

TOWN OF LANCASTER  
PLANNING BOARD  
Lancaster Town Hall Auditorium  
Monday, December 11, 2017

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

Also Present: Noreen Piazza, Planning Director

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Chair Phil Lawler called the meeting to order at 7:07 PM.

**Discussion, As-Built Plan, The Cove at Fort Pond Subdivision**

Present: Peter Hertel, Member of The Cove at Fort Pond Homeowner's Association, and Jim McLaughlin of 53 Fort Pond Lane

Mr. Peter Hertel of the The Cove at Fort Pond Homeowner's Association appeared before the Board to discuss their request for the Board to waive the requirement for the as-built plans. A letter was presented with text as follows:

*"The resident tax payers of Fort Pond Lane request the Town to enforce the "Certificate of Approval of a Definitive Subdivision Plan", dated September 27, 2005. The requirement #18 listed in that document states "prior to the final release of security for the subdivision, the applicant shall provide the "As Built" plans to the Planning Board. On November 7, 2005, the Planning Board signed off on four mylar copies.*

*For the past three years, the Lancaster Planning Board has been involved with Robert Hakala from Hakala Bros. Corporation, negotiating the delayed completion of Mr. Hakala's development at Fort Pond Lane, which began more than 12 years ago. Originally, the Planning Board stipulated that Mr. Hakala needed to provide an "As Built" at the completion of his project to meet Planning Board requirements. Mr. Hakala now refuses to pay for the "As Built" and the Lancaster Town Counsel has said they have no power to force Mr. Hakala to fulfill this obligation.*

*If the Town has no recourse to enforce the required "As Built", then the residents are requesting the Planning Board to have either the Town set the boundary markers or withdraw the stipulation. The residents of Fort Pond Lane are asking the Planning Board in good faith to bring completion to this long overdue project. Thank you."*

Ms. Jeanne Rich then explained that the Board does not have the authority to waive the requirement for the as-built plans. After further discussion, the Board agreed to contact Town Counsel and see if they do have this authority.

There was no further discussion on this matter.

**Jeanne Rich made a motion to ask Town Counsel if the Planning Board can waive an "as-built" completion. Russ Williston seconded the motion. No discussion. VOTE: 4-0-0.**

Mr. Hertel thanked the Board for this consideration, and will wait to hear the response. If necessary, a continued discussion will be held at the next Planning Board meeting on January 8, 2018.

**Signature, Stormwater Management Permit, James Monroe Wire & Cable, 842 Sterling Road**

The Board signed the Stormwater Management Permit for James Monroe Wire & Cable at 842 Sterling Road, Lancaster, MA.

**Signature, Subdivision Modification, Poras RT Subdivision**

The Board signed the Subdivision Modification for the Poras RT Subdivision.

**Discussion Zoning Bylaw Amendments**

***2018 Proposed Zoning Amendments***

The Board discussed the following Zoning Bylaw Amendments:

**Site Plan Amendment – Lighting (220-36.2 (E) (4)**

- Change color temperature to a more realistic, sustainable range
- For May 2018 annual town meeting

**Solar Bylaw**

- Add Planning Board discretion for waiving or modifying certain requirements
- For May 2018 annual town meeting

**Stormwater Bylaw**

- Modify the requirements to exempt single-family building lots
- For May 2018 annual town meeting

**Recreational Marijuana Bylaw**

- Develop to coincide with the new regulations (available March 15, 2018), both medical and recreational uses will be governed by the new Cannabis Control Commission
- Ban retail
- Allow for cultivation, processing, manufacturing (no action)
- Allow for ancillary uses (local outdoor farming, bakeries, confectionaries, massage therapy, wellness centers, hotels/resorts, etc.) (no action)
- Town Counsel recommends adopting both a zoning and general bylaw

- For May 2018 annual town meeting

#### Medical Marijuana Expansion

- Align the medical and recreational uses (see rec marijuana bylaw above)
- Allow for locations that accommodate both medical and recreational uses (no action in 2018)

#### Center Village Overlay District

- Reconfigure district after BOS has applied for variances for municipal buildings/areas (no action in 2018)

#### General Business

The Board reviewed the following information: (1) Planning Board minutes from the November 27, 2017 meeting.

**Jeanne Rich made a motion to accept the minutes as written for the November 27, 2017 meeting of the Planning Board. Tom Christopher seconded the motion. No discussion. VOTE: 4-0-0.**

The Board reviewed the following information: (1) Invoice from Haley & Ward Inc. dated December 7, 2017 for Jones Crossing. (2) Invoice from Haley & Ward Inc. dated 11/10/17 for the Jones Crossing.

**Jeanne Rich made a motion to approve the invoice from Hamwey Engineering for \$1,975.00 for Jones Crossing Inspection & reports #93-98. Tom Christopher seconded the motion. No discussion. VOTE: 4-0-0.**

**Jeanne Rich made a motion to approve the invoice from Hamwey Engineering for \$2,015.00 for Jones Crossing Inspection & reports #99-102. Tom Christopher seconded the motion. No discussion. VOTE: 4-0-0.**

Chairman Lawler circulated the correspondence folder.

#### Adjourn

**Tom Christopher made a motion to adjourn. Jeanne Rich seconded the motion. No discussion. VOTE: 4-0-0.**

There being no further business, the meeting adjourned at 8:30 PM.

Respectfully submitted,

Debra Dennis  
Office Manager