



LANCASTER SELECT BOARD
Special Meeting Agenda
Prescott Building – Nashaway Room
Monday, May 23, 2022
6:00 P.M.

In accordance with the Open Meeting Law, please be advised that this meeting is being recorded and broadcast over Sterling-Lancaster Community TV

I. CALL TO ORDER

Chairman Jason Allison will call the meeting to Order at 6:00 P.M. in the Nashaway Meeting Room located on the second floor in the Prescott Building, 701 Main Street, Lancaster, MA 01523

This Meeting Will Also Be Held Virtually at:

Join Zoom Meeting

<https://us02web.zoom.us/j/86330585576>

Meeting ID: 863 3058 5576

One tap mobile

+13126266799,,86330585576# US (Chicago)

+16465588656,,86330585576# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 863 3058 5576

Find your local number: <https://us02web.zoom.us/u/kbgBSfMUEL>

Residents Have the Ability to Ask Questions via ZOOM.

II. APPROVAL OF MEETING MINUTES - NONE

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS - NONE

IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE

V. PUBLIC COMMENT PERIOD

Opportunity for the 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.



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VII. TOWN ADMINISTRATOR REPORT - NONE

VII. ADMINISTRATION, BUDGET, AND POLICY (Vote may be taken)

1. Move to go into Executive Session pursuant to Open Meeting Law Ch. 30A, Section 21 (a) to discuss the discipline or dismissal of, or complaints against the Town Clerk Lisa Johnson, and to reconvene in Open Session thereafter. (Roll Call Vote)
2. To go over Town's response to the Capital Group's Comprehensive Permit Site Approval which was filed with the Massachusetts Housing Finance Agency (MassHousing).

IX. APPOINTMENTS AND RESIGNATIONS - NONE

X. LICENSES AND PERMITS

- Special (One Day) Liquor License for Wine & Malt
Applicant: Sterling Street Brewery
Event: FC Stars Event
Location: FC Stars Complex 70 McGovern Boulevard
Dated & Time: Thursday, May 26, 2022, from 4pm-9pm

XI. NEW BUSINESS *

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

XII. COMMUNICATIONS

XIII. ADJOURNMENT

VI. ADMINISTRATION, BUDGET AND POLICY

#1



Town of Lancaster
Office of the Town Administrator
701 Main Street, Suite 1
Lancaster, MA 01523

KATE HODGES, Town Administrator

Kathleen Rocco, Executive Assistant

MEMO

TO: Select Board
FROM: Kate Hodges, Town Administrator
DATE: May 19, 2022
RE: Comments Received - Capital Group 40B Application

On May 3, 2022, the Town issued a memo to Citizens, Boards and Committees soliciting feedback and comments on Capital Group's 40B Application to MassHousing. Copies of those memos are attached as Appendices A and B. Comments were to be received no later than Friday, May 13, 2022, to allow time to collect and aggregate responses and provide the Board a synopsis before the Public Forum scheduled for May 23, 2022. To comply with the thirty (30) day window to comment, the Board's feedback, edits and insights will be incorporated into the Town's official response which is due to MassHousing on or before May 31, 2022. Given that Monday, May 30, 2022, is a holiday, I plan to mail the Town's official response no later than Friday, May 27, 2022, end of business.

I have broken the feedback and comments into two fields – private citizens and Town Boards/Committees. Within the private citizen field, I have further separated the information forming two categories: (1) questions posed with their respective answers and (2) general feedback/quotes without specific answers. Board and Committee responses are attached, in their entirety to this memo after the appendices.

Finally, I would offer that while much of the feedback and comments received are relevant to the 40B application, several individuals chose to also incorporate their opinions and thoughts regarding the overall 40R proposal and master plan ideas posed by Capital Group prior to the application. Those comments which were relevant to the 40B matter have been included. Those which are outside the scope or are more personal in nature have been excluded.

I. Private Citizen Feedback & Responses

A. Common Themes

Positive Notions – paraphrased or simplified.

- There is a need in Town for affordable housing.
- The project assists the Town in being more 'in line' with State mandates.
- Is the minimal number of affordable units, 20%, enough? Lancaster needs more.
- Those with fixed incomes wish to age in place, to do so, the Town needs commercial development and alternate income. Residential alone does not help affordability.
- Lancaster needs more development; the Rt.70 location is best for something like this.
- While a 40B is okay, a 40R with mixed use is much better for the community.

Notions of Hesitation

- The scoped plan in the 40B application is too large.
- The area off Rt.70 (in the proposed development) is named an 'Area of Critical Environmental Concern' with the State. Having development there does not equate with the goals of environmental concern.
- A warehouse would lead to noise, air, and ecosystem pollution.
- The proposed homes in the 40B application are heated by fossil fuel infrastructure which is not in keeping with the State's green initiatives.
- Only 50 of the 200 units will apply towards the Town's 'safe harbor' relative to future 40B developments, we should seek a solution which ensures safe harbor.
- The 40B, as proposed, is sandwiched between an enterprise zone and a residential area which is less than ideal.

B. Questions & Answers

- The date of the application appears to be 4/26/22, but it is not signed and dated by the applicant (pg.17). It would be helpful if you could clarify what date the completed, signed application was submitted to DHCD. *Answer: The signature is in Section 6.4.*
- Is the project at the eligibility/site approval stage of the 40B process? Has the applicant met with DHCD prior to submitting their application? Did they meet the "pre-application meeting" requirements? *Answer: Capital Group's most recent pre-application meeting was on April 19, with prior meetings in March 2022 and late fall 2021.*
- What is considered a "large project" as stated in the application? Wouldn't a 200-unit project for a town the size of Lancaster be considered large? On page 10, the applicant answered "no" to the question pertaining to large projects. *Answer: A large project is more than 200 units. 200 units is the cap for Lancaster for it to not be considered a large project. In the 2020 census, Lancaster has 2,788 housing units.*
- There is a purchase agreement on page 11 of the application, but there does not seem to be a corresponding land record on masslandrecords.com for Worcester County. Has Capital Group provided a copy of that agreement to demonstrate site control to MassHousing? *Answer: The signed agreement is in Section 4.1.*
- The 12/27/21 purchase and sale agreement provided in section 4.1 does not have a stamp from the registry of deeds. *Answer: The signed agreement is in Section 4.1. Signed purchase and sale agreements are not submitted to the public land records/registry but serve and qualify as site control.*
- The location map and tax map provided with the application do not identify the site location relative to the surrounding properties. The scale of the google map provided with the directions is too large to provide useful detail of the local area. *Answer: There are multiple directions documents, one for getting to the address and the other for accessing the site. Both are in Section 1.3.*
- The property card and existing conditions plan refer to a much larger property that 702 LLC currently owns. There appears to have been no effort to create the smaller parcel or subdivision needed for this development or to route an access road. *Answer: Capital Group will not be utilizing a subdivision and instead will utilize a land condominium project as they have in many projects before. This is due to the shared infrastructure across the entire property. Preliminary land condominium lines can be found in Section 3.1 of the application.*
- Many of the plans provide for existing conditions and aerial photos which appear to have been prepared for the larger property and do not show adequate detail or the location of the proposed 40B site. Likewise, the site context photos do not identify the location or

situation of the proposed project. *Answer: Capital group does not believe detailed sheets of this size and scope would be appropriate at this stage for an individual to obtain a full view and understanding of the project. Should acceptance be granted, additional more detailed construction drawings shall be provided as permitting proceeds.*

