



Town of Lancaster
Planning Board
Lancaster, Massachusetts 01523

Memorandum

To: Phil Lawler, Chair – Planning Board

From: Michael Antonellis, Director of Community Development & Planning

CC: Planning Board Members

Date: April 27, 2020

Re: **2038 Lunenburg Road – Special permit**

Application –Special Permit – IPOD; Site Plan; Stormwater permit

Petitioner: David King

Address: 2038 Lunenburg Road

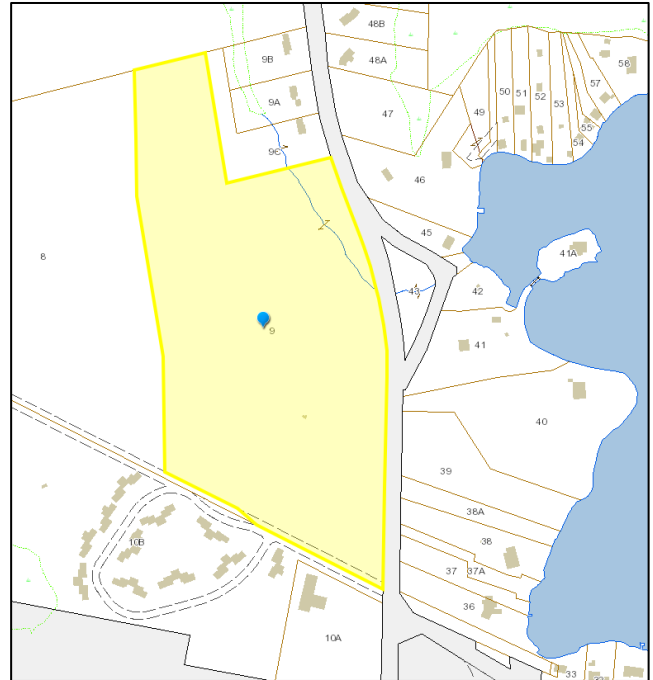
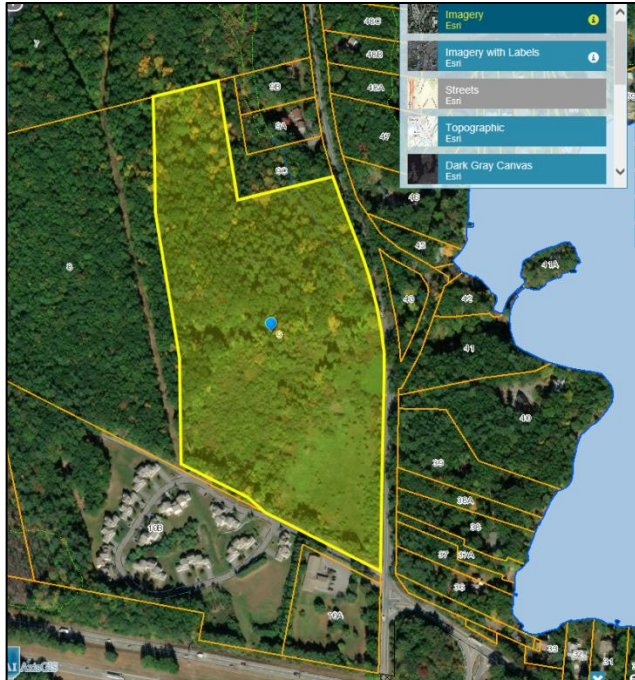
Project Summary

David King, on behalf of Harbor Classic Homes, seeks a Special Permit under the requirements of the Lancaster Zoning Bylaw Section 220-8.7 to for Integrated Plan Approval to construct 25 Single Family Detached structures and a ~17,000 SF Office/Retail Building with associated parking;

AND;

David King, on behalf of Harbor Classic Homes, seeks a Stormwater Permit under the requirements of the Town of Lancaster Bylaws Chapter 170-5 to construct 25 Single Family Detached structures and a ~17,000 SF Office/Retail Building with associated parking located, which will result in the disturbance of one acre or more of land at 2038 Lunenburg Road (Assessor's Map 4 Parcel 9) and located within the Residential district as well as the Integrated Overlay District (IPOD). The applicant has also applied for a preliminary subdivision (Chapter 301-7) and site plan approval (Chapter 220-34) for the same

Project Location



Staff Recommendation

If approved, staff recommends the following conditions of approval:
(The board may choose to modify, remove, or add conditions)

- ~~1. That a substantial tree buffer be created along Lunenburg Road to add shade trees;~~
2. That the proposed open space be either deed restricted as conservation/open space or conveyed to the town.
- ~~3. Correct plan to state required front yard setback in a residential zone is 30 feet.~~
4. Show staggering of homes as to avoid visual repetition in home design and positioning.
- ~~5. Correct location of house on lot #25 to conform with side yard setbacks;~~
6. That the proposed commercial building be no more than 1-story in height.
7. That the proposed commercial building conforms to the IPOD bylaws with respect to massing;
8. 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;
9. The commercial building shall be limited to 35 feet in height;
10. 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;
11. Provide compliant landscape plan pursuant to Section 220-37.1;

