



Town of Lancaster
Planning Board
Lancaster, Massachusetts 01523

Memorandum

To: Phil Lawler, Chair – Planning Board

From: Michael Antonellis, Director of Community Development & Planning

CC: Planning Board Members

Date: December 23, 2019

Re: McGovern Blvd – Special permit

Application – Special Permit - IPOD

Petitioner: 702, LLC / aka Capital Group

Address: McGovern Blvd

Scheduled Meeting Date: December 23, 2019

Project Summary

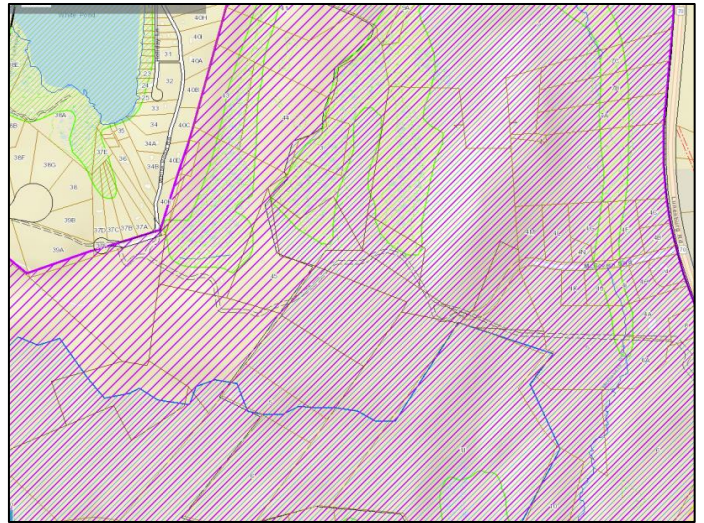
702 LLC (aka Capital Group Properties) seeks a Special Permit under the requirements of the Lancaster Zoning Bylaw Section 220-8.7 for Integrated Plan Approval to construct 1,925,550 Gross Square Feet of mixed uses including, industrial, residential, recreational and retail components with associated parking and site improvements at a property located at McGovern Boulevard (Assessor's Map 4 Parcel 45; Map 14 Parcel 4A, 4D, 4G, 4H, 4I, 4J, 4K, 4L, 4M, 4N, 8 & 8A) and within the Enterprise Zone – Sub-district A (EZ-A), Residential District (R), Integrated Planning Overlay District (IPOD), Floodplain Overlay and Water Resource (WR) overlay districts.

Project Location

Aerial Photo



Map



Staff Recommendation

If approved, staff recommends the following conditions of approval:

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

1. *Revise plans to show:*
 - a. *Whites Pond Road and associated residences to show proximity to uses;*
 - b. *Show all district boundaries;*
 - c. *Label all abutting land owners;*
 - d. *reduce proposed storage space of vehicles pursuant to the proposed auto-use*
2. *Upon approval the applicant will be required to provide a Phase 2 plan to the Planning Boards pursuant to the Phasing Requirements set forth in Section 220-8.7.D.*
3. *That 12 percent of the proposed housing units be dedicated as affordable pursuant to DHCD regulations and eligible for SHI;*
 - a. *Upon the approval of any bylaw amendment removing the requirement to provide a residential component, or grant of a variance for the same, the applicant must provide an Amendment to the Special Permit for consideration by the board;*
4. *Recreation space be provided for the residential uses;*
5. *A certain amount of open space be dedicated to the town or the Conservation Commission as presented and on file;*
6. *Remove Sewerage Treatment out of Water Resource District*
 - a. *To be addressed during phasing of the project through Special Permit Amendment or subject to a Special Permit to remove the Water Resource District boundary from the project.*
7. *That the development comply with dark skies requirements to be reviewed at Site Plan according to Zoning Bylaws governing light standards;*
8. *Provide a comprehensive plan for proactively addressing environmental concerns regarding potential leaks or other pollutants;*
9. *Provide a comprehensive plan for reactively addressing environmental concerns regarding potential leaks or other pollutant if such an event should occur;*
10. *Provide appropriate moneys into an escrow account for a third party environmental inspector to ensure compliance with all local state and federal laws on a quarterly basis, providing reports to the town;*
11. *That no pavement or asphalt, or other impervious surface be used for the auto-use storage of vehicles.*
12. *That all storage of autos be outside the required local wetland buffers and in compliance with local wetland bylaws;*
13. *That to the maximum extent possible all auto-use storage be hidden from public view and from the Whites Pond road right of way;*
14. *A security fence at least 6 feet high be installed in between the proposed auto use and Whites Pond Road for a minimum of 800 feet, or sum of the total frontages along all the adjacent residential lots;*
 - a. *If residential lots are to be development along Lancaster Road (aka Johnny Appleseed Lane) then additional fence is required to screen from the proposed use removing visibility from those residential lots;*
15. *The applicant shall provide renderings and elevations of each proposed structure to the board with Site Plan review that shall be deemed by the board to be consistent with the criteria for approval reference in Section 220-8.7.E(4)(e).*
 - a. *If a building is deemed inconsistent with the criteria in Section 220-8.7.E(4)(e), then an Amendment to this Special Permit must be sought by the applicant;*

