



Town of Lancaster  
Planning Board  
Lancaster, Massachusetts 01523

**7:00 P.M., October 6, 2022**

**Hybrid Meeting**  
**Nashaway Meeting Room, Prescott Building**  
**701 Main Street**  
**Lancaster, MA**  
**and**  
**Remote Access Via Zoom**  
Join Zoom Meeting  
<https://us02web.zoom.us/j/85215275041>

Meeting ID: 852 1527 5041

**Administrative**

**1. Attendance Roll Call**

Frank Streeter, Chair

Phil Lawler, Vice-Chair

Kendra Dickinson, Member

Mike Favreau, Member

George Frantz, Member

**Public Hearing**

**1. Scrivener's Error Bylaw, Section 220-8.4A/220-8.4 B, Public Hearing for Zoning Article**

The Chair reads the hearing notice into the record. The Chair asks the Board for comments. There are no new questions. The Chair asks the public if they have comments about the scrivener's error.

Lancaster resident Rob Zidek, 103 Kaleva Road, asks the Board why these articles were withdrawn from the ATM and why the articles were not previously voted on. The Chair explains that he was not on the Board at the time the hearings were withdrawn from the ATM and that the hearings must be re-held due to the hearings expiring prior to the Special Town Meeting. Mr. Zidek reads a public comment on his opinion of this hearing process.

Lancaster resident Russ Williston, Drive, speaks to the Board on the finding and requirement of the scrivener's error before them.

**MOTION:** Member Lawler moves to close the hearing and Member Dickenson seconds.  
Vote (5-0-0)

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Town of Lancaster  
Planning Board  
Lancaster, Massachusetts 01523

MOTION: Member Dickenson moves that the Board issue a positive report for the scrivener's error bylaw and Member Favreau seconds.

VOTE (5-0-0)

**2. Scrivener's Error Bylaw, Section 220-8.1 GG, Public Hearing for Zoning Article**

The Chair reads the hearing notice into the record. The Chair asks the Board for comments. There are no new questions. The Chair asks the public if they have comments about the scrivener's error.

Russ Williston speaks to the origin of the by-law revision.

MOTION: Member [which one?] moves to close the hearing and Member Dickenson seconds.

VOTE: (5-0-0)

MOTION: Member Dickenson moves that the Board issue a positive report on the scrivener's error bylaw and Member Favreau seconds.

Vote (5-0-0)

**3. Ground Mounted Solar Photovoltaic Installation, Section 220-76 J3, Public Hearing for Zoning Article**

The Chair reads the hearing notice into the record. The Chair asks the board for comments. There are no new questions.

Excessive slope was an issue for a previous site that had severe erosion issues, which resulted in this proposal for a maximum slope of 5%.

The Chair asks the public for comments. Tom Christopher, 252 Fort Pond Inn Road, explains the original thinking behind the bylaw.

MOTION: Member Dickinson moves to close the hearing and Member Frantz seconds.

VOTE (5-0-0)

MOTION: Member Dickenson moves that the Board issue a positive report for the solar by-law. [who seconded?]

VOTE (5-0-0)

**4. Standalone Energy System By-law, Section XXX, Public Hearing for Zoning Article**

The Chair reads the hearing notice into the record. The Chair asks the board for comments. There are no new questions. The Chair asks the public if they have comments.

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Town of Lancaster  
Planning Board  
Lancaster, Massachusetts 01523

Lancaster resident Tom Christopher, 252 Fort Pond Inn Road, states that these energy storage systems (aka batteries) have become a component of grid stability and reliability. As electric vehicles become more prominent more electrical infrastructure will be needed and battery storage is a way to do so. Battery storage has been used in Holland, survived a grid failure, and stabilized a grid with 9 megawatts. Provincetown, MA, has a 13 MW system that is performing to stabilize the grid as planned. The systems are taxable and will add to the community.

Lancaster resident Alexandra Turner, 630 Main Street, states that although energy storage may be a thing of the future, they are difficult from a public safety standpoint and fire suppression is a critical factor.

Tom Christopher states that the Commission (Con Comm or PB here?) reached out to a fire suppression company relative to services who the Town could hire as a consultant to review plans that come before the Town prior to any true development.

MOTION: Member XXX moves to close the hearing and Member XXX seconds.  
VOTE: 5-0-0

MOTION: Member Dickenson moves that the Board issue a positive report for the standalone energy systems by-law and Member XXX seconded.  
VOTE (5-0-0)

**5. Proposal to Change Zoning Map, Public Hearing for Zoning Article**

The Chair reads the hearing notice into the record.

