



Town of Lancaster  
Planning Board  
Lancaster, Massachusetts 01523

7:00 P.M., Monday, September 27, 2021  
Remote Access Via Zoom

Join Zoom Meeting  
<https://us02web.zoom.us/j/82306542277>

Meeting ID: 823 0654 2277

**Administrative**

1. Attendance Rollcall

**Public Meeting**

2. Request for continuance: North Lancaster for approval of an Amended Definitive Plan Phase 2 entitled "McGovern Boulevard Phase II: Roadway Construction in Lancaster Mass, relative to the roadway construction for the approved Definitive Subdivision (continued from August 23<sup>rd</sup>)
3. Review and Consider Assessing Fine for new or ongoing Stormwater Violations at:  
201 Hilltop Road  
Notice received that they're appealing the fine.  
90 Duvall Road-Stormwater Application Received  
Harbor Hills development, Lunenburg Road
4. Missing approvals for Harbor Hill Subdivision: review new information available at meeting time, if any, and take any action appropriate
5. Proposed Stormwater Regulation Amendments: review any new information received and take any action appropriate
6. Update from chair on progress dealing with Barrett IZ Study, double payment from Planning Board Revolving Fund. Review new information, if any, received by meeting time.
7. Review proposed amendments to the IPOD bylaw, specifically changes to allow all-business IPOD applications. Review by Planning Board members and review any

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Economic Development Committee feedback received by meeting time. Take any action appropriate. (Continued from the previous meeting.)

8. Review any available info on progress with Town Planner Search

**Other Business**

9. Correspondence
  - a. Email from Erin Smith, Hawthorne Hills, Contractor Equipment on Road
  - b. Email from Victoria Petracca, Affordable Housing Trust, review of 40R bylaw by Michael Antonellis. Consider providing feedback regarding Approval Authority. (See draft)
10. Vouchers
11. Minutes:
  - a. August 23, 2021
  - b. September 13, 2021
12. Quarterly review of retained Executive Session Minutes. Consider approving for release:
  - a. July 1<sup>st</sup> (Executive Session)

**Adjourn**

\*If you are interested in any of the agenda items, please contact Debra Dennis at [ddennis@lancasterma.net](mailto:ddennis@lancasterma.net) to provide comments.

Link below for Town of Lancaster Remote Participation Guidelines

[https://www.ci.lancaster.ma.us/sites/g/files/vyhlif4586/f/uploads/remote\\_participation\\_guidelines\\_2020\\_master.pdf](https://www.ci.lancaster.ma.us/sites/g/files/vyhlif4586/f/uploads/remote_participation_guidelines_2020_master.pdf)

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**Debra Dennis**

**From:** Bill Hannigan <wdhannigan@hanniganengineering.com>  
**Sent:** Thursday, September 23, 2021 7:02 AM  
**To:** Debra Dennis  
**Cc:** Steve Boucher; 'Bob Depietri'  
**Subject:** RE: Planning Board Public Hearing - Phase 2 McGovern Boulevard

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** planning

Good morning, Deb. We just received the peer review relative to the Conservation filings. It will take some time to pull things together and respond to these comments with the Conservation Commission, so we will not be ready to report back to the Planning Board in time for Monday night's meeting. Thus, we would like to request that the Public Hearing be continued to the first meeting in December. If you can let me know the specific date of that meeting, we will plug it into our schedule.

Thanks,

**Bill**

William D. Hannigan, PE  
**HANNIGAN ENGINEERING, INC.**  
8 Monument Square  
Leominster, MA 01453

978.534.1234 (O)  
978.265.7202 (C)

**From:** Bill Hannigan  
**Sent:** Thursday, August 12, 2021 11:51 AM  
**To:** 'Debra Dennis' <ddennis@lancasterma.net>  
**Cc:** Steve Boucher <steve@bccorpma.com>; 'Bob Depietri' <rjdepieri@cgpllc.net>  
**Subject:** Planning Board Public Hearing - Phase 2 McGovern Boulevard

Deb,

At the last meeting, the Board was looking for further information relative to the approval of the project by the Conservation Commission. The applicant continued the Conservation hearing this past week so there is no additional information at this time. Based on that, we would like to request that the Planning Board hearing be continued. As I will be out of town for the meeting on the 13<sup>th</sup> and not available, we would like to continue to the September 27<sup>th</sup> meeting.