- The January 2019 ANRAD peer review document provided was for an earlier, larger development and lacks information specific to this proposed project. The information is now 3 years old and appears to be dated. *Answer: The ANRAD is related to the entire 702, LLC land parcel and was not tied to a specific development project and is appropriate and still effective.*
- It is difficult to read the details and labels on the preliminary site plan layout (pages 90 -97), so it is difficult to evaluate the proposal and provide detailed feedback. It does not show how road access to the site would be provided. Building B appears to be located within about 300 feet of the sewer treatment facility for the adjacent property, which has been the planned site of a larger commercial development (360 acres overall). *Answer: All plans in Section 3.1 are also able to be found in full-size, enlarged, on pages 102-107 of the application. As the document on the website and/or distributed via email is a scan of the total package, the plans are all the same size. Full size, detailed, plans have been available the Public Library and the Town Administrator's Office for any member of the public to review.*
- In section 3.4, the project requires a waiver building height, which raises concerns of massing relative to the nearby White Pond residential houses. At 50 feet with 4 stories, these units would be considerably taller than any other structure on adjacent properties. *Answer: Due to the size of the site, adjacent properties will sit very far and be sufficiently screened from the project, including a substantial landscape berm along White Pond Road as previously discussed with the White Pond Road neighborhood. The buildings are also similarly sized in height to the neighboring planned commercial components of the project.*
- There was no evidence that a copy of the application was provided to the municipality in section 7.2. It is not clear which version, if there were any revisions, the town may have received. The CGP notice of application letter provided in section 7.3 does not include any acknowledgement of receipt from DHCD. *Answer: TWO copies were mailed, one to the Town Administrator, one to the Chair of the Select Board after submission to MassHousing as permitted, and as is noted in 7.2. The TA also received an electronic copy. A notice of receipt from DHCD is not a part of the application materials but was provided to the Town Administrator's office and can be emailed to any person wishing to see them.*
- The application states that the total number of accessible units planned for the complex is 6. This would not meet ADA and Mass. Law requirements, which states that at least 5% of the units shall be accessible for mobility impaired occupants (which in this case should equate to 10 accessible units). *Answer: Capital Group agrees with this and will amend.*
- MA law states that an additional 2% of a complex's units shall be reserved for visual or audible impaired occupants. This extra 2% would equate to an additional 4 units. *Answer: The units and their purposes are allowed to overlap the other accessible units.*
- The complex should have a total of 14 accessible units, 10 Accessible Group 1 units are required yet the information the developer submitted in the application stated that there would be only 6 units' total. *Answer: This statement is inaccurate. In a 'for-sale development' of 20 units or greater (which the current proposal falls within this category) 5% or (10 units) must be "Group 1 Units" which are defined as; "Dwelling units that have the features that can be modified without structural change to meet the specific functional needs of an occupant with a disability. Important to note that accessible routes throughout the unit are required in Group 1 units." Also, "2% hearing impaired rooms (permitted to*

overlap with other accessible units." So, 4 of the 10 Group 1 units must also be able to accommodate the needs of the hearing impaired under 521 CMR. These requirements will be met as the plans for the project are developed by the project architect. The 6 units listed in the application was Capital Group's estimate of the number of units that would get modified to meet the specific functional needs of an occupant with a disability. The remaining 4 units would remain as Group 1 units. So, the total number of Group 1 units required for this project is 10. The project, when designed, will be fully compliant with all regulations.

- How many handicapped parking spaces would the complex have ? *Answer: The total in the complex is 400-450 estimated spaces. For that, the required number of accessible spaces totals 9, with one being a van accessible space with 8'-2" clear height and 8'-2" accessible space alongside. If assigned parking is provided, accessible units require accessible parking spaces so the final number of handicapped parking may increase when the detailed site plans are actually developed for the project. Regardless, it will be compliant with the law and applicable ADA regulations.*
- There is concern about the complex having immediate access to the adjacent Cook Conservation Land. Some folks see that as a benefit while others are worried. Several questions were asked about Capital Group's thoughts on additional traffic within the trail network around the area and if that could have a "profound negative impact on the integrity and character of the environment of this tract of land" *Answer: Since 2018 Capital Group and its agents have had numerous discussions with the former Town of Lancaster Conservation Agent and some of the Commission members regarding the direct connectivity from the proposed development, and the White Pond road neighborhood, to the existing Cook Trail system. Much of that area also crosses the 702, LLC land. There have also been numerous discussions about formalizing easements where trails cross the 702, LLC, which, to date, do not exist.*
- The proposal calls for a bus stop, but there is no stop there currently. Will there be a stop and, if so, will there be a mechanism to get from the homes to the side of Rt. 70 where the stop is. It was noted that the roadway from 70 to the complex is very long. *Answer: In a letter dated July 23, 2021, the Montachusett Regional Transit Authority (MART) informed the Lancaster Economic Development Committee that they would consider expanding MART's Bus Route #8 to a site located at approximately 1410-1474 Lunenburg Road in Lancaster in connection with the proposed development of that area. MART's Bus #8 connects to the nearby MBTA Commuter Rail Station in North Leominster, not far from the development location. MART said that to extend the route, the cost would be approximately \$110,000 per year. State and Federal transit funds cover approximately 70% of the service fees which would leave Lancaster with an approximate assessment equal to \$33,000 per year, or 30%.*
- The plan is directly on land which is subject to a 'breached' 2014 Land Settlement Agreement between 702 LLC and the Town, isn't it? *Answer: Attached to this memo is the October 18, 2021, letter to former Town Administrator Orlando Pacheco which describes the events that occurred pertaining to land parcels 19-11 & 14-15. There has been no dispute as to the events that occurred between the parties that participated in the negotiation and execution of the agreements at that time.*
- When the Town ownership-interest land was conveyed to 702, LLC in 2017, the applicant incorporated the parcel via site plan into the current Lancaster Assessor Map 8-45. *Answer: The Town conveyed the 13-4 parcel of land to North Lancaster, LLC on March 28, 2018, for \$160,000.00 (Exhibit "B-2) after it held a public auction for the land in which there were several bidders for the land. 702, LLC acquired parcel 13-4 in November 2018 from*

North Lancaster, LLC as part of the 350+ acre acquisition from North Lancaster, not the Town of Lancaster in 2017 as stated in comment 2.

