

Draft EDC Meeting notes from Sept. 22, 2021 (gcf)

Meeting called to order at 7:35

Present:

Phil Eugene, Chair.

Joe D'Eramo

Roy Mirabito

Rebecca Young-Jones

George Frantz

Review of Meeting minutes

Meeting of 5/13/21 – a few minor adjustments, spelling corrections were made. Approved as modified.

Meeting of 6/06/21 – accepted and approved with minor modifications

Meeting of 9/15/21 – approved with previous modifications

New Business

- Electric trucks – Rebecca recommended that the committee look over the material provided. She said, “A traffic study is one thing, pollution is another.” George cited the rapid growth of electric vehicles. Rebecca said it would be great if the tenant (of the proposed distribution center) would commit to moving to electric vehicles even faster than the state mandate.
- ICOD Update - Roy Mirabito suggested changing text in 1st paragraph, striking “in the vicinity.” Should read “on site in the ICOD.” Also, the transfer of the 86-acre parcel to the town should not be considered as a benefit to the town, as the transfer had been agreed to several years ago.
- Para 2 – Capital Group expressed concern with the recommended change, having the Planning Board as the permitting authority. Said the Planning Board (PB) was clearly opposed to the project. Said if PB was the permitting authority, they would not waste time and millions of dollars going through the permitting process but would go back to a building “by right.” Cited frequent social media posts, especially by the Planning Board Chair, openly hostile to the project. They would scrap plans for the 40R and go with a 40B development instead.

- Roy – we tried to come up with the best deal for everyone.
- Bill Depietri– we thought there was agreement that the permitting authority would be the ZBA or a hybrid group made up from several town committees. Asked who approved the change back to the Planning Board as permitting authority.
- Phil – original draft plan for the ICOD was sent to Town Counsel on 6/03 for review. The draft was circulated to the EDC on 6/24 (although not discussed by the committee until 9/01). Also sent to the Planning Board as an FYI.
- Bill Depietri– thought originally that having the ZBA as the permitting authority would be a tough sell. Instead, a hybrid group, with members selected from several town committees and boards should be establishes as perm auth. Many other towns have used this approach. Said this was a showstopper for them. All of their meetings have been public, there were no back room deals.
- Roy – the committee had received the draft, but no opportunity to discuss and review until 9/01.
- Bill Depietri- We felt like we had reached a cooperative agreement with the town. We made it clear that if Planning Board was retained as perm auth, we would operate under the original zoning. Look at social media: the PB chair is openly against the project.
- Greg Jackson – not fair to put public comment back to 7 (??) Asked Bill which other towns had approved a hybrid permitting auth.
- George – we have the developer’s position. The EDC needs to meet with the SB and the PB, work out an arrangement that is acceptable to everyone.
- Bill Depietri– we will work with any board that’s willing to work with us.
- Discussion about the original zoning being the IPOD.
- Anne Ogilvie – PB is elected to protect the quality of life in the town, sorry Cap Group feels they are prejudiced against them. N. Lancaster residents feel disenfranchised. She is against any “hand-picked” non-elected group having the perm authority
- Victoria Petracca – big difference between the ICOD + 40R and the original enterprise zoning + 40B. Said the development of the 40R proposal by the AHT went well with inputs from the state and Capital Group. Hope to see 40R come to fruition. Would prefer a “solution driven” process. The idea of the hybrid group came from MRPC as a way to move ahead.
- Carol Jackson – as a member of PB, disturbed by accusations. The PB does their job. Social media does not affect their decisions. Said Capital Group has a beef w/PB, want to change the permitting authority.
- Russ Williston – PB chair, sorry you had to listen to all this. It was unprofessional and immature. Couldn’t recall anything the PB had turned down, although they did turn down the original IPOD proposal in 2019, which was good b/c now we have a better plan. PB members are not just concerned with one project. The

changes proposed would enable developers to use that approach from then forward. He said that it was on the recording, that an agreement made with the town for a different perm auth. Capital Group also threatened when turned down in 2019. Said they would go with the auto sale proposal. PB made the best decision for the town.

