

Approved: July 26, 2021

PLANNING BOARD MEETING MINUTES  
VIA ZOOM

July 7, 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 July 7, 2021
  - North Lancaster LLC-Amended Definitive Plan-Phase 2 entitled “McGovern Boulevard Phase II: Roadway Construction in Lancaster Mass (Map 014-0004.D (roadway)
  - ANR-Atlantic Union College
  - Email from Cara Sanford
  - Draft Meeting Minutes of April 26, 2021, May 24, 2021, and June 14, 2021
- .....

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

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

**Administrative**-None currently.

**Public Hearing**

7:00PM Continuance - North Lancaster, LLC (applicant) 435 Lancaster Street, Leominster, MA 702LLC (owner) 259 Turnpike Road Suite 100, Southborough, MA 01772 for approval of an Amended Definitive Plan-Phase 2 entitled “McGovern Boulevard Phase II: Roadway Construction in Lancaster Mass, relative to the roadway construction for the approved Definitive Subdivision as shown on Assessor’s Map 014-0004.D (roadway). The land area consists of 3.08 Acres (Roadway).

*Present: Bill Hannigan, Hannigan Engineering, Steve Boucher, applicant and Daniel Ruiz, Capital Group Properties and Scott Miller, Haley Ward peer reviewer for the town.*

Tom Christopher recused himself at 7:01PM and was placed in the waiting room.

Chair Williston read the public hearing notice into the record thereby convening the public hearing. Tom Christopher recused himself at 7:01PM and was placed in the waiting room.

Chair Williston said the initial subdivision approval was in 2014.

Bill Hannigan said what is before the Board now is the plans to build the roadway to the standards that are needed for the anticipated development at the rear of the property, along with development that’s on the property or along the road as well. The Board did require that we do this as an amended subdivision not just an update, which he thinks makes sense. He talked about the different things that they did along the

way and went through the letter that was submitted. He discussed the waivers that they received before and how they've been resolved or how they have been adjusted. They went over the review done by Scott Miller of Haley Ward. Mr. Hannigan said they received this on Friday so they are anticipating this being continued so they can get the information requested by Scott Miller.

Chair Williston asked about some sort of extension that was approved by the Board. He asked about a performance guarantee. Mr. Hannigan said he believes it's still in place since they didn't close out the bond.

Mr. Hannigan said in general on the index plan of the existing conditions plan it shows the roadway was built with a couple of divided islands which were based upon some preliminary work that was anticipated. The crossing that was created was to provide access to the service project.

He said with the anticipated development in the back of the property, along with the ability or the desire to start to develop the lights that are on the north and south of McGovern Boulevard are in this part of the project. He discussed the increase of the capacity of the roadway system and dealing with the existing culvert in its inadequacies and updating utilities. He said as part of the project they will be widening the roadway significantly to provide various configurations to bring traffic into and out of the site.

In the plan if you go to the back of the property, there is a new culvert replacing the old culvert. This meets current standards, both for stream crossing and openness ratio relative to army corps standards, this is also being reviewed by Conservation for the crossing. In for the construction of the crossing it'd be a retaining wall in the north and south side of the roadway there would be a sidewalk. He said essentially on the plan it shows the sidewalk coming from in front of FC Stars aligning the south side of the road over the culvert and then, basically, providing a crosswalk in this area, and continuing the sidewalk both on the north and south side of the road out to Lunenburg Road. He said then they connect that sidewalk system out in front of the Dunkin Donuts.

Mr. Hannigan said the layout of the tree locations are shown on the plan, the lighting locations are shown, but they have been asked to get some additional information relative to the illumination levels. The plan shows the light locations which are basically one at the beginning of the subdivision roadway at Lunenburg Road, one at the dirt road, and then one at the end.

Mr. Hannigan said pertaining to the comments by the review done by Haley Ward, most of them can be taken care of with further adjustments and discussion with Scott Miller to clarify what needs to be done.

Scott Miller, Haley Ward reviewed the Drainage Analysis for the proposed Phase II roadway construction of McGovern Boulevard in Lancaster and the site plan drawings dated March 26, 2021. Here are the comments:

- 1) The responsible party for Operation, Maintenance, and Pollution Prevention Plan is listed as "TBD" for during and post-construction. The names and addresses of the person(s) responsible for operation and maintenance, as well as the person(s) responsible for financing maintenance and emergency repairs, should be submitted with the plans.
- 2) Erosion and sediment control measures around the proposed engineered block retaining wall and culvert should be presented. The means of stream flow management during construction should be provided.

