

Approved: July 7, 2021

TOWN OF LANCASTER
PLANNING BOARD MEETING MINUTES
VIA ZOOM

Monday May 24, 2021

Present: Russ Williston, Chair, Tom Christopher, Carol Jackson, Roy Mirabito and Peter Christoph

Staff Present: Debra Dennis, Community Planning and Development

List of Documents:

- Planning Board Agenda for May 24, 2021
- Fort Pond Road Solar letter dated May 13, 2021
- VCA Site Plan request for 12-month extension
- Memo from Town Planning Consultant-MS4 Storm water Permit Requirement
- Draft Revised Storm Water Regulations
- Citizens Petitions-Article 15, 16 and 17
- Draft Letter to the Board of Selectmen concerning ongoing editing issues for town meeting warrant articles 9(IZ) and 10 (Scenic Roads Bylaw Amendment)
- Draft Meeting Minutes of March 31, 2021

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

Attendance Roll Call: Tom Christopher yes, Carol Jackson yes, Roy Mirabito yes, Peter Christoph yes and Russ Williston yes.

Administrative

Welcome new member: Peter Christoph

Chair Williston welcomed Peter Christoph to his first meeting with the Planning Board. He said Peter is completing an unfinished term that will end in 2023. He commented that Peter has been sworn in and has a copy of the zoning bylaws. He knows where to pick up our meeting packets before each meeting. He informed me he will not be available for the June 14th meeting.

Peter Christoph said it is an honor to serve on the Planning Board and is ready to get to work and looks forward to working with Russ and the other Board members.

Public Meeting

Fort Pond Road: Updates to reflect new owner and replace decommissioning bond and Correct approved sizing to 5.0 megawatts AC

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Present: Coos Erasmus for Fort Pond Solar and Greg Williams Certified Electrician

Chair Williston said he looked through their paperwork and the Board should all have several documents in relation to this, and they are looking for us to update their approval to reflect the new owner, new decommissioning bond, and to correct the sizing to five megawatts A/C. He read the review letter done by Michael Antonellis.

Coos Erasmus stated that the number of panels is 16,540 that is the number of panels. They were approved for within the site plan decision data. If the applicant were to increase the number of panels or any changes that would alter the design of the layout, then I think that would require a new site plan but sounds like Michael has reviewed it and is satisfied.

Carol Jackson questions the DC. She said she believes the original plan has it at 6.034 and now it is 6.61. She asked if the panels are bigger.

Coos Erasmus said two years ago he thinks the individual panel size was around 313. There are now the same number of panels, but it is now 395. Which is probably corresponding to the DC size increase.

Carol Jackson asked if it would increase the noise level.

Coos Erasmus said not at all, it is the same. The equipment that makes the noise which is just some running inside the electronic equipment.

Carol Jackson asked if the Board needs to get a new cost estimate for it.

Coos Erasmus said the decommissioning bond is estimated based on the number of modules which has not changed so the cost prediction is the same.

Roy Mirabito asked if this gets reviewed annually. Chair Williston said when determining the amount of the bond they anticipated that would happen over the years.

Carol Jackson asked if town counsel should look this over. Chair Williston said the reason he did not even think to send it to town council Carol is that a Michael had reviewed it.

A motion was made by Thomas Christopher to approve the transfer of ownership from Pope Solar to Fort Pond Solar LLC. The changes regarding megawatts and the new decommissioning bond. Peter Christoph seconded the motion. Roll Call Vote: Roy Mirabito yes, Tom Christopher yes, Carol Jackson yes, Peter Christoph and Russell Williston.

Discuss and take any appropriate action regarding request for 12 Month Extension to Definitive Site Plan Approval, 456 High Street Extension

Present: Stephen Petro applicant and contractor

Chair Williston said the next item on the agenda tonight is to discuss and to take any appropriate action regarding a request for a 12-month extension to the definitive site plan approval that we issued for 456

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High Street Extension and in your packets, you should have a letter from VCA Animal Hospital. They would like a 12-month extension to the site plan previously approved.

Thomas Christopher said this has already been through the Conservation Commission and they were very responsive to the comments that the Commission has made. Stephen Petro said they have begun the process of putting in the erosion controls.

A motion was made by Carol Jackson to approve the year extension for 456 High Street Extension. Peter Christoph seconded the motion. Roll Call Vote: Tom Christopher yes, Carol Jackson yes, Peter Christoph yes, Roy Mirabito yes and Russ Williston yes.

