

Approved: December 14, 2020

MINUTES OF THE PROCEEDINGS OF THE  
PLANNING BOARD OF THE TOWN OF LANCASTER  
Meeting conducted via ZOOM internet conferencing  
Monday November 9, 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:

- Bestway Stormwater Permit Application
- Bestway Site Plan Application
- Bestway Site Plan
- 679 George Hill Rd Preliminary Subdivision Plan
- Response to Planning Board for 679 Georghill Rd
- On The Move Site Plan Application
- Scenic Roads By-law -AG's response

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Chair Russ Williston called the meeting to order at 7:01 PM.

Russ Williston suggested that the board remove "Item 7: Update from the Economic Development Committee" from the agenda. It was included in error and no such update is forthcoming.

**Motion by Roy Mirabito to remove agenda item 7, update from Economic Development Committee, which appeared on agenda by mistake. Carol Jackson 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.)**

**Public Hearing**

**Bestway of New England, Inc., seeks Stormwater Permit under the requirements of the Lancaster Zoning Bylaw Section 220-34 and the Stormwater Control Bylaw 170-5 to construct a new parking**

**lot with approximately 24 spaces and associated site improvements at a property within the General Industry Zoning district located at 840 Sterling Rd (Assessor's Map 40, Parcel 14A).**

Present:

Andrew Porter, Bestway

Bob Rego, Engineer from River Hawk Environmental

Ryan Ordnung, Haley and Ward

Russ Williston read the public hearing notice and opened the public hearing.

Bob Rego: introduced the application. He stated revised plans include the riverfront area. 10acre site. Existing facility about 18 acres, looking to do a paving project. Pave over in a phased manner approximately 7.37 acres. To help stormwater, and increase dust suppression, to make a better overall surface to work on. Clean roof runoff will infiltrate into the ground, to subsurface infiltration areas connected to each of the roofs. Additional stormwater they are proposing 3 sand filters.

Russ Williston asked Ryan Ordnung to review the applicants most recent response to the engineering review.

Ryan Ordnung: has concerns with wetland delineation discrepancies. Tom Christopher stated he thought it would be a good idea to send some surveyors out there. There are clearly discrepancies, and for the riverfront as well. Bob Rego, stated survey is horizontal not vertical. Could not do vertical because it is in a tough spot. Bob believes it is accurate. Building that they propose to move doesn't show sewer or water connections. Bob stated they will have sewer and water, will be dependent if they are allowed to connect to sewer, or they will connect to existing septic.

Ryan Ordnung : clarifying site is a large quantity generator of hazardous waste. Make sure none of the hazardous waste goes into the stormwater drain. Would like copies of the comprehensive plans of what they are currently doing and what they propose to do. Bob stated all chemicals used in the plant, they do have an above ground storage tank. The building also is bermed. They will provide a copy of the stormwater pollution prevention plan.

Ryan Ordnung: Stormwater management plan- should be combined in a nice document. They will prepare this document.

Ryan Ordnung: floor drain into sewer system. Need approval.

Tom Christopher: stated he was on site a couple years ago, during a major storm event. In the area of the old office, to the south of it, it was impossible to go through runoff 10' wide, 1' deep. A detention basin there would be an improvement.

Roy Mirabito: stated he is concerned about thermal pollution to Goodridge brook. Bob -as it exists it will be very similar to what they are proposing, and actually would improve and reduce thermal pollution. Outside jurisdiction of Conservation Commision.

Jeanne Rich: questioned the building they propose the floor drain for. Where does the debris go today? Bob stated the oil is collected in 55 gal. drums and properly disposed of. Trying to make it better- floor drain is a requirement today. No intention to discharge in the floor drain. Will continue with using a secondary container.

Jeanne Rich: sand filters- currently runoff runs into Killborn, and Goodridge Brook- will sand filters really clean? How does the contaminant go away? Do the sand filters get cleaned periodically? Bob replied that the basins will reduce the rate to less than current conditions. Significant improvement to the stormwater runoff. Ryan Ordnung agreed.

Jeanne Rich : site plan question- minimizing parking visibility from Sterling Rd, will there be any plantings to screen from the Sterling Rd public way. Bob - they can add plantings.