- 3) The post-development peak rates of runoff show a decrease for all design points, with the exception of Design Point #4. During the 50-year storm, peak rates increase from 0.05 cfs (pre-) to 0.07 cfs (post-). During the 100-year storm, peak rates increase from 0.12 cfs (pre-) to 0.14 cfs (post-). (It is unclear why this is the case. Other than the post area being slightly smaller, there is no proposed construction in e400/p400, but the hydrologic calcs show an increase in impervious area from 0% to 0.59%.) Drainage systems shall be designed based on a twenty-five-year frequency storm, except that culvert shall be designed on a fifty-year storm, detention basins shall be based on a one-hundred-year storm, and in a one-hundred-year storm streets shall remain passable, and drainage shall not enter buildings. We agree with Hannigan Engineering that the increases in peak rate of runoff at Design Point #4 are considered de minimis.
- 4) Calculations should be provided showing that the proposed McGovern box culvert will pass a 50-year design storm and that a 100-year design storm will not make the road impassable.
- 5) The Stormwater management bylaw states water velocities shall be between two and 10 feet per second in pipes, and not over five feet per second in swales reaches a maximum velocity of 9.90 fps during the 25- year storm event, a maximum velocity of 10.34 fps during the 50-year storm, and a maximum velocity of 10.73 fps during the 100-year storm event.
- 6) According to the bylaws, streetlights shall be installed at every major intersection. The applicant should submit lighting details for streetlights, traffic lights, and illumination in accordance with the Lighting Section in the bylaws.
- 7) The plans indicate proposed signalization at the McGovern/Lunenburg intersection. The plan for implementing this work should be presented.
- 8) The treatment of the center island near 1+00 should be detailed and shown on the cross section.
- 9) Ramps and a pedestrian cross walk should be provided at the McGovern/Lunenburg intersection.
- 10) Ramps and a pedestrian cross walk should be provided at 8+30.
- 11) The existing water main(s) over McGovern Brook are currently fitted with heat tape to prevent freezing due to the very low flow. The plans should provide this detail at the new culvert crossing and the ongoing means of operation.
- 12) The proposed wood guard rail should be replaced with a rail meeting Massachusetts Highway Standards.
- 13) Fire Hydrants should be provided near Stations 5+00, 10+00 and 15+00.
- 14) The plans propose a retaining wall and culvert to be designed by others at the McGovern Brook Crossing. Your Board should consider a condition of approval requiring submittal of these plans for prior to construction.

Mr. Hannigan said with number one based upon my understanding, He said he believes that this roadway system may end up being private. He said typically the operation maintenance would be the construction company and the owner during construction of the roadway. With the anticipation of the private roadway a long-term entity would be setup to maintain the roadway. He said those get tied back to the roadway covenant agreements as well as the operation and maintenance agreements relative to both planning and conservation.

Chair Williston said it needs to be spelled out as to who will be the responsible party. He said since it has been six years in between phases there needs to be some discussion back and forth as to how you'd handle parts of the erosion and sediment control measures.

Carol Jackson said she was curious to know why the road is being widened over McGovern Brook. Mr. Hannigan said the culvert is getting bigger.

Chair Williston asked if there were any public comments.

Greg Jackson said it is hard when you don't know what the density of the other lots. He said it seems like it would be hard to evaluate the stormwater requirements for the subdivision if you don't know what was going to be on the open lots. He said residential/commercial use, parking lots and landscaping would affect perhaps even the design of the road.

Mr. Hannigan said this is not like a residential subdivision where you know that they're going to be a house in every lots. The intention of the roadway design in the roadway training system is to address the runoff characteristics that are associated with the roadway in any of those areas which are inherently going to be directed to the roadway system itself, and he said he believes the only place on this project that happens is when you go over the bridge the last lot to the right I believe those have been included into the drainage calculations and typically will go with like an 85% impervious to address that now, when that site is developed. It will still have to do its own drainage analysis to basically prove that all out and they would have to have their own stormwater improvements for both the removal of water quality and all those other things would be a separate add on depending upon what this specific use was so that all gets handled with cycling approval for each of the lots as they get built throughout the project.

Mr. Hannigan requested a continuance of this public hearing to the next meeting which is July 26<sup>th</sup>.

**A motion to continue the public hearing until July 26, 2021, was made by Carol Jackson and seconded by Peter Christoph. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Peter Christoph yes and Russ Williston yes.**

Tom Christopher returned to the meeting at 8:07PM.

### **Public Meeting**

#### **ANR-Atlantic Union College**

Thomas Christopher said he wishes someone was present from the College to explain what they hope to achieve with this subdivision on its face it seems ok, but he thinks as a matter of policy the Board should have at least some basic information as to why the plans have been submitted at this time.

Carol Jackson said she is confused about this frontage because these don't have the required amount of frontage for a lot. Chair Williston said he believes the applicant stated the lot had buildings on them prior to 1953 so a little different than most of the ones that the Board sees.

