



Town of Lancaster
Planning Board
Lancaster, Massachusetts 01523

7:00 P.M., August 24, 2022

Via Zoom

Administrative

1. Attendance Roll Call

Kendra Dickinson

Mike Favreau

Frank Streeter

2. Re-organization of the Board

Kendra Dickinson moved that Frank Streeter become the Chair of the Lancaster Planning Board. Mike Favreau seconded this motion. Streeter, in his role as Chair pro-tem asked if there was any discussion. Hearing none, Streeter asked for a vote.

Vote: (3-0) in favor of Frank Streeter as Chair

Chair Streeter said the Board needs a Vice-Chair and nominated Kendra Dickinson. Favreau seconded this motion. Chair Streeter asked for any discussion. Hearing none, Chair Streeter asked for a vote.

Vote: (3-0) in favor of Kendra Dickinson as Vice-Chair

Chair Streeter made a motion that Mike Favreau be nominated for Clerk. Vice-Chair Dickinson seconded the motion. No discussion. Chair Streeter asked for a vote:

Vote: (3-0) in favor of Mike Favreau as Clerk.

Public Hearing

1. Special Permit, Site Plan Review, Stormwater Management Permit – 580 Fort Pond Road (Map 29, Parcel 8)

The applicant had asked for a continuance until September 26th. Vice Chair Dickinson made a motion to continue and Clerk Favreau seconded the motion. Chair Streeter asked for any discussion. Hearing none, Chair Streeter asked for a vote.

Vote: (3-0) in favor of granting a continuance until September 26.

2. Site Plan Review – Barkley Enterprises – 0 Shirley Road (Map 5, Parcel 54)

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Vice-Chair Dickinson made a motion to continue Barkley Enterprises – 0 Shirley Road until September 26th. Clerk Favreau seconded the motion. Chair Streeter asked for any discussion. Hearing none, Chair Streeter asked for a vote.

Vote: (3-0) in favor of granting a continuance until September 26.

Public Meeting

1. Continued Hearing: 201 Hilltop Road for approval of a Stormwater Management Plan

Clerk Favreau made a motion to continue the hearing for 201 Hilltop. Chair Streeter seconded the motion. Chair Streeter then asked for discussion. Hearing none Chair Streeter then called for a vote.

Vote: (2-0-1) for granting a continuance for 201 Hilltop until September 26 with Vice Chair Dickinson abstaining.

2. Lifting of Old Union Turnpike/ Zero Point Solar Cease and Desist Order (subject to verification from Haley & Ward)

This is the large solar field on Old Union Turnpike across from D'Ambrosio Eye Care. The site had serious runoff issues during construction and eventually went to court for enforcement. The applicant had requested a continuance. Vice-Chair Dickinson moved to continue the hearing and Clerk Favreau seconded. Chair Streeter asked for discussion and heard none. Chair Streeter then asked for a vote.

Vote: (3-0) for granting a continuance until September 26th

3. Review Violations and Active Orders: Review and respond as appropriate to any new information received by meeting time and consider assessing fines where applicable for new or ongoing stormwater violations at:

201 Hilltop Road (Cease & Desist delivered, Stormwater Permit Application in progress). This Permit application was again continued as the applicant is still in front of the Conservation Commission.

Should be some record of a vote here

2038 Lunenburg Road (Cease & Desist delivered, resolution in progress). The developer has changed engineers and is now were trying to get their project back on track. The Affordable Housing Trust has given the developer a list of names of consultants in reference to the development's deed-restricted affordable units, but the developer has not chosen one yet.

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Old Union Turnpike, Assessors Map 3 Parcel 4 (Cease & Desist delivered, town counsel engaged.)

Adam Christie appeared for the applicant via Zoom. Christie started by informing the new members of the Board that they had received the initial Haley & Ward letter about two months ago. The applicant had a site walk with past Planning Board Chair Roy Mirabito and other personnel. There was a follow-up letter that said there was still some construction debris and other material remaining on site. This was clarified and the applicant got a follow-up letter that this issue had been resolved, so they were in a position to put forward the draft Certificate of Compliance (CoC) for the storm water permit. The applicant was scheduled to get a permit a month ago, but there were a number of delays.

Vice-Chair Dickenson made a motion to revoke the continuance issued earlier in the meeting and Clerk Favreau seconded this motion. Chair Streeter asked if there was any discussion and heard none. Chair Streeter then asked for a vote.

Vote: (3-0) in favor of revoking the continuance previously granted during the meeting

Vice-Chair Dickinson then moved to issue a Certificate of Compliance for the Storm Water Management System and Clerk Favreau seconded the motion. Chair Streeter stated that if Ms. Farinacci could confirm that the Board had received all of the appropriate documents, he would like to close out this application. Chair Streeter asked if there was any further discussion and heard none. Chair Streeter then asked for a vote.

Vote (3-0) in favor of approving the Certificate of Compliance for Old Union Turnpike, Assessors Map 3 Parcel 4.

Old Business

1. Scrivener's Error Bylaw corrections and Solar Bylaw slope revision (hearings expire 10-20-2022).

These Bylaws were already set to go into the Warrant for Special Town Meeting (STM), but given the proposed STM date the previous hearings would have been held over 6 months before the date of the meeting and thus will have expired and need to be re-held.

