

MINUTES OF THE PROCEEDINGS OF THE
PLANNING BOARD OF THE TOWN OF LANCASTER
Meeting conducted via ZOOM internet conferencing
Monday October 26, 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:

- Zero Point Solar Photo Log
- Zero Point Solar Site visit summary
- Preliminary Subdivision & Flexible Development Plan Hawthorn Hill
- Hawthorn Hill 10/22/2020
- On The Move Site Plan application
- 40R District Activity
- 40R vs Village Center
- 40R Parcel Density Data
- 679 George Hill Response Letter
- Potential Parcels for 40R
- 679 George Hill request for Continuance
- Site Plan for Kalon Farms
- 679 George Hill Special Permit

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

Russ Williston suggested that the board move item 6, reschedule November 23rd meeting, from other business to the first item on the agenda. The board briefly discussed possible new dates for the meeting, which otherwise would have coincided with a scheduled "Special Town Meeting."

Motion by Tom Christopher: move the November 23 Planning Board meeting to November 25, 2020, Roy Mirabito seconded. A roll call vote approved the motion, 5-0. (Tom Christopher, yes; Roy Mirabito, yes; Jeanne Rich, yes; Carol Jackson, yes; Russ Williston, yes)

Public Hearing

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 continued the public hearing.

Frank McPartlan summarised changes to the plans: change to roadway, location of septic and wells, and lot lines to make them all out of the 100' buffer. Reduced lot yield, 19 lots plus carriage house on both plans. Flexible still has single access.

Russ Williston opened the floor to questions from the board:

Carol Jackson: mentioned the stormwater management area, both plans reduced to 2 basins, flexible plan had 3 basins, and conventional had 4. She asked how will that work. Frank McPartlan responded that the same amount of available footprint is present, just larger basins.

Carol Jackson raised issues on the "Conventional" plans: lot 1 no room for error well next to leach field. Lot 3 well next to the wetlands buffer, work will be done in the buffer. Frank said it is approximately 6' from buffer, work will not be done in buffer. Lot 8 less than 50' from lot line, Frank will adjust. Lot 14, 15 and 16 well at wetlands buffer, Frank already explained no work will be done. Conventional plan, lot 16 well 100' from leach field, no room for error. Frank said there is room on that lot to move well

Roy Mirabito: asked if the parking for open space is ADA compliant. Frank said 1 accessible space. Trails would be something that would happen later in the design phase.

Tom Christopher: said ADA compliance for trails would have to be determined during construction.

Russ Williston: asked if we heard from Scott Miller on any of these plans. Debra Dennis has not received anything from Scott Miller.

Carol Jackson: what is the difference between the Flexible plan and Conventional, as the only difference she sees is the single access? Frank said the flexible doesn't have a minimum lot size. Frontage is half of what is required. Carol Jackson said the applicant is asking Lancaster to take on the land, but what is the benefit to Lancaster, what would be a good reason why flexible is

better than conventional. Frank said the flexible doesn't have a minimum lot size. Frontage is half of what is required. Shorter roadway and contiguous open space.

Roy Mirabito: dealing with 147 acres, what does it say about the entire package. What makes the entire site only have 20 lots. Frank said wetlands, and land locked open space would disturb the wetlands. They wanted to maximize the use of the front uplands.

Tom Christopher: what we know about the site, he thinks that less impact on any of the resources in that area is an important criteria to look at, also the value to the town concerning taxation. Sooner or later some kind of development will happen. Open space is a positive step. Will need to go to Con Com. Given the choice, he is looking favorably to the flexible development to allow us to protect the open space.

Jeanne Rich: agrees with Tom. Flexible preserves a lot of open space. Makes a close knit neighborhood. Jeanne Rich would be in favor of the Flexible as well. Bull Hill Rd has a new water line, she thinks it abuts the mansion. Has Frank looked into possibly hooking up to that line to help with the well issues?

Russ Williston opened the floor to questions from meeting attendees:

Greg Jackson: questioned parking for trails. Plans don't show any adjoining trails to Thayer forest, is the parking a convenient spot. Concerns of septic and wells. Both plans have places where there is little room for error. Concerns of the clusters of wells. Plans may work on paper, but may not work in the real world. Did the town engineer peer review this? Has the Board of Health reviewed? Are the septic properly sized? Going down from 3-4 stormwater basins to 2. The stormwater basins are concentrated, where all the water is going down hill, none of the water is going to the western wetlands. How are they going to replenish the western side wetlands. How is this supposed to work? What is the easement that comes from Hilltop Rd that terminates in one of the isolated wetlands on previous plans, but not on these new plans?