- Bill Depietri– there were discussions, never said agreement. PB has been hostile. We need cooperation from the town or we scrap the plan (ICOD + 40R) and operate under existing zoning. That’s not a threat, just a fact.
 - Greg J – a landowner doesn’t get or deserve special treatment. They can participate in open meetings along with residents.
 - Roy – discussions in the EDC have all been about bylaws. Some advantage to town in the process.
 - Bill Depietri– EDC has the best interests of the town at heart.
 - Phil – EDC is not a permitting authority, we merely advise. So, the PB is the legal authority.
 - Becca – suggested a joint meeting w/ PB. We need to get their comments and concerns.
 - Russ – joint meeting might be good. Any zoning article goes to the PB. PB will review and issue a report. Could schedule a meeting week of 10/4.
 - Phil – other items, namely peer review of traffic and economic impact still need to be covered.
 - Joe – so we meet with PB, then what? Meet with SB and Town Counsel?
 - Roy – MEPA report is critical. Don’t see how we can go ahead before MEPA findings. (Note: MEPA deals with project elements; we’re talking about bylaws.)
 - Bill Depietri– in re: MEPA, we’ve done 95% of the work, tweaked the plan. Next a meeting w/ DCR finalize before MEPA submittal. A supplemental EIR almost complete. Oct. 15th is new MEPA submittal target.
 - George – MEPA review is crucial. Don’t see how we can go forward before we see that.
 - Mark Grasso recommended that EDC look closely at the bylaw instead of the project, since change in bylaw will govern projects in future.
 - Bill Depietri– zoning change will not impact bylaws. MEPA report won’t be ready till early 2022. No state permits can be issued until MEPA is satisfied.
 - Phil – agree w/ Mark. We should concentrate on the ICOD, discuss zoning, not site plan.
- Back to ICOD review –
 - Phil – finished A1.
 - A2 – okay no changes
 - B1 - okay no changes
 - B2 - okay no changes
 - B3 –

- i. Roy – this section appears to eliminate PB review of special permit.
 - ii. Becca – we fixed this already.
 - iii. Roy – suggests allowing special permits in the ICOD.
 - iv. Phil – will ask Orlando.
 - v. Russ – it’s in the IPOD bylaw on which the ICOD is based. Still a special permit process. Have the town attorney leave as is in the IPOD bylaw.
- B3(a) - okay no changes
- 4 – Roy – not including the land agreement regarding open space (87 acres) transfer to town.
- Design Requirements
 - i. Roy cited a number of bylaws already in place. If there’s to be a change, needs to come before town meeting. By laws designed to protect the town. This language is too weak.
 - ii. Phil – please send him a list of the bylaws cited.
 - iii. Greg Jackson – need to decide if we follow site plan approval or special permit. In writing zoning, they need to refer to existing bylaws. Piecemeal approach could result in a residential patchwork within the development. IPOD tried an integrated approach. If we remove the IPOD, it will create problems.
 - iv. Capital Group – no intent to exclude design requirements, except for the IPOD, which has some unworkable elements.
 - v. Joe – dimensional requirements – some don’t work for this proposal. Do we go with special permit or require change to bylaws?
 - vi. Roy – bldg. requirements captured in the bylaws (cite). Could maybe use bylaws to supplement what’s here? Cite towns where this has been done.
- C3 – Parking - okay no changes
- D – Procedures –
 - i. 1- okay no changes
 - ii. 2 – Joe - assumes standard PB process, public hearing, etc.
 - iii. 3 (a) – Roy – grants of benefits to town. These should be negotiated between SB and Capital Group. What prior improvements were agreed to? BOS should have a wish list of benefits for discussion
 - 1. Joe - any provision including offsite benefits needs to be documented in an MOU or MOA.
 - iv. 3B – Traffic
 - 1. Each new portion of the development will require an updated traffic assessment.
 - a. Greg Jackson – we should state standards; refer to impact of 220.8 standard (?)

