



**TOWN OF LANCASTER**  
*Office of Community Development & Planning*

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**LANCASTER PLANNING BOARD**

**CERTIFICATE OF APPROVAL – SPECIAL PERMIT APPLICATION**

**Subject:** Special Permit application pursuant to Section 220-15 of the Lancaster Zoning Bylaw to allow a Flexible Development consisting of thirteen (13) building lots and one (1) open space parcel.

**Applicant:** Poras Realty Trust and Wienerwald II Realty Trust

**Owner:** Poras Realty Trust and Wienerwald II Realty Trust

**Location:** 122 Hilltop Road

**Plan:** A 17-page set of plans entitled “Definitive Subdivision Plan off Hilltop Road, Lancaster, Massachusetts” by Whitman & Bingham Associates, LLC, Plan No. 17-C-126, dated October 6, 2015.

**Assessor’s Reference:** Map 36, Parcels 1, 1A

**Statement of Facts**

**Background:**

A Special Permit application was filed with the Community Development and Planning Office on October 5, 2015, in which the petitioner requested authorization to form a Flexible Development from two parcels consisting of 35.74 acres of land.

This new flexible development consists of thirteen (13) reduced-area building lots on 16.29 acres, and one (1) open space parcel on 19.45 acres. The location of this property is at 122 Hilltop Road, Lancaster, MA, in the Residential Zoning District.

The Planning Board held a public hearing on this petition to request a Special Permit on November 9, 2015, and continued to November 23, 2015, and December 14, 2015 on which date the hearing was closed. Notices of the hearing were published in the Item on October 23, 2015, and October 30, 2015, and parties in interest were notified as required by law.

**Findings:**

After due deliberation of the facts presented to the Lancaster Planning Board at a public hearing held on November 9, 2015, and on December 14, 2015, and of the materials submitted to the Board by the applicant, the Lancaster Planning Board makes the following findings of fact in accordance with Section 220-15 of the Lancaster Zoning Bylaws:

Each lot area averages to 30,000-40,000 SF, with frontages running between 118-150 feet. No bonus lots are included.

The Flexible Development Plan creates a single parcel of open space consisting of 19.45 acres which is 55% of the total land area, meeting the minimum of 40% to be set aside as open space.

All land used in calculating permitted lots is contiguous and in the same ownership as the premises being developed.

The standards for a Flexible Development Special Permit have been satisfactorily met:

- As compared with the conventional plan, the Flexible Development plan reduces the displacement of natural features by shortening the subdivision road and by clustering house sites closer together. The associated reduction of impervious surfaces reduces the potential for water quality deterioration.
- The Flexible Development plan better protects neighboring properties from visual intrusion as compared with the conventional plan. The open space parcel separates the building lots from adjacent existing single-family house lots on Hilltop Road, George Hill Road, and on Nicholas Drive.
- The Flexible Development plan reduces the potential for traffic conflicts by spacing most driveway connections along the circumference of the relocated cul-de-sac.

**Decision:**

After full and careful consideration on December 14, 2015, the Planning Board voted unanimously (4 ayes, 0 nays) to grant the Special Permit to allow a Flexible Development consisting of thirteen building lots and one open space parcel. The following voted in favor: Jeanne Rich, Philip Lawler, Victor Koivumaki and Thomas Christopher.


**Conditions:**

This Special Permit is granted subject to the following conditions:

1. A copy of the Planning Board's decision articulating the Special Permit approval shall be filed with the Town Clerk and shall be recorded in the Registry of Deeds.
2. A copy of the Planning Board's vote and certificate of action shall be filed with the Town Clerk.
3. The Special Permit holder shall grant the Town a permanent deed restriction, in a form approved by Town Counsel, providing that no land within the development may be divided into additional building lots and specifying that at most one dwelling unit is allowed on each of the thirteen building lots shown on the Flexible Development plan.
4. The conditions of the Certificate of Approval of a Definitive Subdivision Plan for Poras Realty Trust and Weinerwald II Realty Trust granted by the Planning Board on January 11, 2016 are incorporated herein by reference.
5. Prior to the Planning Board's endorsement of Definitive Subdivision Approval on the Flexible Development plan, and in the event the Open Space parcel is not conveyed to the Town or its Conservation Commission, the Applicant shall provide to the Planning Board a proposed perpetual conservation or agricultural preservation restriction, of the types described in M.G.L. Chapter 184, Section 31 and Lancaster Zoning Bylaw Section 220-15, running to and enforceable by the Town, with respect to the ownership, maintenance and use of the Open Space parcel. Such proposed restriction shall provide that said parcel shall be retained in perpetuity for one or more of the following uses: conservation, agriculture, passive recreation; and that said parcel shall not be used as the site of any buildings or other permanent structures; except that the two (2) Drainage Easements on the Open Space parcel may be used for storm water management as represented on the Flexible Development plan. Any and all documents required for this condition shall be submitted to Town Counsel for review and approval prior to Planning Board endorsement.
6. Prior to the Planning Board's endorsement of Definitive Subdivision Approval on the Flexible Development plan, the Applicant shall make provision pursuant to Lancaster Zoning Bylaw Section 220-15 for the ownership and maintenance of the Open Space parcel either by the Town of Lancaster acting by and through its Board of Selectmen or Conservation Commission; or by a nonprofit organization, the principal purpose of which is the conservation of open space; or by a membership corporation, trust or association of lot owners within the development upon proper finding by the Planning Board and review and approval by Town Counsel of all documents creating and establishing same.

7. Prior to the Planning Board's endorsement of Definitive Subdivision Approval on the Flexible Development plan, the Applicant shall provide to the Planning Board a 30-foot wide Utility Easement spanning one of the proposed lots and the open space parcel to the west of the development and to the Eagle Ridge property. This easement would allow the option to tie into the existing water high-level service area and municipal sewer through the Eagle Ridge development. This may provide more favorable options for domestic water use, fire protection, and wastewater disposal services to the proposed subdivision.

Signed by the Lancaster Planning Board on January 11, 2016.



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**Jeanne Rich, Chair**



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**Philip Lawler, Vice-Chair**

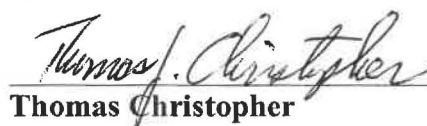
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**Francis Sullivan, Clerk**



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**Victor Koivumaki**



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**Thomas Christopher**

**Lancaster Town Clerk Certification**

I hereby certify that twenty (20) days have elapsed since the filing of the above-referenced decision in the office of the Town Clerk on January 12, 2016, and that no notice of an appeal of that decision has been filed with me.

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**Mary de Alderete**  
*Lancaster Town Clerk*

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**Date**