

Final: September 9, 2019

MINUTES OF THE PROCEEDINGS OF THE  
PLANNING BOARD OF THE TOWN OF LANCASTER  
Town Hall Auditorium, 695 Main Street  
Monday, September 9, 2019

Present: Phil Lawler, Chair, Jeanne Rich, Vice Chair, Russ Williston, Clerk, Carol Jackson

Absent: Tom Christopher

Staff Present: Michael Antonellis, Director of Planning and Community Development

List of Documents:

- Planning Board Agenda: September 9, 2019
- 19 Woodland Meadow Drive – Site Plan, Site Plan Application, Special permit Application, Mass Renewables Solar Panel Specifications and elevations, staff review memo
- 0 Shirley Road – Site Plan, Site Plan Application, Stormwater permit Application, Stormwater Review Calculations, staff review memo
- Haley & Ward review memos; Stormwater & Site Plan Review dated September 6, 2019; and stormwater review dated August 23, 2019,
- Zoning Map of 114 Main Street
- Proposed warrant language for zoning map amendment
- Proposed Inclusionary Zoning Bylaw
- Proposed Amendment to the IPOD district Bylaw
- Email from Michael Weinreich
- Assembled emails from Greg Jackson, various dates
- Assembled emails from Dick Trussell, various dates
- Decommissioning Plan for 438 and 0 Old union Turnpike
- Haley & Ward Decommissioning Bond Estimate
- 2038 Lunenburg Road Preliminary Application Package

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Chair Phil Lawler called the meeting to order at 7:00 PM.

**Public Meeting - New Business**

1. 19 Woodland Meadow Drive – Special Permit for Ground Mounted Solar

Present was a representative from Mass Renewables on behalf of Darin & Judy Uruliak.

The representative gave an overview of the application and described the potential impacts to adjacent properties including noise.

The board had no outstanding questions for the applicant. Chair Lawler referenced comments that were made at the previous meeting regarding arborvitae.

Jeanne Rich stated that she had reviewed all the relevant materials and minutes in preparation for the meeting and signed certification pursuant to MGL C.39 Sec 23D.

Upon a motion by Jeanne Rich and Seconded by Russ Williston the board voted 4-0 to close the public hearing.

Upon a motion by Jeanne Rich and seconded by Russ Williston the board voted 4-0 to approve the Special Permit and Site Plan with the condition that the existing arborvitae noted on the plan be maintained.

## 2. 0 Shirley Road (Assessor's Map 5, Lot 54) – Stormwater Permit

Chad Brannon of Fieldstone Consultants gave an overview of the proposed plan and stormwater impacts.

Scott Miller, Haley and Ward, provided peer review comments to the board.

The hearing was opened to public comment.

Paul Hendley was present to be heard. Mr. Hendley asked questions regarding machinery on site, hours of operation and lighting impacts.

Mr. Brannon responded to the concerns. Mr. Brannon suggested a stockade fence to the rear may address concerns about visual impacts to residences.

Mr. Brannon discussed that the boxes would be stacked 3-high. Mr. Brannon addressed that the proposed plan would be phased and there are currently no building designs because the construction of the building would be phase 2. It was discussed that the applicant would need to return to the board to receive approval on the proposed building pursuant to Section 220-35B, as well as any additional changes that would be made at that time.

Mr. Miller asked that fire protection be addressed within the conditions.

Jeanne Rich discussed additional conditions regarding building to be constructed with septic and well within 2 years of the approval, and review of the proposed building to require amendment to the site plan; that a 6-foot stockade fence to the rear of the proposed structure be erected approximately 100 ft in length. Mr. Antonellis stated that this should require final revised plans to the Community Development and Planning Office.; that hours of operation be limited to Monday through Friday, 7 am to 7 pm, Saturday 8am to 5pm, and closed Sunday and Holidays; and that a note be placed on the plan pursuant to handicap accessible ramp details.

Upon a motion by Jeanne Rich and seconded by Russ Williston the board voted 4-0 to approve the Site Plan and Stormwater permit with the conditions expressed.

Public Meeting

3. 19 Woodland Meadow Drive – Site Plan

See above.

4. 0 Shirley Road (Assessor's Map 5, Lot 54) – Site Plan

See above.

5. Zoning Bylaw Amendment – Inclusionary Zoning

Agenda item 5 & 6 taken contemporaneously.

Chair Lawler opened the hearing.

Jeanne Rich stated concerns about the proposed bylaws; that Special Town Meeting has low turnout and not appropriate for such articles; more hearings need to be held; and concerns about the adverse impacts to the IPOD district.

Chair Lawler stated that he has similar concerns as raised by Ms. Rich. Also that he is concerned about inadvertently incentivizing more, large-scale 40B projects.

