



**LANCASTER BOARD OF SELECTMEN**  
**Regular Meeting Minutes**  
**Of November 9, 2020**

**I. CALL TO ORDER**

Chairman Jay M. Moody called the Special Meeting of the Board of Selectmen to Order at 5:00 P.M. via ZOOM™. Present were Selectmen Walter F. Sendrowski, Jason A. Allison and Town Administrator Orlando Pacheco.

ZOOM™ Meeting  
818 9191 2663

Invite Link

<https://us02web.zoom.us/j/81891912663>

Board of Selectmen Remote Participation Guidelines

[..\BOS\BOS remote participation guidelines.pdf](#)

**II. PUBLIC COMMENT PERIOD**

5:00 P.M. Opportunity for public to address their concerns, make comment and offer suggestions on operations or programs, except personnel matters. *Complaints or criticism directed at staff, volunteers, or other officials shall not be permitted.*

Town Administrator Pacheco read into the Minutes a public comments from the following:

- Greg Jackson, resident (see attached)
- Carol Jackson, Planning Board member (see attached)

**III. APPROVAL OF MEETING MINUTES**

Review and take action on Regular Meeting Minutes of October 19, 2020 and Special Meeting Minutes of October 22, 2020.

Selectman Sendrowski noted that the Minutes presented were 9 pages for the record.

*Selectman Sendrowski moved to accept the Regular Meeting Minutes of October 19, 2020 and the Special Meeting Minutes of October 22, 2020. Selectman Allison Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]*

#### IV. SCHEDULED APPEARANCES & PUBLIC HEARINGS

- Army Lieutenant Colonel Lindsey Halter, Commander of Fort Devens Garrison, will discuss Devens South Post Renovation.

Army Lieutenant Colonel Lindsey Halter, the Commander of the Fort Devens Reserve Forces Training Area addressed concerns over the proposed expansion of one of the installation's firing ranges. *(See attached)*

#### V. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE

- Town Green Ad Hoc Committee Report *(See attached report)*

Town Administrator Pacheco stated that the Report does recommend no signage on the Town Green; temporary or permanent. He further stated that the Ad Hoc Committee recommended the Zoning Board of Appeals to review the applications; however zoning ordinances were delegated to the Board of Selectmen for temporary signage.

Selectmen Allison and Sendrowski would like more time to review the report and table the discussion until the Board of Selectmen meet in at their regular scheduled meeting of December 7<sup>th</sup>.

John Farnsworth, member of the Committee noted that the Ad Hoc Committee are a good group of people who equally contributed to this report and took a lot of time reviewing the Zoning Bylaws as it relates to the Town Green.

#### VI. TOWN ADMINISTRATOR REPORT

Town Administrator Orlando Pacheco will update the Board on the status of current projects pending.

- 1) Municipal Aggregation Consumer Notification

The Town Administrator stated that he has released a new consumer notification for the municipal aggregation program. The purpose is to allow residents to be able to compare rates to National Grid. He further stated that he is working on a rate reduction for low-income residents by infusing some of the solar credit market into the overall aggregation load. Mr. Pacheco noted that he should have a plan ready for the Board of Selectmen in the next month.

- 2) NGRID Community Campaign

Town Administrator reported the Community Campaign hit another target by completing the assessment goal. He noted that they are continuing to reach out to small business about participation. Participation in the weatherization incentives has not accelerated, some of which is due to the lack of natural gas service in the community.

- 3) Solar Farm SREC Payments

The Solar Farm Q2 2020 SREC payment was just under \$65,000. The amount is based on production data from April 1- June 30, 2020 *(See Attached)*

- 4) State 911 Grant

Town Administrator Pacheco reported the Regional Dispatch Center was awarded \$237,000 in support and incentive money for additional consoles to support the dispatch center. He noted that this will continue to assist should the center need to expand services and as provide the ability to "beef up" staffing in critical storm and other emergency events.

5) Prescott Building Signage

Mr. Pacheco stated that the new signs on the Prescott Building were installed last week and have closed the project out with Sunshine Sign Company.