12. Provide a photometric plan showing the foot-candles of proposed light projection as well as details of the proposed lighting showing compliance with the Lighting provision in Section 220-36.2 of the Zoning Bylaw;
- ~~13. Provide 6 foot stockade fence along the proposed parking lot providing visual buffer between the proposed commercial building and residential lots #1 and #2;~~
 - ~~a. The fence should stretch from the Northeasterly corner of the lot Southerly to the end of the proposed septic tank;~~
 - ~~b. The fence should be positioned as to not create site line obstruction for the proposed intersection of the proposed road with Lunenburg Road;~~
14. Provide 6 foot stockade fence providing visual buffer between the proposed commercial building and residential #25 along the rear of the property connecting to the other noted fence.
15. Provide shrubs in between the proposed trees along Lunenburg Road fronting the proposed parking lot.
16. Remove the proposed open space parking or provide an improved trail system within the open space for the parking to access.
17. 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.
18. That the approval be subject to the definitive plan dated December 26, 2019, revised through April 21, 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
19. All outstanding review fees shall be paid in full within two months of receiving Planning Board approval.
20. 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.
21. That the affordable units not be placed next to each other and spread out within the development.
22. That the affordable units be indistinguishable from the other single family homes in all respects.
23. Two (2) of the twenty (25) 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").
24. 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.

25. That no more than 2 homes shall be located adjacent to one another that are of the same architectural style.
26. That one (1) affordable unit be constructed for every eight (8) market rate units constructed, for up to two (2) affordable units.
27. That at least four (4) non-invasive variety of tree species be used within the development.
28. That every driveway has a pole-light fronting the property in lieu of providing street lights.
29. That crushed stone be used for 2 of the open space parking lots located off the proposed road.
 - a. The spaces located within the commercial lot may be paved.

Other Applications Required

1. Definitive Subdivision approval (the applicant has applied);

Although Lunenburg Road is on the Scenic Roads list, there does not appear to be any trees on the property that are within the Public Right of Way.

Questions to Applicant

1. Has the applicant considered moving the first cul-de-sac to where Lots 24, 23, 2 and 1 adjoin in order to provide internal access to those lots rather than creating new curbcuts on Lunenburg Road. ***The applicant has addressed these concerns to the satisfaction of staff.***
2. Staff suggests moving the proposed access to the retail/office use to Lunenburg Road in order to prevent conflict with the proposed residential use and maintain separate uses. ***The applicant has addressed these concerns to the satisfaction of staff.***
3. Has the applicant considered alternate design for lot 19 to remove from the 200 foot riverfront buffer? ***The applicant has addressed these concerns to the satisfaction of staff.***
4. Has the applicant considered providing affordable units per DHCD guidelines? ***The applicant has addressed these concerns to the satisfaction of staff.***
5. Will the applicant be dedicating the proposed open space in fee simple to the town or providing a conservation use restriction? Staff suggests conveying the property in associated with the Flexible Development recommendations under 220-15 of the bylaw except for donation in fee simple to the Town. ***The applicant has addressed these concerns to the satisfaction of staff.***
6. The applicant should discuss with the Planning Board additional locations and options to provide usable open space as would be the requirement if this were a Flexible Development, with the understanding that this is an IPOD development.
7. There is adjacent property owned by the State – Department of Higher Education. Staff suggests exploring option for possible future links to this site. ***The applicant has addressed these concerns to the satisfaction of staff.***
8. Please provide a traffic analysis of the expected trip generation. ***The applicant has addressed these concerns to the satisfaction of staff.***

9. Please provide an environmental analysis of the site.
10. Please comment on the size and aesthetic of the proposed office building. Please refer to evaluation below for bylaws regarding the massing.
11. The board may want to discuss with the applicant if they are amenable to providing a certain percentage of affordable housing. **The applicant has addressed these concerns to the satisfaction of staff.**
12. Did the applicant review the Subdivision Rules and Regulations? Are any waivers requested regarding the requirements? Will this have an impact on the proposed design if not granted? **The applicant has addressed these concerns to the satisfaction of staff.**

Section I: Review of IPOD Special permit

A. Intent and applicability.

(1) The intent of § [220-8.7](#), Integrated Planning Overlay District (IPOD), is to provide design flexibility and efficiency in the siting of development, services and infrastructure; conserve open space; preserve the rural, historic character of the Town; provide for a diversity of lot sizes, building densities and housing choices to accommodate a variety of age and income groups; and to allow the integration of land for residential, rural, recreational, community, retail, service, commercial and industrial uses.

The applicant has proposed open space dedication as per the provisions of the IPOD. While the previous structure on the property is listed with MACRIS, there is no listed historical structure or area noted by the Mass Historic Commission within the premise currently. The development has proposed reduced lot sized to accommodate for preserved open space and the dedication of affordable units. The applicant should comment on the proposed affordable units. The applicant has also proposed office/retail in an appropriate location, closest to route 2, accessed off a main road.

Retail should be limited to the proposed square footage as presented in TEC's traffic impact study to comply with the 20 trips per acre requirement, or require that the building only be used for office use and not retail. If retail is desirable then the board should consider utilizing section 220-8.7C(2) which allows a restriction on the maximum trips on the other side of the development to allow for increased trips for different parts of the development.

