

Approved: July 27, 2020

MINUTES OF THE PROCEEDINGS OF THE
PLANNING BOARD OF THE TOWN OF LANCASTER
Meeting conducted via ZOOM internet conferencing
Monday May 11, 2020

Present: Phil Lawler, Chair; Jeanne Rich, Vice Chair; Russ Williston, Clerk; Tom Christopher;
Carol Jackson

Absent: None

Staff Present: Michael Antonellis, Director of Planning and Community Development

List of Documents:

- Application Package for 2038 Lunenburg Road – Harbor Classic Homes - IPOD Special permit
- Application Package for 2038 Lunenburg Road – Harbor Classic Homes - Stormwater permit
- Application Package for 2038 Lunenburg Road – Harbor Classic Homes - Definitive Subdivision Plan
- Memo from Fred Hamwey, Consulting Engineer for the Town, dated May 11, “Re: Royal Estates, 2038 Lunenburg Road, Lancaster MA
- Inventory of trees requested for removal, from Tree Warden Kevin Bartlett.
- A print copy of the Powerpoint presentation by citizens regarding the Community Preservation Act
- Draft minutes for the Lancaster Planning Board meeting on March 9th, 2020
- Report memo from Scott Miller, Consulting Engineer for the Town, regarding erosion in relation to the stormwater permit granted at 0 Old Union Tpke.
- Site photos showing erosion issues at 0 Old Union Tpke. taken by Tom Christopher.
- Email correspondence from resident Greg Jackson about a proposed “Scenic Roads” bylaw

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

Public Hearing

1. 2038 Lunenburg Road – Harbor Classic Homes - IPOD Special permit; Stormwater Permit and Definitive Subdivision

Present for this discussion were:

Fred Hamwey, as consulting engineer for the town

Peter Campobasso, attorney, for the applicant

Kent Oldfield, New England Engineering, for the applicant

Upon a motion by Tom Christopher and seconded by Russell Williston the board voted 5-0 to re-open the public hearing on the special permit.

The chair opened the floor to public comment:

Resident Greg Jackson voiced concerns about the density of the master plan, small lot sizes, frontages, and setbacks. He voiced concerns about the financial impact of the development on the town and school system. He raised concerns about the proximity of the development to a stream that is a cold-water fishery.

Fred Hamway, consulting engineer, updated the board regarding his latest review memo.

- All technical issues previously noted have been corrected and updated on the plans.
- His memo includes updates on what he suggests be included in a decision, including requirement of a lighting plan, sight distances, and a snow removal plan.

Phil Lawler requested more information from Fred Hamway on the lighting plan. Fred provided an overview of what appears on the applicants lighting plan. Kent Oldfield noted that they are not going to request any waivers regarding lighting. Peter Campobasso added that lighting plans can be addressed during subsequent site plan reviews, and suggests that the special permit could be granted with a condition requiring that lighting plans be reviewed when site plans are presented.

Jeanne Rich asked whether the commercial building will be specified as “only general office.” She prefers that this be clearly indicated. Peter Campobasso pointed out that sheet 6 of the plans does show “office space.” She asked about the area of the office building.

Jeanne Rich asked about snow removal, and asked Fred Hamway for guidance on what to require for a snow removal plan: Fred Hamway noted that the goal was to prevent snow on site from exceeding what can be stored in the designated areas. Michael Antonellis noted that the board had previously required that snow piles not exceed six-feet tall. Peter Campobasso read Fred Hamways memo comment, which suggests a condition that excess snow be removed within 48 hours.

Jeanne Rich asked Michael Antonellis if there had been feedback from the Lancaster Fire Chief regarding the cistern on the master plan. Michael Antonellis said that the fire chief would prefer pavement up to the hydrant on the cistern for better access. Michael noted that the 55 foot access area on the plan was increased from 40 to address Fred Hamway’s concerns.

Jeanne Rich asked about Lot 9 and Lot 20: she noted that they are presented differently than every other lot and asked if they are affordable housing lots, possibly without a garage. Peter Campobasso noted

that they have not designated any specific lots to host the affordable housing. Jeanne raised a suggestion that the board include a condition require that lot 9 and lot 20 not be used for affordable housing.

Carol Jackson asked about the dimensions for the detention basin and how it affects the square footage of the open space. Peter Campobasso indicated that it's been calculated and the plan still meets the 20% open space requirement.

Carol Jackson stated a preference that it be stated that the open space will be protected in perpetuity, and that the affordable housing be deed restricted in perpetuity. Peter Campobasso suggested that this be included in any decision granting the special permit. Michael Antonellis displayed the suggested language for a condition that he'd received from town counsel. For the open space Peter Campobasso suggested a deed restriction.

Carol Jackson stated concern about housing on the master plan that falls within the riverfront buffer. Peter Campobasso indicated that it will be addressed when the applicant meets with the Conservation Commission.

Resident Katherine Holden asked if the Conservation Commission would review the 200-foot buffer. Peter Campobasso stated that they would.