Other Business

4. Discuss and take any appropriate action regarding memo from Town Planning Consultant: "Re: MS4 Permit Requirement; draft regulations".

Chair Williston said next on the agenda is to discuss and take any appropriate action regarding the memo from the Town Planning Consultant which was regarding MS4 Permit requirement and draft regulations. The memo from Michael Antonellis advises the Board to update our stormwater regulations. He suggested new storm water regulations. The town holds a MS4 permit from the EPA and the state which is a municipal separate stormwater management permit. One of the requirements for the Board is to issue stormwater management permits to assure that the water that is dumped into rivers and what meets a certain standard. When they were updated in 2016, they did not include language about total suspended solids and phosphates. The Board needs to update the stormwater regulations to add the acceptable levels of total suspended solids and phosphates and the deadline is the end of June. A new set of stormwater regulations was prepared by the Town Planning Consultant. Chair Williston recommended holding a public hearing on June 14th on the proposed stormwater regulations.

Roy Mirabito said it was also recommended that the Conservation Commission may be the logical choice to issue the stormwater permits. Chair Williston said that would require town meeting approval.

Greg Jackson asked if you are talking about policies and procedures and not the storm water control bylaw. Chair Williston said it is the stormwater regulations that we would be updating.

A motion to schedule a public hearing on June 14th to discuss the MS4 permit requirement draft regulations that have been suggested by EPA and by the Planning Consultant and to have Debra advertise the hearing for us was made by Tom Christopher. Carol Jackson seconded the motion. Roll Call Vote: Roy Mirabito yes, Tom Christopher yes, Carol Jackson yes, Peter Christoph yes and Russ Williston yes.

Continued Discuss and take any appropriate action regarding request for 12 Month Extension to Definitive Site Plan Approval, 456 High Street Extension

Stephen Petro said when the Board approved the site plan extension, they did not approve an extension to the special permit conditions. **A motion was made by Roy Mirabito to extend VCA Animal Hospital Site Plan and Special Permit for 12 months. Carol Jackson seconded the motion. Roll Call Vote: Roy Mirabito yes Tom Christopher yes, Carol Jackson yes, Peter Christoph yes and Russ Williston yes.**

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Discuss and take any appropriate action regarding three Citizen's Petition Zoning articles submitted for the annual town meeting: Article 15 (district change), Article 16 (district change), Article 17 (building height restriction amendment)

Chair Williston said next agenda item is to discuss and take any appropriate action regarding three citizens petitions zoning articles that were submitted for the annual town meeting. He said the backstory of these are the Board received three last minute citizen petitions in April all for zoning changes to be introduced at the annual town meeting on the town meeting warrant. State law provides that towns cannot adopt zoning changes without a public hearing and a report from the Planning Board. He proposed having the public hearings at the regular meeting on June 14th.

Tom Christopher said these articles benefit one specific organization that is proposing development in this Community. He said he is involved in litigation with these folks, so he recused himself from voting. Tom Christopher left the meeting and was placed in the waiting room.

A motion was made by Carol Jackson to schedule the hearing for the three articles #15, #16 and #17 for June 14th. Peter Christoph seconded the motion. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Peter Christoph yes and Russ Williston yes.

Tom Christopher returned to the meeting at 7:38PM.

Update from Russ Williston regarding ongoing editing issues for town meeting warrant articles 9 (IZ) and 10 (scenic roads bylaw amendments).

Chair Williston gave an update regarding the ongoing editing issues for town meeting. He said these are Articles 9 which is Inclusionary Zoning and #10 which is Scenic Road bylaw. He said the Board submitted the final text of both articles on April 13th. He said the draft that the Board received on April 26th was riddled with typographical errors and undocumented changes that the Selectmen could not explain. He said he received a few requests to approve revisions to the Board's articles and he said his response each time was that the articles need to match what was sent by the Board on April 13th. Chair Williston said what happened with the warrant this year, and with the delayed town meeting is entirely attributable to one thing administrative negligence. It falls beneath any professional standard; it is unacceptable to him. He said he does not have a finalized copy of the warrant to review. He said he wrote up a letter for the Board to submit to the Board of Selectmen which he read into the record.

Carol Jackson said she agrees.

A motion was made by Carol Jackson to send the letter to the Board of Selectmen with one correction to the date. Roy Mirabito seconded the motion. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Tom Christopher yes, Peter Christoph yes, and Russ Williston yes.

