

Approved: April 26, 2021

MINUTES OF THE PROCEEDINGS OF THE
PLANNING BOARD OF THE TOWN OF LANCASTER
Meeting conducted via ZOOM internet conferencing
Monday March 22, 2021

Present: Russell Williston, Clerk; Roy Mirabito, Vice Chair; Carol Jackson; Tom Christopher;
Jeanne Rich

Absent: None

Staff Present: Debra Dennis, Administrative Assistant

List of Documents:

- 700 Fort Pond Road: Site Plan Application Package
- 700 Fort Pond Road plan review from Haley Ward
- 700 Fort Pond Road department comments: Kevin Bartlett, DPW; Orlando Pacheco, Administration; William Brookings, Board of Health
- 700 Fort Pond Road resident comments from Robert Cloutier
- Memo from Pro-Tech responding to 11/2020 Stop-Work Order
- Capital Group Proposed Zoning Change Article, proposed restrictive covenant and Proposed Zoning Map for parcel on McGovern Boulevard.
- Inclusionary Zoning Bylaw Draft Version 6
- Review of Scenic Road Bylaw changes requested, from Town Planning Consultant Michael Antonellis
- Review of the proposed Scenic Road Bylaw Application, from Town Planning Consultant Michael Antonellis
- Draft updated ANR Application, from Carol Jackson
- Memo regarding fire cisterns from Orlando Pacheco

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

Roll Call for Attendance:

Tom Christopher: Present

Jeanne Rich: Present

Carol Jackson: Present
Roy Mirabito: Present
Russell Williston: Present

Public Meeting

“Site Plan -700 Fort Pond Road”

Present for this discussion:

Bill Hannigan, engineer for the applicant

Dave Hammond, applicant

Autumn Keller, review engineer for the town from Haley Ward

Bill Hannigan, engineer for the applicant, walked the board through the proposed Site Plan, which shows a 50’ x 72’ addition to the east side of the existing structure at 700 Fort Pond Road.

Board Member Jeanne Rich asked about the landscaping shown on the previous site plan (from 2012) -- it doesn’t seem to appear on the new plan. Jeanne stated that the previous plan displayed evergreen screening in the area of the new addition. Referring to recent pictures, Bill Hannigan and Dave Hammond confirmed that at least some of the displayed landscaping is not currently present.

Vice Chair Roy Mirabito asked what steps are being proposed to protect the abutting residential properties from noise. Bill Hannigan described the fence and screening that presently exists at the north side of the property, resident feedback they’ve received on that fence and its effectiveness, and some options for improving the fence. The chain link fence currently extends along part of the property and has green final strips installed. Bill Hannigan showed pictures of how stores are currently stockpiled near the fence.

Member Tom Christopher raised concerns about any work that might occur in the 100 foot buffer that exists on the parcel: that would require a notification to the Conservation Commission.

Member Carol Jackson asked about the relocation of the septic tank; the board had received a department comment from the Board of Health noting the relocation. Bill Hannigan answered that they would be working with the Board of Health prior to receiving a building permit.

The chair asked town review engineer Autumn Keller to walk the board through her review notes: Bill Hannigan will update the notes on the plan about grass coverage and TSS removal in the detention basin.

Member Jeanne Rich asked a question to Autumn about the landscaping plan established on the 2012 plan: does Autumn recommend a similar arrangement for the new site plan? Autumn replied that such a plan may be appropriate to protect the homes behind this parcel.

The chair reviewed the department comments that were submitted: no comments from DPW, comments on screening from Town Administrator Orlando Pacheco, and a note from Board of Health recognizing that the septic system will need to be reviewed by that board.

Resident Bob Cloutier, Evelyn Place, asked the process for including protections for abutters in a site plan approval. The chair described how that might be included in an approval. Bill Hannigan, Mr. Cloutier and the board discussed screening options for some time.

Resident Greg Jackson asked about yard setbacks. As this parcel is in the “Enterprise District” that setback should be 100 feet.

Motion by Tom Christopher: continue review of this application until April 12th. Second by Carol Jackson. No discussion. Roll call vote: Tom Christopher: Aye, Roy Mirabito: Aye, Jeanne Rich: Aye, Carol Jackson: Yes, Russ Williston: Yes. Motion approved, 5-0.

The board set this site plan review aside until the April 12th meeting.

Other Business

“1. Review any correspondence and act as necessary regarding the Stormwater Permit order sent to Zero Point Solar on 11/25.”

The board opted to not discuss this and took no action on this at the meeting. The board preferred to send the memo received from Pro-Tech to town counsel for review and guidance.