Greg Brackett: What is the process, and what is being voted on. Is this preliminary, or final. Russ Williston stated it was for the Flexible Development Permit, then next the preliminary subdivision plan. On drawings the main septic is smaller than the reserve. Frank stated it assumes a system would be used. If conventional systems need to be used, the lots are not set up for this. It would be prudent to use the conventional size, just to be safe. Plans lock you into using an alternate system. Mounded systems, the sloping of the mounds, the horizontal minimum needs to be 15' for the grading down. Some of the systems show they are against the lot line. Frank stated the systems are more than that distance. Greg said it is still very tight, just want to make everyone aware of this. Were the wetlands delineated? Frank stated they were in April 2019.

Victoria Petracca: mentioned Mass Historical submitted a letter about this site. Did Frank send the project notification form? Frank said this would be done after NOI. Victoria Petracca also

mentioned her concerns about the meeting materials link not working. It is not right, nor fair that the meeting materials are not available to the public in a timely manner, or not at all before these meetings. It is problematic, they should be available. Something needs to be done to correct this.

Rebecca Urban: has an issue that materials are not always available. This needs to be fixed. Concerns with this project. Benefit to the town would be the open space but does not see how it would be accessible and usable. Traffic is a concern on an already busy road. Project needs to work on paper. No response from the town engineer. Asked the board to consider voting this down. If not voted down, please continue this hearing to wait for the engineer to review. Does not see the benefit to the town.

Dick Trussell: directed questions to Frank McPartlan. Does Frank know the known style of the homes? Frank does not know, just working on lots right now. Lot size on Flexible 50k-80k ft. Average frontage is 112.5- significantly more. Foot print 36x78. Square footage, not available. 4bdm. Potentially a garage on each home. All this would be determined in the design process. Dick said 20 homes would cost the town approximately 309k .

Ken Stenton: Flexible plan access road points directly to the front room window in his home. Can it be changed.? Frank said there might be some room to change but that would be something they might be able to modify during the planning process. Sharing aquifer with existing older homes. Would hate to deplete water. Could be a problem with 20 additional homes.

Catherine Sadler: has concerns about the population density, and sharing an aquifer, and depleting the water supply. She is not confident the aquifer will support these additional homes. Is there a plan to aid these new homes if water supply is not there for these new homes. There is a limited water supply at this elevation.

Greg Jackson: looking for answers on his questions. Western wetlands, how can the basins replenish these wetlands. Central wetlands, what is the easement that stops in the middle of the wetlands. Need to balance the basins out, it looks as though there will be significant changes to the wetlands if the basins are not spread out. Frank said as far as the locations of the basins they are of a size sufficient enough for the development. As they move forward, if he has to, he will make changes. Frank said the easement is an existing above ground easement. Greg said it is not the electrical easement. Updated memo points out the flexible development has better stormwater management, does this mean the conventional does not? Frank said more of the site will have disturbance on the conventional.

Greg Brackett: plan is to establish the number of lots? Frank said this will establish the number of lots, they can go down in numbers, setting the bar. Greg wants to understand what is being voted on.

Tom Christopher: this is what we have to vote on.

Jeanne Rich: do we have enough to vote on?

Russ Williston: took a quick poll of the board do we have enough. Tom Christopher- yes, Jeanne Rich- yes, Carol Jackson- she thinks Scott Miller needs to look at the updated plan. Jeanne Rich- wants to make a motion to make it contingent on Scott Millers review. Russ Williston said he is ready to move forward.

Frank McPartlan: do we have 5 or 4 voting members. Russ Williston stated that he consulted with town council between meetings, and the guidance he received was that Roy Mirabito missed 3 sessions of the public hearing before he became a board member and could not be a voting member.

Russ Williston asked the applicants preference: continue or vote? Frank would like to ask the board to vote tonight.

Motion by Jeanne Rich to close the public hearing for the Flexible Development Special Permit, Tom Christopher seconded. A roll call vote approved the motion, 5-0. (Tom Christopher, yes; Roy Mirabito, yes; Jeanne Rich, yes; Carol Jackson, yes; Russ Williston, yes)

Motion by Jeanne Rich to approve a Flexible Development Special Permit contingent on final review by Haley and Ward, Scott Millers, review. Tom Christopher seconded. A roll call vote disapproved the motion 3-1. (Tom Christopher, yes; Jeanne Rich, yes; Carol Jackson, no; Russ Williston, yes. Roy Mirabito was ineligible to participate.

