



45 Bromfield Street
6th Floor
Boston, MA 02108
617.933.9490

Benjamin B. Tymann
Tel.: 617.933.9490
btymann@tddlegal.com

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BY EMAIL (BKeating@lancasterma.gov)

Robert Alix, Chair
Lancaster Zoning Board of Appeals
Prescott Building
701 Main Street, Suite 4
Lancaster, MA 01523
ATTN: Brian Keating, Planning Director

Re: Excessive density of the proposed 13 Neck Road development (the “Proposed Development”)

Dear Chair Alix and Members of the Board:

I write on behalf of Jan Pirozzolo-Mellowes and John Mellowes, the owners of 12 Neck Road in Lancaster. 12 Neck Road is an abutter to, being directly across the street from, the lot at 13 Neck Road on which Neck Farm Estates LLC, the Applicant for a Comprehensive Permit under Chapter 40B in this matter (the “Applicant”), intends to construct the Proposed Development. In its current configuration, the Proposed Development consists of 11 rental units, and the lot at 13 Neck Road is half an acre located at the junction of Neck Road and Center Bridge Road (the “Locus”).

Various concerns have been raised by Board Members and residents concerning the scale of the Proposed Development in comparison to the mere half-acre on which it is to be constructed. The purpose of this letter is to demonstrate that, consistent with those concerns, the Proposed Development includes an extraordinarily high number of housing units-per-acre when compared to 40B projects approved by the Housing Appeals Committee (the “HAC”) in similar locations. Indeed, the Proposed Development includes nearly twice as many units-per-acre as any HAC-approved development since 2000 in towns with population densities of less than 700 residents per square mile. Lancaster’s population density is 307 residents per square mile, and so the comparison group of towns includes small towns similar to Lancaster as well as those that are more than twice as dense in population. These data underscore what is plainly apparent from the Applicant’s plans: the Proposed Development is simply too large to reasonably fit on the Locus. For this reason, my clients urge the Board to withhold approval of the Proposed Development unless the Applicant significantly reduces the number of units.

In compiling the data, we reviewed all HAC decisions since 2000 approving 40B projects in towns with fewer than 700 residents per square mile of land. This data set includes 26 such

developments (the “Comparison Developments”). A chart summarizing the Comparison Developments is attached hereto as *Exhibit A*.

Reviewing only HAC decisions is an appropriate lens through which to make a broad-based comparative evaluation of this question. Not only are no centralized statewide records kept listing densities for approved Chapter 40B projects that did not advance to a HAC proceeding (whereas the HAC publishes all its rulings, which we have reviewed going back 24 years to 2000), but it is the most controversial, ambitious and contested projects that tend to advance to the HAC. Moreover, each of the 26 Comparison Developments was thoroughly reviewed and vetted by the HAC at an evidentiary hearing, where contested issues such as density are examined. The HAC is also generally considered to be a “developer friendly” agency, and so densities approved by the HAC are consistently higher than densities approved by a ZBA.

The density of the Comparison Developments ranges from less than 1 unit per acre up to 12.4 units per acre. In contrast, **the density of the Proposed Development is 22 units per acre, which is nearly twice as dense as the densest Comparison Development.** This excessive density underlies the many concerns expressed about the Proposed Development thus far in the permitting process, such as space for snow and trash removal; sufficiency of resident and visitor parking; water use; architectural integrity; environmental impact; incongruity in an historic district; and vehicular, pedestrian and child safety.

Units-per-acre density of the Comparison Developments provides an appropriate benchmark against which to measure the density of the Proposed Development. Again, the comparison, appropriately, is to developments in low population density towns similar to Lancaster as well as less rural towns that are more than twice as dense. The potential problems caused by a highly dense development – such as increased resource and infrastructure demands, effect on open spaces, and incongruence with architectural styles – are more pronounced in less populated towns such as Lancaster. The fact that none of the Comparison Developments have a density anywhere close to that of the Proposed Development speaks loudly regarding what should be appropriate in a town such as Lancaster, and particularly in a location situated among historic single-family homes. The Proposed Development is truly an outlier in seeking to cram 11 units on a half-acre.

For these reasons, direct abutters Jan Pirozzolo-Mellowes and John Mellowes respectfully request that the Board withhold approval of the Proposed Development unless the Applicant significantly reduces the number of units. We appreciate your consideration of these concerns. My colleague Patrick Yerby will be available to discuss the concerns addressed in this letter at the Board’s meeting tomorrow night.

Sincerely,



Benjamin B. Tymann

Lancaster Zoning Board of Appeals
April 24, 2024

Enclosures

cc (by email): Rebecca Jan Pirozzolo-Mellowes
J. Patrick Yerby, Esq.
Paul J. Haverty, Esq.
Christopher J. Alphen, Esq.