“2. Discussion with representatives of Capital Group regarding zoning changes they will propose.”

[Tom Christopher recused himself from this discussion, and left the meeting at 8:18PM.]

Present for this discussion:

Bob DiPietri, CGP

Bill DiPietri, CGP

Danny Ruiz, CGP

Joe Fabiano, JLL - representing prospective tenant

Bob McGwire, JLL - representing prospective tenant

Kevin DeAndre, TEC, Traffic Engineer for CGP

Tom Bovenzi, Attorney for 702 LLC

Bob DiPietri walked the board through changes in the draft documents since the last meeting: the protective buffer on the zoning map would now be established by a protective covenant, rather than a strip of residential zone.

Member Carol Jackson asked about how the deed restriction would be executed. Bob DiPietri: it would be signed before town meeting and held in escrow.

With the permission of the board the chair opened the floor to attendees for comments:

Resident Rebecca Young-Jones, Barnes Court: could the tenant at the distribution center use electric vehicles? Could that be stipulated for as soon as it's practical. Capital Group: has not seen a lot of that yet, but they will ask the tenant what's possible.

Jennifer Leone, Holiday Lane: the previously-discussed emergency access road for Holiday Lane wasn't shown on the proposed plan -- is it still part of Capital Groups Plans? Robert DiPietri: that's still on the table, it would be a gated access for emergency use only. Jennifer: in regard to the deed restriction, would it be conveyed to a subsequent owner? Bob DiPietri: the covenant would apply to the property in perpetuity. Jennifer: what hours of operation are intended? Bob DiPietri: there would be two shifts, but the rest has not been solidified. The proposed tenant also intends to reduce the parking shown on the plan.

Cara Sanford, Bull Hill Road: expressed concern about how the project might actually be realized after the zoning is changed.

Mark Grasso, Chase Hill Road: asked about the type of products that would be sold. Bob DiPietri: typical retail products.

Joe Deramo: asked about truck traffic. Kevin DeAndre, TEC, spoke about the process that's being used to project traffic. Anticipates less daily trips than the plan presented for the site in 2019.

George Frantz, Highfield Drive: spoke about traffic on the roundabout, favored a ramp on I-190.

Greg Jackson: asked about parking for trailers shown on the proposed plan.

Deb Dennis asked a question for Kristin Saunders: will the upcoming traffic study take the other proposed industrial development in North Lancaster into account? Kevin DeAndre: yes, if there's a permitted/approval proposal nearby it's wrapped into the study.

Chair Russ Williston asked Capital Group what they preferred: are they going to present these articles as citizens petitions, or are they asking for the Planning Board to take up the proposals and propose them. They would prefer that the Planning Board propose them.

Motion by Jeanne Rich: Planning Board take up the zoning proposals and covenant, forward them to the selectmen for inclusion on the warrant, forward them to town counsel and schedule a public hearing. (The chairman worked with Deb Dennis briefly to work out possible dates for the advertisements and hearing.) The Public Hearing would be on April 12th. No second. Motion failed without a second.

Clerk Carol Jackson: would prefer to send the covenant and bylaw to Town Counsel for feedback before taking up these articles. Russ Williston consults with Deb Dennis to see if the board could get feedback, discuss the feedback on April 12th, and still schedule a public hearing for April 26th: that would not leave enough time.

The chair proposed a special meeting on 3/31 to review feedback from town counsel and consider taking up the articles; the board concurred. Capital Group concurred. The chair requested a motion.

Motion by Jeanne: send the proposed bylaw, proposed covenant and proposed zoning map to Town Counsel for review on 3/31. Second by Roy Mirabito. No discussion. Roll call vote: Roy Mirabito: Yes, Jeanne Rich: Yes, Carol Jackson: Yes, Russ Williston: Yes. Motion approved, 4-0 with Tom Christopher not participating.

“3. Review any update to the Inclusionary Zoning Study received from Barrett Consulting.”

The chair updated the board on what progress he’s aware of: it seemed as though Judi Barret might correct the incorrect math in the study. Nothing new had been received however.

[Tom Christopher, who had recused himself from the previous discussion, returned to the meeting at 8:15PM.]

“4. Hear report from the “Inclusionary Zoning Bylaw Working Group”, review their draft bylaw, and review reports on the draft bylaw from Town Planning Consultant Michael Antonellis and Town Counsel.”

Present for this discussion:

Victoria Petracca, Inclusionary Zoning Bylaw Working Group

Victoria Petracca brought the board up to date on the most recent tweaks to the bylaw after town counsel feedback: the board has “Version 6” of the draft bylaw on hand to review.

