

Approved: : *November 23, 2021*

MINUTES OF THE PROCEEDINGS OF THE  
PLANNING BOARD OF THE TOWN OF LANCASTER  
Meeting conducted via ZOOM internet conferencing  
Monday October 25th, 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:

- Email to the Planning Board from Mr. James Broderick, regarding drainage concerns in regard to the Perkins School's ongoing project.
- Email from Ms. Karen Chapman, inviting board members to attend a series of CPTC webinars.
- Emails exchanged between Russ Williston and Town Conservation Agent David Koonce, regarding citizen Cease and Desist related concerns at 201 Hilltop Road.
- Two approval letters from the Attorney General, approving all the bylaws and bylaw amendments passed at the Annual Town Meeting in June.
- A draft IPOD Bylaw Amendment article, drafted by Russ Williston
- Stormwater Permit Application package for 70 Duvall Road, from SAC
- Review of the above Stormwater Permit from Bob Hartzell, CEI
- A proposed packet of material for the Select Board with a cover letter, drafted by Russ Williston
- A proposed memo designating a Planning Board Member of the CPA, drafted by Russ Williston
- Memo from the Lancaster Conservation Commission about Hawthorne Hills

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

**Administrative**

**1. Roll Call for Attendance:**

Roy Mirabito: Present

Carol Jackson: Present  
Tom Christopher: [Not Present]  
Peter Christoph: Present  
Russell Williston: Present

Chair Russ Williston explained that prior to this meeting the board met in a joint executive session with the Conservation Commission, and the Conservation Commission is still in the meeting. (Tom Christopher is also chair of the Conservation Commission.) Mr. Christopher will likely join the Planning Board meeting later.

(Since Tom Christopher has not joined the meeting yet, the board called up agenda item 15 to avoid opening the public hearing without him.)

### **Public Meeting**

#### **15. Review and Approve Minutes**

##### **a. September 13th, 2021**

**Motion by Peter Christoph: approve the draft minutes for September 13th, 2021. Second by Roy Mirabito. No discussion. Carol Jackson: Yes. Roy Mirabito: Yes. Peter Christoph: Yes. Russ Williston: Yes. Motion approved, 4-0.**

##### **b. September 27th, 2021**

**Motion by Peter Christoph: approve the draft minutes for September 27th, 2021. Second by Roy Mirabito. No discussion. Carol Jackson: Yes. Roy Mirabito: Yes. Peter Christoph: Yes. Russ Williston: Yes. Motion approved, 4-0.**

(Since Tom Christopher has not joined the meeting yet, the board called up agenda item 14 to avoid opening the public hearing without him.)

#### **14. Vouchers**

No vouchers were available to approve.

(Since Tom Christopher has not joined the meeting yet, the board called up agenda item 5 to avoid opening the public hearing without him.)

#### **5. Review any material received regarding the proposed 40R bylaw and district under development by the Affordable Housing Trust: review any feedback from the Trust received**

**by meeting time or hear from Trust members about the bylaw if they desire.**

Nothing at this time; Victoria Petracca was present to confirm that they intend to correspond but have not yet.

(Since Tom Christopher has not joined the meeting yet, the board called up agenda item 13 to avoid opening the public hearing without him.)

### **13. Correspondence**

#### **a. Email from James Broderick: Perkins Project Drainage Concerns**

The board briefly discussed a response from James Broderick, whose discussion with developers for the project at the Perkins School was shared with the board. Mr. Broderick was not at the meeting and the correspondence appears to be ongoing. The board reviewed his response and took no action at the meeting.

#### **b. Email from Karen Chapman: CPTC Webinar Series 2021**

The board reviewed the invitation from Karen Chapman to a series of Citizen Planner Training Collaborative webinars. No action was requested or taken at the meeting.

The board briefly discussed a request for comments from the Select Board on a Class I license application at Prime Toyota, now for IRA Toyota. The opportunity for comment had passed between meetings.

The chair shared a chain of emails he had exchanged with the Town Conservation Agent, David Koonce, prior to the meeting. Someone had contacted David in regard to the project at 201 Hilltop, concerned that a brick wall was being demolished. The Conservation Agent contacted the developer regarding the Cease and Desist in effect there, but the developer asserted that the wall was not being demolished -- it was just falling down.

(Since Tom Christopher has not joined the meeting yet, the board called up agenda item 12 to avoid opening the public hearing without him.)

### **12. Review any available info on progress with the Town Planner search**

Carol Jackson reported that three applicants are soon to be interviewed by the Select Board.

(Since Tom Christopher has not joined the meeting yet, the board called up agenda item 11 to avoid opening the public hearing without him.)

