

Approved: September 27th, 2021

MINUTES OF THE PROCEEDINGS OF THE
PLANNING BOARD OF THE TOWN OF LANCASTER
Meeting conducted via ZOOM internet conferencing
Monday August 23rd, 2021

Present: Russell Williston, Chair; Roy Mirabito, Vice Chair; Tom Christopher;
Peter Christoph

Absent: Carol Jackson, Clerk

Staff Present: Debra Dennis, Administrative Assistant

List of Documents:

- Hawthorne Hill Estates: copy of a quote provided by Weston & Sampson to Melanson Bros. regarding pump station maintenance.
- McGovern Blvd: written request to continue hearing until September 27th, 2021.
- Info regarding fine process: email response to questions from town counsel, state guide on assessing fines
- Harbor Hill Development: Documentation about stormwater violations at Harbor Hills Development, from Tom Christopher
- Stormwater Regulation Amendments: email input from Michael Antonellis
- Barrett Consulting Double-Payment Issue: correspondence between the chair and town administrator
- Invitation from New England Harvest (Clinton) for a grand opening
- Two payment vouchers, both for Haley Ward

Administrative

Chair Russell Williston called the meeting to order at 7:00 PM.

The chair stated that Carol Jackson had notified him previously that she would not be able to attend this meeting.

1. Attendance Roll Call

Roll Call for Attendance:

Russell Williston: Yes

Roy Mirabito: Yes

Carol Jackson: (Not Present)

Tom Christopher: Yes

Peter Christoph: Yes

Public Meeting

2. Hawthorne Hill Estates-Request of partial release of bond (Continued from August 9th)

The chair noted that the board had received paperwork regarding a maintenance quote between Melanson Bros and a vendor (Weston and Sampson) regarding pump station maintenance; the board had specifically requested the documentation cited in the application documents about an agreement with the “Town of Lancaster.” Deb Dennis confirmed that the applicant had received the request, and that nothing else seemed to be available.

Tom Christopher moved to postpone any action until the next meeting, Peter Christoph seconded. No discussion. Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.

3. Continued Hearing: North Lancaster for approval of an Amended Definitive Plan Phase 2 entitled “McGovern Boulevard Phase II: Roadway Construction in Lancaster Mass, relative to the roadway construction for the approved Definitive Subdivision (Applicant has submitted a written request for a continuance to September 27th.)

The chair stated that he’d communicated to the applicant that Carol Jackson would be absent, which reduces the eligible members to three with Tom recused, and the applicant is still waiting for their hearing with the Conservation Commission. The applicant submitted a written request to continue the hearing until September 27th.

Roy Mirabito moved to continue the hearing to September 27th at the applicants request, Peter Christoph seconded. No discussion. Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.

4. Discuss the process for assessing fines. Review feedback from town counsel, if available. (Continued from August 9th.)

The chair reviewed the feedback received between meetings from town counsel and the state guide they forwarded.

Member Roy Mirabito asked about the feedback; was our form approved by the court? Deb relayed that David Koonce said that the form was approved by the court. As a conservation commission form.

Resident Greg Jackson made comments on the ticketing process, reiterating what's stated in the state statutes and the town bylaws.

5. Consider assessing fines for stormwater violations at

0 Old Union Turnpike (Solar Project): No new documentation; the board took no action.

201 Hilltop Road:

The chair reviewed the situation: The board issued fines at it's last meeting, and has not yet received a complete stormwater application.

Richard Harrington spoke for the applicant and reiterated their plan to submit an application. The chair thanked him for providing the information.

Roy Mirabito moved to issue fines for stormwater violations from 8/10/2021 through 8/23/2021 with a warning that fines would continue until the completed application is accepted, Peter Christoph seconded. No discussion. Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.

90 Duvall Road:

The chair reviewed the situation: the board delivered a cease & desist between meetings. No application has been received.

Roy Mirabito moved to issue fines for stormwater violations from the date the Cease and Desist was delivered through 8/23/2021 with a warning that fines would continue until the completed application is accepted, Peter Christoph seconded. Discussion:

In discussion the board discussed the warning that would be included on these fines, regarding how the fines may continue until the completed application is received.

Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.

Harbor Hill Development:

The chair reviewed the documentation of violations at the Harbor Hills Development.

Tom Christopher spoke about his concerns regarding the issues he observed. The roadway and infrastructure has been installed at the development but the retention basin has not been installed.

The chair recommended that the board authorize David Koonce to act as it's agent, with discretion to issue a Stormwater Bylaw cease & desist if he find's it's merited.

[At around 6:55PM a power outage affected part of Lancaster; Peter Christoph and Roy Mirabito were disconnected. The chair briefly interrupted the meeting to contact them by cell phone to get them reconnected. Roy was quickly reconnected with video and Peter Christoph reconnected by phone around: 8:05PM.]

Roy Mirabito moved to authorize David Koonce to act as the Board's agent under the stormwater bylaw with the discretion to issue a cease and desist if merited. Peter Christoph seconded. No discussion. Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.

6. Discuss proposed change to Stormwater Rules and Regulations: include total area of solar panels in list of surfaces that qualify as impervious. Review feedback from Planning Consultant, if available. (Continued from August 9th.)

The chair reviewed a short reply from Michael Antonellis responding to the board's request for his insight on this matter.

The board reviewed what might need to be altered.

The chair reviewed the process for amending the regulations.

Motion from Peter Christoph to request Roy Mirabito to write up changes for the board to consider at a future meeting. Second by Tom Christopher. Discussion:

Resident Greg Jackson offered some comments about what the board should consider.

Member Russ Williston indicated that his main concern is understanding the impact any change might have on calculations.

Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.

7. Planning Director Search Process: Update

The chair shared that Carol Jackson relayed that the position was now posted on a number of websites and job boards.

8. Barrett IZ Study, double payment from the Planning Board revolving fund: update from chair, discussion, take any action appropriate.

The chair shared the progress recently, and reviewed the correspondence: a brief interaction with the town administrator was unproductive. It was discussed at a Select Board meeting, but the recording of that meeting was lost.

Member Roy Mirabito noted that this continues to be an internal processing issue that needs to be addressed. The chair concurred.

Resident Dick Trussell shared his recollection of what transpired at the Select Board meeting. He suggested that the Planning Board send a request to the finance committee for assistance.

The chair indicated that he'd contact the finance committee and/or Select Board on the board's behalf.

Other Business

9. Correspondence

- a. Select Board: forwarded LLEC Sand & Gravel Bond, 9/30/2020-9/30/2021

Chair reviewed this communication, which seemed to show an old performance bond for a Sand and Gravel permit that the Planning Board had offered input into.

- b, Invitation from New England Harvest (Clinton) to their grand opening.

Chair noted the invitation.

10. Vouchers

Tom Christopher moved to pay Haley Ward \$2755 for professional services on Phase II Subdivision Plan Upgrade . Roy Mirabito seconded. No discussion. Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.

Tom Christopher moved to pay Haley Ward \$3150 for professional services at McGovern Boulevard. Roy Mirabito seconded. No discussion. Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.

11. Minutes:

At the time of the meeting minutes were outstanding for:

- a. July 1st (Regular Session)
- b. July 1st (Executive Session)
- c. July 26, 2021
- d. August 9, 2021

The July 1st (Regular Session) draft minutes are available for review.

Roy Mirabito moved to approve the July 1st (Regular Session) draft minutes. Peter Christoph seconded. No discussion. Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.

Adjourn

Tom Christopher moved to adjourn, Roy Mirabito seconded. No discussion. Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.

The board voted to adjourn at 8:39 PM.