Jeanne Rich: point of order, what is supermajority for this vote? Paul Haverty, applicant lawyer, the composition of the board is a 5 member board, so no matter if only 4 voting members the super majority is still 4 of a 5 member board.

Public Meeting

Brahmananda Saraswati Foundation, Preliminary Subdivision Plan

Russ Williston: Asked the applicant if the board should continue on to consider the preliminary subdivision plan. Paul Haverty asked if they should consider the modified 20 lots, or the original 24 lot subdivision. Frank stated it would be the 20 lot. Paul suggested they come back with a 24 lot subdivision plan.

Frank McPartlan requested to continue the Preliminary Subdivision application to November 9th.

Jeanne Rich made a motion to continue the Preliminary Subdivision to November 9th, Tom Christopher seconded. A roll call vote approved the motion, 5-0. (Tom Christopher, yes; Roy Mirabito, yes; Jeanne Rich, yes; Carol Jackson, yes; Russ Williston, yes)

Site Plan for Kalon Farms

Present: Keith Kopley, for Kalon Farms

Keith Kopley presented updated plans with wetlands buffer, and parking.

Russ Williston opened the floor to questions from the board:

Jeanne Rich: what is the actual use going to be? Meeting site plan requirements, BOH requirements, Fire and Police, we did not get answers. Keith said they are an exempt use, we are not here to discuss use.

Russ Williston: we determined gazebos don't require parking. Do you need a site plan? Keith said he was told to go this route. Good to have on record.

Jeanne Rich: hours of operation? Keith said not later than 10 pm. Noise from bands? How will you control the disturbance? Keith said the police chief said there is not a noise ordinance.

Russ Williston: is it required to have a permit for these events? Keith has not done this in the past.

A requirement for an event permit would be better.

Jeanne Rich: we do have a noise by law. Read part of the by law. Can hear bands on Main st. - Keith said the bylaw doesn't pertain to him because of 40A section 3 property. Keith said we are here for a site plan, not to discuss use of property.

Jeanne Rich: nothing in documents stating that this is exempt. What is the property being used for? Parking paved or unpaved. Clearly marked? Keith stated it will be the same as what they have been doing for the Bolton fair as an example.

Russ Williston: suggested a restriction for event type parking, it can only be used with an Event permitted by the BOS. Jeanne Rich would be more comfortable with this. Keith Kopley suggested that the restriction apply to events above a certain size.

Tom Christopher: worked on the River Festivals. Regardless of any activity in the field an event permit was required. It was no big deal. It becomes part of the record. With the permit there should be some contingencies. A permit is something that is already part of the process, which

hasn't been used. Should be used. A fee schedule would be a good contingent on the size of the crowd. Roy Mirabito - agrees with permitting process. Keith agreed, permit makes sense. 0-1000 people throughout the day they can handle, not all at the same time. Anything above that he would get police and fire involved to figure out what they would need. Which is what they have been doing throughout the years.

Carol Jackson: have you spoken to the police about the no services required parking number on the plans. Keith has.

Motion by Tom Christopher to accept the site plan that has been presented, with all future events be coordinated with the Select Board and receive appropriate permitting according to any terms the Select Board decides to set. Roy Mirabito seconded. Discussion followed.

Carol Jackson: is there handicapped parking? Keith said it is by the store, and any flat area parking that would be appropriate.

Russ Williston: would prefer the condition that any delineated parking outside the store would require an event permit by the BOS. Tom Christopher agreed with Russ Williston. Keith said the normal traffic does use the field parking for overflow.

Russ Williston: How many spaces would be needed for overflow? Keith 50-80

Russ Williston: suggested add to motion any parking beyond 80 parking spots delineated by cones would require an event permit by the BOS. Keith said he would like the number increased due to business increasing. Next year may be a good year, and a destination spot, 200-300 cars would be better. Tom Christopher doesn't see any problem with coming back to the board to increase. Tom Christopher suggested 80-100 cars as part of regular business.

Tom Christopher amended his motion to require that event parking of more than 200 cars be allowed only when an event permit is issued by the Board of Selectmen.

