

Approved: June 15, 2021

TOWN OF LANCASTER
PLANNING BOARD MEETING MINUTES
VIA ZOOM
Monday April 12, 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 12, 2021
 - Timeframe from Karen Chapmen MRPC concerning project to produce data and model zoning for South Lancaster business district.
 - Proposed Inclusionary Zoning Bylaw-version seven.
 - Site Plan-United Ag & Turf 700 Fort Pond Road
 - Draft reprimand letter and letter to Board of Selectmen concerning Jeanne Rich.
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The Chair called the meeting to order at 7:06PM.

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

Administrative-None

Other Business

1. Karen Chapman from the Montachusett Regional Planning Commission on hand to discuss results of last year's District Local Technical Assistance (DLTA) project to produce data and model zoning for a South Lancaster business district. -Karen Chapman explained the timeline to the Board. She said you have before you the scope of service for this dlp a project to continue the 40R in the village center bylaw research. She said after her presentation in January she left the Board with some recommendations. She asked if the Board was going to move forward with the 40R. She said the next step would be to meet with applicable town boards to discuss implications of zoning changes and town infrastructure capacity for new housing, as well as changes to uses allowed or prohibited in the study area. Discuss method of public outreach to educate and build support for the potential zoning changes and new housing opportunities. Chairman Williston said the logical board to meet with would be the Affordable Housing Committee. Karon Chapman recommended a workshop meeting with the Planning Board and Affordable Housing Committee.

Carol Jackson asked if this must be this specific area? Karon Chapman said other areas can be added in but would have to be added in separately. Chairman Williston to get the rest of the Board up to date. Today with what he's thinking of is the Affordable Housing Trust and the Economic Development Committee had a joint meeting last week with the Capital Group and they presented an option that they were looking at which involved using for 40R to rezone that big parcel up in North Lancaster to make it something that had benefits to the town, the town could receive a cash payment and could realize some other benefits as well, and it would immediately come to mind is that we're working on this 40R study

that's currently focused on a large parcel that may just change hands and may never be suitable for this for a 40R project. Meanwhile they are looking at a project that might really benefit from this, so I was wondering if this would be something that the town might want to shift to focus on that North Lancaster partial instead of.

Victoria Petracca said she wanted it to be clear that it was the Capital Group that contacted the Housing Trust. She said they said that they were looking at the underlying residential zoning and what to do with it. They said they were contemplating a 40R. Basically, put things like industrial use on residential zone land you can take your residential use and put move that around you can do these creative projects and get as much, if not more economic benefit from them, because you can shift things around like that, and you can meet multiple objectives, you can meet your economic development objective. In addition, get yourself into safe harbor up and over your 10% with your affordability requirement and because the State wants to incentivize towns to do this. There is a double payment there is a payment upon adoption of and then there is a payment for each unit of affordable housing, so it has all the same economic benefit there's as much square footage of industrial space with these other bonuses. She said that was the gist of the conversation with capital group so that's why we brought it to that joint meeting on Thursday night, and that's where we are now is looking at that and figuring out how that could come together in a master plan, the thing with 40R's that is all master planned, and you know it's they're looking for an attractive site plan with a village concept with the housing and the retail and the commercial development and then a logistics facility, but right behind that with an appropriate buffer space um but essentially behind that in the rear so that's sort of like the concept of it.

Chairman Williston thanked Victoria. He added his last concern which is with there being a pending sale of the College to someone who might use it as a college he is hesitant to do anything that might lead anyone to take another different action.

Carol Jackson said it is sounds good to investigate everything. Chairman Williston said he would have a conversation with Orlando Pacheco since he applied for the grant.

Karen Chapman said he the members are ok with the scope of the services; the deliverables would be the final smart growth and or the village center bylaws and then information needed to submit for 30R to the state.

Public Hearing

2. 7:00PM: Hearing for proposed Inclusionary Zoning Bylaw

Chairman Williston read the public hearing notice into the record thereby convening the public hearing.