Sincerely,

**Bill**

William D. Hannigan, PE  
President

**HANNIGAN  
ENGINEERING, INC.**  
CIVIL ENGINEERS & LAND SURVEYORS

8 MONUMENT SQUARE

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***CELEBRATING 25 YEARS OF SERVICE.***

[wdhannigan@hanniganengineering.com](mailto:wdhannigan@hanniganengineering.com)

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Planning Board  
Lancaster, Massachusetts 01523

***DECISION & CERTIFICATE OF APPROVAL – STORMWATER PERMIT APPLICATION***

- Subject:** Stormwater Permit application pursuant to the Lancaster Stormwater Management Bylaw for the construction of a self-storage facility with associated parking.
- Applicant:** Harbor Classic Homes, LLC
- Owner:** RHO, LTD
- Location:** 2038 Lunenburg Road
- Assessor's Reference:** Assessor's Map 4 Parcel 9
- Plans:** *Site Development Plans: Proposed Residential Development, "Royal Estates at Lunenburg Road"; Prepared for Harbor Classic Homes, LLC; dated December 26, 2019 Revised through May 25, 2020.*
- Documents:** *Stormwater Management Plan; Residential Subdivision, Lancaster, Massachusetts; December 26, 2019.*

**Statement of Facts**

***Background:***

A Stormwater Permit application was filed with the Community Development and Planning Office in which the petitioner requested authorization for the following:

- A petition Harbor Classic Homes, LLC for a Stormwater Management Permit and Site Plan, in which the applicant is proposing to disturb greater than one acre of land in association with the construction of a new building for the purposes of constructing 23 single family homes and one commercial office building with associated roadway at 2038 Lunenburg Road (Assessor's Map 4 Parcel 9).
- The proposed project is allowed by Special Permit within the IPOD Overlay and Enterprise Zoning District.

The Planning Board opened a public hearing on this petition to request a Stormwater Management Permit on Monday, January 27, 2020 then continued to February 10, 2020, February 24, 2020, March 23, 2020, March 23, 2020 April 13, 2020, to allow for a peer review consultant to be obtained for the board and for a 4-member board to be present. On June 8, 2020, the board held a hearing which was called to order by Chair Philip Lawler. Present for the hearing were Philip Lawler, Jeanne Rich, Thomas



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Christopher, Carol Jackson and Russ Williston. Notices of the hearing were published in The Item on January 10, 2020 and January 17, 2020, and parties in interest were notified as required by law. The public hearing was closed on Monday, September 9, 2019.

***Findings:***

After due deliberation of the facts presented to the Lancaster Planning Board at a public hearing convened on June 8, 2020, and of the materials submitted to the Board by the applicant, the Lancaster Planning Board makes the following findings of fact in accordance with the Lancaster Stormwater Management Bylaw:

1. The purpose of the Stormwater Management Bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff, decreased groundwater recharge, and non-point source pollution associated with new development and re-development, and to comply with the Phase II NPDES Stormwater requirements;

Therefore,

The proposed development as stated located on 0 Shirley Road will not circumvent the intent of the Lancaster Stormwater Management Bylaw or the Lancaster Stormwater Management Rules and Regulations.

***Decision:***

After full and careful consideration on June 8, 2020, the Planning Board voted 5-0-0 (5 ayes, 0 nays) to grant the Stormwater Permit with the following conditions of approval:

***Conditions:***

This Stormwater Permit is granted subject to the following conditions:

1. A copy of the Planning Board's decision articulating the Stormwater Permit approval shall be filed with the Town Clerk and shall be recorded in the Registry of Deeds.
2. A copy of the Planning Board's vote and certificate of action shall be filed with the Town Clerk.
3. The approval is subject to the conditions set forth in the Site Plan approval on file with the Department of Community Development and Planning.
4. That all conditions noted within the Special Permit decision regarding the same petition apply to this decision.



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**Phillip Lawler, *Chair***

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**Jeanne Rich, *Vice-Chair***

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**Russell Williston, *Clerk***

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**Carol Jackson, *Member***

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**Thomas Christopher, *Member***

**Lancaster Town Clerk Certification**

I hereby certify that twenty (20) days have elapsed since the filing of the above-referenced decision in the office of the Town Clerk, and that no notice of an appeal of that decision has been filed with me.

---

**Dianne Reardon**  
***Lancaster Town Clerk***

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**Date**





Town of Lancaster  
**Planning Board**  
Lancaster, Massachusetts 01523

September 16, 2021

Ms. Dianne Reardon  
Town Clerk  
701 Main Street, Prescott Building  
Lancaster, Massachusetts 01523

**RE: 2038 LUNENBURG ROAD, AKA ROYAL ESTATES (Assessor's Map 4 Parcel 9)  
PRELIMINARY SUBDIVISION PLAN**

Dear Ms. Reardon:

At its January 27, 2020 meeting, the Planning Board voted 5-0 to approve the preliminary subdivision plan for 2038 Lunenburg Road, AKA Royal Estates.