6) CDBG Grant Award

Town Administrator reported that the Town of Lancaster was awarded \$35,000 in Community Development Block Grant funds to support micro-enterprise assistance. He noted that this was in part of a regional application and the Town of Webster will be the lead community. He stated that they will be working to develop award guidelines once he received the additional guidance from DHCD.

7) Building Re-opening

Town Administrator Pacheco commented that it was his goal to re-open the building last week, however was put on hold by the Governor's new directive. He stated that he has spoken with the Board of Health and the status quo should continue until the overall caseload declines statewide.

8) Devens 5 Year Review

Mr. Pacheco stated that he has received Notice from Devens that their 5 year review on their environmental investigations is available for review on the Fort Devens public webpage (not the MassDevelopment-Devens page)

9) COVID-19 Expenses

The Town has submitted for reimbursement of \$273,422 in COVID-19 expenses through FEMA. A large portion of this was to support the Nashoba Regional High School efforts at Mary Rowlandson and Luther Burbank Schools as well as Minuteman Regional High School.

<b>VII. ADMINISTRATION, BUDGET, AND POLICY</b>
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1. Town Moderator request to be designated as a Special Municipal Employee. Vote may be taken.

Town Administrator Pacheco stated that the Town Moderator requested to be designated as a Special Municipal Employee because he is an attorney who occasionally comes before town boards.

Selectman Allison asked Mr. Pacheco if this designation would open the Town for risk or liability. Mr. Pacheco noted that Special Municipal Employees designation does the opposite; protects the Town from any liability.

Don Chaisson, resident, expressed concern allowing elected officials to become Special Municipal Employees, noting a conflict of interest.

*Selectman Sendrowski move to approve the Town Moderator's request to be designated as a Special Municipal Employee. Selectman Allison Seconded. Jason A. Allison vote Aye Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]*

2. Proposal for making all Town Counsel decisions to be in writing. Vote may be taken

Chairman Moody would like to have all Town Counsel decisions to be in writing.

Selectman Allison raised concern on the difference between opinions and decisions, noting that he has reached out to Town Counsel for an opinion.

After further discussion from the Board, it was agreed that this agenda item will need further examination and will be tabled.

3. Discuss additional ways to communicate Nashoba Regional School District (NRSD) School Committee meetings to town residents.

Selectman Allison would like to propose that the Town Clerk's office send emails/notifications out for when the School Committee has their meetings; noting that the Clerk's office does this for Boards and Committees' meetings in Town.

4. Review and discuss Operating Budget Guidelines and Instructions.

Selectman Allison would like to make sure that all departments follow the budget guidelines and make sure the departments submit their budgets on time.

**VIII. APPOINTMENTS AND RESIGNATIONS - NONE**

**IX. LICENSES AND PERMITS - NONE**

**X. NEW BUSINESS \***

*\*This item is included to acknowledge that there may be matters not reasonable anticipated by the Chair.*

**XI. COMMUNICATIONS**


- Next Board of Selectmen's Meeting will be held on Monday, November 16, 2020 at 6:00pm via ZOOM™

**XII. ADJOURNMENT**

Seeing no further business, on Motion by Selectman Sendrowski, seconded by Selectman Allison, it was unanimously voted. The Board of Selectmen adjourned at 6:27P.M.

Respectfully submitted

Kathleen Rocco  
Executive Assistant

  
Jason A. Allison, Clerk  
Approved and accepted: 11/16/20



## Kathi Rocco

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**From:** gwjwi@aol.com  
**Sent:** Sunday, November 8, 2020 11:32 AM  
**To:** jaymdy@comcast.net; Jason A. Allison; Walter Sendrowski  
**Cc:** Orlando Pacheco; Kathi Rocco  
**Subject:** Fwd: Chapter 157 -- Scenic Roads Bylaw  
**Attachments:** ag\_bylaw\_approval\_9-30-2020.pdf

November 8, 2020

Dear Select Board Members,

As part of public comment at tomorrow night's Select Board meeting, I would appreciate an update on the status of the Scenic Roads Bylaw, Chapter 157 of the Town's bylaws (please see note appended below).

Here are the milestones that I am aware of:

- Adopted by residents at the annual town meeting on June 22, 2020.
- Approved by the state Attorney General's office on September 30, 2020.
- Posted for public notice on October 1, 2020.