Jeanne Rich: asked if traffic, hours of operation, lighting are on this. Tom Christopher stated all are stated on plans. They do not run later than 8pm.

Jeanne Rich: asked if there is an emergency egress, Keith stated it is on the plan.

A Roll call vote approved the motion, 4-1. (Tom Christopher yes, Carol Jackson yes, Roy Mirabito yes, Jeanne Rich no, Russ Williston yes)

On The Move Mobile Storage LLC- site plan

Tom Christopher noted that he is not able to participate on this application; the chair asked him to wait in the "Zoom" waiting room until this item is concluded. Tom Christopher left the meeting at this time.

Present: Tim Beauchemin, for the applicant

Tim Beauchemin summarized the plan.

Russ Williston opened the floor to questions from the board:

Russ Williston: suggested the Fire Dept and DPW take a look at this plan.

Roy Mirabito: do they also store full boxes? Tim stated they did. Mostly short term. There is a 2 foot strip along McGovern Blvd. Should there be a screen to shield it from view?

Russ Williston: How would the DPW plow? Jeanne Rich stated it is still a private road.

Carol Jackson: concerned, MI Box had to go through a process to make sure lights, and other requirements were involved in approving their facility. Why would this site plan be any different? Tim stated this is a different situation, they do not have a building, and it is lit by the soccer fields.

Russ Williston: In the application the applicant didn't check off that "the use is allowed in the zone" -- why? Tim said that mobile storage was not in the use table.

Jeanne Rich: asked if this was something Tim was working on with Mike Antonellis. Tim said he did submit to Mike Antonellis, but nothing had been done with it, not response. It got lost? He did not know what happened. Jeanne Rich suggested we ask Mike Antonellis if he was working on this.

Chair suggested a motion to continue and send plans to Fire and DPW; Jeanne Rich so moved, Carol Jackson seconded. Discussion followed:

Jeanne Rich: Requests that Debra Dennis check with Mike Antonellis, if he can review the application

A roll call vote approved the motion, 4-0. (Carol Jackson yes, Roy Mirabito yes, Jeanne Rich yes, Russ Williston yes. Tom Christopher was not participating on this agenda item.)

Other Business

Tom Christopher re-joined the meeting at this time.

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.

Present: Karen Chapman, from the MRPC

Karen Chapman: explained 40R(allows more dense housing, determined by the town to allow more affordable housing) vs Village Center (depending on language and uses, it is up to the town what you want) documents, all explained on the documents submitted, and pre application form.

Russ Williston: Is Karen looking for guidance from the board. His impression was that the Village Center by law is what we were looking for. Dense housing isn't what we were looking for. Karen stated you can pick which parcels 40R would be on.

Jeanne Rich: asked if we could do a little of each, 40R and Village Center. Karen spoke to Mike Antonellis a little bit about this. 40R at AUC property, and Village District for the balance. AUC is already in the Housing Production Plan, which is a good thing for 40R.

Carol Jackson: can a specific building be picked for affordable housing and a certain percentage - every project has to have 20% affordable.

Tom Christopher: boundaries, he had suggested geographic boundaries, May not be completely acceptable to some in the community. Affordable does not mean low income.

Russ Williston: suggested we go through the parcels.

Karen Chapman: This is part of materials submitted. Business parcels close to Clinton line. Remainder are mixed, and multifamily use. Residential areas are towards AUC. Half are single family. Balance are a couple apartment bldgs, and AUC parcels. Residential multifamily is the western part. Results from the 2015 survey are in the meeting materials.

Karen Chapman: Suggests she put together a report for the 1st meeting in December with a summary of how it would look for 40R, then apply for DLTA next year. Preliminary evaluation of parcels, and where it would benefit. Jeanne Rich asked for a map with her preliminary report.

Victoria Petracca: when the town receives the money for 40R, where does the money go? Does it get earmarked for affordable housing purposes? Karen did not really know, but suggested that it be stated somewhere that it should go to affordable housing. A case study 5 years out of a similar town would be very helpful. AUC would be perfect for 40R, and a combination would be great.

Review October 19th Haley and Ward report on issues related to the Zero Point Stormwater Permit at 0 Old Union Turnpike storm water issues.