**11. Update from chair on progress dealing with Barrett IZ Study, double payment from Planning Board Revolving Fund. Review new information, if any, and received by meeting time and take any action appropriate. (The board is waiting for the Finance Committee to meet.)**

Chair Russ Williston updated the board on progress with this item. He met with the Finance Committee between meetings and presented the issue. The Finance Committee voted to place a transfer of \$8,000 to the Planning Board Revolving Account on the next town meeting warrant.

(Since Tom Christopher has not joined the meeting yet, the board called up agenda item 9 to avoid opening the public hearing without him. )

**9. Review memo from the Attorney General's Office regarding their review and approval of the Annual Town Meeting Bylaws and Amendments.**

The board reviewed the approval memos received from the Attorney General's office, approving all the bylaws and bylaw amendments passed at the Annual Town Meeting in June. The approvals were presented with no qualifications or comments this year.

(Since Tom Christopher has not joined the meeting yet, the board called up agenda item 7 to avoid opening the public hearing without him. )

**7. Review proposed amendments to the IPOD bylaw, specifically changes proposed by the chair to allow all-business IPOD applications. Review feedback from Planning Board members and review any feedback from the Economic Development Committee received by meeting time. Take any action appropriate. (Continued from 9/13 and 9/27)**

Russ Williston shared the IPOD bylaw amendment article. He showed that he had made an error with the second amendment in the draft the board received, and requested to replace it with a new block of text.

Carol Jackson requested changes to the IPOD bylaw amendments to pull the lot size requirements for multifamily homes found elsewhere in the zoning bylaws into the IPOD bylaw.

**[Member Tom Christopher joined the meeting at 7:40PM]**

Chair Russ Williston reviewed the business completed at the meeting so far for Tom Christopher.

## **Public Hearing**

**2. Five SAC Self-Storage Corporation (U-Haul), applicant, seeks approval for a Stormwater under the requirements of the Town of Lancaster Stormwater Control Bylaw and Stormwater Management Rules and Regulation Section 305-5. The site Duvall Road, (Map 3, Lot 2) and within the Enterprise Zone district and within Planning Overlay District (IPOD). The regulated activity under the stormwater the disturbance of land greater than 1 acre. The applicant is conducting site improvements a commercial use in association with a change in ownership of the land.**

The chair read the public hearing notice, and announced the public hearing was now open.

The chair asked who was attending for the applicant, for the town, and if any abutters were present.

Present for the meeting:

Michael Scott, LDC

James Almonte, for the applicant

Jeff Vaine, for the applicant

Bob Hartzel, for the town, from CEI

Michael Scott introduced the application. In August SAC began preparing this application. Land was cleared in July and the applicant was contacted by the town.

Michael Scott shared the plan on the screen and described the area. Several acres on the site were disturbed.

Bob Harzel reviewed the content of his review letter; Russ Williston shared it on the screen.

Russ Williston confirmed that the applicant and review engineer had not corresponded on the review yet; the board confirmed that they can do so and that ultimately the board would like to review a written reply to the peer review letter.

Tom Christopher noted that it's late in the year and the applicant should get erosion blankets down soon. Michael Scott agreed, and said something like tackified mulch will need to be placed down soon.

David Koonce, Town Conservation Agent, agreed that control measures need to be taken soon.

**Motion to continue the hearing to November 8th, 2021. Second by Peter Christoph. No discussion. Roll call vote: Roy Mirabito: yes; Tom Christopher: yes; Carol Jackson: yes; Peter Christoph: yes; Russ Williston: yes. Motion approved, 5-0.**

### **Public Meeting**

**3. Review Subdivision, Definitive Site Plan and Stormwater Permit Approval Letters for Harbor Hills Subdivision, Lunenburg Road (Map 4, Lot 9): These are approval letters written after decisions on June 8th, 2020, that were mislaid for some time. Chair wants to ensure the the board reviews them before he signs them. (Continued from September 27 to let Mr. Christopher review them.)**

The chair introduced the agenda item; these are written approvals from a vote taken on June 8th, 2020. They were misfiled and the chair just wants to be sure that everyone reviews them before they're signed.

No concerns from the board; Russ Williston will sign them the next day.

**4. Discuss status of the affordable units at Harbor Hills Subdivision, Lunenburg Road (Map 4, Lot 9): two affordable units are required by the IPOD Special Permit granted on June 8th, 2021. The board will take any action appropriate.**

The chair introduced this agenda item; as part of the IPOD Special Permit granted on June 8th the developer was to build two affordable units. Some material that can be filed with the state so that these units are added to the affordable housing inventory is to be filed. Atty Campobasso for the developer and Victoria Petracca from the Affordable Housing Trust were at the meeting to discuss the situation.