The questions I would like answered are:

- What is the status of the Scenic Bylaw's implementation?
- When will the regulation be posted on-line for public reference?
- Has the Town Counsel reviewed the bylaw provisions?
- If so, please provide a written copy of their comments for public review.
- If not, when will that review be completed?

If you choose to read the appended letter for public comment, please note the principal questions and concerns are expressed within the first three and last four paragraphs.

Sincerely,

Greg Jackson -- Resident  
Lancaster, MA

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**From:** gwjwi@aol.com  
**To:** jaymdy@comcast.net, JAllison@lancasterma.net, wsendrowski@lancasterma.net  
**Cc:** krocco@lancasterma.net, OPacheco@lancasterma.net, ddennis@lancasterma.net, hlennon@earthlink.net, russwillistonpublic@gmail.com, tom.christopher@comcast.net, dkoonce@lancasterma.net  
**Sent:** 10/30/2020 7:57:57 PM Eastern Standard Time  
**Subject:** Chapter 157 -- Scenic Roads Bylaw

October 30, 2020

Dear Select Board Members,

On September 30, the Town received approval from the state Attorney General's (AG's) office for the new general bylaw, Chapter 157 titled "Scenic Roads" (see attached). The new bylaw was approved by Lancaster residents as Article 13 during the June 22, 2020 Annual Town Meeting. I would appreciate an update on the status of implementation of the new bylaw.

Please let me know when the Scenic Roads bylaw will be published and posted for public notice. I understand that the new bylaw will take effect once those requirements are met per MGL C. 40, S. 32. The new bylaw has not yet appeared as part of the town's regulations that are accessible on-line through the e-Code system.

Assistant Attorney General (AAG), Nicole Ciprioli provided feedback along with her approval of the Scenic Roads bylaw. Her seven comments were generally clarifications or observations that would be expected from the Town Counsel had they reviewed the regulation. Many of her comments were reminders of proper practices for administration of the bylaw.

For example, with regard to Section 157-1, the AAG advises that "any rules or regulations adopted by the Planning Board must be consistent with state law". This comment pertains to provisions that encourage the Planning Board to enact procedural rules for their application of the bylaw. Although it might be helpful for the Board to document their process, this is not a requirement for implementation of the bylaw. The AAG's comments are simply good advice.

With regard to Section 157-7, which allows for a filing fee, the AGG advises that the "Any fee established must be consistent with state law". Again, this appears to be general and sound legal advice. The expectation for the filing fee was that the Planning Office would establish a reasonable and appropriate fee to cover any administrative costs for processing the consent application. Like fees for other inspection or permitting services, these fees would be for payment of services provided and not for raising revenues.

A few of the AGG's observations suggest that it would be helpful to review and amend the language of a particular provision of the new bylaw. For example, Section 157-8, Procedures, specifies that the Planning Board and the Tree Warden provide notice of any public hearing as required by state statutes. The AGG advised that the language be refined to indicate that a joint hearing would be required and notice would be given by the Tree Warden.

With regard to Section 157-4, attorney Ciprioli noted that the town's list of designated roads included sections of Route 70 and 117 and that the current state statute does not allow designation of "a numbered route or state highway". As stated in the bylaw, these roads were designated as scenic roads by town residents at annual town meetings in 1987 and 1989. They are also documented by lists posted on the town's web site by Public Works and the Planning Board that have been maintained by the town for the past 30 years.

If there is a concern about the list of designated roads, the Town should review the history of the Scenic Roads law, determine whether or not the original designations were valid, and address the issue of removing any invalid roads through a vote at annual town meeting. My concerns are: 1) that these roads may have been properly adopted under earlier versions of the law, and 2) that the appropriate process should be followed for any roads that are proposed for removal. It is not clear whether or not these roads still qualify for designation, or if they were grandfathered in by earlier rules.

With regard to Section 157-10 B, the AGG approved this provision, because it correctly references fines available under MGL Chapter 87, Public Shade Trees, but notes that the \$500 fine would not be enforceable under the Scenic Roads bylaw. The language of the section 157-10 B is correct, however, if it was found to be extraneous or distracting, it could be modified through an amendment.

