

Approved: October 26, 2020

MINUTES OF THE PROCEEDINGS OF THE  
PLANNING BOARD OF THE TOWN OF LANCASTER  
Meeting conducted via ZOOM internet conferencing  
Monday September 28, 2020

Present: Russ Williston, Chair; Roy Mirabito, Vice Chair, Carol Jackson, Clerk; Tom Christopher;  
Jeanne Rich

Absent: None

Staff Present: Debra Dennis, Administrative Assistant

List of Documents:

- 31 Runaway Brook Rd Site Plan Application
- Runaway Brook Road Plans for Ground Mounted Solar
- Form A Saraswati- ANR lots 8-10
- 679 George Hill Rd Preliminary Subdivision and Flexible Development Plan

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

Russ Williston informed all present of new guidelines and recommendations attached to the end of the agenda.

The Chair motioned to move Item #3 to Item #1, seconded by Roy Mirabito.. Discussion Jeanne questioned whether the Chair has the right to make a motion. Roy Mirabito made the motion, Tom Christopher seconded, 5-0

**Public Hearing**

1. Continued Public Hearing-Assessor's Map 32 - Lot 1 (F/K/A 679 George Hill Road) – applicant Brahmananda Saraswati Foundation - Special Permit for Flexible Development –

Present for this discussion:

Frank McPartlan, Engineer for the applicant

Chair Russ Williston re-opened the public hearing, continued from 8/24/2020.

Frank McPartlan mentioned Conservation Commission meeting went well.

Changes to plans due to locations of septic and wells. Went through conventional and flexible plans to make sure all were shifted outside of buffers, except for lot 15.

Carol Jackson has another list of wells and septic in buffers on both plans- Flexible Dev. plan Lot 2, leach field on wetlands buffer line, work will be done in the wetlands, well is possibly closer than 50' to easement, cannot tell because easements are not on plan, was asked to put easements on plan but they still are not, Lot 3 leach field in 100' wetlands buffer, lot 4 leach field in 50' conservation buffer also more than 100' from cellar wall- Frank stated it would be up to the BOH, lot 5 well is closer than 50' from easement that is not shown, stormwater mgmt is in the 50' no disturbance buffer, lot 7 leach field is in 50' conservation buffer, leach field is more than 100' from cellar wall, lot 9 same as 7, lot 10 well possibly closer than 50' to easement, lot 11 leach field in 50' conservation buffer, lot 12 well on 50' conservation buffer, it will be disturbed, lot 15 leach field greater than 100' from cellar wall, lot 17 well closer than 50' to easement, lot 20 leach field in 100' wetlands buffer, well closer than 50' to easement, lot 21 well closer than 50' to easement, lot 24 well closer than 50' to easement

Road is in 50' buffer near lot 20 and lot 11, carriage house is still a problem with size

Conventional Development Plan- lot 5 leach field greater than 100' from cellar wall, lot 10 well and septic and house in 200' riverfront buffer, lot 17 leach field greater than 100' from cellar wall and possibly closer than 50' to easement- easements are not on plans, lot 19 septic and leach field in 100' buffer, house and well at other ends of wetlands- how are they to be connected without disturbing wetlands, lot 18 well within 50' of easement, lot 20 same, lot 26 leach field greater than 100' from cellar wall and how do you connect without disturbing wetlands buffer.

Road still goes through wetlands and buffers- Frank stated road does not go through wetlands it goes through buffer

Paul Haverty, applicants lawyer, explained the base number of building lots allowed to be created in a flexible development shall be equal to the number of building lots into which the parcel could reasonably be expected to be divided under normally applicable dimensional and (if not sewered) on-site disposal regulations.

Jeanne Rich mentioned the process of the flow that applicant would be going through

Russ Williston explained to residents what the process is for a Flexible Development. Also, explained that Roy Mirabito would not be a voting member since he was not a member for all of the meetings.

Roy Mirabito questions- taking land off the tax rolls of the town, decreasing towns revenue and helping the buyers. Carriage house is like a shell game. Frank McPartlan stated the carriage house wouldn't go away. As far as access to open space, could be accessed from Brokelman Rd. Laid out easement along lot 4. Carriage house will remain. Frank asked if the board has an acceptable number of houses to approve this plan.

Tom Christopher- stated had a very productive meeting with Con Com. Open space coming off tax roll is a good point, this community values open space. If we are going to incorporate this open space the

applicant should provide additional access and funding to the community. Applicant needs to come forward with something that will make it worthwhile to the town.

Would like to see more detail, parking for open space.

Carol Jackson, single access can be done on conventional also, both plans would need a waiver. Where is list of waivers. Not comfortable, plans not good enough to make a decision, keep having same things changed each time, applicant knew what would be looked at. Frank said other boards should be the ones to make those decisions.

Frank McParlan request a continuation to October 26, 2020

Tom Christopher made a motion for a continuance to October 26th, Jeanne Rich seconded, Russ asked Tom preliminary site plan also to October 26th, Tom agreed to make them both continued to October 26th, roll call vote 5-0

Tom Christopher had a question of Roy Mirabitos eligibility to vote- Tom stated Roy was actually in attendance for all hearing meetings, even though he was not a member of the Planning board for all of the meetings.

### **Public Meeting**

#### **1. Continued 31 Runaway Lane-Ground Mounted Solar**

Present for this discussion:

Mike Bailey, Applicant

Plans and list of waivers were received

Tom Christopher- believes lists seem to be in order, Jeanne Rich - looks good to her. Roy Mirabito would like arborvitae on east side. Mike Bailey happy to comply.