There were no conditions of approval set by the Planning Board. The Planning Board permitted waivers from the following criteria in the Subdivision Rules and Regulations:

1. A waiver from the provision to include street lights;
2. To allow bituminous concrete sidewalks on one side;
3. 1600' road length - The proposed roadway is a Minor Street. Only Lanes are allowed as dead ends.
4. The required property line diameter for a dead end road is 160'. The applicant is proposing a 146' property line diameter.

Sincerely,

Philip Lawler  
Chair

CC: Ron Koivu; David King; Kent Oldfield  
DPW  
Conservation Agent  
Inspectional Services

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**DEFINITIVE SITE PLAN DECISION**

**2038 Lunenburg Road (Assessor's Map 4 Parcel 9)**

At a meeting on June 8, 2020, the Lancaster Planning Board voted 5-0-0 to approve the Definitive Site Plan dated December 26, 2019 and revised through May 24, 2020 prepared by New England Engineers, LLC, filed by applicant Harbor Classic Homes. The application involved the construction of twenty-three (23) single family homes and one (1) commercial office building along a proposed private Right of Way within a Residential zoning district, partly within the Enterprise Zone District and within the Integrated Planning Overlay District (IPOD) on a property located at 2038 Lunenburg Road (Assessor's Map 4 Parcel 9), Lancaster, Massachusetts.

**The Site plan was approved with the following conditions of Approval:**

1. That the proposed open space be either deed restricted as conservation/open space or conveyed to the town.
2. Show staggering of homes as to avoid visual repetition in home design and positioning.
3. That the proposed commercial building be no more than 1-story in height.
4. That the proposed commercial building conforms to the IPOD bylaws with respect to massing;
5. The proposed commercial building should be limited to office-use only, or provide for a mix of retail and office which conforms to the 20 trips per acre requirement of the IPOD district;
6. The commercial building shall be limited to 35 feet in height;
7. Through a Site Plan Amendment elevations and renderings of the proposed commercial building must be approved by the Planning Board prior to obtaining a building permit;
8. Provide compliant landscape plan pursuant to Section 220-37.1;
9. Trees must be at least 2 1/2 inches in caliper four feet above grade, be of a species common in the area, and be height of at least 12 feet. Shrubs must be at 36 inches in height, and be of a species common in the area.
10. That the approval be subject to the definitive plan dated December 26, 2019, revised through May 24, 2020 on file with the Community Development and planning office and any substantial deviation from the approved plan shall require an amendment to this Special Permit approved by the Planning Board and subject to a Public Hearing

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11. All outstanding review fees shall be paid in full within two months of receiving Planning Board approval.
12. That additional money in an amount determined by the Planning Board be placed in the Escrow Account to account for compliance inspections by the peer review engineer.
13. That the affordable units not be placed next to each other and spread out within the development.
14. That the affordable units be indistinguishable from the other single family homes in all respects.
15. Two (2) of the twenty-three (23) units in the project shall be affordable to a household with income at or below 80% of area median income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Lancaster as determined annually by the U. S. Department of Housing and Urban Development (the "Affordable Units").
16. The Affordable Units shall be made subject to an affordable housing restriction and/or a regulatory agreement in a form acceptable to the Board that contains limitations on use, resale and rents. The affordable housing restriction or regulatory agreement shall be enforceable under the provisions of G.L. c. 184 and consistent with any applicable guidelines issued by the Department of Housing and Community Development ("DHCD") so as to ensure that the Affordable Units shall remain affordable in perpetuity, or for the maximum period allowed by law, and that the Affordable Units shall be counted towards the Town's subsidized housing inventory. The affordable housing restriction or regulatory agreement, when approved by DHCD, shall be recorded with the Registry of Deeds or filed with the Land Court, as applicable.
17. That no more than 2 homes shall be located adjacent to one another that are of the same architectural style.
18. That one (1) affordable unit be constructed for every eight (8) market rate units constructed, for up to two (2) affordable units.
19. That at least four (4) non-invasive variety of tree species be used within the development.
20. That every driveway has a pole-light fronting the property in lieu of providing street lights.
21. That crushed stone be used for 2 of the open space parking lots located off the proposed road.
22. The spaces located within the commercial lot may be paved.

**Conditions added by Peer Review Engineer:**

23. The light fixtures must be installed to ensure there is no light trespass onto any street or abutting lot.
24. The Applicant must submit an affidavit from a Professional Engineer confirming that the required sight lines are provided at the driveways and roadways after they are constructed and prior to the issuance of the first Certificate of Occupancy for the project.

25. For the Commercial Site, all snow removal in excess of the storage area shown on the plan shall be removed from the site within 48 hours and properly disposed of.

