional Questions / Comments to the Applicant / Outstanding Issues

The board may use these comments at their discretion. If the board feels these have been answered to their satisfaction at a previous hearing then please move to a different question.

1. Please confirm all waivers that are being requested, including waivers from the wetlands protection bylaw. Specifically, is the application requesting a waiver from the 200 ft riverfront buffer?
2. Please confirm the dimensions of the proposed multifamily structures, as certain discrepancies are shown within the proposed floor plans.
3. Will stairs be external or internal for the multifamily structures?
4. Confirm the number of stories and number of units within each apartment building as the elevations submitted.
5. Please comment on the project's conceptual design and the applicant's opinion as to how it fits the general neighborhood and existing housing stock. Specifically regarding the size of the proposed multi-family buildings.
6. Has the applicant considered proposing any traffic calming techniques within any of the proposed roads, given that some portions are fairly long and straight? Please comment.
7. On Sheet 3 of 27 there is an "isolated wetland" noted approximately 60+ ft from the property line fronting Sterling Road. However, the proposed development shows construction of "Road A" which appears to overlap with the location of the isolated wetland. Will the applicant be replicating wetlands elsewhere on site? The applicant has received a letter from the Army Corps of Engineers describing the required permitting process regarding isolated wetlands.
8. The applicant should consider providing some sort of alternate emergency access on the sites. See conditions of approval.
9. The applicant will require a waiver from the 200 ft riverfront area regarding the intermittent stream.
10. Is it possible to incorporate raingarden plantings and design standards into the proposed detention basins as to increase their aesthetic appeal in a functional manner? Please comment.
11. Please comment on the existence of "Monitoring Wells" on the site, if any.
12. The applicant has shown "potential vernal pools" on the new plan set and is treating the identified area as such without formal certification from NHESP. The applicant may require another waiver from this provision regarding the 100 ft buffer from vernal pools, which is the same buffer as the "intermittent stream".
13. Please comment on the correspondence received by the board from the Lancaster Sewer District Commission dated May 24, 2019.

Waivers Requested

Refer to Engineering Letter dated April 17, 2019 by HEI, and list of waivers requested by the applicant.

As noted in Hamwey Engineering Review Letter – 7, dated May 28, 2019

Subdivision Rules and Regulations

1. Variance to reduce the diameter of the cul-de-sac. The required pavement diameter is 120' (design 102') and the required property line diameter is 160' (design 120').
2. Variance to allow a dead end street for collector streets.
3. Variance of the right of way & pavement widths (proposed 40' & 24'). The requirements for a minor street (Road B) are 50' & 24' and for a collector street (Road A) are 60' & 30'.
4. Variance to install iron rods at front lot corners and easements..
5. Variance for the centerline radii of Road "B" (150' required, 100' provided).

Zoning By-Laws

1. Variance of the lot area and frontage.
2. Variance of the yard setbacks.
3. Variance of the building height. 32' is allowed, approximately 57' is requested.

Wetland By-Laws

1. Waiver to alter land within the 25' no build/no alteration zone.
2. Waiver to alter land within to 200' Riverfront Zone.

Prior Approvals

- There is a previously approved Comprehensive Permit for this property. The approval was for single-family style homes only. There was no apartment style buildings with that approval.

Site Plan Requirements Checklist

The Planning Board shall review the materials submitted for completeness relative to the following plan requirements found in the Lancaster Zoning Bylaws Article X.

Requirement	Yes	No	N/A	Notes
<u>Site Plan Review Section 220-34</u>				
Plan drawn accurately and to scale	X			
Boundary lines	X			
Adjacent streets or ways	X			
Walkways	X			
Principal drives or service entries	X			
Parking	X			The applicant has stated that per experience with similar construction, 2 spaces per dwelling unit is more than adequate
Landscaping	X			The applicant has provided a landscape plan to the board.
Screening	X			
Recreation areas	X			
Utilities	X			Defer to Engineering.
Storm drainage	X			Defer to Engineering

Requirement	Yes	No	N/A	Notes
Projects creating more than 35,000 Cubic Feet of building volume or more than 25 parking spaces (Sec 220-34(D))				
Registered Architect	X			
Landscape architect		X		Applicant should request waiver from this provision
Professional engineer	X			

Review of Design Guidelines (Sec 220-35)

The following standards shall be used by the Planning Board / Board of Appeals in reviewing all applications for site plan review.

1. Provide adequate access to each structure for Fire and service equipment;

Defer to Fire Department comments.

2. Adequate provision for utilities;

Defer to Engineering comments.

3. Adequate provision for stormwater;

Defer to Engineering comments.