Atty Campobasso confirmed that they have all the applications; the affirmative fair marketing plan is still outstanding and the developer has sourced some outside help to complete that. Victoria Petracca confirmed that they are now corresponding.

**6. Review and consider Assessing Fines for new or ongoing stormwater violations at: 201 Hilltop Road**

The chair introduced this agenda item: 201 Hilltop Road is a site where land was disturbed without a stormwater permit; the board is still awaiting a stormwater permit application and has been levying new fines at each meeting until it is received.

Richard Harrington, engineer for the developer, stated that they are still engaged with the Conservation Commission and the wetland borders are still changing. He requested that further fines not be placed.

**Motion by Carol Jackson: issue fines for an ongoing violation at the site from September 28th through October 25th, with a note that fines may continue until a completed stormwater permit application is received. Second by Roy Mirabito. Roll-call Vote: Roy Mirabito: yes; Carol Jackson: yes; Tom Christopher: yes; Peter Christoph: yes; Russell Williston: yes**

**7. Review proposed amendments to the IPOD bylaw, specifically changes proposed by the chair to allow all-business IPOD applications. Review feedback from Planning Board members and review any feedback from the Economic Development Committee received by meeting time. Take any action appropriate. (Continued from 9/13 and 9/27)**

The board returned to this agenda item that had been partially discussed earlier in the meeting before Tom Christopher arrived.

The board discussed a new amendment, #6, to reduce dwelling units per acre from 15 to 1. This was the original value before the bylaw was amended in 2017.

Carol Jackson asked about a clause in the extant IPOD bylaw, stating that there is no minimum lot area for non-residential uses. She is interested in removing that as part of the amendments.

Carol Jackson will prepare some amendments for the board to consider for their next meeting.

**8. Discuss Homeowners Trust Required at Hawthorne Hills Subdivision, off Hilltop Road and George Hill Road: update from the chair regarding correspondence with Town Administrator. A Homeowners Trust was filed at the registry in June 2020: subdivision approval condition 15 required that prior to the conveyance of any lots a homeowner's association be recorded in a form approved by the Planning Board. The recorded trust does not seem to have been recorded in a timely manner, approved by the Planning Board, or to meet the condition. Consider an advisory letter to the Select Board drafted by the chair and/or take any other action appropriate.**

The chair introduced this agenda item as described in the agenda. He introduced a packet of material with a cover letter that he proposes that the board approve to send to the Select Board. It includes a description of the new issues uncovered and a very extensive packet prepared by abutting resident, Larry Shoer. The cover letter urges the select board to take action as soon as possible.

Tom Christopher read a memo from the Conservation advising that the town not acquire the open space parcel on this site before the issues on that site on which the Conservation Commission are currently engaged are resolved.

**Motion by Peter Christopher: approve sending the packet, along with a memo from the Conservation Commission, to the Select Board. Second by Carol Jackson. No Discussion. Roll-call vote: Roy Mirabito: yes; Carol Jackson: yes; Tom Christopher: yes; Peter Christoph: yes; Russ Williston: yes. Motion approved, 5-0.**

**10. Designate Planning Board Member of the Lancaster “Community Preservation Committee”, for a term of three (3) years.**

The chair introduced this item: this is a new committee, and one member must come from the Planning Board. The Board will designate someone for three years.

The Chair shared the memo he drafted.

Peter Christoph stated that he would like to see the funds raised by the CPA used to protect open space, and volunteered to represent the board on this committee.

The chair suggested that, in the absence of any other guidance, the board designate this person to serve until May 13th, 2024. (Anticipated to be the day of the first Planning Board meeting after the town election in that year.)

**Motion by Carol Jackson: designate Peter Christoph as the Planning Board member for the Community Preservation Committee until May 13th, 2024. Second by Roy Mirabito. Discussion:**

Peter Christoph asks if anyone else is interested. Roy Mirabito expressed his support for Peter. Russ Williston supported Peter’s interest in using the CPA funds to protect land.

**Roll-call vote: Roy Mirabito: yes; Carol Jackson: yes; Tom Christopher: yes; Peter Christoph: yes; Russ Williston: yes. Motion approved, 5-0.**

Russ Williston will send the memo to the Clerk and Select Board.

**Adjourn**



**Motion by Peter Christoph: adjourn. Second by Carol Jackson. Roll-call vote: Roy Mirabito: yes; Carol Jackson: yes; Tom Christopher: yes; Peter Christoph: yes; Russ Williston: yes. Motion approved, 5-0.**

**The meeting was adjourned at 9:07PM.**