

MEMORANDUM

Re: Review of Proposed
Zoning By-law
Amendments and
Restrictive Covenant

Michael Antonellis, MRP
MA Planning, LLC

REVIEW

The Planning Board has requested my review of the proposed Restrictive Covenant as presented by 702, LLC. Additionally a review of the proposed zoning by-law amendments. I have been sent the proposed zoning map amendment, zoning bylaw amendment and the proposed restrictive covenant. My review herein is intended to provide the board with appropriate tools for reference to aid in their decision making and recommendations to the Board of Selectmen and Town Meeting.

I. Bylaw Amendment - Height of Structures in EZ Zoning District

Regarding the proposed zoning bylaw amendment for height of a building within the EZ district; I agree with the comments made by Town Counsel with regard to the proposed language. The proposed language by Counsel is much more clear as to the intent of the proposed change and is more specific to the EZ zoning district.

With regard to the intent of the proposed bylaw change, I assume this is in connection to what is likely to be a proposed use. While I cannot comment on what they may or may not be, since I have no information to draw from, I would suggest that the Board refer to the Master Plan for guidance on Land Use. Under Goals and Objective Page 2-5:

Manage future land use so as to maintain the social, cultural, and environmental qualities which make Lancaster the special place which it is today;

Do that in a way which also reflects what the Town seeks in other respects, such as strengthening of the Town's fiscal balance, accommodating good jobs nearby, and addressing housing needs;

The Planning Board should request the petitioner provide some examples of the types of structures that would require a height of 55 feet or examples of other communities that have a similar height requirement. This will help to provide a reference for comparison and ensure compliance with the stated intents of the Master Plan.

The Planning Board should consider whether it would categorize the subject land to be unique in its location and separated from adjoining neighborhoods with regard to character, or if it considers the adjoining neighborhoods to be an important indicator of how development should

proceed. By addressing these questions the Planning Board can arrive at a recommendation to Town Meeting.

II. Restrictive Covenant

With regard to the proposed covenant, my comments will be directed towards the Planning Board although the prepared document must be executed by the Board of Selectmen. From my recollection regarding previous development proposals, a 100 foot buffer, or something of the sort, was discussed and encouraged by the Planning Board at the time. The issue regarding whether or the Planning Board wants to treat the subject land as unique in character and location or in connection with adjoining neighborhoods should also be addressed here as it is important to the development of the site. Depending on the type of use proposed a 100 ft buffer may or may not be desirable. If the proposal is similar to that of the previous proposal, certainly a buffer of any size would be desirable and is typical of that sort of development.

Placing deed restrictions on a property to mitigate certain kinds of impactful development would be beneficial to the town and considerate to immediately adjacent land owners. I would defer to legal counsel regarding comments on the draft language, however, it appeared to be very thorough. If there is concern regarding the aesthetics of a proposed berm or vegetative buffer, I suggest those issues be addressed through site plan review.

III. Zoning Map Amendment - EZ Zone Extension

With regard to expansion of the EZ zone to eliminate the portion of Residentially zoned land, I suggest the board reference its Master Plan, the Land Use Chapter and Economic Development Chapter, as well as the Economic Development Plan. I've reviewed and selected the following from those documents.

Land Use chapter from the Master Plan page 2-4, Guiding Business Development”:

The amount of land necessary to accommodate the amount of business development which has been projected for the Town over the next two decades is small compared with the amount of land the town has zoned for such uses as retailing, offices, and manufacturing. The Town has about 1,500 acres of land zoned for business, while currently only about 140

acres are in such use, and the regional agency projections for business employment indicate a likelihood of less than twenty percent growth between 2000 and 2030. As indicated in the Economic Development Chapter, the Town would like to have more growth in those kinds of jobs than has been projected , and having ample land zoned for them is one of the reasons why this town has been determined to be one of the most “tech-friendly” 5 communities in Massachusetts .

Economic Development Chapter, page IV-4:

Diversifying the tax base to include a larger non- residential share to ease the tax burden on residential property.

Economic Development Plan, pages 17-18:

3. Continue Efforts to Review Adequacy of Current Zoning and Identify New Areas for Economic Development Opportunities: The Town should continue a review of current zoning bylaws and determine their adequacy for accommodating desired land use and development within the community. This includes the exploration of zoning for a Village District Bylaw which is currently underway. Also, as indicated in Section 3 of this report, if used efficiently, there does seem to be some developable land zoned for commercial/industrial to promote opportunities and enhance economic development. However, it should be noted that the vast majority of developable land is within the residential district. Lancaster has done much in terms of rezoning to promote economic development (i.e. creating the Enterprise Zone and IPOD Overlay for mixed use development, rezoning Four Corners NB) and should continue to look at areas of improvement. [this section continues on to make other recommendations and comments]

Also, much of the site located off McGovern Boulevard is noted as a Chapter 43D Priority Development Site” per the town’s Expedited Permitting Guide¹. Although, the subject land does not appear to be within that designated area, it is immediately adjacent and contiguous land.

¹ https://www.ci.lancaster.ma.us/sites/g/files/vyhlif4586/f/uploads/expedited_permitting_guidebook_-_october.pdf

Per the noted sections of the Master Plan, it would appear that expanding the EZ district could be interpreted as consistent with the goals of the town as it pertains to Land Use and Economic Development. However, I would urge the Planning Board to review those relevant chapters of the Master Plan to arrive at an independent decision. My goal is to highlight particular portions of the planning documents to help guide the Planning Board in its evaluation of the proposals. There may be other sections that upon review the board feels is just as relevant or more applicable. I encourage the board to review those documents.

Regarding formal motions, it is recommended that the board make motions in the affirmative. Board members are encouraged to support their vote by citing appropriate town goals that may be achieved, or not achieved, or hindered, from the applicable planning documents. Those supporting statement will help the board to craft an opinion to be presented at Town Meeting.

Please note that any and all Zoning Text or Map amendment must follow the public hearing procedure found in MGL Chapter 40A, Section 5².

I hope this gives adequate guidance on how to evaluate the proposals before your board. Good luck.

—

Regards,

Michael Antonellis

² <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40A/Section5>