Lancaster Town Administrator Kate Hodges gives a presentation on the proposed change to the Town's zoning map. MRPC and DHCD worked with the Town to direct this as a site for development. The Board discusses building size, design, and by-right uses. Access to the site is provided by McGovern Boulevard and the site remains in the IPOD overlay district.

As a part of the presentation an alternative consolidated layout plan is also proposed. The Chair states that he believes the requirement for a concept plan is to have one concept plan and not two plans. Bob Depietri of Capital Group states that they have a primary plan and have also submitted proposed plans due to the idea that they do not know who will be in the buildings, which is why they have submitted multiple plans. The Chair discusses a cut through the berm for emergency access mentioned in the concept plan and asks how that would work. Mr. Depietri states that this was discussed with the neighbors and the fire department, and the engineer felt that he could design something appropriate for the area. Member Lawler asks why this is not spot zoning. Mr. Depietri states because of the zone that surrounds this, and a large portion of this site is in an existing use and does not fit into the spot zoning category. Member Dickenson states that in 2009 MRPC and the state identified these priority development areas and shows this site as a part of this plan. Currently the site is



Town of Lancaster  
Planning Board  
Lancaster, Massachusetts 01523

a quarry where there have been earth removal operations for 20+ years. Member Dickenson feels that the majority of the site is already cleared and could be used for something taxable. A large berm is proposed to screen the neighbors from view as well. Member Dickenson recommends introducing a varied tax base to help with the costs of the upcoming new high school, as well as the water uses and sewer issues.

Member Lawler states that for the hearing the focus should be on the zoning article itself and not on the site specifically as the site would have to go through review and hopes the conversation will focus on that.

The Chair asks if this concept plan has already gone through DOT review or not. Bob Depietri states Capital Group has been discussing traffic improvements that would be required for the project with their traffic engineer on the items they can control. Capital Group is committed to working with Mass DOT on the long-term improvements. Capital Group is proposing to do interim improvements along Route 2 until the State builds permanent improvements.

Member Franz states that there will be a commitment to acceleration and deceleration rates on the road and it's not possible to extend the lanes substantially to make any difference. Mr. Depietri states that their traffic engineers have ensured Capital Group that it could be done. Member Franz asks if it would be conceivable that all traffic could turn left towards Route 2 rather than turning right into Lancaster. Mr. Depietri states that will be a decision of the site plan when it comes time to make it. Mr. Depietri recommends limiting truck access and not car access from the right-hand turn.

The Chair states that another project was recently conditioned with truck traffic being required to turn left from the project and recommends promoting that for this project as well.

The Chair opens up questions, both to the room and on Zoom.

Affordable Housing Trust Chair Victoria Petracca, speaking as a private resident, wants to comment on affordability and there is an affordability issue in the Town and it is an issue for Lancaster. While the tax rate is similar to Bolton and Stow's it is higher than other similar towns. Towns that have similar population to Lancaster with a rural component, such as Harvard, Lunenburg, and Sterling, have a lower tax rate than Lancaster. Ayer also has a lower tax rate. Lancaster is an objectively a higher tax community and that makes a barrier to certain demographics. This site is viewed as an opportunity for economic development in Town where there is an existing use. Oil and gas prices have also increased, making it harder on all residents of the Town.

Lancaster resident Henry Duplease, 275 Langen Road, states there are 214 additional acres on Lunenburg Road that are already zoned industrial and commercial and will be influenced by this land. Driving to the Target warehouse will give you an idea of what you'd be looking at. This applicant is being required to hide all warehouses behind the berm, a yes vote on the

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Town of Lancaster  
Planning Board  
Lancaster, Massachusetts 01523

rezoning is good and means no visible warehouses, and a no vote means there will probably be visible warehouses.

Lancaster resident Derrel Swanson, 172 Nicholas Drive, wants to commend the developer on their efforts on their project. As an architect, contractor, and planner he feels if there's any place to hold a development of this nature it is in the proposed area as it's in a zone that's away from a lot of other sites that could be impacted. He is wondering if the developer may enhance their options, if possible, to lower the tax base.

Lancaster resident Justin Smith, 5 Turner Lane, states the turnover is not something the proponent has been discussing about the site and is wondering how many trucks per day will be generated by trips. Sending all the trucks left onto Route 2 will greatly impact a small portion of the residents in North Lancaster. Bob Depietri states that is a difficult question to answer without knowing exactly what tenants will be in the buildings.