**Authorized Planning Board Member,**

\_\_\_\_\_ **DATE:** \_\_\_\_\_

**Debra Dennis**

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**From:** Russ Williston <russwillistonpublic@gmail.com>  
**Sent:** Thursday, September 23, 2021 9:09 AM  
**To:** Debra Dennis  
**Subject:** Fwd: Hawthorne Lane  
**Attachments:** IMG\_5006.jpeg; IMG\_5005.jpeg; IMG\_4999.jpeg; IMG\_5001.jpeg; IMG\_5003.jpeg

Hi Deb,

Let's put this in the packets for correspondence on Monday.

Thanks,  
 Russ

----- Forwarded message -----

**From:** Erin Smith <dreamit.go.doit@gmail.com>  
**Date:** Fri, Sep 10, 2021 at 2:56 PM  
**Subject:** Hawthorne Lane  
**To:** Russ Williston <russwillistonpublic@gmail.com>, Orlando Pacheco <OPacheco@lancasterma.net>, Debra Dennis <Ddennis@lancasterma.net>

Good Day, Orlando, and Planning Board Members,

I am writing today to make you aware of an ongoing issue on Hawthorne Lane, the Hawthorne Hill Estates Development.

Home construction was completed in early June and all homes were sold to current owners by mid-June. Besides the punch list items noted in the meeting materials from the recent planning board meetings in August, the development appears to be essentially complete since June with what appears to be ZERO punch list items being actively worked on since then.

Since home construction was completed in early June (and honestly, long before), the cul de sac has been used by the builder as their own personal construction storage lot. Last week we had 6 straight days of them running 1-2 generators ALL DAY in the cul de sac, including weekend days. Some days until 8 pm at night until they run out of gas for what appeared to be the purpose of charging the equipment batteries as the equipment has been sitting so long unused the batteries have died. Several pieces of equipment leaking fluids on the road.

**The equipment is also blocking the fire hydrant on the cul de sac.**

I reached out the Steve Melanson (one of the Melanson Brothers) in July asking what the plan was for the equipment and explaining the nuisance and hazards they present. He responded they were trying to sell the equipment (the Melanson Bros are no longer working together and have gone their separate ways to the knowledge of the residents here, so apparently selling off company assets) and waiting for people to buy and pick up the equipment and didn't seem to care the fire hydrant was blocked. Nothing since, except more equipment, being dropped off, and Wednesday of this week, another running generator for hours to charge a loader that hasn't moved in months and was just charged a week ago for 8+ hours.

After the days on end of the generators running I reached out to Steve again last week and he did not respond with anything but an empty text box (so he read my message and failed to respond). My neighbor attempted to reach Gary

Melanson and he has failed to respond to them as well, so it is at this point I am asking the planning board for help as they are clearly violating the conditions set forth for the development. The neighborhood is filled with good, hardworking families who have been more than gracious with tolerating beyond acceptable conditions throughout construction such as trash blowing around, noise, unused equipment/material storage on the street, etc. but enough is enough. The builders clearly show no intentions of moving the equipment in a timely fashion and are creating continual hazards and noise nuisances with no regard to residents, the safety of the neighborhood children, and a failure to respond to resident's concerns/issues.

I have attached photos of the cul de sac conditions as of this week.

Debra, I am unable to view the individual emails of the planning board members nor am I able to send an email to all members, and would request you forward my email to them as well. Thank you.