4. Adequate provision for drainage pursuant to Subdivision regulations (Sec 301);

The applicant has proposed 2 detention basins to serve the 3 proposed apartment buildings and 4 separate drainage basins to serve the remainder of the proposed house lots. The board should defer to Engineering comments regarding the adequacy and capacity of these basins.

5. Minimize the volume of cut and fill, the number of removed trees six-inch-trunk diameter and larger, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air or water pollution;

The applicant should comment on how they intend to preserve natural features on the site.

6. Maximize pedestrian or vehicular safety and convenience within the site and egressing from it;

Has the applicant considered providing sidewalks that would connect all proposed roads "A," "B," & "C"? Staff suggests providing connecting sidewalks that would link the different portions of the development out through Sterling Road. The applicant will need to obtain all necessary DPW approvals and permits.

Please comment on ability to provide improvements to nearby intersections.

7. Minimize obstruction of water views; minimize the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned; and minimize glare from headlights or area lighting;

No comments from staff.

8. Assure that the design and location of structures on the site avoid damage to or incompatibility with historical and archeological resources, such as antique buildings and structures, barns, stonewalls, earthworks and graves;

Please comment on the maintenance of existing natural features that may exist on the lot.

9. Primary wall and roof surfaces appear similar to the materials commonly found on existing buildings within the Town;

The applicant has provided a breakdown of exterior materials. No comment.

10. Major dimensions of the building are approximately parallel or perpendicular to one or more nearby streets, if within 100 feet of such street;

No comments from staff.

11. The building is not made in effect a sign through painting with bold colors or other graphics devices, or through otherwise unnecessary use of unconventional building form;

No comments from staff.

12. There is some element of consistency with any buildings on abutting premises if facing the same street, such as eave height, wall materials, or window proportions;

See staff comments above in item #10.

13. If the building exceeds 35,000 cubic feet and contains at least twice the cubage of a principal building on any abutting lot, the building design uses breaks in massing, roof planes, wall planes, and other means to reduce the apparent difference in scale;

See staff comment above in item #9

Review of Subdivision Definitive Plan requirements (Section 301-8)

Requirement	Yes	No	N/A	Notes
4 Full sized copies and 1 reduced	X			
Street plans and profiles of streets	X			
Topography	X			
Annual high water mark		X		Please provide or request waiver.
Location of tree cover	X			
Outstanding individual trees	X			
Existing structures (fences, walls, etc)	X			
Proposed streets	X			

Requirement	Yes	No	N/A	Notes
Drainage facilities	X			Defer to Engineering
Lot lines	X			
A drainage plan which includes a description of the effects of a 2 year storm, 25 year storm, 50 year storm and a 100 year storm	X			.
Show Natural Resource Conservation Service (NRCS) suitability for onsite sewerage			X	Applicant to tie into sewer.
Test pit logs for locations approved by the Planning Board			X	Applicant to tie into sewer.
If public water is not proposed, indicate why and provide supplemental information			X	Proposed connection to public water.
Erosion control plan	X			Defer to Engineering
Locus Plan	X			
Environmental Analysis		X		Board to determine if required. Applicant has requested a waiver.
Construction details and specifications	X			
Section 301-8b – Plan Contents				
Subdivision name, boundaries, north point, legend, date, scale and zoning districts	X			
Name and address of owner of record, subdivider, registered engineer, and registered surveyor with tamps, names and other professionals engaged in design	X			
Existing and proposed lines of streets, ways, lots, public or common areas.	X			
Sufficient information to determine location on the ground of all proposed improvements	X			
Location of all proposed monuments	X			Defer to Engineering
Lot numbers, lot area, lot frontage	X			
Location, widths and names of streets within proximity	X			
Board Signature block	X			
Certification of compliance and Attorneys verification of applicant and owners	X			
Street Plans; profiles, stationing, etc	X			Defer to Engineering

Addendum

In reviewing the proposal, the board should also consider the provisions set forth in Section 220-9 pertaining to Multi Family Uses. Specifically **Sec 220-9.C.7.;**

- a. Compliance with this bylaw and its purposes;
- b. The need for dwelling units of the type and cost proposed;
- c. The safety and adequacy of circulation for cars, deliveries, bicycles and pedestrians both within and external to the site and the adequacy of parking and loading arrangements;
- d. The avoidance of unnecessary damage to the natural resources and amenities of the site and the provision of appropriate landscaping;
- e. Drainage and erosion within and issuing from the site;
- f. The relationship of the scale, mass and siting of the buildings to other buildings nearby;
- g. The Town's ability to provide fire and police protection to the buildings as designed;
- h. The provisions for continued maintenance of buildings and grounds.