Jeanne Rich: district boundary plantings- abuts 2 different districts- there should be some sort of planting. Did not ask for a waiver. What are you planning for the screening? Bob- are they required for the existing site?, can they ask for a waiver? Tom Christopher stated they can, but need to state why they need this waiver. Given the existing site, it may be appropriate for the front, but not the sides.

Jeanne Rich: new office building, is there any lighting? Andrew stated it will have the same as the existing. There will be a couple lights. Jeanne- any light in the parking lot. Andrew said they would meet the requirements of the board. Jeanne suggested they look at the site plan by-law. And whatever they feel they can't meet or do not want to meet, they request a waiver.

Russ Williston read letter from Cara Sanford, re: Mass Dep violation article from May 24, 2019.

Russ Williston asked for any other comments from attendees: there were no public comments at this time.

**Motion by Jeanne Rich to continue the public hearing for the Stormwater Permit and Site Plan application to give the applicant time to make the proper waivers, and CES a chance to review any issues, to December 14, 2020. Seconded by Roy Mirabito. A roll call vote approved the motion, 5-0. (Tom Christopher yes, Jeanne Rich yes, Carol Jackson yes, Roy Mirabito yes, Russ Williston yes.)**

John Farnsworth, in attendance, interjected to mention that in regard to dust issues a year and a half ago the applicant was very responsive. Chair Russ Williston requested that as the public hearing has been continued, further comment should be held back until the hearing resumes on December 14th.

### **Public Meeting**

**Bestway of New England Inc., Site Plan application to construct a new parking lot with approximately 24 spaces and associated site improvements at a property located at 840 Sterling Road.**

(This item was continued to December 14, 2020 with the permit above it on the agenda.)

**Continued, Assessor's Map 32 -Lot 1 (F/K/A 679 George Hill Road) –applicant Brahmananda Saraswati Foundation -Preliminary Subdivision**

Present:

Frank McPartlan, Ducharme and Dillis, for the applicant

Paul Haverty, attorney, for the applicant

Frank McPartlan: Summarized the application. Proposes 19 residential lots, 1 carriage house lot, and non buildable parcel A to be conveyed to the carriage house lot, and parcel B to be conveyed to open space. Reworked Flexible Development layout to conventional. Frank stated 17 of 19 lots meet requirements. Lot 7 and 9, reduced frontage per 220-10 (c).

Carol Jackson: plan still does not show easements. Frontage on Site plan and lot summary table do not match. Letter still references Flexible Development, 220-15. Did we receive anything from Haley and Ward. Frank spoke to Haley and Ward, and they were looking for direction from the planning board. Deb stated the original proposal only allowed so many reviews, she will check and get it started. Concerned about the aquifer. BOH recommended the applicant provide a hydro geological impact statement. Should there be a new application for this plan? Frank stated there were applications for both. Frank stated the frontage is accurate on the plan.

Jeanne Rich: 2 reduced frontage lots. Will there be a separate page, labeled approved for reduced frontage for the lots, so the planning board can sign separate from the subdivision plan. Frank will include in the final part of the plans.

Roy Mirabito: does the revised plan include recharging the wetlands on the western part of the site?

Frank: said there is a large stormwater management area located at the northeastern part of the site that the discharge can be configured to send to the finger to the east of it, or to the west.

These are conceptual areas. As he does an analysis he can add additional areas. The large basin that is in an open space area can feed multiple locations of wetlands.

Jeanne: in the letter they request if we are going to vote on approval, we need to designate the entity who will own the open space parcel. Frank stated it was a typo. Intent was to have the designation as a condition of approval on the definitive plan.

Jeanne: deadline on the preliminary plan. She is ok with voting on this, with conditions, of John Farnsworth's requests, for further study, and final review by CES.

Roy Mirabito: would like more information on the state classification of this land. It is listed as a habitat of potential regional statewide importance. Environmental characteristics, hydrology, wildlife are all concerns. Doesn't want to approve without more information.