- Is there a hydro study? Has a groundwater discharge permit been submitted? *Answer: CGP has done a hydro study for the proposed development and has not filed an application for a groundwater Discharge Permit with mass DEP. This will not be done until a final development plan has been determined. At that time, the application will be filed with DEP.*
- The application has an inaccurate distance of 2.3 miles stated for office/industrial uses nearby. *Answer: The 702, LLC land parcel is over 350 acres. The proposed 40B is on the western most end of the site. The commercial/industrial buildings that are closest to the proposed development is the Madigan facility which is 2.3-mile drive. (Confirmed by Google Maps) from the proposed 40B development. The properties cited in comment 5 of the letter are located at the far eastern end of the 702, LLC land which is not included as part of the 40B application.*
- The application states that a part of the project will have a bus stop which would ultimately connect to commuter rail. What is this about? *Answer: Capital Group is committed to constructing two bus stops within the development, one on the commercial/logistics portion of the project and one in either the 40R or 40B affordable housing portion of the development. In a MART letter dated July 23, 2021, which was addressed to the Lancaster Affordable Housing Trust and Economic Development Committee, the proposed redevelopment of the site (with affordable housing and commercial, retail and logistics buildings) was highlighted and said to be a route MART would be interested in adding.*
- Is a 40R development still an option now that the 40B application has been submitted? *Answer: In a letter dated 5/19/22, Capital Group address this question. A copy of this letter is attached as Appendix C.*

C. General Feedback & Thoughts

- There are several comments in the 40B application which describe area amenities and other benefits of the area which do not exist today. The Master Plan is not referenced in the application, and it should be to ensure the full picture is realized.
- A fair amount of comments responded that their preference, for Lancaster, would be a 40R development and not a 40B development. Several sighted that, in their opinions, a 40R offers more advantages for our community including affordable housing, financial incentives from the Commonwealth, retail and/or food and restaurants, increased visitors and additional tax monies to help sustain Town operations.
- There is a general concern about how a housing complex near some of their other proposed development in the 40R would be seen from an environmental justice lens or when reflecting on the Inclusionary By-Law.
- There is a feeling that Capital Group is using a 40B proposal to ‘threaten’ the Town relative to their larger 40R-related initiatives.
- Zoning should be changed so that housing is optional for the developer.
- A 55+ community is preferable to a 40B.

II. Board & Committee Feedback

- Disability Commission: May 10, 2022, email.
- Board of Health: May 10, 2022, email.
- Lancaster Affordable Housing Trust: May 13, 2022, letter.
- Lancaster Historical Commission: May 9, 2022, letter.
- Finance Committee: May 19, 2022, letter

- Conservation Commission: May 10, 2022, meeting stream (no formal letter or comments received; however, discussion re: 40B application begins at the 44:07 mark. The recording may be accessed through Lancaster-Sterling TV's website or by clicking here: https://www.townhallstreams.com/stream.php?location_id=81&id=45409

Individual responses, comments and materials are a matter of public record and can be forwarded or copied should you wish to review them. The same notion also pertains to the individual requests for answers to questions posed and the relevant responses received. Please let me know if you need any additional information.

Thank you.

APPENDIX A

May 2, 2022

RE: Request for Input and Feedback from Residents, proposed 40B site permit.

Dear Lancaster Residents,

Attached you will find a copy of Capital Group's comprehensive permit site approval application which was filed with the Massachusetts Housing Finance Agency ("MassHousing") last week. This permit is required under the State's comprehensive permit statute M.G.L. c.40B § 20-23, enacted as Chapter 774 of the Acts of 1969, also known as "*Chapter 40B*." As part of MassHousing's review, the agency will conduct an inspection of the site and is actively soliciting comments from the Town. MassHousing has assured us that they will consider any and all relevant comments or concerns from the Town relative to Capital Group's application.

It is with this notion in mind that I write to you today. Town Administration is interested in collecting feedback from anyone who may be interested in providing an opinion, comments or concerns relative to Capital Group's application. In order to submit the Town's comments within the thirty (30) day window, I ask for those who wish to provide comments to please do so, in writing, by no later than Friday, May 13, 2022, by 10:00 AM. Comments may be emailed to my attention at khodges@lancasterma.net, mailed to the address above, or dropped-off in person to the Town Clerk or Select Board Offices, located on the first and second floors of the Town Hall, during regular business hours.

A summary of comments received from members of the public will be combined with comments received from other Town Boards and Committees for the Select Board's review. The Board has called a special meeting for Monday, May 23, 2022, to discuss the relative themes and substance of the comments received. The meeting is open to the public and will be held in the Nashaway Meeting Room, located on the second floor of Town Hall, beginning at 6:00 PM. At the conclusion of that meeting, a plan for a combined town-wide response letter will be outlined. The Town must provide its comments to MassHousing no later than May 27, 2022 in order for our feedback to be considered.

Thereafter, MassHousing will issue Capital Group a 'Site Approval Letter' which indicates *approval*, *conditional approval* or *denial* of the application. Should the application be approved, Capital Group would then contact Lancaster's Zoning Board of Appeals to continue the approval and development processes. Capital Group has two calendar years from the date of MassHousing's approval to apply to the ZBA for next steps.

I encourage everyone to read Capital Group's application and take time to compile your thoughts on this important project. It is imperative that our collective response to MassHousing reflect the will of our entire community; that cannot be achieved without feedback from a variety of citizens. Should anyone wish to review this application in-person, a hard copy of Capital Group's dated application, as well as several large-scale site maps, are available for viewing in our Public Library during regular business hours.

I look forward to listening to, and learning from, the many perspectives of Townspeople relative to this project's potential. Thank you, in advance, for your time and attention to this important community discussion.

Respectfully,

Lancaster Town Administrator

APPENDIX B

May 2, 2022

RE: Request for Input & Feedback from Boards/Committees, proposed 40B site permit.

Dear Members,

Attached you will find a copy of Capital Group's comprehensive permit site approval application which was filed with the Massachusetts Housing Finance Agency ("MassHousing") last week. This permit is required under the State's comprehensive permit statute M.G.L. c.40B § 20-23, enacted as Chapter 774 of the Acts of 1969, also known as "*Chapter 40B*." As part of MassHousing's review, the agency will conduct an inspection of the site and is actively soliciting comments from the Town. MassHousing has assured us that they will consider any and all relevant comments or concerns from the Town relative to Capital Group's application.