Russell Williston noted that the residential square footage noted on the plan is very close to the absolute maximum ratio permitted in relation to commercial square footage. Given that the houses will be "built to order" Williston suggested that the decision include a condition that the houses "built to order" cannot exceed the allowed residential square footage. Peter Campobasso concurred that the houses built would need to average 1800-1900 square feet.

Victoria Petracca expressed concern about the stream on the development plan, which is designated as a "cold water fishery."

David King asked whether the residential square footage requirement in the IPOD bylaw referred to the building footprint or the floor plan square footage. Michael Antonellis noted that the requirement is calculated based on the floor plan square footage. Fred Hamwey noted that the requirement is based on "Gross Floor Area."

Resident Don Chaisson noted that he felt that the size restriction on the houses would prove to be uneconomic.

Michael Antonellis opened discussion on the application of the open space requirements, and whether the easements connecting the discontinuous open spaces should count toward the open space square footage. Peter Campobasso stated that he believes the open space can be proposed as shown on the plan, and that the easements can be included in the calculation. Russell Williston stated that he questions

whether the easements should count toward the open space, as it's not clear that they will be reserved solely for use as open space as the bylaw requires.

Tom Christopher stated that he believes the master plan needs more detail to allow a decision, and suggested that the applicant request a continuance to resolve some of the issues raised tonight.

There was a brief discussion on how bylaw changes proposed at town meeting might impact the development.

Peter Campobasso requested a few minutes to talk to his client, which Phil agreed to without objection from the board.

Upon a motion by Russell Williston seconded by Carol Jackson the board voted 5-0 to temporarily table this issue and move to approving minutes.

- March 9, 2020 minutes.
 - Phil Lawler noted a typo: "Agregable with the board."
 - Upon a motion by Russell Williston, seconded by Tom Christopher, the board voted 5-0 to approve the March 9th, 2020 Lancaster Planning Board minutes.

Upon a motion by Russell Williston seconded by Tom Christopher the board voted 5-0 to resume the tabled public hearing.

Peter Campobasso requested that the board keep the public hearing open and continue the hearing until the next meeting.

Resident Dick Trussell asked questions about the dimensions of the easement that connects the discontinuous open space parcel. Kent Oldfield confirmed the dimensions.

Resident Dick Trussell asked whether stormwater calculations that had been updated would be confirmed. Michael Antonellis replied that Fred Hamway would check the calculations.

Peter Campobasso requested that the board continue the IPOD special permit hearing and the later related agenda items for the site plan and stormwater plan to the next board meeting on June 8th.

Resident Donald Chaisson noted that the lighting plan is a requirement of the bylaw, and that "open space" has a local and state definition. He noted that the board cannot deviate from the residential/commercial ratios listed in the IPOD bylaw.

Resident Dick Trussell discussed his interpretation of whether an easement can be included in the open space square footage calculations on the plan.

Upon a motion by Jeanne Rich and seconded by Russell Williston the board voted 5-0 to continue the public hearing for the IPOD special permit, definitive site plan, and stormwater permit for the development at 2038 Lunenburg Road to the next Planning Board Meeting: June 8th at 7PM.

2. Tree Hearing – Scenic Roads; 280 Neck Road parcel 034-73 (2) Maples; 413 Neck Road parcel 34-50 (2) Pines; 427 Neck Road parcel 034-51B Birch; Assessor Map 44, lot 16-k, South Meadow Road (1) White oak.

Present for this discussion was:

Kevin Bartlett, Lancaster DPW Superintendent, as the town Tree Warden

Kevin Bartlett noted that the trees in the notice had their removal requested by the property owners. The trees on Neck Road are “deathly ill” with falling branches and are a safety concern. The pines on Neck road are safety concerns for the landowner, as are the trees on South Meadow Road. On Neck Road, the two maples are dead trees.

Jeanne Rich concurred that the trees were ill and also intertwined with power lines.

Resident Jay Moody concurred that the trees were good candidates for removal.

Tom Christopher concurred that the trees in the tree inventory are diseased, and noted that the “pine trees” are Norway Spruces.

Upon a motion by Jeanne Rich and seconded by Russell Williston the board voted 5-0 to close the public hearing.

Upon a motion by Jeanne Rich and seconded by Tom Christopher the board voted 5-0 to allow the DPW to remove the trees suggested by Kevin Bartlett on Neck Road and South Meadow Road.

Public Meeting

3. 2038 Lunenburg Road – Harbor Classic Homes - Site Plan

(This agenda item was handled alongside Public Hearing item #1 and was moved to the agenda for the June 8th Planning Board meeting.)

Other Business

1. Conversation with Building Commissioner

Present for this discussion:

Tony Zahariadis, Lancaster Building Commissioner

The chairman stated that this is a discussion between the board and an invited town employee, that it will not include public comment, and that the discussion should not delve into past performance or decisions.