(2) Integrated Planning Overlay Districts (IPODs) are created on the Zoning Map by Town Meeting vote, just as for any zoning amendment, except that they overlay rather than replace the zoning districts being overlaid. Applicants for development within the overlay district may choose between following the existing provisions of the district(s) underlying the IPOD or to propose an Integrated Plan and upon its approval to follow it and the IPOD requirements set forth below.

The applicant has filed a Special Permit for IPOD zoning.

B. Basic use requirements.

(1) Development under IPOD provisions requires special permit approval of an Integrated Plan by the Planning Board for the premises involved. The Planning Board must find that there is no material impact to the neighborhood.

Please comment on the impact to the existing neighborhood.

(2) All proposed development within an approved Integrated Plan must be consistent with that Plan unless the Integrated Plan special permit is subsequently revised making the proposed development consistent or excluding the location from the Plan

N/A.

(3) The minimum site area of an Integrated Plan shall be 10 acres.

The minimum has been met.

(4) An Integrated Plan may apply to more than a single lot or parcel so long as the lots and parcels are contiguous and either in the same ownership or the application is jointly submitted by owners of each lot or parcel that is included.

No comment.

(5) Any use allowed by right or allowable by special permit in at least one of the underlying zoning districts within which the Integrated Plan is located shall also be allowed by right or allowable by special permit, as the case may be, at any location within that Integrated Plan, including within underlying districts where such use is not otherwise allowed, with the following exceptions:

(a) Dwelling units are allowed by right within all Integrated Plans without limitation on form of tenure or structure type, including single-family, two-family or multifamily.

(b) Retail, service, and office uses permitted or allowed by special permit in the Enterprise District are allowed within an Integrated Plan regardless of whether the Integrated Plan includes any portion of the Enterprise or other district allowing that use, provided that no enterprise allowed only by this exception may exceed 35,000 gross square feet in floor area unless the Planning Board, in acting on the Integrated Plan special permit, finds that the use is functionally supportive of or supported by other existing or planned uses within the Integrated Plan, and in no event may the enterprise exceed 75,000 gross square feet in floor area or be contained within a building that exceeds 75,000 gross square feet in floor area.

No comments.

(6) Residential uses shall comprise not less than 25% and not more than 75% of the gross floor area planned within any Integrated Plan.

Applicant should confirm the ratio of uses.

(7) Not less than 10% of the Integrated Plan area disturbed by development shall be devoted to pedestrian walks or plazas and landscaping, and not less than 20% of the land area of the Integrated Plan shall be open space meeting the requirements of § [220-15C](#).

Please show all pedestrian amenities on the plan.

C. Design requirements.

(1) The applicant must demonstrate to the satisfaction of the Planning Board that the amount and mix of types of development, and the travel demand management efforts such as car-pooling proposed for the Integrated Plan, will result in generation of no more than 20 auto trip ends per acre of Plan area. These trips ends should be calculated during the weekday afternoon peak traffic hour, as measured on the streets

that provide access to the Plan area, net of pass-by trips and adjusted for estimated non-auto trips, such as walking among uses within the IPOD.

The applicant has submitted a Traffic Study prepared by TEC. The study details that the proposed project would exceed the 20 trips-per-acre if the commercial building were dedicated to retail use. However the study also states that the trips per day would be conforming if the commercial was limited to office use only. TEC also suggested that a conforming trips-per-acre ratio could be met by allowing a mix of retail and office. The applicant should confirm an acceptable ratio or limit the building to office-use only. However, see below.

(2) The allowed number of trip ends within the Integrated Plan may be increased above 20 per acre by the number of potential trip ends on other land within the IPOD that has been reduced below the limit of 20 trip ends per acre, through a restriction enabled by the developer(s) of the benefiting Integrated Plan, and made enforceable by the Town through a condition in the Integrated Plan special permit.

The may grant the above 20 trips per day ratio by restricting the single-family uses to remain forever as single family use. However, this may complicate additions of accessory apartments for homeowners in the future. As additional dwelling units would increase trip generation calcs and bring the development into nonconformity with conditions of approval. There would have to be an additional condition that accessory units or the addition of dwelling units cannot be allowed within the proposed single family units.

(3) The maximum number of allowable dwelling units within an Integrated Plan shall not exceed 15 dwelling units per acre of lot area, including lot area devoted to nonresidential uses, but exclusive of streets. The Integrated Plan shall document how that allowable total is to be distributed among lots within the Plan, including documentation of the minimum lot area per dwelling unit on each proposed lot, which may vary among locations within the Plan.

The plan appears to conform to this requirement.

(4) Rights to development of dwelling units may be transferred as provided at § [220-15B\(3\)](#), but if such transfer takes place among lots within the IPOD then the approval criterion for such transfer shall be that the transfer must be consistent with an approved Concept Plan (§ [220-8.7C](#)), instead of the criteria contained in § [220-15B\(3\)](#).

N/A

(5) There is no minimum lot area requirement for nonresidential uses, unless such a requirement is called for in the approved Integrated Plan.

No comment.