It is with this notion in mind that I write to you today. Town Administration is interested in collecting feedback from anyone who may be interested in providing an opinion, comments or concerns relative to Capital Group's application. A letter similar to this was forwarded to the community at-large earlier today and is on the Town's website in an effort to solicit feedback from as wide an array of people as possible. In order to submit the Town's comments within the thirty (30) day window, I ask that you send me your Board or Committee's responses, in writing, no later than Friday, May 13, 2022, by 10:00 AM. Comments may be emailed to my attention at khodges@lancasterma.net, mailed to the address above, or dropped-off in person to the Town Clerk or Select Board Offices, located on the first and second floors of the Town Hall, during regular business hours.

A summary of comments received from both members of the public and elected/appointed officials will be created for everyone to view. The Select Board has called a special meeting for Monday, May 23, 2022, to discuss the themes surrounding the comments received. The meeting is open to the public and will be held in the Nashaway Meeting Room, located on the second floor of Town Hall, beginning at 6:00 PM. At the conclusion of that meeting, a plan for a combined town-wide response letter will be outlined. The Town must provide its comments to MassHousing no later than May 27, 2022 for our feedback to be considered. Please remember that should a quorum of members from your Board or Committee wish to attend the Select Board's Special meeting, a meeting notice should be filed with the Town Clerk's Office consistent with Open Meeting Law. If you have questions about your groups' adherence to OML, please contact the Town Clerk's office directly.

After Lancaster's responses are received, MassHousing will issue Capital Group a 'Site Approval Letter' which indicates *approval*, *conditional approval* or *denial* of the application. Should the application be approved, Capital Group would then contact Lancaster's Zoning Board of Appeals to continue the approval and development processes. Capital Group has two calendar years from the date of MassHousing's approval to apply to the ZBA for next steps.

I encourage each Board and/or Committee to take time to read Capital Group's application and provide your thoughts on this important project. I realize this is a very tight timetable, as we only have 30-days to respond. To that end, *if* your Board or Committee does not have a meeting scheduled that you believe is suitable to the aforementioned timeline, I would encourage you to contemplate calling a special meeting to consider the application. It is imperative that our *collective* Town response to MassHousing reflect the will of our community and as many Boards and Committees as possible. A holistic and complete response from the community cannot be achieved without adequate feedback from a variety of citizens, board members and committee groups.

Should anyone wish to review this application in-person, a hard copy of Capital Group's dated application, as well as several large-scale site maps, are available for viewing in our Public Library during regular business hours. I look forward to listening to, and learning from, the many perspectives of Townspeople relative to this project's potential.

Thank you, in advance, for your time and attention to this important community discussion.

Respectfully,

Kate Hodges, Town Administrator
Town of Lancaster, Massachusetts

APPENDIX C



259 TURNPIKE ROAD SOUTHBOROUGH, MASSACHUSETTS 01772 www.capitalgroupproperties.com

May 19, 2022

Victoria Petracca
Chair
Lancaster Affordable Housing Trust
Prescott Building
701 Main Street
Lancaster, MA 01523

RE: Proposed 40B Development on a portion of the 702, LLC Property in Lancaster, MA

Dear Victoria:

I am writing the Lancaster Affordable Housing Trust to clarify Capital Group Properties position on the proposed 40R zoning amendment vs. the proposed 40B development application filed by Capital group with MassHousing recently.

We have worked for over a year collectively with the Lancaster Affordable Housing Trust and other Lancaster officials and committees to try and support a zoning amendment to allow for a 40R Smart Growth development project on a portion of the land under option to 702, LLC. We feel all sides have worked hard to bring forth a proposal for a first class development that meets the needs of the greater Lancaster community by offering a new multi-family affordable rental housing community along with some much needed small shop retail, professional services and possibly restaurant space.

We have also worked with the Economic Development Committee to bring forth a zoning amendment to change the zoning on approximately 1/3 of the 702, LLC land from residential to the enterprise zone to allow for an all non-residential development on the entire 350+ acre 702, LLC land parcel located off of McGovern Blvd.

This is the preferred development scenario by Capital Group Properties should the proposed zoning articles go forward and pass at a future town meeting. In the interim we have filed an application for site eligibility with MassHousing for a 200-unit for sale affordable housing community on a portion of residentially zoned 702, LLC land. Should the proposed zoning amendments not move forward for a town meeting vote or does not pass at a future town meeting, Capital Group Properties will move forward with the 40B development proposal on a

portion of the residentially zoned 702, LLC land and a by right commercial/logistics development proposal for the 702, LLC land that lies within the enterprise zone as well as the option land parcels along McGovern Blvd. and Lunenburg Road.

Hopefully, this clarifies Capital Group Properties position in regard to the 40R Smart Growth proposal and the 40B development proposal. Thank you.

Very truly yours,

Capital Group Properties, LLC

Bill Depietri

William A. Depietri
President

Kate Hodges

From: Mike McCue <mmccue@mccueassociates.com>
Sent: Tuesday, May 10, 2022 8:54 PM
To: Kate Hodges
Subject: RE: Capital Group 40B Application

Hello Kate,

Thank you for sending this for review, and congratulations on your new appointment. I look forward to meeting you.

This document you forwarded is quite extensive. I could not pore over everything in detail by your deadline of Friday 13, so I scanned it over and have a few takeaways concerning accessibility, which is our Lancaster Commission on Disability's purview:

Pg 9: States that the total no. of accessible units planned for the complex is 6. This would not meet ADA and Mass. Law requirements, which states that at least 5% of the units shall be accessible for mobility impaired occupants (which in this case should equate to 10 accessible units). Also, Mass law states that an additional 2% of a complex's units shall be reserved for visual or audible impaired occupants. This extra 2% would equate to an additional 4 units. Thus, the complex should have a total of 14 accessible units, yet the information the developer submitted in the application stated that there would be only 6 units total. My question for the developer is why plan for only 6 units when a total of 14 are required by law?

Handicapped Parking: I could not find in the document how many handicapped parking spaces that the complex would have. This should be stated.

Other: While the following comment is not an accessibility related issue, I would think that the Conservation commission might be concerned about a complex housing +/- 600 residents that would have immediate access to the adjacent Cook conservation land. Such potential throughput/ traffic on the trail network there could have a profound negative impact on the integrity and character of the environment of this tract of land.

Thanks & Best Regards,

Mike McCue
Chair, Lancaster Commission on Disability

Mike McCue
President



McCue & Associates

McCue & Associates, LLC
978-733-1353
www.mccueassociates.com



Kate Hodges

From: Jeff Paster <jeffbohpast@gmail.com>
Sent: Tuesday, May 10, 2022 4:20 PM
To: Kate Hodges; Kathi Rocco
Cc: Bill Brookings; Debra Dennis; Jeff Paster; John Farnsworth
Subject: Re: Capital Group 40B Application

Hi Kate, Kathi -

The BOH has reviewed the application and held a public meeting to discuss it today, May 10. We have no specific comments or concerns at this time. Thank you for seeking our opinion.

best regards - Jeff

On Tue, May 3, 2022 at 11:52 AM Kate Hodges <KHodges@lancasterma.net> wrote:

All:

My apologies, but there was a typo in the memo.