Exhibit A

HAC-Approved Developments in Towns with Less Than 700 Residents/Sq. Mile
(in order of development density)

<i>Development Name/Location</i>	<i>Town</i>	<i>Population</i>	<i>Population Density (people/sq. mi.)</i>	<i>Year</i>	<i>Acres</i>	<i>Units</i>	<i>Development Density (Units/Acre)</i>	<i>HAC Case</i>
Brewster Commons	Duxbury	16,090	632.7	2011	40	14	0.35	Brewster Commons, LLC v. Duxbury Zoning Board of Appeals
Bliss Street	Rehoboth	12,502	266.4	2005	57	37	0.6	9 North Walker Street Development, Inc. v. Rehoboth Board of Appeals, No. 99-03
Watcha Path	Edgartown	5,168	191	2008	10.9	11	1	Cozy Hearth Community Corporation v. Edgartown Zoning Board of Appeals
Oak Ridge	Groton	11,315	345.2	2010	29	36	1.24	Mattbob, Inc. v. Groton Board of Appeals, No. 09-10
91 Highland Street	Townsend	9,127	279.1	2004	30.5	44	1.4	Transformations, Inc. v. Townsend Board of Appeals, No. 02-14
Snake Pond Road	Sandwich	20,259	472.4	2005	53	79	1.5	Fairview Affordable Homes, LLC v. Sandwich Board of Appeals, No. 02-32
Whitney Street	Sherborn	4,401	263.1	2006	28	48	1.7	Rising Tide Development LLC v. Sherborn Board of Appeals, No. 03-24
Chamberlain Street	Hopkinton	18,758	687.5	2004	23	40	1.7	Weston Development Group and Sanctuary Lane LLP v. Hopkinton Board of Appeals
Tiffany Road	Norwell	11,351	542.6	2007	18	24	1.8	Tiffany Hill, Inc. c. Norwell Board of Appeals, No. 04-15

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School Street	Hopkinton	18,758	687.5	2004	27.7	56	2.02	Peppercorn Village Realty Trust v. Hopkinton Board of Appeals, No. 02-02
Rocky Gutter Street	Middleborough	25,245	657.4	2002	4	10	2.5	Delphic Associates LLC v. Middleborough Board of Appeals, No. 00-13
Plumtree Road/ Sugarbush Meadow	Sunderland	3,663	262.5	2010	57	150	2.6	Sugarbush Meadow LLC v. Sunderland Board of Appeals
70 Burley Street	Wenham	4,979	651	2010	7.2	20	2.8	Burley Street LLC v. Wenham Zoning Board of Appeals, No. 09-12
Lowell Road	Groton	11,315	345.2	2005	13	44	3.4	Washington Green Development LLC v. Groton Board of Appeals, No. 04-09
	Nantucket	11,327	308.6	2021	10	40	4	Rugged Scott, LLC v. Nantucket Zoning Board of Appeals, No. 018-04
Hollis Road	Lunenburg	11,946	453	2010	33.8	136	4	Hollis Hills, LLC v. Lunenburg Zoning Board of Appeals, no. 07-13
Front Street	Marion	5,347	350.2	2005	33	192	5.8	Bay Watch Realty Trust v. Marion Board of Appeals
	Manchester by the Sea	5,429	584.5	2022	23	136	5.9	SLV School Street, LLC v. Manchester by the Sea Zoning Board of Appeals
Hilltop Drive	Walpole	26,383	429	2002	42	300	7.1	Hilltop Preserve Ltd. Partnership v. Walpole Board of Appeals, No. 00-11
3-5 Cogswell Street	Ipswich	13,785	429.4	2001	.25	2	8	Woodridge Realty Trust v. Ipswich Board of Appeals, No. 00-4

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Diamond Hill Estates	Walpole	26,383	429	2024	1.22	12	9.8	Wall Street Development Corp. v. Walpole Zoning Board of Appeals, No. 2021-04
Pond View Commons	Lunenburg	11,946	453	2023	18.5	200	10.8	Pond View Commons, LLC v. Lunenburg Board of Appeals, no. 2023-01
	Sandwich	20,259	472.4	2019	25	272	10.8	Autumnwood LLC v. Sandwich Zoning Board of Appeals no.. 2005-06
Surfside Crossing	Nantucket	14,255	309	2022	13	156	12	Surfside Crossing, LLC v. Nantucket Zoning Board of Appeals, no. 2019-07
Mill Street	Groton	11,315	345.2	2006	3.64	44	12	Groton Residential Gardens, LLC v. Groton Board of Appeals, No. 05-26
94 North Main Street	West Boylston	7,877	608.1	2007	9.82	124	12.6	Lever Development, LLC v. West Boylston Zoning Board of Appeals, No. 04-10
13 Neck Road	Lancaster	8,441	307.3	2024	.5	11	22	