The chair recommended that the board ask the working group to make a presentation to the Board of Selectmen on April 5th, to give them an opportunity to be familiar with the bylaw.

The chair consulted with Deb on what the next practical date for a public hearing would be, in case that’s the board’s preference tonight. April 12th was still feasible if the board can produce a hearing notice quickly; Victoria Petracca volunteered to help produce the hearing notice.

Motion by Carol Jackson: send the proposed bylaw (“Version 6”) to selectmen for inclusion on the warrant, schedule a public hearing for April 12th. Second by Roy Mirabito. In discussion Jeanne Rich said sarcastically that scheduling this public hearing and not the other “makes a lot of sense,” prefers another town counsel review. Roy Mirabito spoke about the value of this bylaw to the town and thanked those who worked on it. **Roll call vote: Roy Mirabito: Yes, Jeanne Rich: No, Carol Jackson: Yes, Russ Williston: Yes. Motion approved, 4-1.**

“5. Review Scenic Road Bylaw proposed changes, review feedback from town planning consultant if it’s available.”

At the last meeting the board had sent a letter listing desired changes to Michael Antonellis with a request to compose them into an article: instead he returned a review of the Attorney General feedback on the approved bylaw.

The board decided to send the request back to Michael Antonellis, asking him again to compose an article.

Motion by Jeanne Rich: send the feedback from town counsel and proposals from Greg Jackson to Michael Antellis, asking for an article including all the changes. Second by Tom Christopher. Discussion centered on what Jeanne wanted to include in what was sent to Michael Antonellis. Carol preferred to resend the same letter as the board sent the previous meeting, with a note to draft an article this time. Russ Williston concurred and suggested that the board disapprove this motion and make a new motion. **Roll call vote: Tom Christopher: Yes, Roy Mirabito: No, Jeanne Rich: Yes, Carol Jackson: No, Russ Williston: No. Motion failed, 2-3.**

Motion by Carol Jackson: resend the letter the board sent to Michael Antonellis at the last meeting, this time reiterating the desire for an article for town meeting. Second by Tom Christopher.. Roll call vote: Tom Christopher: Yes, Roy Mirabito: Yes, Jeanne Rich: No, Carol Jackson: Yes, Russ Williston: Yes. Motion approved, 4-1.

Deb will re-send the letter to Michael Antonellis and reiterate that the board is looking for an article.

“6. Review Scenic Road Application.”

The board discussed Michael Antonellis’s review of the Scenic Road Application, but didn’t make any changes.

Motion by Carol Jackson: approve the draft Scenic Roads Application. Second by Roy Morabito. In discussion, Tom Christopher noted that one section town counsel felt was redundant seemed acceptable in this case. Russ Williston concurred. **Roll call vote: Tom Christopher: Yes, Roy Mirabito: Yes, Jeanne Rich: No, Carol Jackson: Yes, Russ Williston: Yes. Motion approved, 4-1.**

“7. Discuss local ANR requirements, review proposed changes to ANR application”

Carol Jackson described the draft ANR application (“Form A”) she distributed. It adds the requirements from the towns ANR bylaw to the application.

Motion by Tom Christopher: approve the new “Form A”. Second by Roy Morabito. No discussion. **Roll call vote: Tom Christopher: Yes, Roy Mirabito: Yes, Jeanne Rich: No, Carol Jackson: Yes, Russ Williston: Yes. Motion approved, 4-1.**

“8. Correspondence”

The board reviewed a memo from Town Administrator Orlando Pacheco: he worked with the fire chief to make a list of all the active fire cisterns in town.

“9. Vouchers”

No vouchers available to review. Debra Dennis asked if we could review some vouchers at the special meeting on March 31st; that was fine with the board.

“10. Minutes:”

The outstanding minutes at the time of the meeting were:

- a. February 8, 2021
- b. February 22, 2021
- c. March 8, 2021

Only February 8th minutes were available to approve. Tom Christopher suggested one correction: “Seven Road” to “Seven Bridge Road” on the first page.

Motion by Carol Jackson: approve the February 8, 2021 minutes with Tom’s correction to “Seven Bridge Road.” Second by Roy Morabito. No discussion. Roll call vote: Tom Christopher: Yes, Roy Mirabito: Yes, Jeanne Rich: Yes, Carol Jackson: Yes, Russ Williston: Yes. Motion approved, 5-0.

Adjourn

Carol Jackson moved to adjourn, Roy Mirabito seconded. Roll call vote: Tom Christopher: Yes, Roy Mirabito: Yes, Jeanne Rich: Yes, Carol Jackson: Yes, Russ Williston: Yes. Motion approved, 5-0.

Meeting adjourned at 9:55PM