

# HANCOCK ASSOCIATES

Surveyors | Engineers | Scientists

April 05, 2024

Zoning Board of Appeals  
Town of Lancaster  
Prescott Building  
701 Main Street, Suite 4  
Lancaster, MA 01523

RE: Neck Farm – 40B Peer Review & Board Member Response Letter #2

Dear Board Members,

On behalf of the applicant, John Cherubini, Hancock Associates hereby submits this response letter and revised materials in response to the peer review letter by Haley Ward, Inc. dated March 25, 2024, received via email and comments from Board Members during the public hearings. For ease of review, the comments from the previous peer review letter dated 2/20/2024 are provided for context and italicized along with comments from the peer review letter dated 3/25/2024. Board Members comments will also be italicized and our responses will be in bold.

## Stormwater Report

### 1. 2/20/2024

*Stormwater calculations appear accurate and based on the Stormwater requirements. The applicant has increased the storage volume and on-site infiltration to capture the first 1" of rainfall across the impervious paved area.*

*Stormwater required recharge volume calculation increase is based on 1-inch of rainfall over only the paved parking area. The area in this calculation should include all impervious areas on the site draining to the infiltration system, including the roof and sidewalk areas.*

### 3/25/2024

*The applicant has revised the stormwater model and calculations to include additional storage capacity for all impervious areas on the site, including paved parking areas, roofs, and sidewalks. The updated model output confirms the system will not overflow.*

**The applicant concurs with these comments, and it is reflected in our revised Stormwater Report attached with this submittal.**

### 2. 3/25/2024

*The applicant appears to have changed values in both locations, but the values still do not match. The overflow weir is modeled as 266.5 elevation, and the plans now show 266.25 elevation. This should be corrected, however for the purposes of our review, the model has been updated to the more conservative value and the changes are satisfactory.*

**The revised drawings and stormwater report are now reflective of a 266.50 weir elevation.**

3. 2/20/2024

*The proposed connection point into the municipal stormwater system is through a catch basin. Typically this connection is made at a manhole to prevent resuspension of solids captured in the sump of a catch basin. The DPW should be consulted to approve this connection point.*

3/25/2024

*The applicant has acknowledged this and agreed to consult with the DPW on the connection point.*

**The applicant asks that this coordination be a condition of approval.**

4. 2/20/2024

*Consideration should be given to residents' fuel oil leaks while parked over the porous pavement. If porous pavement was moved to the driving vehicle areas, this risk could be mitigated. Sandy soils, critical habitat area.*

3/25/2024

*The applicant has stated that the material underlying the porous pavement provides the filtration needed to mitigate this risk and contends the parking stalls provide the best collection point for the porous pavement.*

**The applicant concurs with this comment.**

#### Potential Site Improvements

1. 2/20/2024

*The Town should consider requesting the applicant to relocate the public sidewalks along Center Bridge Road to move them within the road right of way and remove them from the private property.*

3/25/2024

*The applicant has deferred to the Board and Staff on this comment.*

**The position of the applicant remains the same. If it were to appeal the Board, the applicant asks this coordination with DPW or the responsible party be a condition of approval.**

#### Requested Waivers

##### 220-8 Use Regulation Schedule:

1. 2/20/2024

*The lot dimension (220-10) and set back (220-11) waivers appear to push the proposed structures right up to the property line along Neck and Center Bridge Roads. There is a swath of grassed area approximately 22-28 feet wide between the edge of pavement and property line along Neck Road, and approximately 12-feet along Center Bridge Road.*

3/25/2024

*In the applicant's response and revised Sheet 3, they have noted that the front yard setback is 10.9 feet from the property line and 66 feet from the centerline of Neck Road. While this may be technically accurate from the right of way parcel boundaries, it is misleading. Neck Road is forked in this location, and the front line setback is visually 36 feet from the centerline of the nearest fork. This is more accurately shown in the previous version of sheet 3.*

The way the Town of Lancaster Zoning Bylaw defines the measurement of the front yard setback in Section 220-11, "...measured from the street sideline or the following measure from the street center line, if more restrictive (55 ft for Minor Road)". It was interpreted that this measurement were taken from the centerline of the Right of Way and not the traveled way and that is why the dimension of 66.5 ft to the centerline of Neck Road is shown on the site plan. It is understood that this portion of Neck Road is unique where it forks into two travel lanes. Regardless of this, the front yard setback requirement of 30 feet from the street sideline is stricter than 55 feet to the centerline and the applicant requests a waiver for front yard setback.