Almost all of the comments provided by the AGG conclude that the Town should consult with its Counsel regarding the particular provision in question. Accordingly, I would like to know whether or not the bylaw and the Office of the Attorney General's feedback have been reviewed by Town Counsel. If so, I would appreciate a copy of the written reply.

It is important to recognize that the AG's Office approved Chapter 157, Scenic Roads as adopted by the residents of Lancaster at the Annual Town Meeting on June 22, 2020. No further revision appears to be required to post and enact this bylaw. However, there are particular sections of the new bylaw highlighted by the AGG that might benefit from further review by Town Counsel.

There are simple responses to most of the observations made or questions raised by the AGG. Upon receipt of Town Counsel's review, I would be happy to coordinate with the residents who proposed the Scenic Roads bylaw and consult with the Planning Board with regard to proposing amendments to address any remaining concerns.

In addition to the Planning Board, the Historical Commission and the Conservation Commission all held public hearings and were consulted in the drafting of the Scenic Roads bylaw. Residents appreciated their time, consideration, and valuable input, which improved the content and language of the resulting bylaw. I would like to be able to update them regarding the status of its implementation, so I look forward to your reply.

Sincerely,

Greg Jackson -- Resident  
Lancaster, MA

P.S. With regard to the attached documents, the first letter from the Town Clerk indicates the amendments to the General Bylaws were posted on October 1, 2020 by the Town's Posting Constable. It appears that Articles 12 and 13 may have already met the posting requirements per MGL C. 40, S. 32.







## Kathi Rocco

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**From:** Orlando Pacheco  
**Sent:** Thursday, November 12, 2020 2:36 PM  
**To:** Kathi Rocco  
**Subject:** FW: Public Comment for tonights meeting

-----Original Message-----

**From:** Carol Jackson <crjlan@comcast.net>  
**Sent:** Monday, November 9, 2020 8:37 AM  
**To:** JAY MOODY <jaymdy@comcast.net>; Jason A. Allison <JAllison@lanasterma.net>; Walter Sendrowski <WSendrowski@lanasterma.net>  
**Cc:** Orlando Pacheco <OPacheco@lanasterma.net>  
**Subject:** Public Comment for tonights meeting

Good morning Gentlemen,

I would like to have an update on the Planning Director position. I understand that interviews have already taken place. When can we expect to have this position filled?

Thank you,

Carol Jackson

The contents of this email and any attachments are the property of the Town of Lancaster Massachusetts and subject to the Public Records Law, M.G.L. c. 66, section 10. When writing or responding, please remember that the Massachusetts Secretary of State's Office has determined that email is a public record and not confidential.



Comments to Lancaster Town Hall  
2 November 2020

Dix in New Jersey require extensive travel time, which takes away valuable training time, especially for reserve units that already have less training time available. As you are well aware, threats from around the globe continue to challenge the U.S. so the military must remain ready. This project will upgrade an outdated range and allow units to train at a modern facility that complies with current Army design and training standards.

In closing, this machine gun range renovation project is improving an existing range and making it safer. The improved range will have no noticeable effect on the noise from the training area. The review by MassWildlife found that this project will not impact threatened species and Fort Devens is committed to implementing mitigation measures to help improve the habitat for species like the Blanding's turtle.

Many of the Fort Devens personnel not only work on the installation, but live in the surrounding area as well. Please know that what happens at Fort Devens, to our environment, and in our surrounding communities is important to all of us. We are committed to ensuring the potential impacts to the environment from this project are minimized or mitigated to the greatest extent possible, while still meeting the objective of providing our soldiers the best possible training facilities.

Gentlemen, thank you again for allowing me to speak to you tonight and I look forward to a continued positive working relationship with the Town of Lancaster.





Comments to Lancaster Town Hall  
2 November 2020

I'd like to thank the Board of Selectmen and Mr. Orlando Pacheco for allowing me to be here today. I really appreciate this opportunity to tell you and the citizens of Lancaster about the Fort Devens Reserve Forces Training Area's machine gun range project.