(6) Building height shall not exceed six stories or, if more restrictive, 70 feet unless in acting on the Integrated Plan special permit the Planning Board determines that the proposed height is consistent with the intent of IPOD zoning, is essential to the Integrated Plan design, and will have no adverse effect on the surrounding neighborhood, taking into consideration:

- Height relative to that of the tree crown on nearby land;
- Height of other existing or planned nearby structures;

- Distance from the Integrated Plan boundary;
- Appropriateness of any resulting building prominence in light of the functional or symbolic role of the structure;
- Shadowing or loss of privacy on nearby properties, whether or not within the Integrated Plan; and
- Whether the increased height is necessary for the building to be developed;

Rooftop mechanical equipment and its height shall be shown on special permit plan submittals, and shall be selected, located, and if necessary screened in order to achieve harmonious integration with the building design.

Applicant should confirm compliance with this section pursuant to the proposed office building. Staff has suggested a condition limiting the proposed structure to 1-story.

The applicant should provide the planning board with elevations and rendering prior to obtaining a building permit.

(7) Yards abutting the perimeter of the Integrated Plan must comply with the yard requirements applicable in the underlying basic districts, except for the following:

(a) No portion of a building having a building height in excess of 35 feet shall be located closer to the perimeter of the Integrated Plan than a distance equal to its height above mean grade.

As shown on the plan, the commercial building would be restricted to 35 feet given its proximity to the IPOD plan limits. See conditions.

(b) District boundary planting as specified at § 220-37F and G of the Lancaster Zoning Bylaw shall be provided where nonresidential uses in an Integrated Plan abut a residential district, with a depth of not less than 100 feet.

Not Applicable.

(8) Other dimensional standards shall be as provided in the approved Integrated Plan pursuant to § [220-8.7C](#), rather than those stated in Article [IV](#), Dimensional Regulations, and may include measures not otherwise used under Lancaster zoning, such as limits on the allowed ratio of gross floor area to lot area ("floor area ratio" or "FAR").

(9) Parking.

(a) The number of parking spaces for each use shall be as required by § [220-23](#), Minimum number of spaces, or as may be modified by special permit under that section.

Use	Proposed	Required
Retail / Office	68 spaces	66 spaces
Residential*	Garages for each house	Industry standard is 2 spaces per unit

**There is no listed minimum requirement for residential uses within the Lancaster Zoning Bylaw. Therefore, residential would be categorized as "Other permitted use". The requirement for Other permitted use is "adequate spaces to accommodate customers, patrons, and employees as determined by the Planning Board". In staff's opinion, the applicant will provide approximately 60 ft driveways as well as garages for each unit which will provide more than adequate parking for residential uses.*

Both proposed uses conform to parking bylaws.

(b) Legal on-street parking spaces within the Overlay District and adjacent to the premises of the use or uses that they could serve may be included in satisfying the parking requirement.

Not applicable.

(c) Access to parking shall be shared with adjacent premises whether in or adjacent to the Integrated Plan where feasible, subject to the provisions of § [220-22](#), and shall be located so as to minimize interruptions of pedestrian movement along business-oriented streets.

Staff suggests that this provision need not apply, as the commercial is separate from the residential portion. And that proposed shared access would not be feasible given the uses.

(10) A building or portion of a building with massing of more than 75 feet in length must be visually broken into smaller elements with variations among them in height, roof form, wall plane setbacks, entrance orientation, materials, or other means.

The proposed commercial building is approximately 175 feet in length parallel to Lunenburg Road. The applicant will need to propose building plans that conform to this requirement.

D. Phasing.

Any Integrated Plan involving a total of more than 1,000,000 square feet gross floor area summed over all buildings proposed must be developed in stages of not more than 600,000 square feet gross floor area each. Prior to initiation of development in the second phase, a report must be submitted to the Planning Board providing data on the following development outcomes to that point, together with comparisons with the outcomes anticipated in the application materials and resulting special permit.

(1) Acres of land subject to open space restrictions;

(2) Acres of land physically altered for development;

(3) Total floor area of buildings given occupancy permits, reported by category of use;

(4) Trip generation by the development as a whole measured at the entrances to the development;

(5) Demand on public or community water supplies.

Not Applicable.

E. Procedures.

(1) Parties seeking special permit approval of an Integrated Plan are urged to work closely with the Planning Board and Town staff in developing their proposal in order to assure a well-informed process, and similarly to arrange for a dialog with those who live near to or otherwise would be impacted by the proposal.

(2) Review of applications for any related special permits for which the Planning Board is the special permit granting authority may be consolidated into the Integrated Plan special permit process, while being voted upon separately.

(3) All applications for approval of an Integrated Plan shall include an Integrated Plan and Report, which shall contain at least the following:

(a) Residential uses proposed — tabulation of the number of dwelling units proposed, categorized by building type (multi-family, attached single-family, etc.), bedroom type (studio, one-bedroom, etc.), floor area in each type of dwelling unit, and sales or rental level, including affordability provisions.

(b) Open space proposed — tabulation of the extent of reserved open space of various categories, including conservation lands, recreation areas, and other public use areas.

(c) Nonresidential uses proposed — tabulation of floor area by land use category.

(d) A plan view context drawing, covering the premises and at least all parcels abutting and across the street, indicating street and property lines, and at a conceptual level building locations, reserved open space areas, and other features of relevance.