Victoria Petracca gave an overview of the proposed Inclusionary Zoning Bylaw. She went over a presentation prepared by the working group. She said Massachusetts provides over 10% of its year-round, housing, as deed restricted affordable housing and that is a statute under mass general law. It applies to every single town, without exception, and when you are above 10%, you are in safe harbor. If the town is in safe harbor so the controversial nature of 40B is that it overrides a towns local planning and environmental bylaws and so by being in safe harbor a town is far more independent and in control of its affordable housing production.

She said basically, the way it works is that any project with six units or more kicks in exclusionary zoning. The one, two and three units for any project of that corresponding size on the left, we will always be above 10% and with our larger projects we can start to close the gap and get us larger projects to get up and over the 10%. Victoria said she wants to be clear that this is not 40B that you are looking at, so all this respects Lancaster's local zoning and local planning bylaws and local environmental bylaws that the residents of the town. The payment in lieu is a feature that we discovered and looking at some other examples, it allows developers who would prefer not to include the units to make a payment to the housing trust in lieu of building the units and then that money is used for affordable housing elsewhere.

The purpose and intent of the zoning bylaw is to include planned affordable housing as part of new housing development proposals and Lancaster. These provisions encouraged development of housing, that is affordable to eligible low- and moderate-income household in perpetuity. She said this bylaw helps Lancaster maintain and increase its percentage of affordable housing as market rate housing continues to be built additionally this bylaw helps Lancaster shape affordable housing production to remain and safe harbor.

Jeanne Rich asked Victoria if version seven is the one presented to the Board of Selectmen and going to Town Meeting? Victoria said that is correct there was one change to version six. Jeanne Rich said she did not find a lot included from the advice given by Judy Barrett. She said she would like to see how her report plays into what the product is. Victoria said per discussions at prior Planning Board meetings her tables don't add up correctly, and so I know there's been extensive conversation about that, and what to do about that, and I know the Chair reached out to try to get some additional worked on and she my understanding, just as someone who observed the planning board meetings Was that she was not willing to revisit a lot of her work and it was hard for us to use it, because it like I say the math didn't add up, and so there was that issue, but what we did use Jeanne that was helpful was. For instance, her work on payment in lieu was helpful because we did not have to rely heavily on tables and excel spreadsheets. Victoria said it should be clear that the payment and lieu was an important feature in fact in the presentation that was just given had a couple of quotes of hers.

Jeanne Rich said she thought Judy Barrett's biggest thing was that this should not be done for the town in its entirety, that we should pick an area and try it before we just Carte Blanche our town would include visionary zoning because for people out there that don't really understand it totally it means for every development building more than six houses there's going to be an affordable unit within that development and if there's not going to be an affordable unit they're going to pay a massive fee to the general fund. Jeanne Rich questioned why we are looking at the town in totality and not picking an area to try it to see if it works and then go back and expand it later, why it is just all or none, right now, today.

Victoria Petracca said she thinks if you look there are two Judy Barrett documents. There is the study that she did for Lancaster and a presentation to Mass Housing Partnership she did that the committee looked at.

Tom Christopher said he would like to support the idea of having affordable housing or exclusionary zoning and affordable housing available in every area of the town.

Orlando Pacheco said if you look at Judy Barrett's report and totality what she is really getting at, and I think what she had previously referenced. He said he does not think she was getting at the density bonus necessarily being like a carrot what she is trying to articulate was that if you do not get to the

\$30,000 per unit land acquisition costs you were not going to entice developers to create affordable housing and that was a discussion they had with Mike Antonellis into analysis.

Chairman Williston said the Board has accepted this and scheduled the public hearing for it as version six and then there's one change that Victoria talked about in her slide presentation to section F four and that's what I emailed you a little write up Victoria was good enough to break that out for us, you can see exactly what we should change in F4 just to with the feedback they got from town council.

00:53:59 Does everyone have to the members of the board have that sheet about the change to section f4 to change version six diversion seven yes, yes, all right with someone like to propose just that we adopt that change to the bylaw that will send on to town meeting.