List of Exhibits:

- Exhibit A: Site Development Plan of Land; prepared by GLM Engineering Consultants, Inc.; dated February 8, 2018; revised through February 8, 2018; with revised sheets 4-7 of 27, dated March 7, 2019; Revised Plan set through May 15, 2019
- Exhibit B: Application for Hearing to Lancaster Board of Appeals; Submitted by Crescent Builders, Inc. Date received March 27, 2018
- Exhibit C: Renderings; prepared by Shane Structures; dated December 13, 2018.
- Exhibit D: Correspondence to Massachusetts Housing Finance Agency; dated November 15, 2018; submitted by Paul Michaud, et al.
- Exhibit E: Correspondence to Massachusetts Housing Finance Agency; dated December 4, 2018; submitted by Town of Lancaster Office of the Board of Selectmen.
- Exhibit F: Eaton Light design specs.
- Exhibit G: Light Pole Foundation Base Drawing.
- Exhibit H: Review of Water Use Projection; prepared by Haley and Ward, Inc.; dated November 3, 2018.
- Exhibit I: Email containing presentation to the board refuting Review of Water Use Projection; dated December 2, 2018.
- Exhibit J: Response comment letter; submitted by Robert Traux of GLM Engineering Consultants Inc.; Date received November 27, 2018.

- Exhibit K: Response to Traffic Engineering Peer Review; submitted by William Scully, PE, of Green International Affiliates, Inc.; dated September 18, 2018
- Exhibit L: Engineering review comments; submitted by Fred Hamwey, Jr., P.E. of Hamwey Engineering Inc.; dated November 29, 2018.
- Exhibit M: Applicant response comments; dated November 6, 2018; received November 20, 2018; submitted by GLM Engineering Consultants, Inc.
- Exhibit N: Haley & Ward, Inc review of water demand and supply dated November 3, 2018; received November 6, 2018.
- Exhibit O: Letter from MassHousing dated received October 31, 2018.
- Exhibit P: Engineering review comments; submitted by Fred Hamwey, Jr., P.E. of Hamwey Engineering Inc.; dated October 8, 2018.
- Exhibit Q: Supplemental Evaluation of Traffic Impact Study submitted by Vanasse & Associates, Inc. dated 9/26/18.; revised April 15, 2019
- Exhibit R: Response to Evaluation of Traffic Impact Study submitted by Green International Affiliates, Inc.. dated 9/19/18.
- Exhibit S: Traffic Impact Study submitted by Green International Affiliates, Inc. dated May 2018.
- Exhibit T: Response comment letter; submitted by Robert Traux of GLM Engineering Consultants Inc.; Dated 9/4/18.
- Exhibit U: Development / Narrative Impact Statement; Goodridge Brook Estates.
- Exhibit V: Email from Scott Miller regarding water Use Projection; dated 8/8/18
- Exhibit W: Engineering review comments; submitted by Fred Hamwey, Jr., P.E. of Hamwey Engineering Inc.; dated August 3, 2018. Revised through May 28, 2019
- Exhibit X: Goodridge Brook Estates; Informational Meeting materials; November 29, 2017.
- Exhibit Y: Design Philosophy; submitted by Jerome R. Dixon, Architect, AIA NCARB CSI, of Architect's Studio;
- Exhibit Z: Elevations & Rendering; submitted by Jerome R. Dixon, Architect, AIA NCARB CSI, of Architect's Studio; February 6, 2019.
- Exhibit AA: Environmental Analysis Report; Submitted by Goddard Consulting, Inc.; dated March 21, 2019.
- Exhibit AB: Letter from Army Corps of Engineers; dated April 4, 2019
- Exhibit AC: Goddard Consulting Letter with supplemental letter dated April 11, 2019.
- Exhibit AD: Extended Purchase and Sale Agreement dated April 8, 2019.
- Exhibit AE: Crescent Builders Response to Engineering comments in a letter dated November 27, 2019.

- Exhibit AF: Comprehensive Environmental Inc; Peer Review of Environmental Analysis; April 19, 2019
- Exhibit AG: Attorney Costa Memorandum April 25, 2019.
- Exhibit AH: Designated Fire Access Plan; dated February 8, 2019; revised through May 15, 2019; Sheet SUP A4; Prepared by GLM Engineering Consultants, Inc.
- Exhibit AI: Auto-Turn Movements Plan; date stamp received May 16, 2019; Prepared by Green International Affiliates, Inc.
- Exhibit AJ: Lancaster Sewer District Commission letter dated May 24, 2019.

Legal Ad Publication Dates

Friday 4/6/18 & 4/13/18
