

Approved: August 24, 2020

MINUTES OF THE PROCEEDINGS OF THE
PLANNING BOARD OF THE TOWN OF LANCASTER
Meeting conducted via ZOOM internet conferencing
Monday July 13th, 2020

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

Absent: None

Staff Present: Debra Dennis

List of Documents:

- McGovern Boulevard Extension: Prior Subdivision Application, Hannigan Engineering, dated 1/23/2014
- McGovern Boulevard Extension: Definitive Subdivision Plans, Bohler Engineering, dated 4/30/2020
- McGovern Boulevard Extension: Definitive Drainage Report
- McGovern Boulevard Extension: Public Hearing Notice
- McGovern Boulevard Extension: Form C Application, dated 6/8/2020
- McGovern Boulevard Extension: Definitive Application Package, dated 6/8/2020
- McGovern Boulevard Extension: Definitive Subdivision Application, dated 6/8/2020
- McGovern Boulevard Extension: Review Memo of Definitive Subdivision Application from Michael Antonellis, dated 6/8/2020
- McGovern Boulevard Extension: Review Memo of Definitive Subdivision Application, Haley and Ward, dated 7/10/2020
- Hawthorne Hills Flexible Development Application: Flexible Development Special Permit Application, dated 4/8/2020
- Hawthorne Hills Flexible Development Application: Email from Resident, Cara Sanford, dated 7/11/2020 with attached overview diagram
- Hawthorne Hills Flexible Development Application: Memo responding to Peer Review, Ducharme & Dillis, dated 7/13/2020
- Hawthorne Hills Flexible Development Application: Letter from the Nashua River Watershed Association dated 7/13/2020
- Hawthorne Hills Flexible Development Application: Letter from the Lancaster Historical Society dated 7/13/2020
- Hawthorne Hills Preliminary Subdivision: Preliminary Subdivision Plan dated 4/8/2020
- Hawthorne Hills Preliminary Subdivision: Memo from Lancaster Board of Health dated 6/5/2020
- Poras Subdivision Bond Reduction Request: Memo from Town Engineer, Scott Miller, dated 7/10/2020

- Correspondence: Email from Selectman Jason Allison, “Planning Board questions from the BOS Meeting” dated 7/13/2020
- Correspondence: Memo from the Board of Selectmen announcing public hearing for 0 Deershorn Rd 61A notification, dated 6/30/2020
- Discussion on Proposed Plan for Filling the Planning Board Vacancy: Proposal for Filling Planning Board Vacancy, Russell Williston, dated 7/1/2020

Vice Chair Jeanne Rich called the meeting to order at 7:00 PM.

Vice Chair Jeanne Rich conducted a roll call of the attendees in the Zoom Meeting. The roll call is recorded at the end of these minutes.

Point of order from Clerk Russell Williston: Russell Williston asserted that an agenda item requested by Member Carol Jackson, a reorganization of the board, had been sent to the Vice Chair but not added to the agenda. Vice Chair Jeanne Rich announced that the agenda item would be addressed under New Business.

Public Hearing

1. McGovern Boulevard Extension - Applicant 702, LLC (Assessor’s Map 8 - Lot 45, Map 9 - Lot 4 and Map 14 - Lot 4D)

Present:

Scott Miller, Peer Review Engineer

Bob DiPietri, for the applicant

Bill DiPietri, for the applicant

Daniel Ruiz, engineer for the applicant

Member Tom Christopher stated that due to ongoing litigation that he is involved in, he is not able to participate in this application. Tom Christopher left the meeting at this time.

Jeanne Rich stated for clarification that this hearing was opened on June 8th and continued until this date.

Daniel Ruiz read through Scott Miller’s Peer Review comments and responded.

1. Potential use: will combine lots.
2. Relies on an incomplete subdivision roadway: applicant believes the the planned future uses are low-traffic uses suitable for this road.
3. Fire protection: depending on the future uses, this will be handled in future site plans.