Lancaster resident Sandra Duplease, 275 Langen Road, understands the traffic concerns and the concerns of having a busier driving schedule and feels people will get used to the traffic and it will help the town with the traffic.

Lancaster resident Wanda Rezak, 125 Harvard Road, is wondering about the process for moving land and what the land agreement is and has not had those questions addressed. The Chair states he cannot speak on any draft agreements as it may not be appropriate to discuss terms that may or may not come to pass. Ms. Rezak is curious about the housing proposed and if there will be any provisions for public transportation. Chair Streeter states that the housing is not part of this concept plan.

Lancaster resident Tony XXX, 149 Mary Catherine Drive, asks if the sandpit is still working. Lancaster Town Administrator Hodges states that the site is not operating there is no excavation happening on the site. There was a lot of truck traffic from that project. Tony XXX agrees with Member Dickenson that the Town needs commercial development and is concerned with what happens when the Town runs out of money and where the kids will go to school.

Lancaster resident Phil Eugene, 565 Langen Road, feels this rezone will add consistency and conformity to the entire area. Also, the Town will get traffic regardless, from the warehouse or from residential units from a 40B. And an opportunity for diversity in the town.

Lancaster resident XXX XXX, 232 Bolton Station Road, thanks Member Dickinson for her comments and eloquence. XXX feels the Town is in trouble and needs this rezoning to pass and he is in favor of the re-zoning. A 40R will be much more palatable than a 40B.

Lancaster resident Leslie Alison, 343 Brockelman Road, speaks in support of the re-zone and just wants to bring up the thought that the number of residents in Lancaster and the burden on the schools. If the zone is not changed and residences come in the schools will be overrun.

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Lancaster resident Carl Fosen, 472 Harvard Road, says the increase of Town costs for fire or police will offset some of the taxes but his largest concerns are the traffic concerns. The roads are unbearable, and this will make it worse. The Town needs the development and it's a good place for it but is concerned with traffic and planning.

Russ Williston states that the language in the hearing notice references two separate plans.

Lancaster resident Peter Christoph, 45 Bennett Lane, states that he does not know where the number of tax revenue of \$4,000,000 came from, and that there will be trees removed and habitats will be disturbed. Mr. Christoph begins to discuss matters of a previous and MOA agreement and a current agreement. The concept plan submission it only references sources required by the Town.

Member Dickenson states the \$4M number came from a finance committee where estimated tax revenue was discussed. 9-21-22 was the date of the Fin Com hearing.

Lancaster resident Richard Trussell, 15 Burbank Lane, reviews the truck and traffic trips discussed.

Lancaster resident Martha Moore, 131 Center Bridge Road, wonders how the tax revenue was derived to be \$4,000,000. Ms. Moore makes additional comments.

Lancaster resident Kathy Hughes, 80 Fire Road Eleven, agrees with Martha Moore and feels there will be health impacts associated with the traffic caused by the site. The Global Conservatory on Health has posted a report that finds air pollution is cause of 5% of all deaths in the state, impacts asthma statistics, premature births, and mental ability. This will have a large impact on the children.

Lancaster resident Andrew Ziakas, 2021 Main Street, is concerned with light pollution, noise pollution, and traffic and if there can be no right turn from Route 70 to the site.

Lancaster resident Anne Ogilvie, 4 Turner Lane, thought we cannot determine which way trucks turn on a state road. Anne states that the \$4,000,000 in revenue does not add up. The site would require the addition of 6 full-time, benefited, salaried positions which will need to be added. She requests a formal, private financial analysis of the site.

Lancaster resident Don L (XXX), Fire Road One, is concerned with the truck traffic and the short exit ramp on 103 and 70 and asks if the state is involved and if they plan on expanding the ramps onto the highway. Bob Depietri states that in the interim of developing the land there is a plan to replace the deceleration lanes at that intersection and the applicant and Massdot have been in discussions on interim improvements. The sand and gravel pit had 370 approximate truck trips per day and the projection of maximum buildout of the site, so trucks come in and out at about 820 trucks per day as a worse-case scenario.

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Lancaster resident Lisa Ziakas, 2021 Main Street, is also concerned with traffic as well as the bridge getting over to Kimballs and the rotary, which feels too small for the cars.