The first sentence in paragraph two should read: *It is with this notion in mind that I write to you today. Town Administration is interested in collecting feedback from anyone who may be interested in ~~proving~~ providing an opinion, comments or concerns relative to Capital Group's application.*

Our apologies for any confusion this may have caused. The copies of these letters posted on the Town's website have been corrected.

Kate Hodges, ICMA-CM

Town Administrator, Lancaster MA

978-365-3326

From: Kathi Rocco <KRocco@lancasterma.net>
Sent: Tuesday, May 3, 2022 10:49 AM
To: Department Heads <DeptHeads@lancasterma.net>; Debra Dennis <DDennis@lancasterma.net>; Jeff Paster <jeffbohpast@gmail.com>; John-F <jf111b@aol.com>; Katherine Holden <kholden.lancaster.boh@gmail.com>; Daryl Blaney <deblaneysr@hotmail.com>; Lesley Allison <lesleyallison@gmail.com> <lesleyallison@gmail.com>; Michael

LANCASTER AFFORDABLE HOUSING TRUST

Prescott Building
701 Main Street - Suite 2
Lancaster, MA 01523

May 13, 2022

Ms. Kate Hodges, Town Administrator
Town of Lancaster
701 Main Street - Suite 1
Lancaster, MA 01523

Re: Capital Group's Comprehensive Permit (c. 40B) Site Approval Application

Dear Kate,

The Lancaster Affordable Housing Trust ("Trust") respectfully provides this public comment regarding Capital Group's Comprehensive Permit Site Application filed under M.G.L. c.40B § 20-23 as submitted to MassHousing Finance Agency on April 26, 2022. The project is situated on 22.98 acres at 0 White Pond Road.

The Trust strongly supports increased affordable housing options in Lancaster to address our documented shortage. Lancaster is required under M.G.L. c.40B to provide over 10% of local year-round housing stock as deed-restricted affordable units. We are currently at 5.5% Subsidized Housing Inventory ("SHI") per the Commonwealth's official municipal tracking. This 5.5% will decrease when updated housing inventory data from the 2020 10-year census is released later this year.

Comparing the current inventory of 140 SHI units against the anticipated updated housing inventory (approximately 2,788 total units), the Trust estimates that Lancaster is short by approximately 140 additional units to barely cross over 10% and thus obtain "Safe Harbor" status. The Town needs 167 units to reach 11% and 207 units to reach a needed cushion at 12%. The Trust includes this data to emphasize that the affordable housing shortage in Lancaster is real, documented, and needs attention.

The advantages and disadvantages of Capital Group's 40B proposal from the Trust's perspective are outlined below. Additionally, the Town's 40R alternative is addressed at the end.

40B Project Advantages

- (1) **Prime Site Location** The 40B parcel's proximity to Routes 190, 2, 70 and 117 provides strong justification for commuter apartment-style units under affordable and workforce housing categories, both in short supply in the current housing crisis. In addition, MBTA commuter rail is located under 5 miles away in Leominster and Shirley and under 10 miles in Ayer.
- (2) **Multi-Family Typology** The Capital Group's 200-unit project is new multi-family construction versus single-family homes or duplex/triplex units. This brings Lancaster a large volume of much needed units at a lower carbon footprint and reduced land footprint, and on an already excavated, barren site.
- (3) **Home Ownership Model** This proposal is submitted under MassHousing's home ownership application with 25% of the total units be deed-restricted affordable. Home ownership 40B allows unit owners to build equity which has been proven to break the cycle of poverty.
- (4) **Post-Construction Review** Site visit observations from the 40B Proponent's multi-family developments elsewhere include, but are not limited to, safe and attractive vehicular circulation and fixtures, well-appointed common areas, ample exterior lighting, heavy landscaping, pedestrian and bicycle-friendly lay-outs and various on-site amenities in use by residents.
- (5) **Trail Access** Affordable housing located near public recreation land has emerged as one important tool to address the historically lower statistical use of conservation land by reduced-income and minority populations. This Site feature helps improve these statistics and provide the health and well-being benefits of public trails to a traditionally under-represented population.

(6) **Synergy with Economic Development** The 40B project is situated within walking distance of a proposed distribution center creating hundreds of new jobs. This by-right commercial use is not heavy industry (i.e. manufacturing involving chemical use, hazardous materials, etc.). Associated truck traffic will benefit from MassDEP's recent filing to adopt regulations setting benchmarks for converting MA to zero emission trucks.

40B Project Concerns

(1) **Maximum Allowable Unit Count but Little Gain to Lancaster's SHI** This application is for the maximum number of allowable units under 760 CMR 56.02(6)(c) and will draw heavily on town services. However, it does not bring Lancaster over 10% SHI. As a homeownership project, only the 25% deed-restricted affordable units are eligible, i.e. 50 units. This is unlike leased units which count at 100% under the state's rental incentive policy.

(2) **Affordability** The Application only meets the minimum affordability requirement under M.G.L c.40B, i.e. 25% of units shall be deed-restricted at or below 80% of Area Median Income ("AMI") to income-eligible households. The 2022 Median Income in Eastern Worcester County, Lancaster's assigned statistical area, is \$135,000. The income cap for a one-person household is \$62,600 and for a four-person household is \$89,400. 40B for-sale units are priced accordingly. In practical terms, there is a narrow band of applicants who will be qualified to make payments and therefore units at a lower AMI would be helpful to the community. Deed-restricting a portion of units at a lower AMI would be an improvement.

Local preference should be stipulated in the Comprehensive Permit and lottery process for income-eligible Lancaster residents, municipal staff, and other local business employees.

(3) **Project Location within the Site** While easy access to major routes is advantageous for multi-family construction as stated above, the precise location within the Site is detrimental. This 40B is proposed at the back of an approximately 386-acre Site, the

furthermost point from the McGovern Boulevard entrance on Route 70. The Trust is concerned that large numbers of future residents and visitors will need to travel nearly one mile through the distribution complex to reach the housing component.

The 40B is immediately adjacent to the proposed distribution complex. Site mitigation measures should be required to shield 40B residents from visual and noise impacts. Examples include noise reduction fencing, vegetated berm(s), heavy tree planting, and/or other solutions to be implemented by the Applicant per the terms and condition of the Comprehensive Permit.

Locating the 40B development at the very back of the Site places it in proximity to the existing White Pond neighborhood of single-family homes. Under 760 CMR 56.04 (4)(c), the Trust recommends minimizing site line impacts in the positioning of the two 4-story structures. The Site's topography at the rear of the site is quite a bit lower in elevation than White Pond Road and is also buffered by a mature tree line. Care should be taken to require these advantageous site features remain intact, and to provide additional privacy mitigation measures, if necessary.

