

PLANNING BOARD MEETING MINUTES  
VIA ZOOM

March 28, 2022

Present: Russ Williston, Chair, Carol Jackson, Tom Christopher, Roy Mirabito, and Peter Christoph

Staff Present: Jasmin Farinacci, Planning Director

List of Documents:

- Planning Board Agenda for March 28, 2022
- 40R Bylaw Warrant Article
- ATM Article 40R bylaw and map amendment
- Email from Town Counsel North Lancaster Rezoning
- Lancaster Solar Bylaw Revisions
- Email from Town Counsel Re Planning Board Proposed Solar Energy Storage Bylaw
- Minutes of January 24, 2022, and February 9, 2022

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

**Attendance Roll Call: Roy Mirabito here, Carol Jackson here, Tom Christopher here, Peter Christoph here, and Russ Williston here.**

**Public Hearing**

- 1. Continued Hearing: Fort Pond LLC seeks a Special Permit under the requirements of the Lancaster Zoning Bylaw Section 220-39, Stormwater Permit** under the requirements of Lancaster Stormwater control Regulations Ch 170, and Site Plan Approval under the requirements of the Lancaster Zoning Bylaw Section 220-34. The applicant proposes to construct a 211,200 SF addition to the existing building for increased manufacturing and production capacities with related parking, loading and other site improvements at a property located at 580 Fort Pond Road and within the Enterprise Zone zoning district, the Integrated Planning Overlay District, and the Water Resource Protection Overlay District. (Continued from 12/13/2021, 1/10/2022 and 3/14/2022) The Applicant has submitted a written request to continue this hearing to April 25, 2022. **Peter Christoph made a motion to continue until April 25, 2022. Carol Jackson seconded the motion. No discussion. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Tom Christopher yes, Peter Christoph yes, and Russ Williston**
- 2. Continued Hearing: 201 Hilltop Road for approval of a Stormwater Management Plan** (Continued from 1/24/2022, 2/9/2022 and 2/28/2022) **The applicant has submitted a written request to continue this hearing to April 11, 2022. Tom Christopher made a motion to continue until April 11, 2022, and Peter Christoph seconded the motion. No discussion. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Tom Christopher yes, Peter Christoph yes, and Russ Williston**

## Public Meeting

3. **Follow-up discussion on proposed 40R district and bylaw with member(s) of the Lancaster Affordable Housing Trust: schedule zoning bylaw public hearing date if bylaw to be proposed at town meeting is ready.** Victoria Petracca, LAHT said they submitted their bylaws today and the residential density map. Chair Williston discussed having the public hearing on April 20<sup>th</sup> and advertising in the Item on April 1<sup>st</sup> and 8<sup>th</sup>. Victoria Petracca said you have the bylaw, and the map is coming tomorrow. Tom Christopher said he thinks a 40R for this location is a bad idea. He said this has the only major highway in Lancaster with frontage that can provide retail and commercial businesses that bring in taxes. He said why would we give that up for a 150 plus housing units. In this location it is going to have an immediate impact on our school system and that will cost the taxpayers more. Victoria Petracca said prime real estate on Route 70 has not been given up. The housing is behind it. She said that the overall acreage of the residential use is actually very small when compared with the rest of the site, so it is taking a small amount of acreage. This would bring the town into safe harbor. Roy Mirabito said the Select Board should deal with and resolve the 2017 land agreement between Capital Group 702 LLC. **Roy Mirabito made a motion to defer taking any action on scheduling this public hearing tonight and was seconded by Peter Christoph.** The Board discussed not having the correct map at this time. **Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Tom Christopher yes, Peter Christoph yes, and Russ Williston yes.**
4. **Review progress on MBTA Communities requirement.** Upcoming milestones: submit any comments on draft regulations to DHCD by 3/31, Jasmin Farinacci to give presentation to Select Board before 5/22-Chair Williston discussed that the deadline for comments is on March 31<sup>st</sup>. This requires any town that has less than 7500 housing units to provide a district of fifty acres to accommodate 750 units. Chair Williston asked Jasmin to send a note supporting MRPC's letter.
5. **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)  
2038 Lunenburg Road (Cease & Desist delivered, resolution in progress)  
Old Union Turnpike, Assessors Map 3 Parcel 4 (Cease & Desist delivered, town counsel engaged) Chair Williston discussed the three pending orders. He commented about 2038 Lunenburg Road who will have to file an amended stormwater application within 10 days.
6. **Discuss Planning Board Articles for Annual Town Meeting**  
Review the remaining meetings, schedule for completing articles and what the board would like to accomplish. Annual Town Meeting would typically be on 5/2/2022 this year. Proposed bylaws under review include:
  - a. Amendments to the Lancaster Zoning Bylaws Article XVII: Solar Energy Systems-The Board discussed the proposed bylaw and town counsels review which Jasmin Farinacci went over. The Board discussed the fiscal impact, setbacks, buffers, and the decibels of the inverters. **Thomas Christopher made a motion to propose this as a Planning Board article for town meeting. Peter Christoph seconded the motion.** Chair

