

Approved: July 7, 2021

TOWN OF LANCASTER
PLANNING BOARD MEETING MINUTES
VIA ZOOM

Monday April 26, 2021

Present: Russ Williston, Chair, Jeanne Rich, Tom Christopher, Carol Jackson, and Roy Mirabito

Staff Present: Debra Dennis, Community Planning and Development

List of Documents:

- Planning Board Agenda for April 26, 2021
 - Draft Site Plan Decision-United Ag & Turf
 - Report endorsing the Scenic Roads Bylaw amendment article for town meeting
 - Memo concerning town-Counsel reviewed update on the Old Union Turnpike Storm Water Permit "Cease and Desist" order
 - Email from Jonathan Eichmann Town Counsel-review and suggestions on the Board's two zoning articles, the Inclusionary Zoning Bylaw and Scenic Roads Bylaw Amendment
 - Minutes- March 22, 2021, and March 31, 2021
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Attendance Roll Call: Roy Mirabito here, Carol Jackson here, Tom Christopher here, Jeanne Rich here and Russ Williston here.

Public Meeting 1. Review approval letter for: "Site Plan-Proposed Addition at 700 Fort Pond Road United Ag & Turf NE, LLC" -Chair Williston said he put this item on the agenda to review the approval letter for the United Ag and Turf site plan that we approved at the last meeting.

Jeanne Rich asked about administration agenda item. She said she is recusing herself from this meeting because she is not sure if an open meeting violation was done by posting the agenda this morning with items on it that should not have been added after the close of the 48-hour notice. She said she is recusing herself as a Planning Board member but will be staying in the meeting as a citizen of the town.

Chair Williston asked her what items she is referring to. Jeanne Rich said the item about the Video about Inclusionary Zoning and one of the citizen petitions. Jeanne Rich left the meeting as a member at 7:03PM.

Chair Williston said we have not received any updates concerning the United Ag & Turf Site Plan approval from Michael Antonellis per Debra Dennis, but she said he is working on it. Chair Williston said there are some typos at the beginning and the mentioning of 1,000 parking spaces is incorrect. He said with those corrections done can the Board look at the conditions. The Board discussed Bill Hannigan

Approved: July 7, 2021

coming back with a revised plan that addressed some of the issues that Bill Hannigan was supposed to give. Chair Williston said the Board did not require him to come back before the Board it is just something we required him to do.

Carol Jackson said one of the conditions was for him to come back. She said she was hesitant to approve it because she wanted to make sure everything, he said he was going to do was placed on the decision.

Chair Williston said it will be a while before the Board will see a building permit so he guessed Bill Hannigan could still come back and talk to the Board about it.

Thomas Christopher said they have a good portion of equipment in the buffer zone. If they are going to park equipment in the buffer zone they should come in front of the Board. He said we had an understanding with the prior owner that there would not be activity in the buffer zone. He said he does not think this is ready for a letter to go out with a decision.

Chair Williston said we received this application the beginning of March and so the Board's time to approve it or not is coming to an end at the end of this week.

Carol Jackson said she thinks a condition number five needs to be added which needs to be cleared through the Conservation Commission. Chair Williston asked if that was a condition in what the Board approved the other day. Carol Jackson said she thought it was.

Tom Christopher said if he needs to vote tonight then he would be in a position right now that he would vote no. Chair Williston said you could since you are not committed to this until the Board hands the decision to the clerk so you could amend our decision and add that in. Tom Christopher said it was a plan submitted by the wetland consultant that showed a delineation of the hundred-foot buffers are we using boulders, and this was due to a prior complaint I would assume by an abutter about filling in the wetland area as it turned out after inspection the wetland area was not filled, but it was certainly not by the current owner. Bill Hannigan said he would provide a planting plan that diagrams in details the size, spacing and variety.

A motion to add the following conditions Show plant material that will be placed as a buffer zone. A revised drawings that indicate the buffers on delineation as depicted in a plan submitted by Kevin Associates. When there's storage in the back or storage in the rear yard, it would be thoroughly screened by a dense natural vegetation of a suitable height to conceal these storage areas in the rear yard. Any usage of land within the 100-foot buffer zone that includes parking of vehicles or other types of equipment it should be conditioned through the Conservation Commission with either a determination of predictability or a notice of intent filing was made by Tom Christopher and seconded by Roy Mirabito.

Chair Williston said this would be an addition or an amendment to the Boards conditions on the approval of the site plan.

Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Tom Christopher yes and Russ Williston yes.

Other Business

Review and approve a short “report” endorsing the Scenic Roads Bylaw amendment article, for town meeting:

A motion to have Chair Williston read the endorsement of the scenic roads bylaw at town meeting was made by Carol Jackson and seconded by Tom Christopher. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Thomas Christopher yes, and Russ Williston yes.

Hear a town-counsel-reviewed update on the Old Union Turnpike stormwater permit “Cease and Desist” order

Chair Williston said the next item on the agenda under other business number three to hear a town Counsel reviewed update on the old Union turnpike stormwater permit cease and desist order. He gave the Board members an update on this. He said he gave the update memo to Town Counsel to check if it was ok to read and they confirmed that it was ok.