(e) Itemization of departures from the use, dimensional, parking or other provisions applicable in the underlying zoning districts.

Please provide

(f) Special provisions proposed, including grants of benefits to the Town such as land for public purposes, construction of or contributions towards off-site improvements, or restrictions proposed such as view corridors or traffic management provisions.

(g) A traffic analysis indicating that full construction and occupancy as provided in the Integrated Plan will be in compliance with the 20 trips per acre limit, and also will not cause the peak hour traffic level of service to either be lower than reasonably expected from development not relying upon IPOD provisions, or below level of service "C" as defined in current publications of the Highway Research Board.

Provided.

(h) A verbal and graphic analysis documenting that the development is assured to be compatible with the character and scale of the immediately surrounding neighborhood.

No comment

(i) An assessment of the impacts of the development upon natural resources, Town utilities, schools, housing needs, taxes or other topics of salience in the particular case.

Regarding Natural resources, staff has referenced the state's OLIVER-GIS program for review of state information regarding environmentally sensitive areas. The subject parcel does not contain any of the following:

- FEMA Flood zone
- Certified vernal pools

- *DEP 21E sites –relative to contamination*
- *Wetland Core Habitats*
- *Core Habitats*
- *Area of Critical Environmental Concern (ACEC)*
- *Partly within a Wellhead protection area – but not alteration has been proposed or any other work within that buffer. Restricted to a small portion of the corner of the subject property.*

The applicant should confirm existence of wetlands. State maps show no wetlands on the subject property.

The applicant has offered to remove any development or alteration within the 200 foot riverfront buffer. Though, it should be noted that purview over the riverfront buffer relies exclusively within the Conservation Commissions jurisdiction.

(4) The Integrated Plan and Report shall be provided to the Town Clerk and the Planning Board no later than the date on which first notice is published for the Planning Board hearing for the special permit, with number of copies and distribution as may be provided in regulations adopted by the Planning Board for administration of these provisions, and shall be reviewed at that public hearing. The Planning Board shall approve such special permit based upon these considerations:

(a) The consistency of the Integrated Plan and Report with the intent and requirements of § [220-8.7](#).

(b) The degree to which the Integrated Plan furthers the policies articulated in the 2007 Lancaster Master Plan.

(c) The consistency of the Integrated Plan with the purposes stated at § [220-1](#) of the Lancaster Zoning Bylaw.

(d) The completeness and technical soundness of the Integrated Plan and Report.

(e) The degree of assurance that there will be compatibility of building design and siting with the existing vicinity through selection of building materials and colors, building scale and massing, fenestration, roof forms, and signage design.

***5)** Following Planning Board approval of a special permit for an Integrated Plan, permit applications relying upon that Plan shall require site plan review by the Planning Board under the provisions of § [220-34](#), Site plan review. The Planning Board shall approve such site plan, provided that it is consistent with the approved Integrated Plan, and consistent with the provisions of § [220-8.7](#). A site plan shall not be found consistent unless each of the following is met:

***To be determined.**

(a) The uses proposed are not inconsistent with those of the Integrated Plan in type and extent.

(b) The proposed locations of individual buildings, parking, and open space shall be substantially consistent with the approved Integrated Plan, and all of the applicable use and dimensional regulations have been met.

(c) Means have been established to assure compliance with special provisions stipulated at § [220-8.7E\(3\)\(f\)](#).

(6) An approved Integrated Plan may not be changed except through amendment of the previously issued special permit by the Planning Board following a new public hearing and review.

Subdivision Regulations:

The planning board has approved the following waivers through the preliminary subdivision process:

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.

*the applicant has submitted a request for waivers as a part of the record.

Section II: SITE PLAN REVIEW

Requirement	Yes	No	N/A	Notes
Site Plan Review Section 220-34				
Plan drawn accurately and to scale	X			
Boundary lines	X			
Adjacent streets or ways	X			
Walkways	X			
Principal drives or service entries	X			
Parking	X			
Landscaping	X			
Screening	X			
Recreation areas	X			Reference Open Space.
Utilities	X			
Storm drainage	X			
Projects creating more than 35,000 Cubic Feet of building volume or more than 25 parking spaces (Sec 220-34(D))				
Registered Architect			X	
Landscape architect			X	
Professional engineer	X			

Review of Design Guidelines (Sec 220-35)

The following standards shall be used by the Planning Board in reviewing all applications for site plan review.

1. Provide adequate access to each structure for Fire and service equipment;

The fire Department commented that they would like to see pavement up to the proposed hydrant in order to avoid driving onto the grass to access. The applicant has provided updated plans showing a dedicated 40 ft lane up to the hydrant. Defer to engineering comments regarding details of the lane.

2. Adequate provision for utilities;

Defer to Engineering & DPW comments. DPW had no comments

3. Adequate provision for stormwater;

Defer to Engineering Peer Review & DPW comments. DPW had no comments.

4. Adequate provision for drainage pursuant to Subdivision regulations (Sec 301);

Defer to Peer Review comments.

5. Minimize the volume of cut and fill, the number of removed trees six-inch-trunk diameter and larger, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air or water pollution;

The applicant should comment.

6. Maximize pedestrian or vehicular safety and convenience within the site and egressing from it;

No comments.