Present:

Bill Hannigan, engineer for Zero Point
Ken, from Protech

Tom Christopher: memo from Scott Miller- he visited the site shortly after Tom. Storm dumped .95" of rain and the brook was dry. 2 days later .85" rain, concentrated with volume and duration of time. Consequently a resident called and the brook was fully charged with turbidity. Site photos were taken. Bottom line was everything that could be done was done. It was still not enough, they were wrong. Tom Christopher is uneasy with making any recommendation going forward. Ongoing problem with an agricultural drain and turbidity and siltation going into White's Pond. Open to any suggestions from Bill or Ken. There needs to be some engineering solution.

Russ Williston: asked about Scott Miller's solutions. Tom Christopher said the only thing left is to look at the drain.

Bill Hannigan: said there is not a lot more to say, he agrees with Tom Christopher. Stated deficiencies in Scott's letter have been fixed. Went over photos. Next order of business on their end needs to be, putting a camera down the agricultural drain to see what is in there. See how viable it would be to clean. He doesn't think it is viable to clean.

Tom Christopher: stated the pipe itself was half filled. Until the drain is cleaned or taken out, there will continue to be a problem.

Ken: agreed to get a camera down there, this week or next. Bill will send Russ Williston a followup email stating when it will be done.

Correspondence

Russ Williston reviewed some questions he'd received between meetings:

- From Victoria Petracca, what is the status of the new Planning Director? Russ Williston stated Orlando Pacheco wanted PB to be in the process. Russ Williston thought it would be a good idea to get the most experienced members involved, so he asked Tom Christopher and Jeanne Rich. There were 10 applications from Orlando Pacheco and whittled it down to a small #, and interviews this week.
- Study for Inclusionary Zoning? Russ Williston stated Orlando Pacheco wrote back, Mike Antonellis spoke to Judy Barrett and the draft would be done for this week.

Memo from the BOS, who would like the board's opinion on various pending license renewals. Does the planning board have an opinion on 2 lists? Board agreed to send any comments to Debra Dennis for Wednesday.

Vouchers-

Zero Point Solar Fields- for professional services from Haley and Ward \$410.00 to be taken out of their account.

Motion by Jeanne Rich: pay the voucher. **Second by Tom Christopher.** A Roll call vote approved the motion, 5-0. (Tom Christopher: yes; Carol Jackson: yes; Roy Mirabito: yes; Jeanne Rich: yes; Russ Williston: yes)

Minutes:

August 24, 2020 revision

Prior to the meeting Russ Williston distributed a one-line addition to the minutes that he proposed the board accept as a revision. The one line revision was “In discussion, Jeanne Rich shared her concerns about Russ Willistons demeanor, behavior, and professionalism.

Jeanne Rich: asked why her original proposed revision could not be used. Russ Williston suggested she could make such a motion.

Motion by Jeanne Rich: accept the proposed 8/24 minutes that she originally amended. **Tom Christopher seconded.** A roll call vote disapproved the motion, 2-3. (Tom Christopher: yes; Jeanne Rich: yes; Carol Jackson: no; Roy Mirabito: no; Russ Williston no)

Motion by Carol Jackson to accept Russ Willistons proposed one-line amendment to the August 24, 2020 minutes. **Roy Mirabito seconded.** A roll call vote approved the motion, 4-1. (Tom Christopher yes, Jeanne Rich no, Carol Jackson yes, Roy Mirabito yes, Russ Williston yes.)

September 28, 2020 minutes

Jeanne Rich had distributed a draft with corrections.

Motion by Tom Christopher: accept the minutes as amended by Jeanne Rich. **Jeanne Rich seconded.** A roll call vote approved the motion, 5-0. (Tom Christopher yes, Jeanne Rich yes, Carol Jackson yes, Roy Mirabito yes, Russ Williston yes.)

October 6, 2020 minutes

Motion by Tom Christopher: accept the minutes.. Jeanne Rich seconded. A roll call vote approved the motion, 5-0. (Tom Christopher yes, Jeanne Rich yes, Carol Jackson yes, Roy Mirabito yes, Russ Williston yes.)

Adjourn

Jeanne Rich: requested an agenda item for the next meeting, to look over the Atty. Generals response to the Scenic Roads bylaw. Russ Williston indicated he'd add that to the next agenda.

Motion by Carol Jackson to adjourn, seconded by Tom Christopher. A roll call vote approved the motion, 5-0. (Tom Christopher yes, Jeanne Rich yes, Carol Jackson yes, Roy Mirabito yes, Russ Williston yes.)

Russ Williston adjourned the meeting at 11:00pm