4. Sidewalk: Applicant believes it's not currently needed, but there is space to add one in the future.
5. Gravel base for sidewalk: same as above.
6. Bounds: could be shown if desired.
7. Slope easement: As the top and bottom of the slope will be under the same ownership, they don't believe it's necessary. Could be added should ownership change.
8. 26 ft Roadway vs. 30 foot: Believes the wider road is not justified due to the narrower width of the feeder roads. (22 feet)
9. Grading of unpaved areas within a right of way. They believe what they're proposing is appropriate due to the grade of the slopes leading to the extension and minimized impacts on wetlands.
10. Trees: Minimizes impact on wetlands.
11. Slope: Follows precedent in the existing road.
12. Conservation commission jurisdiction: They've filed a notice of intent with the conservation commission.

Scott Miller responded to Daniel Ruiz's responses:

- As the future uses of the subdivision are undefined he recommends that we require the "full buildout" the board would expect of a subdivision.
- Width of the roadway: even if permit a narrower road, recommends that we require the slopes specified in the bylaws to allow the wider road in the future.
- Noted that the existing 22' road was specified in an earlier definitive plan as a driveway for the soccer fields.

Daniel Ruiz responded to Scott Miller's comments:

- Noted that although the extension road is narrow, they do have a right of way that would allow a full-width roadway and a fully planned drainage system.
- Noted that a narrower road reduces the impervious area.

Scott Miller responded:

- Recommended a covenant or bond to complete the full-buildout of the roadway if supported in the future.

Daniel Ruiz responded:

- Previous definitive plan included a covenant to support the full buildout of the road in the future should it be supported by development

Carol Jackson preferred a full width roadway. Daniel Ruiz says it's possible, but would increase the impervious area.

Russ Williston asked Scott Miller about his recommendation to wait for recommendations from the conservation agent. Scott stated that waiting for the recommendations avoids reopening the application in the future. Russ stated that his preference would then be to wait to approve the application. After discussing the issue further to assess the potential risk of approving the application before the Conservation Commission, Russ Williston stated that he was satisfied.

Moved by Russ Williston, seconded by Carol Jackson: Approve the Definite Subdivision Application with conditions: Required roadway width reduced from 30' to 26', reduce the required width between trees from 40' to 90'. Allow a slope greater than 35% and allow a slope with 2:1 fill in lieu of 3:1 (301-14 C3 and 13 D1.) No discussion. **The board voted, via a roll call vote, 3-0 (with Tom Christopher not participating) to approve the definitive subdivision application as moved.**

Tom Christopher returned to the meeting at this time.

2. Assessor's Map 32 - Lot 1 (F/K/A 679 George Hill Road) – applicant Brahmanada Saraswati Foundation - Special Permit for Flexible Development

Present:

Scott Miller, peer review engineer

Frank McPartlan, Engineer from Ducharme & Dillis

Jeanne Rich opened the hearing and read the hearing notice.

Frank McPartlan described the project. Packet includes the application for a Flexible Development and a preliminary site plan.

The “conventional” plan would support 26 lots with no designated open space; under the flexible development permit they are submitting 23 lots and 93 acres of open space.

Frank responded to Scott Miller's review letter:

1. Domestic wells, fire protection: Proposes individual wells, fire protection presented with preliminary plans.
2. Carriage house lot: expected to be owned and maintained by the proposed owners
3. Number of flexible development lots with respect to conventional lot count: will prepare figures to show that the lots on the conventional plan can comply with setbacks.
4. Carriage house lot 11: under conventional plan would presumably be demolished; under flexible plan it would be subdivided off and preserved.
5. Tabulation of number of lots under conventional and flexible plan: has been added as notes on the appropriate sheets.
6. open space requirement: They will document that they exceed the requirement.

7. Wetland coverage in open space: 21.7% of the total property is wetlands, 32.2% of the open space is wetland, 5% of the development area is wetland.
8. Ownership and care of the open space: applicant is open to the town's preference.
9. No disturbance buffer: plans will be updated to document 50 foot no-disturbance buffer.
10. Access to hilltop road, sight distances: applicant acknowledges this is their intent and believes the flexible plan provides safer access with one entrance. (Versus two on conventional plan.)

Scott response:

- Would like to see the location of houses on conventional plan: ultimately we need to approve if it's feasible.
- Carriage house lot: should be included in a comparable way on conventional and flexible plans.