Sincerely,

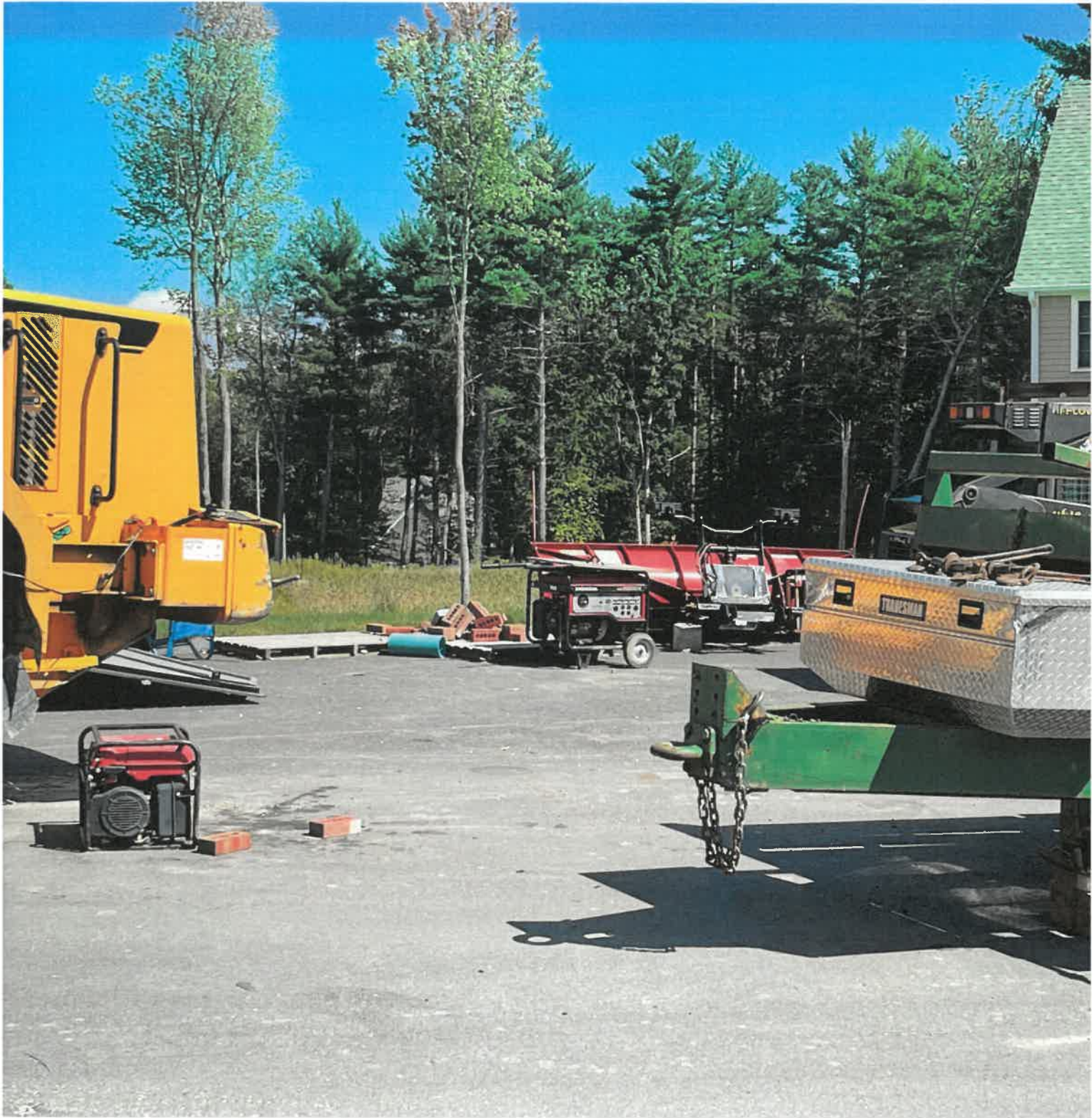
**Erin Smith**

Hawthorne Lane

--

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Hawthorne  
Hills













**Debra Dennis**

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**From:** Russ Williston <russwillistonpublic@gmail.com>  
**Sent:** Wednesday, September 22, 2021 10:18 AM  
**To:** Debra Dennis  
**Subject:** Fwd: FW: 40R Review from Mike Antonellis

Hi Deb: here's some correspondence we can include with Monday's materials.

Russ

----- Forwarded message -----

**From:** <vpetraccapublic@gmail.com>  
**Date:** Wed, Sep 15, 2021 at 10:20 PM  
**Subject:** FW: 40R Review from Mike Antonellis  
**To:** Russ Williston <russwillistonpublic@gmail.com>

Hi Russ,

FYI, here is some preliminary feedback on the current draft 40R bylaw. This was circulated this evening to the Housing Trust members.

Please feel free to circulate to Planning Board members, if you like, since the bylaw will be coming before them in the future.

Victoria

---

**From:** Orlando Pacheco <OPacheco@lancasterma.net>  
**Sent:** Wednesday, September 15, 2021 4:29 PM  
**To:** vpetraccapublic@gmail.com; Philip Eugene <peugene@comcast.net>  
**Subject:** Mike A 40R review-feel free to share

(see below)

Orlando,

*I read through the proposed 40R bylaw. From a planning perspective I see nothing wrong. The bylaw mostly follows what the state model bylaw puts forth. Regarding consistency with local policy the bylaw attempts to accomplish everything the town has laid out in its Economic Development Plan, its Affordable Housing Plan, and its Master Plan. So I think from that perspective it is a great thing.*

*Additionally, I'm happy to see the town pursue this as, since you know, I initially was researching 40R as it pertained to the "village area" around AUC. The proposal is also consistent with recommendations made from Barrett Consulting Group. The most important piece of information you'll receive about this bylaw is the review study when it comes in from RKG. Without knowing the scope of review, ideally that will help to identify the feasibility of the bylaw regarding local market demands. Also, the legal review you are awaiting from counsel will be helpful as always.*