Lancaster resident Lisa Engel, 922 Main Street, is overly concerned with the traffic and impact development and the property would be restricted due to this development.

Lancaster resident Ladd Lavallee, 45 Fire Road Ten, notes every distribution center requires trucks to have a pickup appointment time, which means trucks part on the roads idling waiting for their appointment. Mr. Lavallee continues comments on traffic. Has there been a traffic study that addresses all of the new approved uses in Town. The Chair asks if there is enough truck parking for all trucks proposed to enter the site. Bob Depietri states that they cannot understand their full traffic impacts.

Lancaster resident Jean Knapp, 59 Hunter Lane, feels the Town should be careful about who they chose to partner with as a developer and provides comments to this.

Lancaster resident Monica Tarbell, 310 Hilltop Road, wanted to address comments regarding the budget and revenue associated with it and a projection is something that will evolve and change and is a projected educated guess.

Lancaster resident and Select Board Chair Steven Kerrigan, 267 Neck Road, addressing Jean Knapp's comment about the land settlement agreement, points out the agreement expired and does not exist so there is no party held to that at this point and no one is at fault.

Bob Depietri states that they're only looking to re-zone half of the land, in the presentation the 1.9 million is only for a portion of the project and that's why they narrative discusses two estimated numbers.

Lancaster resident John Roper, 5 Turner Lane, understands the number of vehicles coming in and out of the site and feels the number of traffic trips is not based on an accurate number of trips.

Wanda Rezak, 125 Harvard Road, Ms. Rezak agrees that each bay will be used more than twice a day. What will help traffic getting onto the highway.

Lancaster resident Win Clark, 928 Main Street, states that he doesn't believe Capital Group asked for the 40R, that the Town asked them, and if a development starts, we collect taxes as soon as revenue comes in, not once the project is complete.

Rob Zidek states it may be a long time in the future before a site plan happens and there may be a different board or a different applicant, so how will there be a concept plan consistency check and how will the concept plan be restored.



Town of Lancaster  
Planning Board  
Lancaster, Massachusetts 01523

Peter Christoph feels some residents are pushing the development to North Lancaster because it will not impact them. He urges the Planning Board to vote for a negative report.

Dick Trussel points out 2 things that happened in 2007 – a diesel filter was required on all trucks and a low sulfur diesel fuel was introduced. He stated the newer diesel is cleaner than gas engines. Amazon will be utilizing electric vehicles by 2030.

Russ Williston wants to address the pictures of the current conditions of the site, which show it as a large pit of sand, and it is a sand pit, but that permit has ended and has not been renewed. The permit requires that the site be restored by putting down 9 inches of loam and seeding as well as shrub and tree planting. This site would be restored under a normal situation. This site would add 100-acres of enterprise zone. This area was always residential and was intentionally left residential because it abutted residences along White Pond Road.

Alexandra Turner says a concept plan should be fairly specific for a good view to assess the proposal. Ms. Turner recommends having a new cost analysis and traffic analysis.

Lisa Engel, 922 Main Street, states that Capital Group may own properties at AUC. Chair Streeter states that is not correct and it is unrelated if they own any other property in Lancaster and how are they developing it. Capital Group has stated for the record this is their only project in Lancaster.

Ladd Lavalley asks about the traffic study and says he does not know how to feel about this project. What are the traffic implications and what are they compared to other options? He feels it's reasonable that residents should get updated traffic numbers. There are clear deficiencies that were reviewed over a year ago and that the applicant's numbers were half at best from a traditional traffic study and this says nothing about traffic by the hour, which is how traffic studies are performed. If there is room for trucks to park there the numbers could be based on inaccurate numbers and concerned with the traffic implications.

Martha Moore wonders if the thought has occurred that we may be setting a dangerous precedent by changing our zoning for what a developer would like and may open the town to a liability. There are 11 new developments that will increase truck traffic and there are no studies that show the impacts of all of the traffic impacts.

Member Frantz states that the Town's Economic Development Committee (EDC) requested the North Central Chamber of Commerce complete a regional traffic study.

Kathy Hughes would like to ask the Select Board to perform a regional traffic study due to the impacts of the new warehouse development.

Member Frantz states that diesel trucks are much cleaner than they used to be and would like to see the Global Conservatory on Health article that Kathy is referring to. There are air monitors being placed throughout Lancaster that will measure emissions.

