

TOWN OF LANCASTER
BOARD OF APPEALS
Town Hall, 695 Main Street
Thursday, March 28, 2019

Present: Chair Jeanne Rich, Sarah Gulliver, Robert Baylis, Hannah Meyer, David Stadtherr and Matthew Mayo

Absent: Frank Sullivan and Scott Miller

Also Present: Legal Counsel for the Town Adam Costa, from Mead, Talerman and Costa; Michael Antonellis, Director of Planning & Community Development

List of Documents:

- Board of Appeals Agenda: March 28, 2019
- Draft Minutes of August 23, 2018, September 27, 2018 and February 28, 2019
- Memo dated January 22, 2019 from HEI, Engineer Fred Hamwey.
- Memo Dated February 16, 2019 from HEI, Engineer Fred Hamwey, review of wetland bylaws.
- Memo dated February 25, 2019 from Conservation Agent David Koonce.
- Memo dated February 27, 2019 from Michael Antonellis

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

The Board circulated and discussed the information in the correspondence folder

2018 Annual Report

A motion was made by David Stadtherr to approve the 2018 Annual report with changes discussed. Bob Baylis seconded the motion. The motion was approved 6-0-0.

Approval of Minutes

A motion was made by Bob Baylis to approve the meeting minutes of August 23, 2018 and September 27, 2018. Sarah Gulliver seconded the motion. The motion was approved 6-0-0.

A motion was made by Bob Baylis to approve the meeting minutes of February 28, 2019. Sarah Gulliver seconded the motion. The motion was approved 6-0-0.

Continuation of Public Hearing, Comprehensive Permit, Goodridge Brook estates Development, Iqbal Ali, Crescent Builders, Inc.

Present for the hearing were Crescent Builders, Inc.; Dean Harrison, Development Consultant; Rob Truax, GLM Engineering Consultants, Inc.; and Paul Haverty, Blatman, Bobrowski and Haverty, LLC.

Chairman Rich opened the continuation of the public hearing at 7:21PM.

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Chairman Rich said the current voting members are Jeanne Rich, Sarah Gulliver, Bob Baylis, Hannah Meyers and David Stadtherr. She said she will be making Matt Mayo a voting member and recuse herself.

The Board received quotes from CEI and New England Wild Flower Society for the Environmental Analysis review.

The Board agreed to the requirement that they need to receive documents two weeks prior to their meetings. This will give the Board time to make educated comments and opinions at the meetings.

Fred Hamwey, Hamwey Engineering came forward and went over the engineering review dated March 25, 2019. The Board discussed the following waivers/variances

- Waive the Environmental Analysis. The Board is in the process of hiring a company to perform the Environmental Analysis.
 - 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'). ZBA should request input from the Fire Department. **
 - Variance to allow a dead end street for collector streets. ZBA should request input from the Fire Department.
 - 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'. ZBA should request input from the Fire Department.
 - Variance to install iron rods at front lot corners and easements. ZBA should require the bounds.
 - Request to allow Modified Cape Cod berms. The requirement is bituminous concrete berms. I don't believe this request is necessary.
 - An additional variance is required for the centerline radii of Road "B" (150' required, 100' provided).
 - Variance of the lot area and frontage.
 - Variance of the yard setbacks.
 - Variance of the building height. 32' is allowed, approximately 57' is requested.
- Chairman Rich said at the last meeting it was discussed to see if the applicant can drop one floor to bring both buildings down to three stories so that the buildings will fit with the character of the town.

- Waiver of building permit fees for the affordable units. The applicant decided at the last meeting to not request this waiver.
- Waiver of occupancy permit fees for the affordable units. The applicant decided at the last meeting to not request this waiver.
- Waiver of water fees for the affordable units. The applicant decided at the last meeting to not request this waiver.
- Waiver to alter land within the 25' no build/no alteration zone.
- Waiver to alter land within to 200' Riverfront Zone.

Chairman Rich said the Board wanted to wait for the Environmental Analysis to get a better view of the Wetland By-Law waivers.

The Board went over the two proposals submitted for the Environmental Analysis Review. Attorney Haverty requested to send the proposals to his client to make sure there is no conflict of interest. Dean Harrison said there are no issues funding the environmental peer review.

Tom Christopher Conservation Commission member said the study that was made wasn't timely and they should follow up.

A motion was made by Scott Miller to have CEI perform the environmental peer review with the scope to be comprehensive. Bob Baylis seconded the motion. VOTE: 5-0-0.

Attorney Hill said it is important to highlight the deficiencies in the analysis. Some of the other facts of the environmental bylaw need to be addressed. He said there should have been an analysis since the development is surrounded by industrial.

Mike Hanson came forward said there are still a few things to address such as entrance into complex, extension of one of the fire lanes. He said he will be meeting with the applicant to take care of these. He discussed with the Board the building height which is 57 feet. The town allows 32 feet. Mike Hanson said as far as the Fire Department purposes the height isn't an issue we have access to the roof. The building will have sprinklers.

The Board discussed the pavement width and right of way width.

Public Comments:

The concerns were stated by the following:

Dick Trussell -illustrations of three bedroom homes, address four story building
Dr. Mayhom-water and sewage
Craig Benard-traffic on Sterling Road
Greg Jackson – fire safety, stormwater calculations, height of the buildings
Victoria Petracca-scale of the development, secondary access
Caroline Stump-secondary access

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After some discussion the Board would like the buildings to be three stories not four stories. Dean Harrison said they would do a balloon test to show how high the building would be at four stories and three stories so you can see the difference.

Attorney Costa said he can put together a preliminary list of waivers the Board informally has agreed to grant. There is more work to be done before a complete list of conditions of waiver approvals or denials.

A motion was made by matt Mayo to continue the public hearing until April 25, 2019 and seconded by Bob Baylis. Vote: 6-0-0.

A motion was made by Matt Mayo to adjourn and seconded by Sarah Gulliver. VOTE: 6-0-0.

The meeting was adjourned at 10:26PM

Respectfully submitted

Debra Dennis, Office Manager