

Approved: September 13th, 2021

MINUTES OF THE PROCEEDINGS OF THE
PLANNING BOARD OF THE TOWN OF LANCASTER
Meeting conducted via ZOOM internet conferencing
Monday July 26th, 2021

Present: Russell Williston, Chair; Roy Mirabito, Vice Chair; Carol Jackson, Clerk; Tom Christopher;
Peter Christoph

Absent: None

Staff Present: Debra Dennis, Administrative Assistant

List of Documents:

- Updated subdivision application for “McGovern Boulevard Phase II: Roadway Construction” prepared by Hannigan Engineering. (For a request to amend a previously approved subdivision.)
- Narrative letter to accompany the above.
- Review of the above subdivision application by Haley Ward.
- Copy of the 2018 extension of the original 2016 approval of the above subdivision application, from the Lancaster Planning Board.
- Atlantic Union ANR: ANR Plan from Atlantic Union College
- Atlantic Union ANR: Review from Michael Antonellis
- Atlantic Union ANR: Email from the Chair with ANR requirement details
- 0 Old Union Turnpike Enforcement Action: Documentation of stormwater violations from Tom Christopher and David Koonce.
- 438 Old Union Turnpike: request for certificate of completion
- 438 Old Union Turnpike: review of the above project by Haley Ward
- 201 Hilltop Enforcement: report from David Koonce and Tom Christopher of stormwater bylaw violations.
- 201 Hilltop Enforcement: email correspondence between chair Russ Williston, building inspector and town administrator.
- Draft Minutes for July 7th, 2021

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

Roll Call for Attendance:

Russell Williston: Present

Roy Mirabito: Present

Carol Jackson: Present

Tom Christopher: Present

Peter Christoph: Present

Public Hearing

7:00PM Continued Hearing: 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).

Chair Russ Williston reopened the public hearing and listed the documents available for this agenda item.

Present for this discussion:

Bill Hannigan, Hannigan Engineering, for the applicant

Steve Hannigan, for the applicant

Bob DiPietri, for the applicant

Tom Bovenzi, for the applicant

Scott Miller, Haley Ward, peer review engineer

Liz Altman, TEC (traffic engineering), for the applicant

Member Tom Christopher announced that he would not be participating in this agenda item, and moved into the “waiting room” at 7:02PM.

Bill Hannigan and Scott Miller reviewed the updates in the plan and latest review by Haley Ward.

Board member Russ Williston asked about the “Environment Review”: this subdivision requirement was listed in the 2016 approval as deferred until phase 2. It is not part of the phase II application presented.

Member Carol Jackson asked about the roadway width and its ability to handle traffic for the subdivision. Liz Altman, TEC traffic engineer for the applicant, replied that they anticipate that the roadway will adequately handle the traffic.

Member Carol Jackson asked about the culvert on the plan; Scott Miller provided some history about the progression of the roadway from Phase I to the current plan.

Member Roy Mirabito questioned the traffic generation projections. Liz Altman provided some information about how the projections were developed.

Member Carol Jackson noted that the Conservation Commission will be reviewing the culvert. (Something that was raised by the engineers) and she would like that to be finalized before any final decision on this application.

Resident Ann Flurry asked if the traffic study was publicly available: it's available on the town website.

Resident Greg Jackson made some remarks about the use of phases for this project: makes it difficult to evaluate the whole project. He raised concerns about water runoff on the site.

Bill Hannigan displayed a watershed analysis that was available, to respond to part of Greg Jackson comments.

Chair Russ Williston reviewed the waivers requested in the application and polled the board for any concern with those requests.

Member Peter Christoph asked to review the environmental study waiver request.

Member Carol Jackson reiterated that she'd prefer to hear the Conservation Commission's decision on the culvert shown on the plan, rather than handle it with an approval condition. The Conservation Commission intends to visit that item on August 10th. Other members of the board shared that interest.

Bill Hannigan suggested that the hearing could be continued until August 23rd.

Chair Russ Williston polled the board for any other concerns they'd like to see addressed: Roy Mirabito requested some lighting details and final design drawings.

Member Carol Jackson asked some questions about the MEPA review of the project, and when it would be completed.