Jeanne read the correspondence:

1. Letter from Heather Lennon from LHC: and development to the estate should consider long-term consequences. Prefers that house lots not be carved out, and all bylaws enforced. Strongly supports any efforts to preserve existing house and gardens.
2. Letter from Victoria Petraca, 7/9: failed title v and properties on project site. Noted board of health will not discuss it until July 15th.
3. Letter from the Lancaster Sewer District Commission, clarifying their previous characterization of activity at the property.
4. June 17th, Ducharme & Dillis to the Board of Health: applicant is in negotiations with a buyer who intends to connect to the public sewer.
5. Nashua River Watershed, 7/13: request recognition of natural assets on property

Russ Williston:

- Confirmed wetlands percentages on open space with applicant.

Carol Jackson:

- Questions about conventional plan vs flexible plan: one includes the carriage house, and the other doesn't.

Tom Christopher:

- 147 acres as part of the project -- 90 would be retained as open space.
- Believes wildlife study would be part of Con Com review.
- Confirmed wetlands were delineated by an engineer.
- Asked about residential water tanks, which would be under the stairs. "Enough emergency water to fight fire, but not save homes" Tom suggested a cistern system may be appropriate.

Jeanne Rich:

- Upland requirement? Applicant will verify.
- Lot shape requirement? Applicant will verify.

Resident Comments:

- Ken Stenton: wants info on how the conventional plan vs. flexible plan would impact the mansion. Applicant says no change. Asks about floorplans -- are all homes the same? Applicant says it will be left up to future buyers. Worried about traffic. Asks what will be visible from hilltop rd, regarding stormwater management: applicant says nothing should be. Asks about size of homes: applicant says roughly 2800 square feet.
- Rebecca Urban, George Hill Road:
 - Proposed project not in best interest of town.
 - Traffic: an ongoing concern in her neighborhood. Would like the developer to fund a traffic study subject to peer review by residents.
 - Hilltop and George Hill Road are designated scenic roads.
 - Worried houses will be visible from the street.
 - Affordable housing: would like that the development have an affordable housing component.
 - Elderly housing: would like to see an elderly housing component.
 - Wants to see history of the parcel preserved.
- Alex Langberg:
 - Emphasized that losing the carriage house and mansion would be a loss to the town.
- Don Smith
 - Concerned about water supply and fire protection.
- John Farnsworth
 - Concerns from BOH: worried about dependency on wells and septic systems. Wants to know if the road would be a private way or public, which might be pertinent if the sewer district authorizes a connection.
- Greg Jackson
 - Questions whether the number of lots on the conventional and flexible plans is an equivalent comparison.
 - Access to open space: would it be connected by trails or is parking supplied?
- Victoria Petracca
 - Believes the wildlife study requested by the Nashoba River Watershed should be completed sooner, and that it's pertinent to the Flexible Development Permit.
 - Natural and historic resources are important considerations on this application.
 - Affordable housing: should be required to obtain the special permit
- Jason Allison
 - Would support revisiting speed limit on Hilltop
- Dick Trussell
 - Asked about Lot Sizes: applicant said 40,000 - 140,000 square feet.
- Frank Streeter
 - Spoke about the horticultural resources on the property that he would like to be taken into account. Suggested a survey of what's there

- Victoria Petracca
 - asked who the developer is: applicant said there is currently no developer identified. The applicant is the present owner of the property.
- Greg Jackson
 - Asked for Scott Miller to comment on how the conventional and flexible plans could be made more comparable. Scott reviewed what he'd requested in his comment letter.
- Dick Trussell:
 - Asked why the developer wants to use the flexible permit, when it ostensibly produces the same number of lots.
- Dennis and Catherine Sadler
 - Conditions on noise pollution
 - Would like clarification on who would maintain the carriage house; applicant says he believes the owner has identified a buyer.
- Dick Trussell:
 - Asked whether carriage house should be included in calculations if there's a buyer. Applicant answered that the sale depends on the disposition of the rest of the property.

Applicant requests a continuance until July 27th.

Motion by Member Tom Christopher: continue public hearing and the preliminary subdivision application to July 27th. Seconded by Russ Williston. With a roll call vote the board voted 4-0 to continue the hearing until the meeting on July 27th.

Public Meeting

1. Assessor's Map 32 - Lot 1 (F/K/A 679 George Hill Road) – applicant Brahmanada Saraswati Foundation - Preliminary Subdivision

(The board voted to move this agenda item to July 27th during Public Hearing Agenda Item #2.)