7. Minimize obstruction of water views; minimize the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned; and minimize glare from headlights or area lighting;

No comments.

8. Assure that the design and location of structures on the site avoid damage to or incompatibility with historical and archeological resources, such as antique buildings and structures, barns, stonewalls, earthworks and graves;

The property is listed on MACRIS, the state's historic property database. Named the M. Burnham House, the property was the Estate of Mildred Marble. The house and accessory structures have since been demolished, removing any historical significance as noted by MHC.

9. Primary wall and roof surfaces appear similar to the materials commonly found on existing buildings within the Town;

Please comment on proposed materials.

10. Major dimensions of the building are approximately parallel or perpendicular to one or more nearby streets, if within 100 feet of such street;

No comments by staff.

11. The building is not made in effect a sign through painting with bold colors or other graphics devices, or through otherwise unnecessary use of unconventional building form;

No comments from staff.

12. There is some element of consistency with any buildings on abutting premises if facing the same street, such as eave height, wall materials, or window proportions;

The applicant should confirm.

13. If the building exceeds 35,000 cubic feet and contains at least twice the cubage of a principal building on any abutting lot, the building design uses breaks in massing, roof planes, wall planes, and other means to reduce the apparent difference in scale;

Not applicable.

Disturbance Controls, Section 220-36.1

14. No sound, noise, vibration, odor, or flashing (except for warning devices, temporary construction or maintenance work, parades, special events, or other special circumstances) shall be observable without instruments more than **200 feet** from the boundaries of the originating premises at locations within a GI District, or more than **40 feet** from the boundaries at locations within any other district. (However, the Planning Board may authorize on special permit an activity not meeting these standards, in cases where the Board determines that, because of peculiarities of location or circumstance, no objectionable conditions will thereby be created for the use of other properties.)

No comment from staff.

15. For a proposed facility whose future compliance with this requirement is questionable, the Building Inspector may require that the applicant furnish evidence of probable compliance, whether by example of similar facilities or by engineering analysis. Issuance of a permit on the basis of that evidence shall certify the Town's acceptance of the conformity of the basic structure and equipment, but future equipment changes and operating procedures must be such as to also comply with this standard.

No comments by staff.

Lighting – Section 220-36.2

Plan contents. Wherever outside lighting is proposed, every application for a building permit, electrical permit, special permit, variance, or site plan shall be accompanied by a lighting plan which shall show:

The applicant has proposed three (3) exterior wall lights for the proposed parking lot attached to the proposed building.

If lighting is proposed, please provide a lighting plan depicting and adhering to items #16 – 30.

16. The location and type of any outdoor luminaires, including the height of the luminaire;
17. The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
18. The type of lamp, such as metal halide, compact fluorescent, LED or high-pressure sodium;
19. That light trespass onto any street or abutting lot will not occur. This may be demonstrated by manufacturer's data, cross-section drawings, or other means.
20. Control of glare and light trespass:
21. Any luminaire with a lamp or lamps rated at a total of more than 2,000 lumens shall be of fully shielded design.
22. All luminaires, regardless of lumen rating, shall be equipped with whatever additional shielding, lenses, or cutoff devices are required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptible to persons on any street or abutting *
23. Subsection [E\(1\)](#) above shall not apply to any luminaire intended solely to illuminate any freestanding sign or the walls of a building, but such luminaire shall be shielded so that its direct light is confined to the surface of such sign or building.
24. All lamps subject to this bylaw shall have a minimum color temperature of 2,000° K. and a maximum color temperature of 4,500° K.
25. Control of illumination levels. All parking areas and pedestrian facilities serving nonresidential uses and open to the general public shall be provided with illumination during all hours from dusk to dawn while those facilities are open to the general public. Such illumination shall provide not less than 0.2 average maintained horizontal footcandles. However, in performing site plan review under § [220-34](#), the Planning Board may approve alternative arrangements if it determines that, because of special circumstances or alternative provisions, the specified illumination is not necessary or appropriate for the protection of the public safety.

Lamp types:

Lamp types shall be selected for optimum color rendering as measured by their color rendering index (CRI), as listed by the lamp manufacturer. Lamps with a color rendering index lower than 50 are not permitted. This subsection shall not apply to temporary decorative lighting which may include colored lamps, such as holiday lighting.

The applicant should confirm compliance with the following and provide any specifications regarding any proposed lighting:

Providing a conforming plan has been added to conditions of approval given that the final design of the building has not been completed.

26. No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.

27. A luminaire attached to the exterior of a building or structure for area lighting shall be mounted no higher than 20 feet above grade and shall be shielded to control glare.
28. A luminaire attached to a pole shall be mounted no higher than 20 feet above grade and shall be shielded to control glare.
29. Hours of operations. Outdoor lighting shall not be illuminated between 11:00 p.m. and 6:00 a.m., with the following exceptions:
30. If the use is being operated, such as a business open to customers, or where employees are working, or where an institution or place of public assembly is conducting an activity, normal illumination shall be allowed during the activity and for not more than 1/2 hour after activity ceases;
31. Low-level lighting sufficient for the security of persons or property on the lot may be in operation between 11:00 p.m. and 6:00 a.m., provided the average illumination on the ground or on any vertical surface is not greater than 0.5 footcandles.
32. Special permits. In accordance with § [220-35](#), Subsection [C](#), the Planning Board, acting as the special permit granting authority, may grant a special permit modifying the requirements of this section, provided it determines that such modification is consistent with the objectives set forth in § [220-36.2](#), Subsection [A](#).

