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March 25, 2024

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

**Re: Neck Farm – 40B Peer Review**

Dear Board Members,

Haley Ward, Inc has completed a review of the proposed development for an 11-unit, multi-family project entitled Neck Farm Estates, located at 13 Neck Road, and as outlined in the Comprehensive Permit Application submitted by John Cherubini, Neck Farm, LLC dated October 9, 2023. The Stormwater report was prepared by Hancock Associates. Haley Ward offered comments to the Board in a letter dated February 20, 2024. The applicant responded to these comments in a letter from Hancock Associates dated February 21, 2024.

We offer the following updated comments. Updated comments are in *italicized, blue font*, outstanding comments are in **bold font**.

**Stormwater Report**

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.





The pipe calculations and additional proposed spot elevations should be provided to confirm the system does not overflow.

*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 assumption made by reviewer that the 4' weir noted at elevation 266.5 on page 129 of the HydroCAD report is the OCS manhole noted on the drawing. The drawing notes the weir at elevation 266.25. Accurate elevation should be reflected in the model.

*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 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.

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

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.

*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.*

### **Potential Site Improvements**

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

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



## Requested Waivers

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

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.

*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.*

### **220-12 Building Height:**

The 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.

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

### **220-13 Fences & Walls, Corner Clearance:**

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.

*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.*

### **220-22 Parking:**

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.

*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.*

### **220-22.1 Curb Cuts:**

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.

*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.*

### **Article VIII- Signs:**

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

*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.*

### **220-35 Site Design:**

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.

*The applicant has withdrawn this waiver request.*

### **220-36.2 Lighting:**

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.

*The applicant has proposed building-mounted lighting fixtures, no pole-mounted light fixtures for the parking area.*



**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.**

**220-37.1 Landscaping:**

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.

*No further comments.*

**220-37.2 Erosion and Stormwater Control:**

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.

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

**220-38.1 Parking Design:**

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.

*No further comments.*

**305- Stormwater Rules and Regulations:**

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.

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

**306-1 Wetlands Protection Rules and Regulations:**

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.

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

**Connection Fee for Water and Sewer Services:**

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.

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

Please let us know if you have any questions on this review letter.

Yours truly  
Haley Ward, Inc.

Bethany J. Ordnung, PE  
Project Engineer, Regional Manager

BJO/amf