- (4) **Ingress/Egress** The 40B project is accessed through McGovern Boulevard, a private road constructed for the Site, connecting to Route 70. The Site is not accessible through an alternate route, such as White Pond Road or an adjacent connection to Old Union Turnpike. Although the existing, preliminary portion of McGovern Boulevard is "double-barreled", it would be preferable to have an alternative form of access to the 40B project. An easement exists through the adjacent MA Youth Soccer Association site, connecting the Site to Old Union Turnpike, but is currently restricted to emergency access only.

It would be beneficial to simultaneously provide a secondary access to the existing White Pond neighborhood in the event of an emergency, a concern expressed by its residents.

- (5) **MART Transit** The application mentions public transit will be available through the Montachusett Regional Transit. However, this was negotiated by the Affordable

Housing Trust and the Economic Development Committee for an alternate 40R proposal with mixed-income housing on the front of the Site. It is not confirmed with MART's authorities whether MART Bus Route #8 could extend all the way to the rear of the Site through the distribution complex to the more remote 40B and then back out McGovern Boulevard to Route 70.

(6) **Environmental Impacts** Through the use of allowable waivers, Chapter 40B overrides local environmental bylaws which are pivotal to protecting on-site natural resources. This is a key drawback of 40B since the project is proposed within the Central Nashua River Valley Area of Critical Environmental Concern. Lancaster's local wetlands bylaws include greater protection than under the MA Wetlands Protection Act, but this additional protection is not applicable to 40B projects. The Application does not reference the Lancaster State Forest and an Outstanding Resource Water (certified vernal pool) within it which are located south of the proposed 40B construction.

(7) **Plans for Remainder of Adjacent Land Under Same Ownership** The Application is silent on plans for the remainder of the adjacent Residentially-zoned land at the rear of the Site. This totals approximately 50 acres and can accommodate large future residential development. The plans provided focus nearly exclusively on the subdivided parcel for the 40B alone. It is unclear if the adjacent vacant areas depicted are going to be designated open space or developed, and this needs to be explained.

There is also little detail provided on the remainder of the Site overall which includes approximately 300 acres of Enterprise-zoned land with a proposed distribution center and possible commercial development.

There is no masterplan provided to understand the 40B in the overall context of the redevelopment of the former sand and gravel operation. A visual plan and narrative for the remainder of the site should be provided as part of understanding the overall context for the 40B project.

40R Alternative Currently Under Review

The MA Department of Housing and Community Development is currently reviewing an Application for the North Lancaster Smart Growth Overlay District pursuant to M.G.L. c.40R. For background, after reviewing the initial 40B proposal, the Trust recommended creating a 40R zoning district instead. When proposed in the right location, Chapter 40R provides many advantages to cities and towns that address the controversial aspects of 40B. DHCD is in the final stages of preparing a preliminary eligibility letter for the 40R District. At a site visit held on May 10, 2022 for the 40B proposal, MassHousing Finance representatives stated the 40B application would likely receive preliminary approval, but expressed a strong preference for the alternate 40R situated elsewhere on-site. While this is not a reason to deny the 40B application, it should be noted that there is an alternative affordable housing proposal that is more favorable to MassHousing's 40B team. The Trust has outlined a sample of these advantages below.

- (1) **Local Fiscal Advantages** Smart Growth Overlay Districts are a town-driven initiative, and once adopted, private developers apply under the Town's District zoning. This puts local communities in greater control of affordable housing production and planned growth.

Four categories of financial incentive payments were introduced under Chapter 40R that do not exist under Chapter 40B. Local municipalities who adopt a 40R Smart Growth Overlay District are eligible for Zoning Incentive Payments, Bonus Payments, Educational Costs (Chapter 40S), and State Funding Preference. Eligibility and payment amounts for each incentive are explained in more detail at <https://www.mass.gov/service-details/smart-growth-smart-energy-toolkit-modules-chapter-40r-and-chapter-40s>

Additionally, the 40R District includes mixed-use residential and retail/commercial, unlike the 40B proposal of 200 residential units alone. The mixed-use nature of the 40R proposal has inherent economic development advantages that offset the cost of residential development to the Town, as well as providing adjacent retail and restaurant amenities.

- (2) **Brings Lancaster “Over 10%” Compliance** The 150 residential units in the Capital Group project within the 40R District are all rentals. Lancaster receives credit for 100% under the state’s rental incentive policy, thus putting the Town over 10% SHI with fewer units than the 40B proposal, despite being larger and more expensive to the Town services budget.
- (3) **Greater Affordability** The proposed bylaw and Capital Group project include units at a lower income threshold than the bare minimum included in the 40B proposal. Under the proposed 40R bylaw and Capital Group’s project, 8% of the 25% affordable units include an income-eligibility cap of 60% Area Median Income versus 80%. This goes above and beyond the minimum 40B and 40R statutory requirement. This is not included in the 40B proposal.
- (4) **Greater Environmental Protection** Chapter 40R zoning does not override local environmental bylaws which is especially important given undisturbed areas of the Central Nashua River Valley ACEC nearby. Additionally, the draft Memorandum of Agreement includes multiple areas of open space protection and stream quality monitoring.
- (5) **MBTA Adjacent Community Requirement** Lastly, under new legislation passed in 2021, Lancaster is required to adopt by right multi-family zoning. Draft guidelines indicate zoning must satisfy requirements for a minimum of 750 units and 50 non-contiguous acres. This 40B project is adding 200 units of multi-family housing, but as it does not change the town zoning bylaws, it is not eligible to count towards the Town’s MBTA Adjacent requirement. This means we will need to provide MBTA Adjacent Multi-Family housing in addition to this large 40B project. It is likely the 40R proposal will be eligible towards the MBTA requirement as it meets the minimum density requirement.

Thank you for the opportunity to comment on Capital Group’s 40B proposal. We remain available to further assist the Town with its review of this affordable housing proposal and next steps.

On behalf of the Lancaster Affordable Housing Trust and its Members,



Victoria Petracca, Chair

cc: Lancaster Select Board

Jasmin Farinacci, Director, Community Development and Planning, Town of Lancaster

Lancaster Historical Commission (LHC)

Special Meeting Minutes

May 9, 2022 (Single Agenda Item)

Present: Marcia Jakubowicz, Heather Lennon, Joan Richards, Karen Silverthorn

Absent: Amy Brown, Joy Peach, Mark Schryver, Jean Watson

Guest: Martha Moore (Lancaster resident), Sander DiPietri (Capital Group)

Call to Order:

Chairperson Heather Lennon called the meeting to order on Zoom ID 831 3969 5996 Passcode: 250993 at 5:08 pm.