Section 220-37.1 Landscaping Requirements

33. **Planning Board may authorize alternatives to the following specifications**, taking into consideration existing vegetation, topography, soils, and other site conditions, provided that equivalent screening, shading, and articulation are achieved.
34. 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 30 feet. Shrubs must be at 36 inches in height, and be of a species common in the area. Plantings shall consist of at least one tree per 30 linear feet of planting area length and at least one shrub per three feet. Plantings will be grouped, not evenly spaced, and shall be located or trimmed to avoid blocking egress visibility. The planting area shall be unpaved except for access drives and walks essentially perpendicular to the area.

This has been added to conditions of approval.
35. Street planting is required for nonresidential premises abutting an arterial street, as designated on the Zoning Map. Required street planting shall be provided within 15 feet of the street property line along the entire street frontage except at drives.

Lunenburg Road north or Route 2 is categorized as a “collector”.
36. Sideline planting area. Sideline planting is required for premises abutting an arterial street. Required sideline planting shall be provided within five feet of the side lot line between the front lot line and the building setback (as built, not as required).

Not Applicable.

37. Parking area plantings. A minimum of 2% of the interior area of parking lots containing 30 or more spaces must be planted. A minimum of one tree and four shrubs exclusive of perimeter plantings must be planted for every 1,500 square feet of parking lot. Planting areas must each contain not less than 30 square feet of unpaved soil area. Trees and soil plots shall be so located as to provide visual relief and wind interruption within the parking area, and to assure safe patterns of internal circulation.

Please provide

38. District boundary planting area. District boundary planting is required on any premises along the full length of any boundary abutting or extending into a Residential District and being developed for a use not allowed in that Residential District, unless abutting property is determined by the Building Inspector to be unbuildable or visually separated by topographic features. Required planting shall be located within 10 feet of the boundary.

If the proposed existing wooded buffer cannot be maintained between the proposed commercial building and Woods Lane, then the applicant should propose a landscape plan that conforms to this.

39. Existing vegetation. Wherever possible, the above requirements shall be met by retention of existing plants. If located within 25 feet of a street, no existing tree of six-inch-trunk diameter or greater (measured four feet above grade), dense hedgerow of four or more feet in both depth and height, or existing earth berm providing similar visual screening shall be removed or have grade changed more than one foot unless dictated by plant health, access safety, or identification of the premises.

See above.

40. Exceptions. Where plant materials as required would harmfully obstruct a scenic view, substitution of additional low level plantings which will visually define the street edge or property line may be authorized, provided that proposed buildings are also designed and located to preserve that scenic view.

No comment.

41. When Enterprise District abuts a residential property or residential district, the development shall provide a vegetated buffer of 100 feet from the abutting side/rear property lines. The buffer zone shall consist of existing natural vegetation supplemented with a variety of trees and shrubs in order to provide visual relief from the proposed development. The approving board may require a vegetated border along the residential property or district that consists of staggered rows of shrubs and trees, the majority of which shall be evergreen. The border vegetation shall reach a height of 10 feet within four years of planting and shall provide visual screening of the development.

Technically this provision does not apply as the proposed improvements all located within the residential Zone, although under the IPOD overlay. N/A

Section 220-37.2 Erosion Control Requirements

Mandates that over 1 acre disturbed must obtain a stormwater permit.

The applicant has complied with this provision

§ 220-38.1 Parking design.

A. Objective. To document existing neighborhood parking conditions, to evaluate the off-site impacts of the proposed parking, and to mitigate any adverse parking impacts on the neighborhood.

B. Format and scope. All applications for site plan review shall provide the following documentation regarding the proposed parking design:

(1) Existing off-site and on-street neighborhood parking conditions, including identification of streets likely to be affected by traffic or other impacts of the proposed development.

(2) Projected impact of proposed parking on the neighborhood.

(3) Proposed mitigation measures for adverse impacts identified above. Information should include area of parking shaded by trees, area of screening, alternative pavers, and creative parking lot design.

(4) The design of the parking facility shall take into consideration natural, cultural and historical features and setting, as well as the scale of the facility in relation to the building(s) on the site.

C. Parking design standards. The Board will review the parking design documentation and evaluate for the following:

(1) Hazards. The parking area and access roads shall not create a hazard to abutters, vehicles or pedestrians.

(2) Placement of parking facilities. Parking facilities shall be at the rear or side(s) of the principal structure and shall not abut a public way for more than 20 feet. If site encumbrances make this requirement impossible to achieve, parking may be allowed to abut a public way only if the parking lot is buffered and screened from the public way using dense, native vegetation to the greatest extent possible. The design of the parking facility shall take into consideration natural, cultural and historical features and setting.

(3) Pedestrian and bicycle access. Provisions for pedestrian and bicycle access shall be safe and convenient, so that the development as a whole enhances rather than degrades access by foot or bicycle. Parking areas shall accommodate pedestrian access through the use of raised crosswalks, usable landscaped islands, benches, and abundant shade trees, among other design attributes.