Bill Hannigan requested that the board continue the hearing until August 23rd; he will submit that request in writing to Deb Dennis. The chair requested a motion.

Carol Jackson moved to continue the public hearing until August 23rd. Second by Roy Mirabito. Roll Call: Roy Mirabito, Yes; Carol Jackson, Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion approved, 4-0.

Member Tom Christopher returned to the meeting at 8:26PM

Public Meeting

1. ANR-Atlantic Union College (Continued from previous meeting)

Present for this discussion:

Barbara Fuller, Atlantic Union College

Kevin Conover, Ross Associates, for the applicant

Kevin Conover reviewed the ANR application and the reasons it doesn't show a subdivision.

Member Tom Christopher stated that he has no concerns with the plan; would like the endorsement to include the clarification that the board did not review its compliance with zoning.

Motion from Tom Christopher: endorse the ANR plan with the notation that the "No compliance with zoning requirements has been made or intended." Second by Peter Christoph. No discussion. **Roll**

Call: Roy Mirabito, Yes; Carol Jackson, Yes; Tom Christopher Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion approved, 5-0.

Other Business

2. 0 Old Union Turnpike Solar Array: Consider Enforcement Action

Russ Williston cited the documentation of new violations that the board received, and stated that in a conversation with Town Counsel last week counsel had advised the board to issue a new enforcement order. David Koonce, town conservation agent, is willing to issue the enforcement order for the board if the board will authorize him to act as their agent.

Motion from Peter Christoph: authorize David Koonce, town conservation agent, to act as the board's agent to issue a cease and desist order under the stormwater bylaw. Second by Carol Jackson. Discussion ensued:

Carol Jackson: Can we have a constable deliver the order? After discussion the board opted to leave it to David Kooce to decide how it's delivered.

Roll Call: Roy Mirabito, Yes; Carol Jackson, Yes; Tom Christopher Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion approved, 5-0.

3. 438 Old Union Turnpike: Request for Certificate of Completion

Carol Jackson noted that the review from Haley and Ward notes that the operations manual has not been received yet. She'd like to wait on any final action until it's received.

The chair polled for objection to waiting to act on this item: no objections.

This item will be relisted on the August 9th agenda.

4. 201 Hilltop Road, Assessors Map 11, 8 and 9: Consider enforcement actions authorized by the Lancaster Stormwater Bylaws.

The chair reviewed the history of this project: violations were initially reported in June, and the building inspector and town administrator had contacted the developer. The chair had made arrangements with the town conservation agent to issue an order for the board, if the board approves it.

Member Tom Christopher cited that this is a grievous violation of the stormwater bylaws (and Wetlands Act.)

Motion from Peter Christoph: authorize David Koonce, town conservation agent, to act as the board's agent to issue a cease and desist order under the stormwater bylaw. Second by Carol Jackson. Discussion ensued:

Carol Jackson: Can the board issue a fine in this case? The board discussed the process of issuing a fine. Russ Williston will look into the process and report back at the next meeting.

Roll Call: Roy Mirabito, Yes; Carol Jackson, Yes; Tom Christopher Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion approved, 5-0.

Resident Alix Turner: shared some info on the fining process.

Resident Greg Jackson: made comments on the need to take enforcement action in the case.

5. Correspondence

Member Carol Jackson shared a brief update on the Planning Director search. (She is on the search committee.)

Chair Russ Williston shared a notification from Town Clerk that the town meeting bylaws had been submitted to the Attorney General for review.

6. Vouchers

No vouchers available to review.

7. Minutes

At the time of the meeting, minutes are outstanding for meetings on:

June 21, 2021

July 1st (Regular Session)

July 1st (Executive Session)

July 7th

July 7th minutes are available to approve.

Motion from Peter Christoph to approve the July 7th minutes. Second by Roy Mirabito. No discussion. Roll Call: Roy Mirabito, Yes; Carol Jackson, Yes; Tom Christopher Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion approved, 5-0.

Adjourn

Carol Jackson moved to adjourn, Peter Christoph seconded. Roll Call: Roy Mirabito, Yes; Carol Jackson, Yes; Tom Christopher Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion approved, 5-0.

Meeting adjourned at 9:13PM.