Williston said he feels comfortable since there is an option to turn applicants down if proved to be something dangerous. **Roll Call Vote: Roy Mirabito yes, Carol Jackson no, Tom Christopher yes, Peter Christoph yes, and Russ Williston yes.**

Chair Williston said this will be proposed as a Planning Board article. **Tom Christopher made a motion to hold the public hearing on April 20, 2022, at 7pm. Roy Mirabito seconded the motion. No Discussion. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Tom Christopher yes, Peter Christoph yes, and Russ Williston yes.**

- b. Correction to Use Schedule, possibly scriveners' errors
  - i. 220-8.4 A (use schedule grid merged with the next use)
  - ii. 220-8.1G (Chickens use "asterisk text" has gone missing.)

**Tom Christopher made a motion to propose these as annual town meeting articles and ask Jasmin Farinacci to advertise them for a public hearing on April 20<sup>th</sup>. Carol Jackson seconded the motion. No Discussion. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Tom Christopher yes, Peter Christoph yes, and Russ Williston yes.**

- c. Stormwater Bylaw Amendment, proposed by Tom Christopher and Roy Mirabito-The Board members went over the proposed changes to the Stormwater Bylaw. **Peter Christoph made a motion to present as a Planning Board article at Town Meeting and advertise a Public Hearing for April 20, 2022, at 7pm. Roy Mirabito seconded the motion. No discussion. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Tom Christopher yes, Peter Christoph yes, and Russ Williston yes.**

**7. Discuss and approve a Report for the "Proposed Amendment to Town of Lancaster Zoning Map" zoning article proposed by the Lancaster Select Board**

The board held a public hearing for this North Lancaster rezoning article on 1/18/2022. The chair intends to distribute a draft report to consider at this meeting. (Continued from 1/24/2022, 2/9/2022, 2/28/2022 and 3/14/2022)-Chair Williston said if the article is going to be changed and requires the Board to hold another hearing they need to be informed. Jasmin Farinacci said she will follow up.

**8. Correspondence**

- a. **Any correspondence received by meeting time**-Jasmin Farinacci talked about the Old Union Turnpike Amended Stormwater Application that has not been submitted yet. She said she reached out to CEI to discuss doing the peer review.

**9. Vouchers**-None at this time.

**10. Review and Approve Minutes**

- 11. Minutes for Planning Board Meeting on January 24, 2022 @ 7PM-Carol Jackson made a motion to approve and Peter Christoph seconded the motion. No discussion. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Tom Christopher yes, Peter Christoph yes, and Russ Williston**

Minutes for Planning Board Meeting on February 9, 2022 @ 7PM-**Roy Mirabito made a motion to approve the updated minutes and Carol Jackson seconded the motion. No discussion. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Tom Christopher yes, Peter Christoph yes, and Russ Williston**

12. **Quarterly Review of Unreleased Executive Session Meeting Minutes.** Review the following sets of meeting minutes that were approved, but not released, to determine that the reason for executive session still exists:

- a. October 25th @ 6PM
- b. December 13th @ 7PM

In both cases the reason for executive session was MGL c 30a, Section 21(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body, and it was litigation involving Pro Tech Energy Solutions LLCs certiorari complaint appeal in enforcement order. The Board reviewed the approved but unreleased meeting minutes. The reason for executive session still exists. **Peter Christoph made a motion to not release them at this time due to the reason for the executive session still exists. Roy Mirabito seconded the motion. No discussion. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Tom Christopher yes, Peter Christoph yes, and Russ Williston yes.**

13. Chair Williston went over the Upcoming Meetings

4/11/2022 @ 7PM, via Zoom  
4/25/2022 @ 7PM, via Zoom  
5/2/2022, *Anticipated Annual Town Meeting*  
5/9/2022, *Town Election Day - No Planning Board Meeting*  
5/23/2022 @ 7PM, via Zoom

### **Adjourn**

**Carol Jackson made a motion to adjourn. Roy Mirabito seconded the motion. No discussion. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Peter Christoph yes, and Russ Williston yes.**

The meeting was adjourned at 9:02 pm.

Respectfully submitted

Debra Dennis