

Approved: March 9, 2020

MINUTES OF THE PROCEEDINGS OF THE
PLANNING BOARD OF THE TOWN OF LANCASTER
103 Hollywood Drive, Mary Rowlandson Middle School Auditorium, Lancaster, MA
Monday January 27, 2020

Present: Phil Lawler, Chair, Jeanne Rich, Vice Chair, Russ Williston, Clerk, Tom Christopher, Carol Jackson

Absent:

Staff Present: Michael Antonellis, Director of Planning and Community Development

List of Documents:

- Planning Board Agenda for January 27, 2020
- Proposed IPOD zoning Bylaw language change; submitted by 702, LLC
- January 18, 2020 letter from Hamwey Engineering Inc
- January 18, 2020 letter from REMAX Patriot Relaty
- Capital Group White Pond Buffer Exhibit
- Environmental Concerns submitted by Greg Jackson
- Draft Decision submitted by Attorney Thomas Bovenzi, Donovan & Bovenzi.
- Mullins Certificate signed by Philip Lawler
- Sample motion provided by Michael Antonellis
- McGovern Blvd Staff Review Memo dated December 23, 2019
- Assembled Maps provided Michael Antonellis; ACEC; Floodplain, Central Nahsu River Valley ACEC, Priority Habitat
- Assembled Maps provided by Bohler Engineering; ACEC, WRD – IPOD Master Plan Enlargement, Zoning Exhibit, Master Plan
- Email from Cara Sanford dated January 19, 2020
- Email from Greg Jackson dated January 13, 2020
- Email from Cara Sanford dated January 8, 2020
- Land Confirmation, Acquisition and Use Agreement
- Email from Cara Sanford dated January 12, 2020 with attachments
- Email from Cara Sanford dated January 9, 2020
- Email from Tom Christopher dated January 21, 2020 with attachments
- Email from Kathleen Hughes dated January 27, 2020
- Email from David Kramer dated January 24, 2020
- Engineering Peer Review; submitted by Green International Affiliates, Inc; dated January 27, 2020

1. McGovern Boulevard – 702 LLC - IPOD Special Permit

Attorney Bovenzi presented the board with multiple plan sets including zoning districts and by-right alternatives. Attorney Bovenzi discussed a proposal for affordable housing including a total of 52 units dedicated to the Subsidized Housing Inventory and discussed the open space requirement pursuant to an existing agreement with the town. Attorney Bovenzi then discussed a proposed added tax benefit as a result of the proposed auto-use and stated the applicant has met with the Whites Pond Neighborhood.

Tom Christopher stated that the class II license does not apply to what is proposed. And stated concerns over lack of use in the industrial land. Mr. Christopher commented that the proposed open space does not conform to the requirements and asked if the gravel pit would remain open.

William DePietre, Capital Group, gave the board an overview of the by-right alternatives for the site.

Mr. Christopher and Attorney Bovenzi discussed the open space parcels.

Carol Jackson stated concerns over storage of the auto-use within the Water Resource District.

Attorney Bovenzi stated there is a Special permit available through the Lancaster Zoning Bylaws to alter the district boundary of the Water Resource District.

Tom Christopher stated preference to hear MEPA final comments prior to rendering a decision.

Russell Williston asked questions about the phasing requirement and removal of housing pending a change to the bylaw.

Mr. Antonellis stated that there's no need to waive the phasing requirement and that removal of the housing would require an amendment regardless of the bylaw change and that the board cannot impose conditions relative to future bylaw changes or decisions by other boards.

Jeanne Rich had questions about the by-right options and endorsed the project with conditions.

Philip Lawler stated agreement with Jeanne Rich and that other boards should impose conditions relative to their purview.

Bill Scully, Green International, gave an overview of the peer review comments regarding traffic and stated they are satisfied with the comments pending imposition of conditions as recommended.

The board opened the hearing to public comment.

Roy Mirabito commented on taxes and economic development as well as an RKG Associated impact review for a Capital Group project approved in the Town of Maynard.

Kaitlyn Drew stated concerns over safety on Route 70.

Greg Jackson stated concerns regarding the Water Resource District and interpretation of the relevant bylaw, sewerage treatment plant, Areas of Critical Environmental Concern, Recited MEPA comments, and stated wetland buffer concerns.

John Kucich, Bohler Engineering, responded to comments regarding MEPA.

Jennifer Leone asked a question regarding the 52 residential units, open space and MEPA comments.

Victoria Petracca stated that the MEPA review period for comments was extended.

Joe Ramirez confirmed the meeting between the applicant and the Whites Pond Neighborhood group.

