

TOWN OF LANCASTER
PLANNING BOARD
Lancaster Town Hall
Monday, October 16, 2017

Present: Phil Lawler, Chair; Jeanne Rich, Vice-Chair; Tom Christopher (arrived at 7:28pm), Frank Sullivan, Russ Williston

Also Present: Noreen Piazza, Planning Director

Chair Phil Lawler called the meeting to order at 7:00 PM

Discussion, ANR Plan, 50 Fire Road 10 - 2 lots

Present: Mark Wheeler, David E. Ross Associates

Mr. Mark Wheeler stated they are proposing joining Parcel A, containing 19,989 SF owned by Susan Smith and Elisabeth Rutledge, with the contiguous lot (Map 9, Parcel 12.A) at 40 Fire Road 10 owned by Ladd M. Lavalle. **Ms. Jeanne Rich moved to approve the ANR plan for Susan Smith and Elisabeth Rutledge, prepared by David E. Ross Associates, Job No. 31664, Plan No. L-13272, dated September 2017 for Lot 1 containing 2.24 acres with adequate frontage and Lot owned by Ladd Lavalle containing 1.42 acres with adequate frontage and being less non-conforming; Mr. Russ Williston seconded. Vote 4-0-0**

Public Hearing, Zoning Bylaw Amendment, Expansion of Medical Marijuana Overlay District

At 7:08 PM Chair Lawler read the Public Hearing Notice.

A copy of the warrant article pertaining to the change to expand the Medical Marijuana Overlay District into the location of the existing Enterprise (EZ) zoning district and Enterprise Retail (EZ-A) sub-district south of Route 2 and a draft of the Lancaster Official Zoning Overlay Map showing the proposed district change were presented at the meeting.

Ms. Noreen Piazza stated her understanding is this facility is mostly for cultivation. It will be approximately 80% for cultivation and 20% as an educational center. There will be patients and medical personnel at the facility. The medical personnel will be doctors, nurses, clinicians and care givers of medical marijuana patients. The retail sales will be mainly on-line. Visitors at the Education Center will have the ability for a one-time purchase while attending the educational facility.

Mr. Tom Christopher arrived at 7:28 PM.

Chair Lawler stated the firm, Just Healthy, wants to increase the acreage for the facility from seven (7) acres to fifty (50) acres. Mr. Stan Starr, Chairman of the Board of Selectmen, gave an overview of the company who expressed interest in the site in Lancaster.

The residents in attendance expressed the following concerns:

- Location vs Homes, Recreational Fields, Schools
- Security
- Traffic
- Disposal of Plants
- Water Consumption
- Tax Revenue
- Community Comparisons – Impacts
- Perception as a one-zone district for marijuana only

Ms. Noreen Piazza stated there would be a public hearing on the zoning moratorium concerning retail sales of recreational marijuana on October 23, 2017. The Planning Board decided to hold an open public forum that same evening about both marijuana warrant articles for the Special Town Meeting.

Mr. Russ Williston moved to close the Public Hearing; Mr. Tom Christopher seconded. Vote 5-0-0

Mr. Russ Williston commented he did not find this use to be appropriate in the EZ-A overlay district, nor that the tax revenue that would be generated would warrant the amount of real estate this facility would take up.

Ms. Jeanne Rich motioned to submit the article to Special Town Meeting warrant; Mr. Tom Christopher seconded. Vote 4-1-0 (No Mr. Russell Williston)

Discussion, Stormwater Management Permit, George Hill Road-Lot C

The following is some background on the matter before the Planning Board:

The Planning Board received correspondence on August 30, 2017 from Mr. Larry Shoer, a resident of 750 George Hill Road, referencing a building project located at Lot C on George Hill Road, across the street from his residence, and adjacent to the Poras subdivision project and approved as an ANR lot. Mr. Shoer and the neighboring residents reported that there is more than one acre of land disturbance on the lot, and thus requires a Stormwater Management Permit. Since no permit is in place at this time, nor has the Board received an application, the residents are requesting that the land disturbance be halted until such a permit is issued.

In the Stormwater Management Bylaw, it states under Section 11.0 (Enforcement), Sub-section B (1), that "Planning Board, or its authorized agent, may issue a written order to enforce the provisions of this Bylaw, or the regulations thereof, which may include: 1. A requirement to cease and desist from the land-disturbing activity until there is compliance with the Bylaw or provisions of the Stormwater Management Permit;". The residents requested that the Board take immediate action on this violation as further work can potentially cause future water runoff issues for their properties.

On August 31, 2017, the Planning Board Chair requested that the Building Inspector, as duly authorized agent for the Planning Board, visit the site of Lot C on George Hill Road to determine if more than one

acre of land had been disturbed. If so, than a Cease and Desist Order should be issued with the request to file for a Stormwater Management Permit with the Planning Board.

On August 31, 2017, the Building Inspector reported that he visited the site and determined that the land disturbance was a little over an acre. He requested that the developer file a Stormwater Management Permit. No Cease and Desist Order was issued as he was giving them time to comply. In the meantime, erosion controls were placed on the site. On this same date, the developer, Gary Melanson, contacted the office to report that he will be contacting Whitman & Bingham to start the application process.

On October 2, 2017, the Building Inspector made a determination, based on the attached plan from Whitman & Bingham, that there is less than one acre of disturbance on Lot C George Hill Road. The plan shows that an area on the lot was loamed and seeded to bring the land disturbance under the one-acre threshold. Therefore, there was no reason to file for a Stormwater Management Permit. This determination was sent to Mr. Shoer on this date.

On October 2, 2017, Mr. Shoer responded to this determination in an e-mail message. The Planning Board Chair then indicated that a discussion should be scheduled for the next regular Planning Board meeting to take place on October 16, 2017.

On October 16, 2017, the Planning Board met with Mr. Larry Shoer and several residents of George Hill Road to discuss the matter. Mr. Shoer read a letter (attached) to the Board, where he again requested that the Board request a Stormwater Management Plan from the developer. The Board then outlined the appeal process for this request. The Board cited the Lancaster Zoning Bylaw Section 220-60 (D) (2) (Notice of penalties for violations) and MGL c. 40A, Section 8 as the procedure to follow for appealing a decision of the Building Inspector.

The Board also suggested that the residents contact the Department of Public Works (DPW) to see if any additional drainage structures could be installed in George Hill Road. Mr. Shoer and the residents took this all under advisement.

Adjourn

There being no further business the meeting adjourned at 9:05 PM.

Respectfully submitted,

Debra Dennis
Office Manager