16. *The board reserves the right through Site Plan Approval to enact additional conditions upon its review of newly proposed uses and tenants as well as any requested Amendments to the Special Permit;*
17. *All construction, including utilities, improvements to road infrastructure, completion of buildings, parking, sidewalks, recreation areas and anything else detailed on the approved plan shall be completed by December 31, 2027.*
 - a. *If the applicant cannot complete the project by this deadline then the applicant or owner shall require approval from the Planning Board to extend the deadline by a maximum of 2 year increments.*

Helpful Context for Reaching a Decision:

The board should consider a multitude of factors when rendering a decision. I've provided a summary of the approval criteria listed within the bylaw with certain suggestions as to how those criteria apply to this application.

- A. The board should also consider the following when applying those criteria:
1. Potential fiscal impact, including town services needed, tax base, and employment;
 2. Social, economic or community needs that are served by the proposal;
 3. Traffic flow and safety, including access, parking and loading areas;
 4. Adequacy of utilities and other public services;
 5. Neighborhood character and social structure;
 6. Impacts on the natural environment;

B. The role of the Special Permit:

"Special permit procedures have long been used to bring flexibility to the fairly rigid use classifications of Euclidean Zoning schemes... by providing for specific uses which are deemed necessary or desirable but which are not allowed as of right because of their potential for incompatibility with the characteristics of the district... Uses most commonly subjected to special permit requirements are those regarded as troublesome (but often needed somewhere in the municipality, for example, gas stations, parking lots, and auto repair)... and often considered desirable but which would be incompatible in a particular district unless conditioned in a manner which makes them suitable to a given location..." In short, the special permit regulates that middle tier of uses between those so offensive they are prohibited and those so innocuous they are allowed by right.

-Handbook of Massachusetts Land Use and Planning Law, Bobrowski, 4th edition, 2018

Waivers Requested

The applicant should submit a list of requested waivers as a part of the application to be included in the legal decision.

1. The applicant has requested a waiver of the phasing requirement to be an alternate phasing schedule as suggested by the applicant.

Other Applications Required

1. Definitive Site Plan

Questions / Comments to Applicant

1. Can the applicant go into more detail regarding any tax benefit, employment, or other economic impacts to the town?
2. Has the applicant discussed potential economic impacts with applicable chambers of commerce or business community?
3. Sewerage treatment facility appears to be within the Water Resource overlay district. The applicant may apply for a Special permit from the Planning Board to dispute the boundaries of the district. Or, the applicant can relocate the sewerage facility out of the district. Please comment.
4. Can you provide more detail on proposed tenants for the labeled uses?
5. Will the proposed hotel use include a restaurant use?
6. Does the applicant see an issue with possible increased vehicular conflict on Route 70 by maintaining that 3rd southernmost curb-cut and access to the “N”-use buildings? Why not use the existing access through the Retail and through McGovern Boulevard?
7. Please identify common space and recreation space for the proposed residential uses.
8. Although the applicant has stated that no 3-bedroom apartments will be provided, there should still be an expectation of young children who would live in the proposed apartments. Has the applicant considered providing an outdoor recreation / play space / playground near the proposed residential buildings?
9. Has the applicant considered providing a certain percentage of the residential units as “affordable” in concert with DHCD regulations to be eligible for the local Subsidized Housing Inventory? What percentage would the applicant be amenable to?
10. Please comment on any proposed dedicated open space.
11. Has the applicant considered location of buildings to maximize on potential solar energy for roof mounts?
12. Please comment on the logistics of the proposed trail access connection. Do these connect to existing trails? Is there a more direct route that can be explored, limiting amount of time spent on the property and reducing pedestrian-vehicular conflict?
13. Has the applicant considered donating a portion of conservation land in order to provide for trail access and connections and also avoid interfacing with the proposed industrial uses? Please explain
14. How much linear feet of propose trail is on the site?
15. The board should consider placing time limits for the approval. The applicant should comment on what a feasible timeline for completion of the project will look like.