220-12 Building Height:

1. 2/20/2024

*Proposed buildings will be approximately 35 feet in height, about 10% higher than allowed in the bylaw. The rooflines for the proposed structure are open and box gable with dormers, visually similar to other homes in the area.*

3/25/2024

*Waiver request was removed. Building height was confirmed to be under the 32-foot maximum building height requirement.*

**This is correct, the proposed building heights for all buildings are all under 32 feet and the applicant has withdrawn this request.**

220-13 Fences & Walls, Corner Clearance:

1. 2/20/2024

*Applicant should clarify this waiver request for corner clearance. The property lines are outside of a triangle bounded by the centerlines of Center Bridge and Neck Roads, from the intersection to a point 25 feet from that intersection along each road.*

*No fence is shown on the plans. The parking area will abut the neighboring properties and be visible to those residents despite the proposed landscape plan. Neighbors may appreciate a fence installed on the property lines, in particular, to prevent issues like glare from headlights and maintain a similar level of back and side yard privacy that they enjoy now.*

3/25/2024

*Waiver request was removed. Fence was added to the plan with a 1-foot offset from the property line, with discussion at the ZBA meeting about reducing the number of plantings along the property line. The applicant should confirm the fence height is less than 6 feet. Fences over 6 feet in height have an additional property line offset requirement equal to the fence height.*

**The revised site plan reflects this comment on Sheet 5 of the revised plan set. The proposed fence at the property line must be less than 6 feet in height.**

220-22 Parking:

2. 2/20/2024

*The parking space depth proposed is 18', bylaws require a depth of 20', and centerline radius of traveled way is less than 80'. Emergency and large vehicle access will likely be from parking alongside Neck or Center Bridge Roads but must enter the parking area to access the interior 2-unit dwelling. The proposed parking area dimensions would not cause an issue with large vehicle access. The fire department should be consulted to approve the access provided by the proposed parking area dimensions.*

3/25/2024

*The applicant has provided the plans to the interim Fire Chief for review and comment. Additionally, they have consulted with their traffic engineer for curb radii recommendations.*

**A discussion was had with the interim Fire Chief during the public hearing on February 22, 2024 to voice any concerns he had with fire access which we were able to address in the hearing. The project traffic engineer has provided AutoTurn vehicle tracking exhibits for the Lancaster Ladder Truck which were provided to the Board and recommended 15 ft curb radii which has been implemented in the site plan.**

220-22.1 Curb Cuts:

1. 2/20/2024

*The curb cuts proposed appear reasonable, however the basis of the request that the ZBA has the authority to issue all local approvals does not justify the need for the ZBA to use this authority. The Applicant should provide more detail on why the ZBA should assume this additional authority in this case.*

3/25/2024

*The applicant has cited section 220-22.1 of the Zoning Bylaw, and ZBA's counsel commented on the expanded authority of the ZBA for 40B project approvals at the last meeting. The ZBA may still consult with the Board of Public Works on this decision and the traffic peer reviewer may have additional comments on this.*

**The traffic peer review engineer had commented and confirmed the access and curb cuts shown are sufficient for egress and the project traffic engineer has provided AutoTurn vehicle tracking exhibits to confirm movements in and out of the site. We believe the Board can assume the authority to grant his waiver, as we meet the design and construction standards of the bylaw, and feel that both curb cuts have been thoroughly reviewed by multiple parties for the board to grant the waiver.**