Tom Christopher: stated he thinks our responsibility is to deal with the regulations and by-laws relative to planning. Any conservation commission issues will be presented at the conservation commission. Goddard submission wildlife study was woefully deficient. Other opportunities to possibly reduce the size, or reconfigure the development. Need to be careful of the board's responsibilities. Applicant should ask for a continuance, if not, we have to do our duty. If we did approve, Haley and Ward would do their due diligence reviewing the definitive plan. As a preliminary plan, he thinks this is an improvement.

Russ Williston: went through the requirements for a Preliminary Plan. Russ believes the contents required have been met. He would be prepared to make a decision.

Carol Jackson: read the purpose of the Subdivision Control Law- adequate provision of water, sewer... up to us to look at all of the adequate provisions. Why would we want to go through all of this again, without correcting the current issues.

Paul Haverty: Preliminary Plan requirements were adequate, in a general manner. Purpose is to ward off major issues. Not intended to replace the definitive plan. Requests the board votes tonight.

**Motion by Jeanne Rich to approve the Preliminary Subdivision Plan for Hawthorn Hill, on Georgehill Rd, showing the creation of 19 buildable lots, 1 carriage house lot, and 2 non buildable lots, and waiver for the single access roadway. Tom Christopher seconded.**

Carol Jackson requested the Haley and Ward peer review be added as a condition of approval; accepted.

**A roll call vote approved the motion, 3-2. (Roy Mirabito: no; Carol Jackson: no; Tom Christopher: yes; Jeanne Rich: Yes; Russ Williston: Yes)**

**Consider a proposal to reconsider the 10/26 decision on site plan for Kalon Farms and reconsider the decision if appropriate.**

Russ Williston requested guidance from town counsel on reconsidering decisions and the deadlines to do so; he distributed the guidance to the board.

Jeanne Rich: point of order- does the motion need to be from someone that approved, not denied? Russ said it was ok for Jeanne to make the motion

**Motion by Jeanne Rich to reconsider the Kalon Farms site plan approval, due to BOH issues, Fire and Police Dept issues that were brought to our attention after the vote was taken. Tom Christoher seconded. Discussion followed:**

Jeanne Rich: stated BOH letter concerns, and Fire Chief concerns, we were not given true facts about everything. We need to find out the use, and requirements for the site plan.

Tom Christopher: doesn't think the applicant was as forthcoming. Needs to be more clear on the amount of parking needed for an event. Agritourism is not clear. Need more clarification.

Russ Williston: satisfied, he would support reconsidering this.

Carol Jackson: asked if the applicant knows about this reconsideration. Deb stated that he was notified.

A 5-0 roll call vote was taken but interrupted.

**An attendee suggested that a motion to reconsider could only be made by a member who voted in support of a decision. The chair allowed the board to re-move the motion to alleviate any concerns.**

**Previous motion, to reconsider the decision, re-moved by Tom Christopher. Roy Mirabito seconded. A roll call vote approved the motion, 5-0. (Roy Mirabito: yes; Carol Jackson: yes; Tom Christopher: yes; Jeanne Rich: Yes; Russ Williston: Yes)**

Jeanne Rich: would like to make a motion to take all the documents from the BOH, Fire and Police departments, application and submit to town council and request they look at it and request give us legal direction that we should be going in.

Russ Williston asked what the zoning use is. Question to ask town council- is the use he is proposing Agritourism? Need direction on how to deal with it. Are we allowed to apply our local by-laws to this site plan? Is it exempt?

Roy Mirabito: stated applicant needs to produce 25% on site, or 50% in Massachusetts.

John Farnsworth: stated the BOH has a lot of unanswered questions.

**Motion by Carol Jackson to authorize Jeanne Rich to seek guidance for the board on this issue, working with Deb Dennis and Orlando Pacheco. Roy Mirabito seconded.**

Carol Jackson: mentioned Ch 40A section 3- states unreasonably regulate, not that you cannot.

**A roll call vote approved the motion, 5-0. (Roy Mirabito: yes; Carol Jackson: yes; Tom Christopher: yes; Jeanne Rich: Yes; Russ Williston: Yes)**

### **Continued Site Plan: On-The-Move Mobile Storage LLC**

Present:

Tim Beauchmen, for the applicant

**Tom Christopher stated the need to recuse himself for this agenda item. Chair Russ Williston asked him to wait in the “Zoom” waiting room: we’ll let him back in after we complete this item. Tom Christopher left the meeting at this time.**

Jeanne Rich: stated that at the last meeting we were going to send this to the DPW and Fire, did we receive anything back? Nothing back yet.