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Town of Lancaster  
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Anne Ogilvie would like to address the environmental impacts on the site and remind people that this is largely located within an ACEC and a watershed (Nashua River), and the sewer treatment plant for the site would be placed near the ACEC. One can build in an ACEC but should this be built? 32 forested acres will be cleared as part of this project. There will be trees removed on the perimeter of the project as per Bill Depietri. [previous statement? Bob was in the room, but not Bill]

Victoria Petracca wants to fact check some comments that were made. The 40R does not allow 396 buildable units, it would allow 146 proposed units as per the MOA. The site capacity is a term used by DHCD which is used to calculate the zoning incentive payment for the town, which is the developable number of acres, and which is not entirely buildable. DHCD is also using an assumption of high-density multi-family, but it could be townhouses and less dense. Reach out to the housing trust on the 40R. The Town had commissioned an independent peer review of the traffic study that was submitted by the developer, at the developers' expense. The agency was selected by the town. MRPC was working on a regional study and feels that is the appropriate agency to perform the regional study.

Rob Zidek reads the section of MGL stating that no zoning bylaw or amendments may be adopted until a Planning Board holds a public hearing at which interested persons shall be given an opportunity to be heard. Mr. Zidek then respectfully request. [this is incomplete]

Dick Trussel reviews the financial comparison between denying the project, approving the project, and getting a 40B in lieu of the project. He discusses why the most favorable financial outcome would be approval.

Russ Williston notes that, even though there is a concept plan, which is a benefit to the town, it is being interpreted as a firm plan when it's not and it is resulting in some wild projections. Russ Williston is concerned they will find tenants for the site. There are a lot of towns who have put moratorium on warehouses, and they consume a lot of developable land.

Peter Christoph states the issues surrounding the trees being cut down was retracted. He states the builder said 32 acres would be cut and now it's being said some trees will be cut down. 32 acres is equal to 32 football fields. 32 football fields of woods would be gone along with the inhabitants.

Jean Knapp wants to go back to the traffic study issue that a regional traffic study cannot be done prior to November 14<sup>th</sup>, but the developer had over a year to update their traffic study or plan, and this should have warranted a new plan. What could be done to provide more traffic information? Can we delay the meeting without an update presentation, or could there be another hearing for the traffic updates?

The Chair recommends bringing the traffic study back to the Select Board. At this point the Planning Board cannot compel changes, only hold the hearing and decide to issue a positive

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Lancaster, Massachusetts 01523

or negative report. The Planning Board cannot compel the proponent to make any changes. Jean Knapp urges the Board to not support the project moving forward.

Martha Moore wants to correct a misinterpretation that the people here this evening discussing traffic and environment are not against development. They want sound financial, scaled, impact and character development.

Anne Ogilvie thanks Victoria Petracca for the correction. Ogilvie wants to request the Planning Board consider the many unanswered questions throughout the discussion. Requests a full report from the Select Board on the previous expired MOA.

Ladd Lavalley reiterates his traffic concerns.

Kathy Hughes wants to defer her time to Rob Zidek. The Chair states this is not possible as public comment is being closed now every resident has had three opportunities to be heard. Rob Zidek states he will send a report to the state on his feeling of his limit of speech.

Steve Kerrigan thanks everyone for their time and requests the Board makes a positive determination.

The Chair states if there is a more updated traffic report that Capital Group has, they should submit it. There are a number of commitments for traffic improvements, and they will be viewed as commitments from the concept plan. The Chair notes that the submitted concept plan states twice that the land transfer will in fact take place as a part of the project and states that the land transfer would very likely become a part of any order of conditions the Board issues for the site.

MOTION: Member Lawler moves to close the hearing and Member Dickenson seconds.  
VOTE: (5-0-0)

MOTION: Member Dickenson moves that the the Board issue a positive recommendation in regard to the change to the zoning map and Mike Favreau seconds.  
VOTE: (5-0-0)

## **Public Meeting**

### **1. Reports on Zoning Articles**

Motion: Member Dickinson moved that the reports are to be written by Chair Streeter and Planning Director Jasmin Farinacci, which was seconded by Member Frantz.

### **2. Review Violations and Active Orders**

#### **Discussion**

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**Review Upcoming Meetings**

10/10/2022 – **NO MEETING – COLUMBUS DAY**

11/28/2022 @ 7PM, via Zoom

12/12/2022 @ 7PM, via Zoom

**Adjournment**

MOTION: Member Lawler moves to close the meeting and Member Dickenson seconds.

VOTE: (5-0-0)

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