Article VIII- Signs:

1. 2/20/2024

*No signs are shown on the plans, therefore no waiver is required. Applicant should show proposed signage on the plans.*

3/25/2024

*The applicant has withdrawn this waiver request, and confirms the attached sign will not exceed 9 square feet, in compliance with section 220-29 C.1 of the zoning bylaw.*

**This is correct, the proposed attached building sign will not exceed 9 square feet and the waiver is not needed.**

220-35 Site Design:

1. 2/20/2024

*Applicant is requesting a blanket waiver from the new building construction guidelines under site plan review. Part of these requirements refer to the safety of pedestrians on the site, appearance of the proposed buildings compared to neighboring structures, controlling glare from headlights, and landscape lighting, etc. A blanket waiver request is not appropriate.*

3/25/2024

*The applicant has withdrawn this waiver request.*

**This is correct, based on comments from ZBA's counsel we have withdrawn this waiver request.**

220-36.2 Lighting:

1. 2/20/2024

*The applicant, again, is requesting a blanket waiver from this section, despite no lighting shown on the plans. Lighting for pedestrian safety and preventing glare to abutting properties should be discussed.*

3/25/2024

*The applicant should provide some lighting specifications to comply with Section 220-36.2 of the Zoning Bylaw and confirm that the glare will not impact abutting properties.*

**The applicant has provided a photometric plan to show light intensity across the parking lot. The proposed lighting is darks skies compliant and does not cast glare on to the abutter property.**

220-37.1 Landscaping:

1. 2/20/2024

*A landscaping plan and associated renderings have been provided by the applicant. Given the development is on a small parcel, a waiver from the site design requirements seems appropriate after discussion of the proposed landscaping plan.*

3/25/2024

*No further comments.*

**If it appears the Board, the applicant asks that it be a condition of approval to submit the final landscape plan to Community Development and Planning Department for approval.**

220-37.2 Erosion and Stormwater Control:

1. 2/20/2024

*The applicant has provided a written stormwater management plan based on the Massachusetts DEP stormwater checklist and associated requirements. The applicant should provide a stormwater and erosion control plan to show the erosion control measure that will be taken to protect resource areas adjacent to the plan area, particularly the stream to the northeast of the site, and the catch basins to the northwest of the site draining to the Nashua River.*

3/25/2024

*The applicant has provided an erosion and stormwater control plan to supplement the written procedures.*

220-38.1 Parking Design:

1. 2/20/2024

*Based on the size of the site and the parking plans provided on the plans for discussion, a waiver from the Parking Design requirements seems reasonable. See above comments regarding recommended review and approval from the Fire Department for emergency vehicle access.*

3/25/2024

*No further comments.*

**The project traffic engineer has provided AutoTurn vehicle tracking exhibits to the Board to confirm movements for several vehicle types in and out of the site.**

305- Stormwater Rules and Regulations:

1. 2/20/2024

*The applicant has included provisions in the stormwater design for construction phase erosion control, post-construction stormwater control, and maintenance of infiltration systems. Furthermore, the site does not appear to be near any wetland resources. The ZBA should consult with their Counsel regarding ZBA's authority to grant this waiver, and the Conservation Commission regarding the merit of this waiver request.*

3/25/2024

*Haley Ward reiterates the previous comment – ZBA should consult with the Conservation Commission before granting this waiver.*

**The applicant would also like to reiterate the project complies with the Lancaster Stormwater Rules and Regulations. This includes providing a Stormwater Management Plan (Sheet 4 of the plan set), Erosion and Sedimentation Control Plan, Operations and Maintenance Plan, and stormwater calculations in accordance with MassDEP stormwater regulations. The waiver request is for procedural purposes as the regulations state the project would need to obtain a stormwater permit prior to construction. The proposed stormwater management has been thoroughly reviewed by the peer reviewer and it is our opinion the project can be approved without the need for a stormwater permit.**

306-1 Wetlands Protection Rules and Regulations:

1. 2/20/2024

*The applicant is requesting a waiver from this section. No wetland resources are delineated near this property, but there is a stream crossing Neck Road approximately 200 linear feet to the northeast of the site and the catch basins to the northwest of the site drain to the nearby Nashua River. The ZBA should consult with their Counsel regarding ZBA's authority to grant this waiver, and the Conservation Commission regarding the merit of this waiver request.*

3/25/2024

*Haley Ward reiterates the previous comment – ZBA should consult with the Conservation Commission before granting this waiver.*

**Per comments from ZBA's Counsel the applicant has withdrawn this waiver request. The request was intended to be a blanket waiver for procedural purposes. Since the project is outside of the jurisdiction wetland resource areas as defined in the Lancaster Wetlands Protection Bylaw-Chapter 215. The project is located within the Central Nashua River Valley which is not a jurisdictional resource area per the Lancaster Wetlands Protection Bylaw. This resource area does require the project to have stricter stormwater requirements, for which the applicant has demonstrated compliance with.**

Connection Fee for Water and Sewer Services:

1. 2/20/2024

*The applicant is requesting a waiver for connection (and associated) fees for the affordable housing units. The ZBA should consult with their Counsel regarding ZBA's authority to grant this waiver, and additionally with the water department and sewer commission regarding the merit of this waiver request.*

3/25/2024

*The applicant defers to the Board on this matter.*

**The applicant continues to defer to the Board on this matter,**

Board and Staff Comments

1. *What is the floodplain elevation of the Nashua River closest to the project.*

**The floodplain elevation as stated on the FEMA Flood Insurance Rate Map Number 25027C0458E is 241.0. The lowest elevation on site is approximately 266.**

2. *Provide a brief narrative on the move-in process.*

**Management shall coordinate all move-ins to optimize the process. The project now incorporates a flex/loading space onsite. This space will be reserved by management for move-in residents and is to be used by moving and larger vehicles to park and unload items without disrupting the rest of the development.**

3. *Police Chief requests installation of "No Parking" signs along Center Bridge Road and Neck Road to deter overflow parking on these streets.*

**The applicant agrees with this comment and has added the signs to Sheet 3 of the revised site plan. It is not clear if the applicant has the right to install these signs within the Right of Way. If it appeases the Board, the applicant asks that it be a condition of approval for the applicant to coordinate with DPW to install the signs or make a contribution to purchase the signs for DPW to install.**

4. *Snow storage does not seem to be adequate for the project.*

**Porous Pavement by nature requires less snow storage, the voids in the pavement allow for a connection to the warmer subgrade below and snow tends to melt faster.**

**The total paved area onsite is approximately 9,250 square feet and the proposed snow storage onsite totals approximately 960 square feet, which is 10.4% of the paved surface. There is no requirement for snow storage in the Lancaster Zoning Bylaws. Municipalities like the ones in the area (Leominster and Hudson) have snow storage requirements in their Zoning Bylaws that require snow storage areas be at least 5% of the on-site parking area. This project would meet this standard. It is understood by the applicant that in the event the snow storage areas have met their capacity their snow removal contractor will have to haul snow offsite. This is reflected in the Snow Storage Note on Sheet 3 of the plan set.**

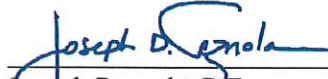
**If it were to appease the Board, the applicant asks that a condition of approval be snow be removed from the site should it interfere with parking space or drive aisle.**


5. *Provide a lighting exhibit and specifications to prove the proposed lighting will not have an impact on the abutters.*

**The revised materials submitted to the Board include a photometric plan to show light intensity across the parking lot. The proposed lighting is dark skies compliant and does not cast glare on to the abutter property.**

Please do not hesitate to contact our office should you have any questions or need additional information.

Regards,  
Hancock Associates on behalf of John Cherubini

  
\_\_\_\_\_  
Joseph Peznola, P.E.  
Director of Engineering

  
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