Russ Williston stated that he feels this bylaw achieves a stated goal of the town for obtaining Subsidized Housing Inventory (SHI) units; that the bylaw can capitalize on proposed developments to achieve that goal; and that many other communities have this type of bylaw in place.

Carol Jackson stated she is in support of the proposed bylaws.

The hearing was opened to the public.

Attorney Tom Bovenzi spoke on behalf of Capital Group, Bill DePietri and Bob DePietri, who were also present. Attorney Bovenzi stated concerns about the public hearing process and over the proposed bylaws effectiveness. Bill DePietri stated that the proposed development at McGovern Boulevard would prefer to remove the residential component.

Victoria Petracca stated concern about reaching 10% requirement for SHI if development proposed on McGovern Boulevard gets approved.

Kaitlyn Drew stated concerns about impacts to home values.

Greg Jackson stated that without the bylaw in place the town is missing out on opportunities to collect SHI units.

Bob DePietri stated concerns over IPOD amendment and that Inclusionary Bylaws should match market conditions within each individual town.

David King gave an overview of the impacts to development and the consideration given by developers to market conditions and access to utilities.

Victoria Petracca stated concerns about reaching the 10% requirement.

Russ Williston responded to claims about lack of transparency.

Jeanne Rich stated interest in addressing the residential component requirement of the IPOD.

Greg Jackson asked for an analysis to prove that the bylaw as proposed would render projects uneconomic.

Bob DePietri offered to provide analysis at the next hearing but also stated the return on investment was somewhere between 3% and 4% and that number is not financially feasible for development.

Victoria Petracca stated that there are 634 units proposed within the MEPA filing by Capital Group.

Dick Trussell stated that the town needs to Inclusionary Zoning Bylaw.

Mark Sanitee stated he recommends continuation of the hearing.

Upon a motion by Russ Williston and seconded by Carol Jackson the board voted 3-1 to continue the hearing to September 23, 2019, with Jeanne Rich dissenting.

**6. Zoning Bylaw Amendment – Integrated Planning Overlay District Inclusionary Bylaw**

See above.

**7. Zoning Map Amendment – 114 Main Street**

Mr. Antonellis gave an overview of the proposed zoning map amendment.

Jerry Jakobowicz stated concerns about rezoning just one parcel and the impacts to existing businesses on Main Street.

Mr. Antonellis stated that the proposed zoning map amendment addresses the issues that Mr. Jakobowicz presented but can't speak to the pre-existing nonconforming status of the business noted by the gentleman.

Jennifer Leone asked about spot zoning.

Mr. Antonellis stated that he had town counsel review the proposal and counsel verified that it is not spot zoning. Mr. Antonellis explained that this is an extension of an existing zoning district and the one parcel is not being treated in isolation from surrounding zoning districts.

Upon a motion by Jeanne Rich and seconded by Russ Williston the board voted 4-0 to close the public hearing and

**8. 0 & 438 Old Union Turnpike – Acceptance of Bond and Decommissioning Report**

Upon a motion by Jeanne Rich and seconded by Russ Williston the board voted 4-0 to accept the decommissioning report as well as the bond amount for both properties.

**Discussion**

**9. 450 Old Union Turnpike – Determination on applicability for Site Plan Approval**

Upon review and discussion regarding the applicable bylaws the board decided that neither a site plan nor a Stormwater Permit would be required regarding the site alteration that has taken place on the site. Upon a motion by Jeanne Rich and seconded by Russ Williston the Board voted 4-0 to recommend that no site plan or stormwater permit be applied to this type of work as described.

**10. 2038 Lunenburg Road – IPOD Special Permit – preliminary discussion**

David King presented plans to the board for a proposed mixed use development with Single Family Homes and a retail/office building.

Mr. King asked about certain design requirements of the board.

Ms. Rich questioned the location of the property within the IPOD district.

Mr. Antonellis to follow up with Mr. King regarding zoning.

Ms. Jackson stated preference for larger lots.

**11. Capital Group – preliminary discussion on proposed development**

John Kucic of Bohler engineering present to represent Capital Group as well as Bob DePietri and Bill DePietri, and Attorney Ton Bovenzi. Together they presented the board with 2 draft plans, one that included a residential component and one that does not.

**12. Preliminary discussion to rezone certain parcels of the AUC campus to Neighborhood Business District**

Discussion item was tabled indefinitely.

**13. New Correspondence**

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Mr. Antonellis went through new correspondence received by the board.

**14. Minutes: August 12, 2019**

Upon a motion by Jeanne Rich and seconded by Russ Williston the board voted 4-0 to approve the minutes.

**15. Adjourn 10:34 pm**