Discussion

1. Open Meeting Law Violation

Chair Streeter noted that the complaint was withdrawn.

2. Capital Group – Concept Plan

Chair Streeter asked Ms. Farinacci if she had received anything additional from Capital Group today. She had not. Chair Streeter had asked Capital Group for more information on

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the some of the biological studies and site elevations. Chair Streeter asked Ms. Farinacci whether there was an upcoming deadline and she said she would get back to Chair Streeter with this information. Chair Streeter said that there were pretty simple updates that needed to be provided. Chair Streeter asked if there was any further discussion. Vice-Chair Dickenson said she did not have any further questions. Member Favreau said he was not up to date yet. Chair Streeter went into details of the Concept Plan. Chair Streeter said that this plan would be the one to be considered in depth at the public hearing on the 6th of September.

Vice-Chair Dickenson made a motion to revoke the continuance. Clerk Favreau seconded this motion. The Chair asked if there was any discussion. None was heard. The Chair then asked for a vote. [I think there is something wrong with this section]

Vote: (3-0) in favor of the Capital Group Concept Plan

3. Solar Battery Storage – Conversation with Tom Christopher

The Chair recommended sending the draft of the Solar Battery Storage received from Tom Christopher, Chair of the Conservation Commission, to Town Counsel to be put it into the correct legal form. Vice Chair Dickenson made the motion and Clerk Favreau seconded. A discussion was held in which Vice-Chair Dickenson asked Christopher if there were any other additions to this proposed bylaw. There were none. Chair Streeter called for a motion. Vice Chair Dickinson moved and Clerk Favreau seconded. Chair Streeter asked if there was any further discussion and heard none. Chair Streeter then asked for a vote.

Vote (3-0) for the motion to be sent to Town Counsel.

4. Ground Mounted Solar Bylaw Revision

Chair Streeter asked for a motion to to send the proposed revisions to the Ground Mounted Solar Bylaw to Town Counsel. Vice Chair Dickinson moved and Clerk Favreau seconded. Chair Streeter asked Clerk Favreau if there was any discussion on this item. Clerk Favreau said he was unfamiliar with the motion, so Chair Streeter went into the details. Chair Streeter asked if there was any further discussion and heard none. Chair Streeter then asked for a vote.

Vote (3-0) to send the motion to Town Counsel.

5. MBTA Community Draft Update

Ms. Farinacci reported that the latest draft of the State's new MBTA communities zoning requirements had reduced Lancaster's housing requirements from 729 units to 139 units. The State is still hoping they will have language prepared by December. Ms. Farinacci discussed the issue of the dependance of the new MBTA zoning on the Town's proposed 40-R zone. Clerk Favreau asked if there was a time limit on any of this work. Ms. Farinacci stated that the Town would not be eligible for certain grants if the zoning was not completed by the timeframes given. The Vice-Chair Dickinson also reported that this MBTA zoning could

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improve the Town's Subsidized Housing Inventory (SHI), closer to the State's 10% requirement. Vice-Chair Dickenson stated that these percentages were hovering around 5% and they should be above 10%. More discussion took place around this topic. Chair Streeter then asked if there was any further discussion on this topic but there was not.

6. Review of back-up engineering firms

Chair Streeter asked Ms. Farinacci where the Board stands with back-up engineering firms. Ms. Farinacci stated that the Board had to decide which firms they wanted to work with. Vice-Chair Dickinson stated that she would like to get some other engineering firms to bid. Chair Streeter and Ms. Farinacci conversed about the name of the firm that was recommended by Tom Christopher. Chair Streeter asked if there was any other discussion at this point. There was none.

Correspondence

Conversation took place around this with Chair Streeter and Ms. Farinacci.

Vouchers

Ms. Farinacci notified the board that there were two invoices outstanding from Haley & Ward, one for ~\$740 and the other for \$1100. Chair Streeter moved that the Town pay Haley & Ward the balance due. Vice-Chair Dickinson seconded the motion. Chair Streeter asked for any discussion. Vice-Chair Dickinson had some discussion about past bills with Ms. Farinacci. Chair Streeter asked for any further discussion. Hearing none, Chair Streeter called for a vote.

Vote: (3-0) to pay the invoices presented.

Review Upcoming Meetings

There was one upcoming meeting that was not on the agenda, which will be held on September 6 at 7PM via Zoom. This meeting will be a hearing for the re-zoning of certain residential land in North Lancaster into the EZ zone by changing the zoning map. All of the upcoming meetings will be held on Zoom and the links will remain the same. The planned meetings are as follows:

9/12/2022 @ 7PM, via Zoom and Hybrid (Joint meeting of Select Board) There are two vacancies on planning board. Those who have applied will be interviewed and selected at this meeting.

9/26/2022 @ 7PM, via Zoom (Regular Planning Board Meeting)

Adjourn

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Chair Streeter called for a motion to adjourn and Vice-Chair Dickinson seconded the motion. Chair Streeter asked for any further discussion. Hearing none, Chair Streeter then called for a vote.

Vote: (3-0) to adjourn. Adjourned at 7:46 PM.