Review of IPOD *(the applicant may have addressed some of these issues in prior meetings)*

A. Intent and applicability.

(1) The intent of § 220-8.7, Integrated Planning Overlay District (IPOD), is to provide design flexibility and efficiency in the siting of development, services and infrastructure; conserve open space; preserve the

rural, historic character of the Town; provide for a diversity of lot sizes, building densities and housing choices to accommodate a variety of age and income groups; and to allow the integration of land for residential, rural, recreational, community, retail, service, commercial and industrial uses.

The applicant should comment as to how the application complies.

(2) Integrated Planning Overlay Districts (IPODs) are created on the Zoning Map by Town Meeting vote, just as for any zoning amendment, except that they overlay rather than replace the zoning districts being overlaid. Applicants for development within the overlay district may choose between following the existing provisions of the district(s) underlying the IPOD or to propose an Integrated Plan and upon its approval to follow it and the IPOD requirements set forth below.

The applicant has filed a Special Permit for IPOD zoning.

B. Basic use requirements.

(1) Development under IPOD provisions requires special permit approval of an Integrated Plan by the Planning Board for the premises involved. The Planning Board must find that there is no material impact to the neighborhood.

Please comment on the impact to the existing neighborhood.

(2) All proposed development within an approved Integrated Plan must be consistent with that Plan unless the Integrated Plan special permit is subsequently revised making the proposed development consistent or excluding the location from the Plan

N/A.

(3) The minimum site area of an Integrated Plan shall be 10 acres.

The minimum has been met.

(4) An Integrated Plan may apply to more than a single lot or parcel so long as the lots and parcels are contiguous and either in the same ownership or the application is jointly submitted by owners of each lot or parcel that is included.

No comment.

(5) Any use allowed by right or allowable by special permit in at least one of the underlying zoning districts within which the Integrated Plan is located shall also be allowed by right or allowable by special permit, as the case may be, at any location within that Integrated Plan, including within underlying districts where such use is not otherwise allowed, with the following exceptions:

(a) Dwelling units are allowed by right within all Integrated Plans without limitation on form of tenure or structure type, including single-family, two-family or multifamily.

(b) Retail, service, and office uses permitted or allowed by special permit in the Enterprise District are allowed within an Integrated Plan regardless of whether the Integrated Plan includes any portion of the Enterprise or other district allowing that use, provided that no enterprise allowed only by this exception may exceed 35,000 gross square feet in floor area unless the Planning Board, in acting on the Integrated Plan special permit, finds that the use is functionally supportive of or supported by other existing or planned uses within the Integrated Plan, and in no

event may the enterprise exceed 75,000 gross square feet in floor area or be contained within a building that exceeds 75,000 gross square feet in floor area.

Applicant should confirm request for Special permit to allow sales of motor vehicles associated with building J (Use D, 220-8.5) within the residential district portion of the IPOD.

Applicant should confirm requested Special permit for proposed industrial uses in buildings A, B, C, D, E, F, G, H, I and K

(6) Residential uses shall comprise not less than 25% and not more than 75% of the gross floor area planned within any Integrated Plan.

Applicant has shown 25.96% dedicated to residential.

(7) Not less than 10% of the Integrated Plan area disturbed by development shall be devoted to pedestrian walks or plazas and landscaping, and not less than 20% of the land area of the Integrated Plan shall be open space meeting the requirements of § 220-15C.

Is the applicant requesting a waiver of this requirement?

Please show all pedestrian amenities on the plan.

C. Design requirements.

(1) The applicant must demonstrate to the satisfaction of the Planning Board that the amount and mix of types of development, and the travel demand management efforts such as car-pooling proposed for the Integrated Plan, will result in generation of no more than 20 auto trip ends per acre of Plan area. These trips ends should be calculated during the weekday afternoon peak traffic hour, as measured on the streets that provide access to the Plan area, net of pass-by trips and adjusted for estimated non-auto trips, such as walking among uses within the IPOD.

The applicant has submitted a traffic study. The board should defer to the peer review engineer for evaluation of the provided study..