Carol Jackson made a motion to adopt the bylaw with the change to version seven of the exclusionary zoning. Tom Christopher seconded the motion. Jeanne Rich asked if the change was sent to Town Council for approval because Town Council was pretty clear that the money has to go to the general fund. Victoria Petracca said it was sent to Town Council. It's clear that the money does go to the general fund and then it has to be transferred, which is why the wording was changed from payable to transferred. **Roll Call Vote: Jeanne Rich no, Carol Jackson yes, Roy Mirabito yes, Tom Christopher yes and Russ Williston yes.**

A motion was made by Roy Mirabito to close the public hearing on the inclusionary zoning bylaw. Tom Christopher seconded the motion. No discussion. Roll Call Vote: Jeanne Rich yes, Carol Jackson yes, Roy Mirabito yes, Tom Christopher yes and Russ Williston yes.

Chairman Williston proposed sending a positive report that support the Inclusionary Zoning Bylaw.

A motion was made by Roy Mirabito to adopt the report. Carol Jackson seconded the motion. Jeanne Rich said she didn't have an opportunity to read it and asked when did he send it. Chairman Williston said he sent it today. **Roll Call Vote: Jeanne Rich no (she said since she didn't read it), Carol Jackson yes, Roy Mirabito yes, Tom Christopher yes and Russ Williston yes.**

Chairman Williston said the working group put together a summary that they are suggesting we can list this in the warrant to give people an overview of what this is about. **A motion was made by Carol Jackson to include this summary of the bylaw in the warrant. Roy Mirabito seconded the motion. Roll Call Vote: Jeanne Rich yes, Carol Jackson yes, Roy Mirabito yes, Tom Christopher yes and Russ Williston yes.**

Public Meeting

Site Plan-Proposed Addition at 700 Fort Pond Road United Ag & Turf NE, LLC (Continued from 3/22 meeting.)

Present: William Hannigan and David Hammond for the applicant.



Mr. Hannigan said at the last meeting we had some comments from Haley Ward relative to the site, creating materials on the site, as well as the drainage and those have been addressed per a letter from Autumn from Haley Ward. He said he has had some discussions with abutters concerning the fencing that was installed along the rear of the property.

The screening and fencing happened prior to us getting involved with the prior owner of the various areas behind that property resulted in not what the abutters expected. He said what they are going

to do is extend the fence approximately 100 feet to the east along with adding some additional planting in a budgetary manner. The previous owners installed the fence and contributed \$1,000 to the town which was intended for planting. He said the owners have agreed to contribute an additional \$7,500 to that fund. The neighbors can plant trees and shrubs on their property to create a shield or a barrier for the abutting neighbors.

Carol Jackson questioned setback in a GI district and the no parking or storage closer than 50 feet. William Hannigan said when this was built it was in the business district it was not in the Enterprise district. The zoning was a 35-foot setback on the real property line.

Roy Mirabito said he would like a condition that all plantings must be viable for a certain number of years, if not then the company has to replace them. I feel this would be difficult to do on private property, so he said he would be in favor of the screening going on United Ag & Turfs property.

David Hammond said another thing to bring up is there was talk of how tall our equipment is stacked in the backyard and it is you know over you know 12 feet tall, you know where the fences eight. He said they have a verbal agreement to the landowners to bring that down within

Public Comments:

Robert Cloutier, 20 Evelyn Place one of the abutters. He said the setback is now 100 feet and it was 35 back when it was a different zone. He said there was supposed to be a 20-foot vegetation buffer and now you are allowing them to not do it. He said he would like the town to make United Ag & Turf to put in the buffer that is supposed to be there right now. Roy Mirabito said he agrees with him. He said he thinks the responsibility for the buffer is not the responsibility of the residents it is the responsibility of the business. He said there should be a condition on the height of storage and not just a verbal agreement between the business and a resident.

A motion was made by Tom Christopher that the board allows the construction component of the plan to move forward with and approval with the acknowledgement that Mr. Hannigan will return with an additional plan that will demonstrate a buffer. A buffer planting along the line that we have been discussing and taken in consideration of the items that were brought up earlier. Roy Mirabito wanted to add a condition to have an eight-foot height restriction. David Hammond commented that some equipment is higher than eight feet. Roy Mirabito amended his condition to say eight-foot height restriction concerning stackable materials. Carol Jackson wanted a condition that no occupancy permit would be given prior to all planting is done. Tom Christopher agreed to these amendments. Roy Mirabito seconded the motion. No discussion. Roll Call Vote: Jeanne Rich yes, Carol Jackson yes, Roy Mirabito yes, Tom Christopher yes and Russ Williston yes.