Update from Russ Williston on Barrett Consulting Inclusionary Zoning feasibility study.

Chairman Williston gave a recap of what happened with the Barrett Consulting Inclusionary Zoning feasibility study and the invoices that were processed. Board approved to pay Barrett Consulting \$16,000 for this study. On December 14th when they received an initial draft of the study the Board approved to pay

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\$8,000 for the first invoice. He said the study was riddled with errors. He said the study did not add up from the top to the bottom and Barrett flatly refused to make any more requested corrections from the Board. Barrett Consulting received the second payment. He said he asked the town administrator in writing to take ownership of the issue, I asked him very specifically to write a letter to Barrett to explain the mistake that the town had made, and he said his hope was that Barrett Consulting would basically take some mercy on us and give us the professional courtesy of completing the last few changes for us so after that, at our next meeting the Board ratified a shortlist of changes, after which we would consider the project complete, and he thought it was a modest list at the time. So that is where he left off and that is what you guys know and here are the new developments, as it turns out, the Town Administrator never sent the letter for us.

Chair Williston said he exchanged emails with the Town Administrator last week, he said the Town Administrator was unapologetic about not sending the letter and, frankly, he was unacceptably cavalier about what is a very substantial loss to the town now at a loss to our board.

Chair Williston said he felt that we had given him a very gracious opportunity to redeem himself here, he said he expressed that to him in very plain language, and subsequently received no reply. Realistically it is now too late for the Board to make any progress and the utility of the study is behind us, and he said he believes the opportunity to make any further progress and correcting the study has been lost. He recommends that the Board officially abandoned further attempts to request corrections to the study from Barrett Consulting.

In March he said he relayed information about the unauthorized payment to the Board of Selectmen and is now in communication with the Chairman of the Board of Selectmen and we will follow up with additional information that would be useful to them in dissecting what went on here.

Chair Williston said unless the Board has grander ideas of how to proceed, he is going to abandon any effort to improve the Barrett study now and will now concentrate on assisting the Board of Selectmen in addressing the myriad administrative failures on this issue.

Orlando Pacheco said he approved what was sent up to him by the Administrative Assistant. He said he was not aware that there had been an invoice before. He said he must rely on what the staff says needs to be paid.

Orlando Pacheco said he does not think it was necessarily \$8,000 wasted. He said he thinks you know we may not necessarily love the conclusions, but he thinks the Barrett study did what she was supposed to do.

Carol Jackson asked if Orlando checked the excel formulas that Judy Barrett used because she did not check them either. They were incorrect. Chair Williston recommended that this be sent to the Board of Selectmen. Thomas Christopher and Roy Mirabito agreed.

5. Correspondence

Chair Williston said the only correspondence we received is that we heard back as a Board from the Attorney General's office that they have reviewed our response to the open meeting law complaint that we answered late last year, and they basically concluded with what we had responded to the

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complainant. He said he added eight words to one set of minutes and that satisfied the Attorney General. He said everything else was dismissed as having no merit.

Mark Grasso said the Board of Selectmen did officially act to form a Planning Director search committee. Planning Board member Carol Jackson is on the committee.

6. **Vouchers**-There are none currently.

Minutes:

March 31, 2021

A motion to approve the minutes of March 31, 2021, was made by Carol Jackson. Roy Mirabito seconded the motion. Roll Call Vote: Carol Jackson yes, Tom Christopher yes, Roy Mirabito yes, Peter Christoph abstained and Russ Williston yes.

- a. April 12, 2021-tabled.
- b. April 26, 2021-tabled.

Reorganization of the Board

Chair Williston said once a year after the election, we reorganize the Board and select our new officers.

A motion was made by Carol Jackson to nominate Russ Williston as Chair. Roy Mirabito seconded the motion. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Peter Christoph yes, Tom Christopher yes and Russ Williston yes.

A motion was made by Carol Jackson to nominate Roy Mirabito as Vice Chair. Peter Christoph seconded the motion. Roll Call Vote: Roy Mirabito yes, Peter Christoph yes, Tom Christopher yes, Carol Jackson yes and Russ Williston yes.

A motion was made by Roy Mirabito to nominate Carol Jackson as Clerk. Peter Christoph seconded the motion. Roll Call Vote: Roy Mirabito, Carol Jackson, Peter Christoph yes, Tom Christopher yes and Russell Williston yes.

Adjourn

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

The meeting was adjourned at 8:06PM

Respectfully submitted

Debra Dennis