

TOWN OF LANCASTER  
PLANNING BOARD  
Lancaster Town Hall  
Monday, November 13, 2017

Present: Phil Lawler, Chair; Jeanne Rich, Vice-Chair; Tom Christopher, Russ Williston and Frank Sullivan

Also Present: Noreen Piazza, Planning Director

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

**Discussion, ANR Plan, Old County Road (discontinued)**

Present: Lloyd Patten, Katrina Patten and Kurt Schuffels, owners

Noreen Piazza gave a background of the previous ANR plan in 1997. The owners want to discuss what they have to do to sell the lot as a buildable lot. The lot is on a discontinued road and lacks adequate frontage.

After much discussion the Board stated the owner would have to do the following: they would have to find out why the road was discontinued, demonstrate ownership/control of the right of way, and also speak with the Fire Department to see if the road has adequate access for emergency response vehicles. There was no further discussion on this matter.

**Review, Site Plan, James Monroe Wire & Cable, 842 Sterling Road**

Present: John Farnsworth, Farnsworth Engineering Associates and Mike Hodgman of Spectrum Builders and Dennis Ciccone of Ciccone Construction

The applicant is proposing to build a sixty thousand foot building. The use will mainly be for manufacturing with a small warehouse area. They are requesting four waivers:

- Parking Space Size (reduce the length to 18 feet from 20 feet and increase the width from 9 feet to 10 feet).
- Parking Spaces (reduce the number from 234 spaces to 26 regular and 1 handicap space). The facility will only have no more than 20 employees at one time.
- No landscaping
- No Traffic Study

The applicant requested the Planning Board meet prior to the November 27<sup>th</sup> meeting so that construction could begin before the winter weather. The Board agreed to continue the review at such time when the report from Haley & Ward would be available. The Stormwater review is scheduled for the November 27<sup>th</sup> meeting.

**Jeanne Rich made a motion to continue the review until November 20<sup>th</sup> at such time they will have the report from Haley & Ward. Frank Sullivan seconded the motion. No discussion. Vote 5-0-0.**

**Discussion, Landscaping Bond, Dunkin' Donuts, 1474 Lunenburg Road**

Present: Bill Hannigan, Hannigan Engineering

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Mr. Hannigan stated he received a \$15,000 estimate from Landpro for the cost of plants and installation. He is here to discuss if the Board will accept a cash deposit to the escrow account or a bond for this value.

**Jeanne Rich made a motion to accept the \$15,000 bond or cash to cover the costs of the remainder of planting to be done in the spring. Frank Sullivan seconded the motion. No discussion. Vote: 5-0-0.**

Bill Hannigan will get back to the Board after he speaks to the owner as to what form of payment to use.

**Discussion, Traffic Mitigation, Gas Station, 1424 Lunenburg Road**

Present: Bill Hannigan, Hannigan Engineering, Robert DiPietri, Capital Group, Steve Boucher, North Lancaster LLC and Tom Bovenzi, Bovenzi and Donovan

Noreen Piazza stated when the gas station was initially approved they were to provide \$30,000 in traffic mitigation funds. Now that the gas station and Dunkin Donuts are separate they are requesting to amend this special condition. Bill Hannigan stated they would like to commit these funds to the overall development project traffic study. Jeanne Rich stated the mitigation funds go to the town to be used somewhere in town it doesn't mean to be used for this project. Tom Bovenzi said they did not understand it that way and agreed to go forward with the original agreement.

**Discussion, Appeal of Building Inspector Determination, George Hill Road, Lot C**

On November 13, 2017, the Planning Board met with Mr. Larry Shoer to review the opinion from Town Counsel on the appropriate channel to file an appeal of the Building Inspector's determination that a Stormwater Management Permit was not necessary for Lot C on George Hill Road. The opinion from Counsel is as follows:

- "a) There is no right of appeal to the Zoning Board of Appeals (ZBA) from a decision or order issued by the Planning Board pursuant to its authority under Chapter 170 of the Town's General Bylaws, entitled: "Stormwater Control." Pursuant to G.L. c.40A, s.8 and 15, only orders or decisions concerning compliance with or permits issued under zoning bylaws may be appealed to the ZBA. The ZBA has no authority to hear appeals taken from general bylaws, such as Chapter 170. I recommend that the abutters be requested to withdraw their appeal to the ZBA in this matter. If they refuse the ZBA should return the appeal application to the abutters as incomplete where it contained no information concerning a zoning decision or permit from which an appeal can be taken;*
- b) There is no right of appeal under Chapter 170 of the Town's General Bylaws for the Planning Board's alleged failure to act. Pursuant to Section 170-12.E, only orders or decisions of the Planning Board under this bylaw may be appealed to a court of competent jurisdiction. As indicated by the facts below, the Planning Board has never issued an order or rendered a decision in this matter. After the Planning Board reviewed the matter it simply determined that the subject property is in compliance and no permit or order is needed;*

- c) *Construction of a single-family house is not exempt from the Stormwater Control Bylaw pursuant to Section 170-5.B. Land disturbance of greater than 1 acre associated with construction or reconstruction of any structure, including residential structures, is subject to the bylaw."*

This was followed by further discussion between the Board and several residents of George Hill Road as to what can be done to remedy the runoff issues from Lot C. It was acknowledged that the developer was working with the DPW to install a new storm drain in front of the site on George Hill Road, however it does not appear to be placed in a location that will handle the runoff from the lot. There was also discussion on possible changes to the Stormwater Management Bylaw for treatment of stormwater runoff from single house lots.

There was no further discussion on this matter.

#### **Discussion, Lancaster Trail Guides**

Present: Noreen Piazza, Planning Director

Noreen Piazza displayed the sample of the new Lancaster Land Trail Guide. She asked the Board's approval to take \$185.00 out of the Planning Board's revolving account to help pay for them.

**Jeanne Rich made a motion to approve the payment of \$185.00 from the Planning Board's Revolving Account to help defray the costs of the Lancaster Land Trail Guide printing. Tom Christopher seconded the motion. No discussion. Vote: 5-0-0.**

#### **General Business**

The Board reviewed the following information: (1) Planning Board minutes from the October 23, 2017 meeting.

**Jeanne Rich made a motion to accept the minutes with the amendment for the October 23, 2017 meeting of the Planning Board. Tom Christopher seconded the motion. No discussion. VOTE: 4-0-1 (Frank Sullivan, abstaining).**

The Board reviewed the following information: (1) Invoice from Hamwey Engineering Inc. dated 10/21/17 for Jones Crossing Inspections & Reports; (2) Invoice from ISS dated 10/26/17 for the 2017 Zoning Books.

**Jeanne Rich made a motion to approve the invoice from Hemwey Engineering Inc. for \$2,755.00 for Jones Crossing Inspections & Reports. Frank Sullivan seconded the motion. No discussion. VOTE: 5-0-0.**

**Jeanne Rich made a motion to approve the invoice from ISS for \$373.75 for the 2017 Zoning Books. Frank Sullivan seconded the motion. No discussion. VOTE: 5-0-0.**

#### **Adjourn**

There being no further business the meeting adjourned at 9:12 PM.

Respectfully submitted,

Debra Dennis  
Office Manager