*If both the ICOD and the SGOD pass, then North Lancaster will have 4 overlay districts. The districts include the Water Resource Protection Overlay, IPOD, ICOD and NLSGOD. I don't think there will be any conflict between any of the overlay districts should they all be approved, given that applicants will have the option to apply for either IPOD, ICOD or NLSGOD. However, has Capital Group, the major stakeholder in North Lancaster, been approached for input regarding the SGOD? Presumably, they are the ones who would likely use the Overlay.*

*I do like the idea of the 5-member Plan Approval Authority. I think that will provide a well rounded perspective from all the different Land Use Boards. I assume there are volunteers ready to staff that board. I don't think the town has any current problems with getting volunteers on boards, but if that were the case, obviously the creation of a new board would be troublesome.*

*A question I have to DHCD would be: if a development is approved on the land designated for the SGOD, but is instead approved under a different bylaw (ICOD) can the town still get the rewards of 40R? I would think no, since I believe there is an approval process through DHCD regarding 40R projects. Just something to be aware of.*

*Regarding the design standards, they seem a bit vague and open to interpretation. Are there specific aesthetics the trust would like to see for new residential structures? Or maybe more importantly, new commercial structures? Even if it's simple things like "structures must have pitched, shingled roofs", or "prevent building massing of over 100 linear feet without architectural or aesthetic changes". Again, I would suggest discussing this specifically with the stakeholders.*

*Those are my thoughts on this. Feel free to share with the trust. I didn't see any specific request from the trust for my input, but they are certainly welcome to it. I wanted to get something out to you as soon as possible on this, so if I think of anything in the meantime I will send along as an addenda.*

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September 27<sup>th</sup>, 2021

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2

3 Lancaster Affordable Housing Trust

4 701 Main Street, Suite 2

5 Lancaster, MA 01523

6

7 Re: "Plan Approval Authority" for Smart Growth Overlay Districts

8

9 Dear Trustees,

10

11 Thank you for forwarding Michael Antonellis's September 15<sup>th</sup>, 2021 review of the proposed 40R bylaw  
12 that your committee has been developing. The Planning Board reviewed that information under the  
13 "Correspondence" portion of our meeting on September 27<sup>th</sup>, 2021. Thank you for working on a new  
14 bylaw for our town. We wanted to share some feedback on one concept it mentioned: a composite "Plan  
15 Approval Authority":

16 Understanding that your proposed bylaw is still under active development, we did not review the full draft  
17 bylaw.

18 In his review Mr. Antonellis wrote:

19 *"I do like the idea of the 5-member Plan Approval Authority. I think that will provide a well*  
20 *rounded perspective from all the different Land Use Boards. I assume there are volunteers ready*  
21 *to staff that board. I don't think the town has any current problems with getting volunteers on*  
22 *boards, but if that were the case, obviously the creation of a new board would be troublesome."*

23 We referred to one of your 40R bylaw drafts, from the meeting materials available on the town website,  
24 dated "9/2/2021:"

(2) **Plan Approval Authority (PAA).** The 40R Plan Approval Committee, consistent with M.G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the “PAA”), and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD. The 40R Plan Approval Committee shall include one (1) representative member chosen by each of the following Town of Lancaster Boards from their membership: Planning Board, Zoning Board of Appeals, Conservation Commission, Affordable Housing Trust, and Economic Development Committee. The 40R Plan Approval Committee shall be appointed by the Lancaster Select Board for three (3) years. The Zoning Board of Appeals representative will be ineligible to act on an appeal under Chapter 40A §8 to the Zoning Board of Appeals for a 40R application decision.

26

27

28 We considered this portion of the draft bylaw – it appears to require the use of a “Plan Approval  
 29 Authority” of five members, drawing one member from each of the Planning Board, Zoning Board of  
 30 Appeals, Conservation Commission, Affordable Housing Commission, Affordable Housing Trust and  
 31 Economic Development Committee.

32 We identified some drawbacks to the use of a composite “Plan Approval Authority”:

33

34 1. **Technical hurdle with including “Economic Development Committee” as a**  
 35 **permitting authority:** The “Economic Development Committee” is not a permanent  
 36 committee in Lancaster; it is currently meeting as an advisory committee assembled by  
 37 the Select Board. Within the scope of our bylaws there is nothing establishing an  
 38 “Economic Development Committee” and this reference may not be clear in the future.

39

40 2. **Scope too limited to justify a new agency:** The scope of the “Plan Approval Authority”  
 41 would be administration of this single bylaw. In the short run there would only be a  
 42 single Smart Growth Overlay District in Lancaster and the intention seems to be to fully  
 43 build-out that district at the first opportunity. As a result, there may only ever be a single  
 44 application for the “Plan Approval Authority” to consider.