Other Business

1. Bond reduction request-Gary Melanson Poras Subdivision

Present: Scott Miller, engineer for the town on this project

Scott miller spoke to the progress he noted in his review letter. Believes the remaining cost to complete is \$84,227.

Scott asked if we have a letter from Melanson Bros; recommends waiting until we get a formal request from Melanson Brothers.

Board took no action at this time.

2. ANR-2680 North Main Street-Stanley Decoste

Present:

John Farnsworth

John Farnsworth asked to postpone this ANR application to the next meeting. The board has a letter from him requesting the same.

(The chair now announced the board would handle agenda Item 4 above item 3)

4. Old union turnpike Solar farm requesting we lift the cease and desist

Present:

Scott Miller, town engineer

Bill Hannigan, engineer for the applicant

Scott Miller spoke to the progress he noted in his review of the site. Believes that more time is needed for plant growth to control erosion.

Tom Christopher concurred with Scott Miller; recommended work could resume in the first week in August.

Bill Hannigan spoke for the applicant: was hoping to begin installing anchor screws this week, but they are not ready and do not have a new start date yet. Would like to re-evaluate the site weekly; believes the dry weather is slowing germination but that great progress has been made.

Tom moves to send Tom and Scott to review the site with the applicant next week, to report back on July 27th. Seconded by Russ, 4-0.

3. Correspondence

- Memo from Board of Selectmen, meeting to take action on 61A notification at 0 Sterling Road on 7/20/2020.

5. Discussion on Proposed Plan for Filling Planning Board Vacancy

The board discussed Russell Williston's proposed plan and did not take action.

Motion by Tom Christopher to appoint Frank Sullivan to fill the Planning board Vacancy. Jeanne Rich announced that she would momentarily step down as acting chair to second the motion, leaving Russell Williston to act as chair. With a roll call vote, the motion failed 2-2. (Jeanne Rich: Yes, Tom Christopher: Yes; Carol Jackson, No; Russell Williston: No)

Member Carol Jackson objected that there had been no discussion prior to the vote. Acting chair Russ Williston opened discussion on the previous motion.

The board repeated the previous vote. Motion by Tom Christopher to appoint Frank Sullivan to fill the Planning board Vacancy. With a roll call vote, the motion failed 2-2. (Jeanne Rich: Yes, Tom Christopher: Yes; Carol Jackson, No; Russell Williston: No)

Russell Williston announced that he would return the chair of the meeting to Jeanne Rich.

6. Vouchers

No vouchers.

7. Minutes:

Some discussion ensued on what minutes were outstanding: the last approved minutes on the website are February 10th.

No minutes were addressed at the meeting.

8. Signing decisions

Jeanne Rich noted that the 2038 Lunenburg Road decision is outstanding and being reviewed by town council.

The board discussed whether one member could sign the decision or whether all members should sign, given the pandemic. After discussion the consensus seemed to be that the acting chair could sign the decision for the board.

(At this point the chair announced that "New Business" would be added to the agenda.)

New business

Carol Jackson requested a reorganization of the board.

Motion by Carol Jackson: Reorganize the board. Seconded by Russell Williston. No discussion. By a roll call vote the motion failed 2-2. (Jeanne Rich: No, Tom Christopher: No, Carol Jackson: Yes, Russell Williston: Yes)

Meeting adjourned at 10:16PM by Jeanne Rich.

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Roll Call of Zoom Meeting Attendees, taken around 7PM:

John Kusich
Scott Miller
Jay Moody
Jason Allison
Samantha Grantham, Hilltop Road Abutter
Janet Sanaguita, Hilltop Road
Linea Lakin
Stephanie Stanton
Peter Stanton
Dick Trussell
Daniel Ruiz, Capital & Bohler Engineering
Steve Boucher
Greg Jackson
Katherine Holden
Debra Dennis
Scott Miller
Heather Lennon
James Laughlin (Ducharme & Dillis, 679 George Hill Road)
M Eugene
Larry Shoer
Alex Langberg
Baker McKenzie
Victoria Petracca
Jeanne Rose
Tom Seidenberg
Tom Bovenzi

Ken Stenton
Phil Eugene
Rich Quinn (679 Hilltop)
Dennis Sadler
Katherine Sadler