Single Agenda Item: Discussion of the Capital Group's 40B application sent to the LHC by Town Administrator (TA) Kate Hodges. She asked for feedback to be sent back to her by May 13, 2022. The final (collective) document from the town's response on the 40B will be sent to the Massachusetts Housing Authority (MHA) by May 27th.

The 174-page application to the (MHA) was distributed to the LHC members via an email attachment sent by Heather Lennon several days earlier.

Clarification: This is for a *40B application, not 40R* project submitted to Mass Housing Authority (MHA) by the Capital Group.

Heather Lennon welcomed the guests. Sander DiPietri said he was there to listen but could not answer questions that he had not had to do with when creating the document. When asked to reply to questions about specifics, he was clear about not being able to do so. Sander said his area of expertise for Capital Group is Economics. The comment was made that cost increases due to present day inflation will be passed along by the developer, and this will not be a very affordable option for many.

- LHC members began by not having specific questions related to costs to the town and taxpayers; however, it was mentioned that the yearly school budgets are about 75% to 80% of the annual budget and a 40B will impact

the taxpayers significantly plus adding the increases in town department budgets to cover increasing population numbers.

- LHC asked about the cost of the rental units and the number of low-income apartments that would be available. Guest Martha Moore asked a question about environmental justice regulations being followed. Environmental issues like pollution and water issues, are less likely to be addressed by the disadvantaged, who are thought to be less likely to complain about conditions where they live. No answer was provided.
- Height of the complex and the 200 proposed units were discussed. There has never been a development of this size proposed for Lancaster. Single family houses such as those in the Eagle Ridge development, which were built for residents over fifty-five years of age, that brought problems to the town such as water supply and water pressure. As well, homeowners paid taxes while having no roads plowed by the town until they went to Town Meeting to vote in this service. Concerns for town services to a 40B would likewise be significant.
- Flood plain concerns included a 100-year flood. Joan Richards reminded the members of the 50-year flood in 1987 where the two branches of the river spilled all over the roads. The storms of 1936 and 1938 (pictures in the LHC collection document some flooding of the Center Village areas) were costly, and within 10 years the town will reach the time of a likely 100-year flood. Richards reminded the members that all the bridges in Lancaster were flooded out by the two branches of the Nashua. The only way out of the center of town then was Shirley Road, which is closed now by the South Post of Devens. LHC members have questions as to the accuracy of the FEMA data relating to this area of north Lancaster as its impact may be felt by future residents of this development by 2036 (or before with the implications of climate change presently facing much of the country). Have present guidelines been published and examined as storms have significantly increased in the past 10 years?
- The town will have to pick up the cost of significant weather events if this development is allowed. There will be no help from the developers. Taxpayers of the future will be impacted because of questionable planning now. Again, there was a reason this area was not populated through the years.
- Water: The issue of sparse potable drinkable water supply in this area has long been an issue for the Lancaster Water Department. The area is full of bedrock. The agreement with Leominster is on paper for a 25-year connection with their water supply. What are the contingencies beyond that

- Questions were asked about fencing and border trees. Concerns were expressed that removing trees and vegetation that absorb present levels of rainfall will not be there to keep the area from flooding once the land is changed. What is the impact of salt and chemicals used on asphalt in winter? Will the vegetation be killed?
- The impact of traffic will be significant, especially for school children. Riding bikes or playing street hockey in a densely populated apartment area of this size raises concerns for safety. Also, will the walking trails exclude bicycle riding?

Joan Richards concerns not discussed at the meeting:

- 1. Lancaster citizens already experience high vehicular insurance rates due to Route 2 accidental fatalities. What is the calculation that even more traffic in this area will add to this impact on insurance rates?
- 2. Also, prior to urban sprawl in the 1980s, the pond areas were sprinkled with small summer cottages and few full-time residents. There was a YMCA summer camp that is now a housing development area. The increase in full-time residences on Fort Pond, Spectacle Pond, and White Pond is great. These full-time residents both impact and are impacted with increased daily traffic on nearby roads from industrial and commercial companies now located in North Lancaster.
- 3. Zoning for two acre lots, previously voted on by the Planning Board and approved by Lancastrians, has resulted in numerous 40B projects being proposed by developers who are emboldened to skirt zoning laws.

In conclusion: Sander DiPietri was thanked for attending the meeting. LHC members did not vote on this 40B Plan. A list of concerns, in the form of the LHC meeting minutes, will be sent to Kate Hodges, as requested, no later than May 13, 2022.

Adjournment: A motion to adjourn the meeting at 6:09 pm was made by Marcia Jakubowicz and seconded by Karen Silverthorn. It carried unanimously.

Respectfully submitted,

Joan Richards, Recorder for the LHC meeting

Kate Hodges, Town Administrator
Town of Lancaster
701 Main Street Suite 1
Lancaster, MA 01523

Page 1 of 2 5/19/2022

RE: Public Comment for Capital Group 40B Proposal

Dear Mrs. Hodges:

This letter is based solely on what may happen both as proposed in an overall scenario, and in the existing factual scenario. It is not based on conjecture, rulings or law as to the legality to construct that which is proposed.

Nor will this analysis be either pro or con the proposed projects, but rather strictly informative.

There are 4 elements that require an explanation. First is the 2023 cost of education per Lancaster student in any grade, in any school.

School	Budget	Students	Per Student
Nashoba	14,591,571	962	15,167.95
Minuteman	2,285,510	49	46,643.06
Norfolk	55,000	2	27,500.00
TOTAL	16,932,081	1013	16,714.79

Second is the number of students. The Student Metric Calculation (localized by area) provided by RKG in the initial 40R review is also used here to provide continuity to all corresponding analysis.

Size	Market	Affordable
1 Bdrm	0.089	0.016
2 Bdrm	0.600	0.668
3 Bdrm	0.833	1.310

Multiply this metric times bedrooms in category to determine the school age children estimate.

Third is the reduced tax allowance of For Sale Affordable Housing units. The most recent example is from Blue Heron in 2021. It must be noted that the tax rate is constant, but the valuation is variable as determined by the State. The Assessor provided the following:

Category	Assessed	
Market	319,000	
Affordable	182,600	
Percent	57.24%	(Affordable divided by Market)

This adjustment in valuation will be used where pertinent in this analysis.

Number four is the Taxable Value of the 3 commercial buildings proposed for the Enterprise area. This will be used to help offset the deficit caused by the Educational Expense.

Sq. Ft.	Cost/SF	Valuation	Tax Rate	Income
1,301,000	85.00	110,585,000	0.01945	2,150,878

Financial Comparisons of ALL Proposed Projects

Page 2 of 2

The Town has been notified of a potential 200 unit 40B proposal by Capital Group.