45

46 The overhead required to establish, populate, organize, and administer this committee  
 47 may not be justified by the limited amount of work that might ever come before it.  
 48 Presumably this authority would need to linger on – if only to meet often enough to  
 49 reorganize annually and approve the minutes from it’s last reorganization – until the  
 50 deadline to challenge any applications it approved had passed.



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3. **Establishing regulations may prove an administrative burden:** The bylaw allows the “Plan Approval Authority” to establish regulations for administration of the SGOD bylaw. That may be a challenge for a composite board whose members have other town obligations, meeting on an uncertain schedule.

4. **Not free to act independent of influence:** In the event of controversy, it would be difficult to establish that the composite board is free to act independently. Although it’s a five-member board, it’s appointed by the three-member Select Board. Furthermore, four of the five members must be drawn from boards also appointed by the Select Board. As it might only ever handle a single project it would inevitably appear that the composition of the board was selected to weigh that specific project.

In a random sampling of other communities, including Lakeville and Littleton, the Planning Board is typically the “Approval Authority” for SGODs in communities that have established one.

Establishing the Planning Board as the approval authority for Lancaster’s SGOD bylaw will ensure that it’s administered by a 5-member elected board free to act independently of influence, allow the Planning Board to establish regulations as required and allow the Planning Board to hear SGOD applications within its established meeting schedule.

On behalf of the Lancaster Planning Board,

Russell W. Williston, Chair

Approved: Not Yet Approved

MINUTES OF THE PROCEEDINGS OF THE  
PLANNING BOARD OF THE TOWN OF LANCASTER  
Meeting conducted via ZOOM internet conferencing  
Monday August 23rd, 2021

Present: Russell Williston, Chair; Roy Mirabito, Vice Chair; Tom Christopher;  
Peter Christoph

Absent: Carol Jackson, Clerk

Staff Present: Debra Dennis, Administrative Assistant

List of Documents:

- Hawthorne Hill Estates: copy of a quote provided by Weston & Sampson to Melanson Bros. regarding pump station maintenance.
- McGovern Blvd: written request to continue hearing until September 27th, 2021.
- Info regarding fine process: email response to questions from town counsel, state guide on assessing fines
- Harbor Hill Development: Documentation about stormwater violations at Harbor Hills Development, from Tom Christopher
- Stormwater Regulation Amendments: email input from Michael Antonellis
- Barrett Consulting Double-Payment Issue: correspondence between the chair and town administrator
- Invitation from New England Harvest (Clinton) for a grand opening
- Two payment vouchers, both for Haley Ward

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**Administrative**

Chair Russell Williston called the meeting to order at 7:00 PM.

The chair stated that Carol Jackson had notified him previously that she would not be able to attend this meeting.

**1. Attendance Roll Call**

Roll Call for Attendance:

Russell Williston: Yes  
Roy Mirabito: Yes  
Carol Jackson: (Not Present)  
Tom Christopher: Yes  
Peter Christoph: Yes

## **Public Meeting**

### **2. Hawthorne Hill Estates-Request of partial release of bond (Continued from August 9<sup>th</sup>)**

The chair noted that the board had received paperwork regarding a maintenance quote between Melanson Bros and a vendor (Weston and Sampson) regarding pump station maintenance; the board had specifically requested the documentation cited in the application documents about an agreement with the “Town of Lancaster.” Deb Dennis confirmed that the applicant had received the request, and that nothing else seemed to be available.

**Tom Christopher moved to postpone any action until the next meeting, Peter Christoph seconded. No discussion. Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.**

### **3. Continued Hearing: North Lancaster for approval of an Amended Definitive Plan Phase 2 entitled “McGovern Boulevard Phase II: Roadway Construction in Lancaster Mass, relative to the roadway construction for the approved Definitive Subdivision (Applicant has submitted a written request for a continuance to September 27<sup>th</sup>.)**

The chair stated that he’d communicated to the applicant that Carol Jackson would be absent, which reduces the eligible members to three with Tom recused, and the applicant is still waiting for their hearing with the Conservation Commission. The applicant submitted a written request to continue the hearing until September 27<sup>th</sup>.

**Roy Morabito moved to continue the hearing to September 27<sup>th</sup> at the applicants request, Peter Christoph seconded. No discussion. Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.**

### **4. Discuss the process for assessing fines. Review feedback from town counsel, if available. (Continued from August 9<sup>th</sup>.)**

The chair reviewed the feedback received between meetings from town counsel and the state guide they forwarded.

Member Roy Mirabito asked about the feedback; was our form approved by the court? Deb relayed that David Koonce said that the form was approved by the court. As a conservation commission form.

Resident Greg Jackson made comments on the ticketing process, reiterating what's stated in the state statutes and the town bylaws.