Terry Bevis described personal experience regarding the auto-use and expressed concerns regarding the type of business and stock of vehicles present on the site.

“Dana” expressed concerns regarding how the town can impose existing regulation and expressed need for tax revenue.

Christine Mirabito recited portions of the IPOD bylaw and stated concerns over contamination and traffic.

David Knapp stated concerns over water and sewer.

Heather Ledger stated concerns over environmental and water quality.

Dick Trussell commented on traffic estimates.

Upon a motion by Jeanne Rich and seconded by Tom Christopher the board voted 5-0 to close the public hearing.

Upon a motion by Jeanne Rich and seconded by Phil Lawler the board voted 2-3 to approve the IPOD Special Permit with conditions detailed in the draft decision submitted by Attorney Bovenzi, conditions suggested by Green International and conditions suggested by Michael Antonellis, removing those that conflict or overlap. The motion failed, therefore the Special Permit is denied with Tom Christopher, Russell Williston, and Carol Jackson dissenting. Jeanne Rich and Phil Lawler voted in the affirmative.

2. Zoning Bylaw Amendment – 702, LLC - Integrated Planning Overlay District Amendment

Upon a motion by Jeanne Rich and seconded by Tom Christopher the board voted 3-2 to recommend the Board of Selectmen move this article to Town Meeting and endorse the article as presented. Carol Jackson and Russell Williston dissent.

3. 2038 Lunenburg Road – David King, Harbor Classic Homes - IPOD Special permit; preliminary subdivision and Stormwater Permit.

Items #3 and #5 were taken contemporaneously.

David King was present to represent the application. Mr. King gave an overview of the changes to the plan and waiver requests.

Fred Hamwey gave an overview of the peer review comments.

Tom Christopher asked a question on access to the open space.

Mr. King stated that they will provide access to the open space through parking.

Fred Hamwey asked if the board will be requiring speed limit signs.

Tom Christopher asked about a discharge outside the riverfront area.

Jeanne Rich asked about fire truck turn radius. Mr. Antonellis stated that the cul-de-sac would conform and does not require a waiver.

The board voted 5-0 upon a motion by Jeanne Rich and seconded by Tom Christopher to grant the following waivers:

1. No Street lights – lights at the end of each driveway
2. Sidewalk on one side Bituminous Concrete
3. 1600' road length - The proposed roadway is a Minor Street. Only Lanes are allowed as dead ends. A request for a waiver/variance will be required.
4. The required property line diameter for a dead end road is 160'. The applicant is proposing a 146' property line diameter. A request for a waiver/variance will be required.

The board opened the hearing to public comment.

Victoria Petracca suggested that the development include 10% affordable units.

Karin Heikkila asked about the buffer between the proposed and the Woods Lane development.

Upon a request from the applicant the board granted a continuance to the February 10, 2020 meeting upon a motion by Jeanne Rich and seconded by Tom Christopher.

Public Meeting

4. 339 Seven Bridge Road – Kalon Farms – Site Plan

Mr. Antonellis gave an overview of the discussion from the last meeting and updates regarding information on traffic.

The Planning Board unanimously stated that they would like to have a determination from the Zoning Enforcement Officer regarding use.

Jeanne Rich stated concerns regarding the use of the property.

Tom Christopher stated that the Board of Selectmen should discuss with the Zoning Enforcement Officer and that the current application does not conform to site plan requirements.

Carol Jackson asked how the Bolton Fair is able to park on the Kalon property?

Mr. Antonellis will look at the trigger for traffic impact study pursuant to the site plan requirements.

Upon a motion by Jeanne Rich and seconded by Tom Christopher the board voted 5-0 to continue to the February 10, 2020 meeting.

5. 2038 Lunenburg Road – David King, Harbor Classic Homes - Site Plan

Continued to January 27, 2020.

6. Approval Not Required (ANR's)

ANR regarding Capital Commerce Center at McGovern Boulevard:

Upon a motion by Jeanne Rich and seconded by Russ Williston the board voted 5-0 to endorse the plan.

Other Business

7. Correspondence – Mr. Antonellis went through the correspondence folder.

8. Updates from the Director of Planning relative to studies and grants that are being pursued-

Mr. Antonellis gave updates regarding the Inclusionary Zoning Feasibility Study and the Massachusetts Downtown Initiative.

9. Vouchers –

Upon a motion by Jeanne Rich and Seconded by Tom Christopher the board voted 5-0 to endorse the vouchers.

10. Minutes:

Minutes were tabled to the next meeting.

11. Signing decisions – the board signed decisions

Adjourn 11:13 PM