Tom Christopher - moved to approve special permit with the condition that a row of arborvitae planted on east side of the solar array, for a distance of 25 feet with plants being in place 4 ft. on centers, Roy Mirabito seconded

Russ Williston noticed this should have been a continued public hearing, not a public meeting. Opened up to attendees for comments.

Don Chaisson requested that a condition be added that the arborvitae screening be permanently maintained, in perpetuity. Tom Christopher said it could be added as a condition.

Add a term of 1 year.

Jeanne Rich made a motion to close the hearing, seconded by Tom Christopher- roll call vote 5-0 to close

Tom Christopher - made a motion to approve special permit, and site plan, list of waivers submitted with the condition a row of arborvitae be planted on east side of the solar array, for a distance of 25 feet with plants being spaced 4 ft centers on, with a condition that any plants that die within 1 year, the plants will be replaced at expense of applicant. Jeanne Rich asked to grant a friendly amendment to grant all waivers requested from applicant. Tom agreed. Carol Jackson seconded. Roll call vote 5-0

### **Other Business**

1. MRPC presentation concerning Model bylaws and other town's bylaws as well as results from a Village center survey MRPC did for Lancaster in 2015.  
Karen Chapman, MRPC, presenting- Mike Antonellis and PB submitted an application for a District Local Technical Assistance Grant- provided by the Dept of Housing and Community Development- which provides these services for free.  
Request was to provide draft bylaw language for the creation of a new zoning district such as those eligible under the Chapter 40R smart growth statute.  
40R or Village Center District? What does the Planning want.  
40R advantages are that funds are available, can get payments when something is built.  
What direction do we want to go. Russ Williston stated we don't have any particular specification regarding 40R- might have been from Mike Antonellis. Tom Christopher stated this was the first time hearing about 40R- what is it?  
Karen Chapman explained. 40R is a state statute which gives communities monetary incentives to do smart growth activities. Similar to Flexible Development plans, which allow more things in a smaller area. It does give a monetary advantage if you build in this zone- example of affordable housing, if you have 20% of development affordable, you will get a payment from the state.  
Tom Christopher- is 40R appropriate for this area or should it be a Village Center Concept- need to look more into this.  
Jeanne Rich- AUC down to town line not much room for new development, 40R may be better option for town, may be why they went for the 40R option.  
Karen Chapmen -All lots in 3 different districts. Suggests an overlay district. 40R likes redevelopment.  
Russ Williston- was map made by Karen, or provided by Mike Antonellis? Mike provided map to Karen.  
Jeanne Rich asked if it would be a 40R overlay? Karen said yes SGOD Smart Growth Overlay District.  
Karen asked for any questions we wanted included with survey for Inclusionary Zoning feasibility study survey to businesses in the area, and community.  
Dick Trussell wants to know what the restrictions are associated with 40R- 40R has its own requirements. Karen said you can use 40R requirements, or underlying requirements (use what is existing).  
Victoria Petracca- Does 40R overlay allow multi family affordable housing both leased and owner occupied? Karen- Yes  
Karen Chapman- district defined by parcel lines? Tom Christopher stated you may want geographic lines.  
Jay Moody mentioned Development Committee- suggested Karen speak to the committee.  
Karen will report findings on October 26th Planning Board Meeting.  
Greg Jackson- are the property owners aware of what is going on?  
  
Don Chaisson- will District line affect abutters valuation? Will they have the option to be a part of this redistricting?  
Karen Chapman- survey results. Rank what they would like to see. Noone wanted change. Number of comments of confusion of where this would be. Map needs to be on next survey.

2. Presentation regarding upcoming Special Town Meeting article that would amend the Lancaster bylaw establishing the Lancaster Planning Board.

Jeanne Rich- point of order- PB filed original agenda- met 48 hr notice according to Open Meeting Law, revised agenda posted Friday morning 8/25 at 8:23 am- agenda not in compliance per Open Meeting Law MGL Ch 30A section 20, therefore item cannot be discussed. Russ Williston stated Jeanne is incorrect- take best practice from Open Meeting law guide- by 48 hours before the meeting begins you have to put out the meeting agenda notice out, and it needs to include everything that you are aware of that would be discussed at the meeting. This was actually an item that was brought to Russ after the agenda notice, so he did what was considered the best practice according to the open meeting guide and immediately asked Deb to add it to the agenda. Jeanne Rich stated that her understanding from the Attorney General's office that this is outside of the 48 hour and if you are going to disobey the law she will file an open meeting law violation against Russ and will be leaving the Planning Board meeting because she will not be part of a violation of the Open Meeting Law and would encourage other members of the board to do the same so that they are not guilty of a violation. Russ stated she can file, and we will proceed. Jeanne Rich left meeting at 8:42pm.

Roy Mirabito spoke about Article 14 from the last town meeting. Planning Board and Board of Appeals members should not be members concurrently, you can be on one, not both boards. Looking to add to next special town meeting to amend Planning Board bylaw 17-6 establishment. Asking for Planning Board support.

3. Vouchers- No vouchers

4. Minutes:

- September 14, 2020

Russ Williston stated Jeanne had corrected the minutes marked in red

Deb corrected line 63 the cease and desist -should be .25

Carol Jackson made Motion to approve minutes for September 14 as amended by Jeanne Rich and Tom Christopher. Roy Mirabito seconded. Roll call vote 4-0 (Jeanne not present)

1. Signing decisions

### **Adjourn**

**Tom Christopher moved to adjourn, Roy Mirabito seconded. The board voted unanimously to adjourn at 8:52PM.**