## **5. Consider assessing fines for stormwater violations at**

0 Old Union Turnpike (Solar Project): No new documentation; the board took no action.

201 Hilltop Road:

The chair reviewed the situation: The board issued fines at it's last meeting, and has not yet received a complete stormwater application.

Richard Harrington spoke for the applicant and reiterated their plan to submit an application. The chair thanked him for providing the information.

**Roy Morabito moved to issue fines for stormwater violations from 8/10/2021 through 8/23/2021 with a warning that fines would continue until the completed application is accepted, Peter Christoph seconded. No discussion. Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.**

90 Duvall Road:

The chair reviewed the situation: the board delivered a cease & desist between meetings. No application has been received.

**Roy Morabito moved to issue fines for stormwater violations from the date the Cease and Desist was delivered through 8/23/2021 with a warning that fines would continue until the completed application is accepted, Peter Christoph seconded. Discussion:**

In discussion the board discussed the warning that would be included on these fines, regarding how the fines may continue until the completed application is received.

**Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.**

Harbor Hill Development:

The chair reviewed the documentation of violations at the Harbor Hills Development.

Tom Christopher spoke about his concerns regarding the issues he observed. The roadway and infrastructure has been installed at the development but the retention basin has not been installed.

The chair recommended that the board authorize David Koonce to act as it's agent, with discretion to issue a Stormwater Bylaw cease & desist if he find's it's merited.

**[At around 6:55PM a power outage affected part of Lancaster; Peter Christoph and Roy Mirabito were disconnected. The chair briefly interrupted the meeting to contact them by cell phone to get them reconnected. Roy was quickly reconnected with video and Peter Christoph reconnected by phone around: 8:05PM.]**

**Roy Morabito moved to authorize David Koonce to act as the Board's agent under the stormwater bylaw with the discretion to issue a cease and desist if merited. Peter Christoph seconded. No discussion. Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.**

**6. Discuss proposed change to Stormwater Rules and Regulations: include total area of solar panels in list of surfaces that qualify as impervious. Review feedback from Planning Consultant, if available. (Continued from August 9<sup>th</sup>.)**

The chair reviewed a short reply from Michael Antonellis responding to the board's request for his insight on this matter.

The board reviewed what might need to be altered.

The chair reviewed the process for amending the regulations.

**Motion from Peter Christoph to request Roy Mirabito to write up changes for the board to consider at a future meeting. Second by Tom Christopher. Discussion:**

Resident Greg Jackson offered some comments about what the board should consider.

Member Russ Williston indicated that his main concern is understanding the impact any change might have on calculations.

**Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.**

**7. Planning Director Search Process: Update**

The chair shared that Carol Jackson relayed that the position was now posted on a number of websites and job boards.

**8. Barrett IZ Study, double payment from the Planning Board revolving fund: update from chair, discussion, take any action appropriate.**

The chair shared the progress recently, and reviewed the correspondence: a brief interaction with the town administrator was unproductive. It was discussed at a Select Board meeting, but the recording of that meeting was lost.

Member Roy Mirabito noted that this continues to be an internal processing issue that needs to be addressed. The chair concurred.

Resident Dick Trussell shared his recollection of what transpired at the Select Board meeting. He suggested that the Planning Board send a request to the finance committee for assistance.

The chair indicated that he'd contact the finance committee and/or Select Board on the board's behalf.

**Other Business**

**9. Correspondence**

- a. Select Board: forwarded LLEC Sand & Gravel Bond, 9/30/2020-9/30/2021

Chair reviewed this communication, which seemed to show an old performance bond for a Sand and Gravel permit that the Planning Board had offered input into.

- b, Invitation from New England Harvest (Clinton) to their grand opening.

Chair noted the invitation.

**10. Vouchers**

**Tom Christopher moved to pay Haley Ward \$2755 for professional services on Phase II Subdivision Plan Upgrade . Roy Mirabito seconded. No discussion. Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.**

**Tom Christopher moved to pay Haley Ward \$3150 for professional services aMcGovern Boulevard. Roy Mirabito seconded. No discussion. Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.**

**11. Minutes:**

At the time of the meeting minutes were outstanding for:

- a. July 1<sup>st</sup> (Regular Session)
- b. July 1<sup>st</sup> (Executive Session)
- c. July 26, 2021
- d. August 9, 2021

The July 1st (Regular Session) draft minutes are available for review.

**Roy Mirabito moved to approve the July 1st (Regular Session) draft minutes. Peter Christoph seconded. No discussion. Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.**

### **Adjourn**

**Tom Christopher moved to adjourn, Roy Mirabito seconded. No discussion. Roll call vote: Tom Christopher: Yes; Roy Mirabito: Yes; Peter Christoph: Yes; Russ Williston: Yes. Motion is approved, 4-0.**

**The board voted to adjourn at 8:39 PM.**