(2) The allowed number of trip ends within the Integrated Plan may be increased above 20 per acre by the number of potential trip ends on other land within the IPOD that has been reduced below the limit of 20 trip ends per acre, through a restriction enabled by the developer(s) of the benefiting Integrated Plan, and made enforceable by the Town through a condition in the Integrated Plan special permit.

See above.

(3) The maximum number of allowable dwelling units within an Integrated Plan shall not exceed 15 dwelling units per acre of lot area, including lot area devoted to nonresidential uses, but exclusive of streets. The Integrated Plan shall document how that allowable total is to be distributed among lots within the Plan, including documentation of the minimum lot area per dwelling unit on each proposed lot, which may vary among locations within the Plan.

The plan appears to conform to this requirement but the applicant should confirm.

(4) Rights to development of dwelling units may be transferred as provided at § 220-15B(3), but if such transfer takes place among lots within the IPOD then the approval criterion for such transfer shall be that the transfer must be consistent with an approved Concept Plan (§ 220-8.7C), instead of the criteria contained in § 220-15B(3).

N/A

(5) There is no minimum lot area requirement for nonresidential uses, unless such a requirement is called for in the approved Integrated Plan.

No comment.

(6) Building height shall not exceed six stories or, if more restrictive, 70 feet unless in acting on the Integrated Plan special permit the Planning Board determines that the proposed height is consistent with the intent of IPOD zoning, is essential to the Integrated Plan design, and will have no adverse effect on the surrounding neighborhood, taking into consideration:

- Height relative to that of the tree crown on nearby land;
- Height of other existing or planned nearby structures;
- Distance from the Integrated Plan boundary;
- Appropriateness of any resulting building prominence in light of the functional or symbolic role of the structure;
- Shadowing or loss of privacy on nearby properties, whether or not within the Integrated Plan; and
- Whether the increased height is necessary for the building to be developed;

Rooftop mechanical equipment and its height shall be shown on special permit plan submittals, and shall be selected, located, and if necessary screened in order to achieve harmonious integration with the building design.

The applicant should confirm compliance with all of the above.

(7) Yards abutting the perimeter of the Integrated Plan must comply with the yard requirements applicable in the underlying basic districts, except for the following:

(a) No portion of a building having a building height in excess of 35 feet shall be located closer to the perimeter of the Integrated Plan than a distance equal to its height above mean grade.

Please confirm.

(b) District boundary planting as specified at § 220-37F and G of the Lancaster Zoning Bylaw shall be provided where nonresidential uses in an Integrated Plan abut a residential district, with a depth of not less than 100 feet.

Will the applicant be providing this? Please comment. If not please request a waiver.

(8) Other dimensional standards shall be as provided in the approved Integrated Plan pursuant to § 220-8.7C, rather than those stated in Article IV, Dimensional Regulations, and may include measures not otherwise used under Lancaster zoning, such as limits on the allowed ratio of gross floor area to lot area ("floor area ratio" or "FAR").

(9) Parking.

(a) The number of parking spaces for each use shall be as required by § 220-23, Minimum number of spaces, or as may be modified by special permit under that section.

(b) Legal on-street parking spaces within the Overlay District and adjacent to the premises of the use or uses that they could serve may be included in satisfying the parking requirement.

(c) Access to parking shall be shared with adjacent premises whether in or adjacent to the Integrated Plan where feasible, subject to the provisions of § 220-22, and shall be located so as to minimize interruptions of pedestrian movement along business-oriented streets.

(10) A building or portion of a building with massing of more than 75 feet in length must be visually broken into smaller elements with variations among them in height, roof form, wall plane setbacks, entrance orientation, materials, or other means.

Please confirm the size of the office building and length of the structure. Please provide renderings for options for the proposed structure.

D. Phasing.

Any Integrated Plan involving a total of more than 1,000,000 square feet gross floor area summed over all buildings proposed must be developed in stages of not more than 600,000 square feet gross floor area each. Prior to initiation of development in the second phase, a report must be submitted to the Planning Board providing data on the following development outcomes to that point, together with comparisons with the outcomes anticipated in the application materials and resulting special permit.

(1) Acres of land subject to open space restrictions;

(2) Acres of land physically altered for development;

(3) Total floor area of buildings given occupancy permits, reported by category of use;

(4) Trip generation by the development as a whole measured at the entrances to the development;

(5) Demand on public or community water supplies.

The size of the project will trigger this requirement.

Please describe how phase 1 will be approached relative to the issues noted in this section.