William Hannigan said he will be back at the next meeting with updated plans which will include the planting.

Other Business (Continued)

Review and approve Scenic Road Bylaw amendment article for town meeting.

Chairman Williston said we have three to look at. Two came from the Planning Consultant and the third from Greg Jackson. Jeanne Rich asked when did Greg's come in? Chairman Williston said he believes it came in this morning. Chairman Williston said he liked Greg Jackson's format. Carol

Jackson said she would go with Greg's. Chairman Williston asked if that was a motion. **A motion was made by Carol Jackson to go with Greg's amendment. Roy Mirabito seconded the motion.** Chairman Williston said that is a motion to use the scenic road bylaw amendment right up that Greg Jackson put together for the Planning Board, and it is seconded. No discussion. **Roll Call Vote: Jeanne Rich no, Carol Jackson yes, Roy Mirabito yes, Tom Christopher yes and Russ Williston yes.**

Greg Jackson said he wanted to point out that this narrative that was put together for the article is very specific to these amendments. He said it is appropriate and it gives the background, so when residents are looking at this, they can understand basic history of the adoption of the bylaw as well as why these amendments were necessary. Chairman Williston thanked Mr. Jackson.

Discussion about timeframe for submission of documents to the Planning Board-After some discussion of the Board members, Chairman Williston said the Board can made a pledge amongst themselves to try to get all our documents together by the Wednesday before the meeting so that Debra can have time to include them in our packets. The Board members agreed. Chairman Williston said on the next agenda he will add a line about submitted public comments by 10am of the day of the meeting.

3. Correspondence -None currently.
4. Vouchers-None currently.
5. Minutes:
 - a. March 22,2021-tabled.
 - b. March 31, 2021-tabled.
6. Review and approve proposed reprimand letter to Member Jeanne Rich. Review and approve proposed informational letter to Board of Selectmen.

Chairman Williston said at the last meeting the Board took a vote to have me put together a letter to reprimand letter to member Jeanne Rich. He said he emailed two things to the members. One is the reprimand letter, and one is a letter to be forwarded to the Board of Selectmen concerning this. Carol Jackson said there is an issue with the date of the meeting on the letter. **A motion was made by Carol Jackson to approve the letter with the amendment to change the date to March 31, 2021. Roy Mirabito seconded the motion.**

Jeanne Rich said she has a rebuttal letter to read into the record.

She said her intention for presenting the motion at the last meeting was simply to give the residents of Lancaster the opportunity to have their voices heard regarding matters that directly impact, their way of life in this town. She said based upon my recent observations with the board majority and knowing the likelihood that the owners proposed rezoning of the property would be ignored, without action.

I drafted the citizens petitions on my own and obtain the requisite signatures, so that the matter may be publicly heard before this board and Town meeting.

After inviting and entertaining development proposals from the property owner to fail to even discuss the matter without any vote action or recommendation would be an utter failure of our duty as planners for the town to work with property owners and encourage responsible development.

In closing, every Member of this board has a right to speak and to express their opinion, the action by most of this board in censoring.

It has no legal basis in any Statute by law, regulation or policy and effect in Lancaster I view your letter and associated correspondence to the board of selectmen.

As an orchestrated attempt to defame and discredit me a few weeks before the election, as well as to attempt to adversely influence future board appointments, which the majority seems to want to control, thank you.

Chairman Williston thanked Jeanne and asked if there were any other discussion. Carol Jackson said she was curious why somebody would want to push through something we had an inappropriate town council review and then another article brought forward the same day and wanted to push through when there's already a bylaw that takes care of the height.

Chairman Williston said this is a discussion Carol on the reprimand letter. Carol Jackson said she was sorry.

Roy Mirabito said as much as he dislikes going through this process, he thinks there is a level of civility that needs to be maintained on this board and every other board in this town. He said he thinks that level of civility was ignored and this letter is appropriate.

Roll Call Vote: Carol Jackson yes, Roy Mirabito yes, Tom Christopher abstained and Russ Williston yes. Vote: 3-1-1(abstained Tom Christopher).

Adjourn

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

The meeting was adjourned at 9:58PM.

Respectfully submitted,

Debra Dennis