Tom Christopher said in cases like this it's before zoning was adopted so if a lot existed prior to zoning then they were incorporated as legal lots, even though they did not meet or conform with the zoning requirements at that time, and he said he thinks the design requirements have changed once or twice since.

Roy Mirabito questioned the definition of what they're mixed use will be on the land and questioned pending litigation between Atlantic Union College and the Town of Lancaster regarding taxes. He said he would like to know the status of that suit.

Tom Christopher and Chair Williston said they think the town lost.

Carol Jackson said if the Board approves this, they can put a stipulation on it per the handbook: #1 is the above endorsement is not a determination of conformance with zoning regulations, #2 no determination of compliance with zoning requirements, has been made or intended and #3 planning board endorsement under the subdivision control law should not be construed as either an endorsement or an approval of zoning lot area requirements.

Chair Williston said he liked the second one.

Thomas Christopher said he would like to put this forward to the next meeting and let them come before the Board.

**A motion was made by Tom Christopher to contact them and have them attend the next meeting and give basic information about the plan that is submitted and if there are any intentions to inform the Board of them. Roy Mirabito seconded the motion. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Tom Christopher yes, Peter Christoph yes and Russ Williston yes.**

### **Other Business**

1. **Correspondence**-Chair Williston said the Board has received requests for comments on a couple of earth product removal applications from the Board of Selectmen. He said he drafted up a couple of letters with some comments that he had. He asked the other members if they had any comments.

Chair Williston stated his comments-LLEC's Earth Removal-This parcel is entirely within the light industry to district, which I don't think really matters because earth product removal could be allowed in any district. The second was that the parcel also falls within the water resource protection overlay district, and there is one requirement that I thought applied to that, if you look in to 2039 for the water resource protection overlay district earth removal consisting of removal of soil loam sand gravel and any other earth material to within six feet of the historical high ground water is not permitted, so I was just I thought, maybe we could just suggest that they do something to ensure that the applicant is aware of that and that, I mean they could do earth project removal here and that they will be aware of that.

The third thing he mentioned, is that, on the application, it leaves a couple fields blank one of them is for the cost for erosion control grading seating or reclamation. It leaves the required bond field blank, and he suggested that they probably do want to get an estimate for those and require a bond just so that if something unanticipated does happen, the town isn't left.

Thomas Christopher said he is familiar with the site and essentially the restoration has been completed. This site is now on the market and all the restoration that has been mandated has been completed.

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

The next earth product removal application in that packet was from John Kanis Inc, on Pine Tree Road. He said his comments were the same regarding the bond but also wanted to point out that this

is in the Residential District, and he thinks the only access to that area is on Harvard Road and Burbank Lane which are residential roads. He suggested they might want to put a condition regarding hours.

Tom Christopher said the reason the bond is waived is because of the extraction area which lies within an endangered species habit of four moths. They have been charged with restoring the site with the same habitat. They have a 40-year Conservation permit from Natural Heritage, and they are restricted in the primary to only extract two acres per year and what they extract they must restore the same habitat so essentially as they extract the bottom of the material from the bottom of the pit out. They must go up to the top of the pit and extract material plant material and transplant to the bottom of the pit. This process has been ongoing since 2012 and they have only extracted to date a little over five acres and the restoration process has been ongoing.

**A motion was made by Tom Christopher that the Board delete comment number two and forward the rest of the commentary to the Board of Selectmen. Carol Jackson seconded the motion. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Tom Christopher yes, Peter Christoph yes and Russ Williston yes.**

Chair Williston said Cara Sanford sent an email to the Board with some information about the water agreement with Leominster that she thought the Board should review. He said he appreciated her sending it to the Board.

2. **Vouchers**-None currently.

3. **Minutes:**

**A motion was made by Carol Jackson to approve the minutes of April 26, 2021, with corrections and seconded by Tom Christopher. Roll Call Vote: Roy Mirabito yes, Tom Christopher yes, Carol Jackson yes, Peter Christoph abstained, and Russ Williston yes.**

**A motion was made by Peter Christoph to approve the minutes of May 24, 2021, with corrections stated by Roy Mirabito and was seconded by Roy Mirabito. Roll Call Vote: Roy Mirabito yes, Carol Jackson yes, Tom Christopher yes, Peter Christoph yes and Russ Williston yes.**

**A motion was made by Roy Mirabito to approve the minutes of June 14, 2021, with corrections and seconded by Carol Jackson. Roll Call vote: Roy Mirabito yes, Carol Jackson yes, Tom Christopher yes, Peter Christoph yes and Russ Williston yes.**

Chair Williston said the Board isn't going to meet on July 12<sup>th</sup> and the next meeting is July 26<sup>th</sup>.

### **Adjourn**

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

The meeting was adjourned at 8:44PM

Approved: July 26, 2021

Respectfully submitted

Debra Dennis