(4) Plantings. Refer to § 220-37.1, Subsections **B** and **E** for requirements on plantings in parking areas.

(5) Emergency access. Appropriate access for emergency vehicles shall be provided to the principal structure. Such access need not be paved, yet shall be stable and constructed to withstand a fire vehicle.

(6) Size of facility. Parking lots shall be configured so that no section of lot shall contain more than 50 spaces, and each section of the lot shall be visually separated from any other section of the lot on- or off-premises through the use of major landscaping, earthen berms or grade changes. No more parking than is required by this bylaw shall be provided unless the applicant demonstrates to the satisfaction of the

Planning Board that unusual circumstances justify the amount of parking proposed as being necessary despite reasonable efforts at parking demand reduction.

§ 220-38.2 Traffic impact assessment.

The applicant has provided a traffic impact assessment which conforms to the provisions noted below.

A. Objectives. To document existing traffic conditions (both vehicular and pedestrian) in the vicinity of the proposed project, to describe the volume and effect of projected traffic generated by the proposed project, and to identify measures proposed to mitigate any adverse impacts on traffic.

B. Applicability. The Board may request an applicant for site plan review to prepare a traffic impact assessment even if the project does not meet any of the following criteria. The Board may also waive all or part of the traffic impact assessment if a project does meet any of the following criteria. Projects with one or more of the following characteristics shall prepare a traffic impact assessment:

(1) Proposing 30 or more parking spaces;

(2) Proposing a vehicular service establishment, such as a gasoline service station; a facility for the sale, rental or repair of motor vehicles; or car wash establishment;

(3) Containing frontage and access on a state-numbered highway and proposing more than six parking spaces.

C. Qualifications. The traffic impact assessment shall be prepared by a registered professional civil or traffic engineer in the Commonwealth of Massachusetts.

D. Format and scope. All applications for site plan review shall provide the following documentation as part of the traffic impact assessment:

(1) Existing traffic conditions. Average daily and peak-hour volumes, average and peak speeds, sight distances, accident data, and levels of service (LOS) of intersections and streets likely to be affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within 1,000 feet of the projected boundaries or impacted by the development and shall be no more than six months old at the date of application. Further, information regarding existing pedestrian circulation and ways shall be provided.

(2) Projected traffic conditions for design year of occupancy. Statement of design year of occupancy, background traffic growth for the previous five years, impacts of proposed developments which have already been approved in part or in whole by the Town.

(3) Projected impact of proposed development. Projected peak-hour and daily traffic generated by the development on roads and ways in the vicinity of the development; sight lines at the intersections of the proposed driveways and streets; existing and proposed traffic controls in the vicinity of the proposed development; proposed pedestrianways and design elements to maximize pedestrian safety and usage; and projected post-development traffic volumes and level of service (LOS) of intersections and streets likely to be affected by the proposed development.

(4) Proposed measures to minimize traffic conflict and mitigate any affected intersections or ways.

E. Traffic impact standards. The Board will review the traffic impact assessment and evaluate for the following:

(1) Level of service. The level of service (LOS) of all impacted intersections and streets shall be adequate following project development, or the total value of off-site traffic improvements required or approved by the Planning Board as a condition of approval in any location within the Town affected by the proposed project shall be roughly proportional to the cost of mitigating the effects of the proposed project. For purposes of this standard:

(a) LOS shall be determined according to criteria set forth by the Transportation Research Board of the National Research Council.

(b) "Impacted" means intersections projected to receive at least 5% of the anticipated average daily or peak-hour traffic generated by the proposed development.

(c) "Adequate" shall mean a level of service "B" or better for all streets and intersections, with the exception of "D" or better for all state-numbered highways and their intersections or, if Level D has already been reached or exceeded, no further decline in the level of service.

(d) "Mitigating" shall mean the strategies and methods used to ensure that the LOS is adequate in all impacted areas.

(2) Traffic conflict. The proposed site plan shall minimize points of traffic conflict, both pedestrian and vehicular. The following guidelines shall be used to achieve this standard:

(a) Entrance and exit driveways shall be so located and designed as to achieve maximum practicable distance from existing and proposed access connections from adjacent properties.

(b) Where possible, adjoining parcels shall have unified access and promote interparcel circulation.

(c) Left-hand turns shall be minimized.

(d) Driveways shall be so located and designed as to discourage the routing of vehicular traffic to and through residential streets.

(e) Pedestrian and bicycle circulation shall be accommodated on and off site and shall be separated from motor vehicle circulation as much as practicable. Existing pedestrianways shall be maintained and where no pedestrianways exist, proposals shall create pedestrianways and connections between streets, the proposed development, surrounding neighborhoods, and other surrounding uses. Said ways shall be landscaped and handicapped accessible.

Prior Approvals

- No prior approvals

List of Exhibits:

Exhibit A: Site Plan; provided by New England Engineering LLC; date July 22, 2019.

Exhibit B: Special Permit Application, submitted by David King on behalf of Harbor Classic Homes; stamped received September 30, 2019.

Legal Ad Publication Dates

Friday 10/11 & 10/18/19
