

TOWN OF LANCASTER
BOARD OF APPEALS
701 Main Street, Nashaway Room
Thursday, July 18, 2019

Present: Chair Jeanne Rich, Sarah Gulliver, Robert Baylis, Hannah Meyer, and Matthew Mayo

Absent: Scott Miller, David Stadtherr and Frank Sullivan

Also Present: Legal Counsel for the Town Adam Costa, from Mead, Talerman and Costa; Michael Antonellis, Community Development & Planning

List of Documents:

- Board of Appeals Agenda: July 18, 2019

There being a quorum present, Chair Rich called the meeting to order at 7:00 PM.

Old Business

She said tonight they will be continuing deliberation and going over a draft decision. Chair Rich asked if anyone would be audio recording this meeting and she also stated the Board members don't want to be photographed during the meeting.

Attorney Costa went over the draft decision that he prepared per the request of the Board. He said he will make modification that the Board deem necessary. The objective tonight is to work through it and vote on the waivers individually. The document is divided into different sections. They are procedural history, findings, waivers, conditions, and motion. The Board went over the draft decision page by page. The first section is the procedural history. Lot B1 is the apartments and Lot B2 is the houses. The second section is findings.

The applicant was asking for waivers to allow work within and adjoining resource areas out to a distance of 200 feet, known as the riverfront area and within the twenty five foot no build or no alteration zone per the Plans but with a total disturbance area of no greater than 10,730 square feet.

The Board discussed the wetland waivers. Hannah Meyer said the need for affordable housing outweighs the need to protect the 200 foot bylaw which isn't state enforced.

Adam Costa went over the conditions section of the draft decision which included documents and plans of record. He commented that any modification(s) to the documents and plans other than those contemplated shall be governed by the provisions of 760 CMR 56.05(11).

The conditions section included the rental components which is Lot B1 which consists of 96 apartments in (2) multifamily building. There will be 197 Parking spaces in the rental component. Lot B2 the ownership component consists of 55 three-bedroom single family residences which will have two-and-a-half bathrooms. There will be two

garage and two driveway spaces per residence and parking will only be permitted on one side of the roadway in the ownership component.

Adam Costa went over the section of the draft decision that consisted also of regulatory/legal section.

Bob Baylis said he would like something in the decision that when the affordable units are sold they stay affordable units. He commented the Town will never reach there cap if there is no way to keep them in affordable status. Adam Costa the regulatory agreement is more stringent.

Adam Costa went over the general, site design and layout section. In the general section, Adam Costa went over the conditions that were recommended for consideration by the Board's engineering consultant, Fred Hamwey Jr of Hamwey Engineering Inc. and also the Board's traffic and transportation consultant, Jeffrey Dirk of Vanasse & Associates Inc. The conditions are meant to respond to represent the final comments to the Board by the Engineering Consultant and the Board's traffic and transportation consultant Jeffrey Dirk of Vanasse & Associates Inc.

Adam Costa went over the water and sewer section. He went over the water service metering for the rental component of the Project. The Board discussed the Water Department wanted the project water supply tied into Jones Crossing. Connecting it to the water stub situated just off the edge of the roadway pavement within the Jones project, subject to receipt of necessary permission.

Adam Costa explained the Board acts on behalf of the Sewer District. The Board grants approval but only subject to the conditions below and only upon receipt of certain other approvals or permissions from the Sewer District that is beyond the Board's jurisdiction or authority. The Board discussed the sewer connection permit and the requirements of the applicants to correct issues identified in reviews conducted by Weston and Sampson on the Sewer District's behalf in advance of commencement of construction and also submit an engineered wastewater flow report for Weston and Sampson's review and confirmation that it supports the systems design and also existence of sufficient system capacity.

The Board went over the Construction section of the draft decision. These are standard conditions per Adam Costa. He also reviewed fees and costs and miscellaneous section.

Matt Mayo moved to grant the waivers in Sub Division Rules and Regulations Section 1 A-E as written in the draft decision. Sarah Gulliver seconded the motion. VOTE: 5-0-0.

Matt Mayo moved to grant the waivers in Zoning Bylaws F-K as written but with waiver K modified to specify the height consistent with the plans of record. Sarah Gulliver seconded the motion. VOTE: 5-0-0.

A motion was made by Matt Mayo and seconded by Sarah Gulliver to grant the aforesaid waivers in part and to deny it in part, to allow for construction of a portion of the driveway to/from the Rental Component of the Project in the 25-foot no build or no alteration zone per the Plans but refusing other encroachments into said 25 foot no build or no alteration zone. VOTE: 3-2-0.

Sarah Gulliver moved to grant the waiver to allow for disturbance within the 200 foot riverfront area per the Plans. Hannah Meyer seconded the motion. VOTE: 3-2-0.

Hannah Meyer moved to approve the decision as presented with changes discussed this evening. Matt Mayo seconded the motion. VOTE: 4-1-0.

The Board discussed having everyone sign the decision when finalized. The final date to have this complete is Thursday but he applicant said he would give them an extension to Monday.

With there being no other business before the Board, Chairman Rich called the meeting adjourned at 10:09PM.

Respectfully submitted

Debra Dennis, Community Development and Planning