Chair Williston read the following-Last November the Planning Board issued a cease and desist in relation to the stormwater permit issued for the solar project on old Union turnpike. For the March 22 Planning Board meeting, we received a report from the permit holder’s engineer Bill Hannigan, and, at that time, the Board preferred to send that report to Town Counsel for guidance as the permit holder has filed a petition with the senior superior court appealing the cease and desist and town Counsel has been representing us. Town Counsel reviewed that report and the other available information and has been in contact with the storm water permit holders Counsel. On April 15 representatives from the town and the permit holder visited the site among those who attended where the Chair of the select board the Chair of the Conservation Commission, the town Conservation Agent representatives from Haley Ward, and Alex, Town Counsel.

Bill Hannigan as engineer for the storm water permit holder and attorney for the permit holder and I attended, as chair of the planning board. He said construction at the site is largely complete. On April 15th there was electrical work left to complete that did not involve any heavy equipment.

The permit holder expected to commence hydro seeding of the site to plant grass that would retain the soil beneath the panels during the week of April 18.

During that same week they intended to install barriers perpendicular to the grade on the hillside at roughly 25-foot intervals. Haley Ward will continue inspecting the site and monitoring for total suspended solids in the water at the site and that will continue.

The permit holders engineer will contact the planning office to ensure that adequate funds are available for monitoring and the current intention is for the site to be revisited by representatives from town boards in June. For the time being, I presume that we want to continue to follow town Counsel’s guidance on this, if any, members of the board would prefer to take a different course of action. He said he will place this on the agenda when there is a decision to make and beyond that we should not discuss it.

Schedule dates for zoning Citizen’s Petition hearing

Approved: July 7, 2021

Chair Williston said this was an item that Jeanne Rich had asked him to add, for her. He read her email saying the citizens petitions need to be addressed at the Planning Board meeting on Monday. He suggested this could wait until after town meeting.

Carol Jackson said a citizen's petition needs a couple hundred signatures to be at the Special Town Meeting.

Chair Williston said the town will not be able to act on them since a public hearing was not done.

A motion was made by Tom Christopher to table this for now. Roy Mirabito seconded the motion. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Tom Christopher yes and Russ Williston yes.

Correspondence

Chair Williston said he was notified by Inclusionary Zoning Bylaw Working Group: they have created a recorded video provided information about the IZ Bylaw. Link: LINK Code: w9bXT!\$E 36:04The next item on the agenda is number five under other business.

Chair Williston said this is the corresponding section I added in. I had not been on here in the agenda, we sent out this morning because I heard about it yesterday is that the. Inclusionary Zoning Bylaw working group who has been extremely active and very helpful to the Board has created an informational video about the Inclusionary Zoning Bylaw. It is via zoom meeting webinar that has been recorded and he said he put the link on the agenda.

Chair Williston said they have been working very hard to disseminate this to the residents of the town, so they can watch a little webinar learn about the inclusionary zoning by law. He said he thinks it helps people a lot.

Chair Williston discussed the email that was sent to the Board that had Jonathan Eichmann Town Counsel's review of the town meeting who had a couple suggestions on the Board's two zoning articles, the Inclusionary Zoning Bylaw, and the Scenic Roads Bylaw Amendment. One was the Inclusionary Zoning Bylaw section that determined who the grantor would be for the special permit that this requires the Planning Board or the Zoning Board of Appeals. Town Counsel said that it should just list one. Chair Williston suggested to strike out the Zoning Board of Appeals. The other suggestion by Town Counsel is for the Scenic Roads Bylaw it should spell out that the Tree Warden should be legally responsible for notifying abutters. Chair Williston said he found the one that he is referring to, it seems to be talking more about the hearing notice that would be posted on the town website and in the newspapers. He said he does not think the Board needs to change the section. He asked the Board what they thought.

Greg Jackson said this amendment should be taken in the context of the previous amendments and the bylaw itself on this the paragraph here, referring to numbered paragraph five. In some of the versions that were going around the numbering got changed on this section. He said he thinks the language is appropriate and does not think there is any change needed.

Greg Jackson said the reason this amendment was suggested by the Attorney General is because it was originally written the planning board or the tree warden. It was explained originally who gives notice. It was a matter of putting it down on paper. He said in most cases the Tree Warden is the one who must

Approved: July 7, 2021

decide whether there is going to be a hearing in the first place, regardless of if it is a shade tree hearing or a scenic roads hearing.

Vouchers: None

Minutes:

March 22, 2021- Chair Williston said he had a couple edits from people to incorporate so he sent an updated draft this afternoon. **A motion to approve the meeting minutes of March 22, 2021, was made by Carol Jackson and seconded by Roy Mirabito. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Tom Christopher yes and Russ Williston yes.**

March 31, 2021 -These were tabled until the next meeting because Board members had not reviewed them.

April 8, 2021-These were tabled because they were not done yet.

Chair Williston said the next meeting on May 10th will not be held because of town meeting and the elections and the Board's next meeting will be May 24th.

Adjourn

A motion to adjourn was made by Roy Mirabito and seconded by Carol Jackson. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Tom Christopher yes and Russ Williston yes.

The meeting was adjourned at 7:48PM.

Respectfully submitted,

Debra Dennis