Roy Mirabito: maximum storage layout of 145 pods, he went by and saw some stacked, so is it for 145 pods or 290? Tim said he was just trying to get the layout for maneuvering the trucks , they really would prefer not to have a lot of them on the site.

Roy Mirabito: asked if all sales in Leominster, no office. Pod looks like a sign on rt 70. Has Tim filed for a sign permit? Tim will pull back into yard

Jeanne Rich: question on Mike Antonellis review. Tim should look at Mike's recommendations, and if they are things that Tim does not intend to do he should be asking for waivers. Roy mentioned setbacks. Jeanne doesn't think we can require much due to the fact that they are renting, and it is in a private way. Jeanne stated thinks the applicant should maybe ask for a waiver for everything, not sure.

Carol Jackson: mentioned snow storage. What are they planning. Jeanne and Tim stated they can push it to the empty lots. What happens when those lots are sold or rented? Tim stated it is up to the owner

Roy Mirabito: stated they will be storing full containers as well. Will this be a liability, even though they will be insured by the customer. Will this create a nuisance? Be a liability? They do not have content insurance. It is up to the customer to insure.

Carol Jackson: asked Deb Dennis to ask Mike Antonellis, to see if the site plan requirements are for rentals, or just owners of property.

Motion by Jeanne Rich: continue the On The Move site plan to December 14, 2020, with a written request from the applicant. Roy Mirabito seconded. A roll call vote approved the motion, 4-0. **(Roy Mirabito: yes; Carol Jackson: yes; Jeanne Rich: Yes; Russ Williston: Yes. Tom Christopher was not participating in this agenda item.)**

### **Other Business**

**Tom Christopher returned to the meeting at this time, before we began the next agenda item.**

**Review the new Scenic Road Bylaw and the A.G.'s notes, discuss any proposals for updates, and review the application**

Jeanne Rich: sections from AG's review stated we should speak to town council on some of the items on the scenic roads by-law. Also, she said the AG's office stated some of the roads on the by-law can no longer be in our list of roads due to acceptance of this by-law. Roads are rte 62, 117, 70. Need to go to town council for advice as to how to fix what has been done.

Jeanne Rich wants to send AG's letter to the town council to see what they recommend, and what the next steps are to put the roads into conformity. Carol Jackson stated if Lancaster maintains the road, then it can be part of the scenic roads. Jeanne and Roy stated the entire state road needs to be in Lancaster to be part of Lancaster's scenic roads. Jeanne stated we adopted a statute that changed what a scenic road is. Russ and Carol did not see where it states that in the AG's response letter to the by-law. Jeanne mentioned section 3 talks about the roads, and the statute stating the entirety of the state road has to be in our town. Question for council, and list will have to be amended. Filing fees and fines need to be discussed with town council.

Russ Williston: suggested the application be sent out to the members, and we can discuss at the next meeting.

**Presentation by MRPC concerning Model bylaws and other town's bylaws as well as results from a Village Center survey MRPC did for Lancaster in 2015**

MRPC contact not present; she's not expected until December.

**Correspondence**

Russ Williston checked in with Orlando regarding the Inclusionary Zoning study. The last meeting draft should have been done for the subsequent week. Then a summary should have been done for today. Deb did not receive. Mike Antonellis told Deb the person doing the study will contact Russ.

Carol Jackson asked about Planning Director interviews. Tom Christopher stated he and Jeanne Rich had about 12-13 applicants. They narrowed it down to 3. They had zoom interviews. Jeanne and Tom crafted 13 questions and submitted them to applicants in advance. One applicant stood out above the others, and submitted the name to the BOS and Orlando. Jeanne and Tom did a follow up summary to submit to the BOS and Orlando.

**Vouchers**

No vouchers

**Minutes**

**October 26, 2020 minutes**

missing sections on the video- minutes are not complete yet

**Adjourn**

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

**Russ Williston adjourned the meeting at 9:40PM.**