Phil Lawler asked Tony Zahariadis how he goes about enforcing a permit condition. Tony answered:

- He confers with the town Planning Director about conditions
- Clear decisions are very helpful

Carol Jackson asked whether a condition or site plan takes precedence in enforcement. Tony Zariadis answered that in the absence of conditions he will just grant occupancy permits.

Jeanne Rich stated that she feels it's the Planning Boards responsibility to ensure plans and decisions are accurate and that individual approvals are in harmony.

Michael Antonellis stated that he intends to work with Tony Zahariadis to establish a process allowing him to come back to the Planning Board to review anything that he is unclear on.

Russell Williston asked specifically about the Hawthorne Hills development: a condition on subdivision plan required that no occupancy permits be issued until the water pump station on site was completed: six occupancy permits were subsequently issued before the pump station was completed. Russell Williston asked if there was a problem with the decision, or a disconnect somewhere else in the process. Tony Zahariadis stated that the past town planner (Noreen Piazza) did not inform him about the condition; he issued the first permit without knowledge of the condition and then the subsequent permits under the assumption that the conditions were the same.

Carol Jackson asked further questions about why the occupancy permits at Hawthorne Hills were issued. Tony Zahariadis stated that after a development commences, in the absence of any communication that conditions have changed, he will continue granting permits under the same assumptions.

The board thanked Tony for attending.

2. Community Preservation Act - presentation by citizens

Present for this discussion

Win Clark, presenter

Victoria Petracca, presenter

Win Clark presented a powerpoint slideshow about the Community Preservation Act. The act will be presented for a town meeting vote later in the year.

- Petition will propose a 1% real estate tax surcharge
- The first \$100,000 of real estate value will be excluded

- The surcharge collected will be partially matched by the state, from a fund that derives its revenue from registry fees.
- CPA revenue can be used for Open Space, Recreation, Affordable Housing and Historic Preservation projects. It will be administered by an appointed town board.

3. Updates from the Planning Director

Michael Antonellis shared some updates with the board:

- FEMA Flood Maps: Michael had previously mentioned that we may need to schedule a public hearing regarding updated maps, but he has confirmed that that won't be needed for another year.
- He's received definitive subdivision plan applications for McGovern Blvd and Hawthorn Hill (the estate property.)

4. Stormwater Permit – Erosion issues concerning 0 & 438 Old Union Tpke

Present for this discussion:

Bill Hannigan, engineer for the developer

Erosion has been an issue at the site. Michael Antonellis said that the issues are specifically on the "0 Old Union Tpke" lot, though construction is ongoing at both lots.

Phil Lawler stated that he and Michael Antonellis walked the site on the previous Friday.

Referring to the report on the issues from town consulting engineer Scott Miller, Tom Christopher stated that the upper slope on the lot is not hydroseeded. It is only covered with straw. The area was to be hydroseeded.

Tom Christopher stated that three enforcement orders from the Conservation Commission and an enforcement order from the Planning Board have been issued, but problems persist.

Tom Christopher is opposed to allowing the installation of solar panels until the hydroseeding is complete.

Tom Christopher asked what the next step in enforcement would be. Michael Antonellis stated that some sort of legal action would be the next enforcement step.

Bill Hannigan said that discolored water passing through erosion control barriers has been an ongoing issue, but that corrective action was immediately taken when requested: the first round of erosion control "went up very fast." The second enforcement order was issued on March 14th and that was the last time that sediment was an issue at the site.

Bill Hannigan stated that the “hay” on the slope is a tackifying mulch that has a gluing compound mixed in. He is not sure if a seed mix was used.

Bill Hannigan stated that the developer will meet with the conservation commission on 5/26 regarding enforcement orders.

Bill Hannigan said that the developer intends to remove the “hall road” between the two projects on the site; the area will be restored. It was not an authorized part of the project.

Bill Hannigan stated that he’ll respond to the most recent letter from the town engineer and will copy the board.

Bill Hannigan stated that he’s been updated that “rye and clover” has been seeded over the entire slope.

5. Correspondence

Michael Antonellis stated that he received an email from Greg Jackson about his “Scenic Roads Bylaw” proposal, and has provided it to the board.

6. Vouchers

No vouchers.

7. Minutes:

(Minutes for March 9th, 2020 were approved earlier in the meeting in an excursion during Public Hearing, #1)

Upon a motion by Russell Williston and seconded by Carol Jackson the board voted 5-0 to approve the minutes from the Lancaster Planning Board meeting on April 13th, 2020.

Jeanne Rich asked about item #2 under “Public Hearing” on the April 27th minutes. She asked whether we did “close the public hearing” rather than “continue the public hearing”, and after discussion we determined that the minutes were correct as written.

Upon a motion by Russell Williston and seconded by Tom Christopher the board voted 5-0 to approve the minutes from the Lancaster Planning Board meeting on April 27th, 2020.

8. Signing decisions

There were no decisions to sign at this meeting.

Adjourn

In the absence of an objection the chair adjourned the meeting at 10:10PM.