E. Procedures.

(1) Parties seeking special permit approval of an Integrated Plan are urged to work closely with the Planning Board and Town staff in developing their proposal in order to assure a well-informed process, and similarly to arrange for a dialog with those who live near to or otherwise would be impacted by the proposal.

(2) Review of applications for any related special permits for which the Planning Board is the special permit granting authority may be consolidated into the Integrated Plan special permit process, while being voted upon separately.

(3) All applications for approval of an Integrated Plan shall include an Integrated Plan and Report, which shall contain at least the following:

(a) Residential uses proposed — tabulation of the number of dwelling units proposed, categorized by building type (multi-family, attached single-family, etc.), bedroom type (studio, one-bedroom, etc.), floor area in each type of dwelling unit, and sales or rental level, including affordability provisions.

Applicant has provided this.

(b) Open space proposed — tabulation of the extent of reserved open space of various categories, including conservation lands, recreation areas, and other public use areas.

The applicant should show this on the plan provided. The board should discuss with the applicant portions of the site that are best suited for open space preservation and/or active recreation. To support this discussion, the applicant should label all the abutting land owners on the plan.

(c) Nonresidential uses proposed — tabulation of floor area by land use category.

Applicant has provided this.

(d) A plan view context drawing, covering the premises and at least all parcels abutting and across the street, indicating street and property lines, and at a conceptual level building locations, reserved open space areas, and other features of relevance.

The applicant should note abutting land owners. The applicant has noted a proposed (or existing?) recreation trail but should comment on any proposed dedicated open space.

(e) Itemization of departures from the use, dimensional, parking or other provisions applicable in the underlying zoning districts.

Please provide a detailed list of uses that do not conform with the underlying zoning districts.

(f) Special provisions proposed, including grants of benefits to the Town such as land for public purposes, construction of or contributions towards off-site improvements, or restrictions proposed such as view corridors or traffic management provisions.

Applicant has provided this.

(g) A traffic analysis indicating that full construction and occupancy as provided in the Integrated Plan will be in compliance with the 20 trips per acre limit, and also will not cause the peak hour traffic level of service to either be lower than reasonably expected from development not relying upon IPOD provisions, or below level of service "C" as defined in current publications of the Highway Research Board.

Applicant has provided this. The Board should defer to peer review analysis.

(h) A verbal and graphic analysis documenting that the development is assured to be compatible with the character and scale of the immediately surrounding neighborhood.

The applicant should comment on this.

(i) An assessment of the impacts of the development upon natural resources, Town utilities, schools, housing needs, taxes or other topics of salience in the particular case.

Applicant has provided this relative to taxes.

(4) The Integrated Plan and Report shall be provided to the Town Clerk and the Planning Board no later than the date on which first notice is published for the Planning Board hearing for the special permit, with number of copies and distribution as may be provided in regulations adopted by the Planning Board for administration of these provisions, and shall be reviewed at that public hearing. The Planning Board shall approve such special permit based upon these considerations:

(a) The consistency of the Integrated Plan and Report with the intent and requirements of § 220-8.7.

(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.

*(5) Following Planning Board approval of a special permit for an Integrated Plan, permit applications relying upon that Plan shall require site plan review by the Planning Board under the provisions of § 220-34, Site plan review. The Planning Board shall approve such site plan, provided that it is consistent with the approved Integrated Plan, and consistent with the provisions of § 220-8.7. A site plan shall not be found consistent unless each of the following is met:

**To be determined.*

(a) The uses proposed are not inconsistent with those of the Integrated Plan in type and extent.

(b) The proposed locations of individual buildings, parking, and open space shall be substantially consistent with the approved Integrated Plan, and all of the applicable use and dimensional regulations have been met.

(c) Means have been established to assure compliance with special provisions stipulated at § 220-8.7E(3)(f).

(6) An approved Integrated Plan may not be changed except through amendment of the previously issued special permit by the Planning Board following a new public hearing and review.

Prior Approvals

- McGovern Boulevard Subdivision Approval

List of Exhibits:

- Exhibit A: Site Plan; provided by Bohler Engineering; date September 24, 2019.
- Exhibit B: Special Permit Application with accompanying documents, submitted by Bohler Engineering on behalf of 702, LLC.
- Exhibit C: Traffic Impact Assessment; submitted with application package
- Exhibit D: Environmental Impact Assessment: Submitted with application package.
- Exhibit E: Green International Peer Review of traffic study; dated December 18, 2019.

Legal Ad Publication Dates

Friday 10/11 & 10/18/19