For over 100 years, since 1917, Camp Devens, then Fort Devens, now Fort Devens Reserve Forces Training Area, has provided land for the military to train and be ready. The base continues to renovate and improve in order to provide modern facilities for today's soldiers to train. This machine gun range project is approved and directed by the Department of the Army and is being completed in order to modernize and realign the existing range so the surface danger zone is fully within our training area, making the range more safe. Calculating the surface danger zone – or SDZ - is a thorough and extensive process to ensure a range is safe. To reiterate, this renovation will adjust the range's SDZ to make the range more safe by bringing the entire SDZ to within the South Post training area's border.

The renovated range will be a multi-purpose machine gun range supporting the same type of weapons and caliber currently being fired. The weapons currently being fired at the range are the M249 and the M240. These weapons fire 5.56 and 7.72 caliber ammunition. The improved range will allow for the firing of the MK19, which shoots 40 mm grenades. However, the MK19 is already fired at other ranges, so will not change the overall noise signature of the training area. The operating hours for South Post are 7:30 am to 11:00 pm, but the range usage may vary between those hours. The renovation would not change the operating hours. Usage of the range will be similar to the current range.

The Army initially provided notification of this project in April of 2020. We provided notification in writing to the Town of Lancaster and information was posted on the garrison's social media platforms, as well as published in the Nashoba Valley Voice and the Fitchburg Sentinel and Enterprise. The Environmental Assessment was available from the garrison's webpage from May 8<sup>th</sup> to June 8<sup>th</sup> to allow for the 30 day public comment period in accordance with the National Environmental Protection Act and federal regulations. We expect the project to start next spring and take two years to complete.

Mass Wildlife has reviewed the project and found that it will not adversely affect threatened species, as long as the Army implements agreed upon conditions. I can assure you that the Army is committed to implementing these agreed upon conditions and continuing to work with Mass Wildlife on the conservation of the Blanding's turtle and other state-listed species. The base will develop and implement a long-term plan to provide a net-benefit to the regional

Comments to Lancaster Town Hall  
2 November 2020

Blanding's turtle population. Measures will include nest surveys and protection, as well as invasive species management in wetlands. The Blanding's turtle has not historically been found in this range area and we will continue to work to prevent them from moving to this area by using entrenched siltation methods. These efforts will serve as mitigation for the loss of a small 1300 square foot vernal pool. The design team looked at ways to avoid construction in the area of the vernal pool, but could not come up with a safe workable design.

The Army has monitored the groundwater at this site since 1996. Since 2010, so for the last ten years, the water has met the standards for groundwater used as drinking water. We will continue to monitor the wells at the site during and after construction of the range. We will also prepare and implement a Stormwater Pollution Prevention Plan to ensure there is no run off from the project site.

In 2019, the Army Public Health Command conducted a study to quantify the noise from military training on Fort Devens and found that the range renovation would result in a negligible change to the current noise environment. This information is included in the Environmental Assessment. The renovation of the range will reorient the range away from the Still River Village and Harvard area towards the center of the training area. Although we are clearing 18 acres of land to reorient the range, the land that was formerly in the firing lanes on the eastern side will be allowed to regrow and return to natural habitat. If anything, the range is moving slightly back from the boundary, so I would expect the noise to be less than current levels.

Fort Devens publishes a monthly noise report on the first of every month and updates it throughout the month. The noise report is available on the Fort Devens home page and social media platforms. We also have a distro to send the report to the local communities so they can publish it in their newsletters and on their websites. I have directed my staff to update this distro to ensure the right people are receiving it so local communities can remain informed.

The Massachusetts National Guard has a machine gun range project at Joint Base Cape Cod. This is a separate project than the one at Fort Devens and although they are similar, both these projects are important. The range at Joint Base Cape Cod will provide a facility for the Massachusetts National Guard. The ranges here at Fort Devens Reserve Forces Training Area primarily serve Reserve forces as well as National Guard units from throughout New England. We also have Marine units stationed here that use our ranges. There is currently only one other range of this type in New England, which is at Camp Ethan Allen in Vermont, so they are in high demand as units train to maintain their readiness. Ranges at Fort Drum in New York and Fort