Size	Percent	Units	Bedrooms	Sale Price	Valuation	Adj. 57.24%	Students	Edu. Cost
150 Mrkt								
1 Bdrm	20.00%	30	30	354,900	10,647,000	10,647,000	3	
2 Bdrm	40.00%	60	120	399,900	23,994,000	23,994,000	36	
3 Bdrm	40.00%	60	180	469,900	28,194,000	28,194,000	50	
Sub. Tot.		150	330		62,835,000	62,835,000		
Tax @ 19.45/M						1,222,141	89	1,487,635
50 Afford								
1 Bdrm	20.00%	10	10	223,851	2,238,510	1,281,323	1	
2 Bdrm	40.00%	20	40	250,150	5,003,000	2,863,717	14	
3 Bdrm	40.00%	20	60	279,452	5,589,040	3,199,166	27	
Sub. Tot.		50	110		12,830,550	7,344,207		
Tax @ 19.45/M						142,845	42	702,030
TOTAL		200	440			70,179,207		
Tax @ 19.45/M						1,364,986	131	2,189,665

The net financial impact is a NEGATIVE \$824,679. Income of \$1,364,986 less Expense of \$2,189,665. If this were to be extended to the full 590 units suggested, the financial impact per year at current rates would be a DEFICIT of \$2,432,803. (\$824,679 divided by 200, times 590.)

The positive or negative Fiscal and Tax impacts to Lancaster, and ALL its residents, are very different between each of the proposed options now before the Town.

It is important to note that, using the same base figures as above, but without explicit details, however, with all other costs plus adding CPA income where applicable, the figures are as follows:

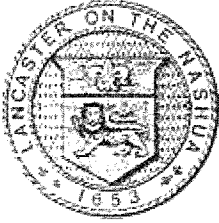
Project Description	Positive	Negative
Proposed 40R only with retail with all costs and income	4,683	
Proposed 40R plus retail and full rezone buildout etc.	3,949,017	
Proposed 40B 200 units with educational costs only		(824,679)
Proposed 40B 590 units with all costs and income		(2,432,803)
Proposed 40B 590 units with full buildout etc.		(281,925)

It is understood by the Finance Committee that educational costs are not allowed to be a consideration during 40B proceedings, and can play no factor in the ultimate decision. However, the 40R does allow for addressing educational costs both thru adding retail businesses for tax income, and thru application to 40S (School Budget Mitigation) in certain instances.

Even though public comment regarding 40B may be ineffective, Lancaster is at such a decisional crossroads concerning multiple options before it, that the Finance Committee has the obligation to present, and make publically available, ALL the financial implications from ALL the proposals.

Most importantly, this independent analysis, done solely from the viewpoint of, and strictly for the benefit of, the Town of Lancaster and its citizens, tallies exceptionally well with the information provided by The Capital Group thus adding assurance that we can proceed with guarded confidence.

Cordially,
Dick Trussell Member
For the Lancaster Finance Committee



TOWN OF LANCASTER
Conservation Commission

Tel: (978) 365-3326
Fax: (978) 368-4009

701 Main Street, Suite 4
Lancaster, MA 01523

May 13, 2022

Town of Lancaster
Attention: Ms. Kate Hodges
Town Administrator
701 Main Street
Prescott Building 2nd Floor
Lancaster, Massachusetts 01523

Dear Administrator Hodges:

The Lancaster Conservation Commission has the following comments in regards to the 40-B Housing Project proposed by the Capital Group LLC on 22.98 acres of land located at 0 White Pond Road.

1. The proposed project appears to be sited entirely within the Central Nashua Valley ACEC and it's construction will have a detrimental impact on surrounding wildlife habitat and both aquatic and terrestrial species. The Commission notes that Capital Group's Draft Environmental Impact Report at this site was denied by the Massachusetts Secretary of Energy & Environmental Affairs on February 14, 2020. In it she writes:

"As Secretary of Energy and Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR submitted on this project does not adequately and properly comply with the Massachusetts Environmental Policy Act (MEPA; M.G.L. c.30 ss. 61-62I) and with its implementing regulations (301 CMR 11:00) and requires the filing of a Supplemental DEIR (SDEIR). Specifically, I find that the DEIR has not provided a comprehensive alternatives analysis nor addressed the potential impacts of the project on a designated Area of Critical Environmental Concern (ACEC), wetland resource areas, and water quality as required in the Scope for the DEIR.

The Commission requests that the ACEC boundary be clearly marked on plans, that a full evaluation of the project's location relative to the ACEC be determined, and that this evaluation should identify any resource areas within the ACEC that will be affected by the project's construction. The applicant should detail how the grounds and adjacent areas will be maintained in compatibility with the ACEC. Given the sensitivity of the ACEC and nearby priority habitat, the Commission recommends more extensive reforestation than shown in the illustrations.

2. The site location has a history of being mined as early as the 1950's with the majority of the site being forested up until 1995, when a number of site-disturbing activities began. It is unclear whether any wetlands were filled in the process of logging, earth removal, or road building. The Commission requests aerial or other documentation to determine if any previous wetland filling took place to facilitate site extraction or development for the construction of the proposed project.

3. In 2019, two Commissioners were on site to review the removal of mitigation structures connected to an earlier project and observed the filling of a small existing irrigation pond. Mitigation was agreed to by the applicant, to be determined at a future date. The applicant should designate on their plans where the filled pond was located, its proximity to the 40-B construction area, and if mitigation for the illegal filling will become part of the construction sequence of this new project.

4. The applicant has received a "groundwater discharge" permit from MA-DEP but it is unclear to the Commission if this permit is attached solely to the construction of the 40-B project or if it is to be a "shared" component of other commercial or industrial development that will take place on the same site. The Commission recognizes this area is protected as a "*water resource district*" on the "*Town Zoning Map*" and has a concern that if the facility is to service all site development, the Type A soil will allow breakout discharges into adjacent wetland resources.

5. The 40-B project occupies a small portion of a much larger site. The cumulative impacts of the overall development will have a much larger negative effect on the environment than just this one project. The context of this project in the larger site should be included in the planning and review.

6. Commission comments are based on a cursory review of the project's preliminary plans and are intended to be the basis of a more detailed analysis of final project plans during the project's presentation before the Lancaster Board of Appeals. The Commission expects to provide additional testimony relative to its concerns during those hearings.

Thank you for the opportunity to provide comments on this project.

Sincerely,

Tom Seidenberg
Vice Chairman

VIII. LICENSES AND PERMITS



TOWN OF LANCASTER, MASSACHUSETTS
OFFICE OF THE
SELECT BOARD

SPECIAL (ONE DAY) LIQUOR LICENSE APPLICATION

TODAY'S DATE: 5/19/22 Jesse Tarbell
APPLICANT'S NAME: Sterling Street Brewery TELEPHONE: 617-800-7070
ORGANIZATION: Sterling Street Brewery
EVENT ADDRESS: 70 McGovern Blvd, Lancaster, MA 01523
EVENT PURPOSE: _____
EVENT DATE: 5/20/22
EVENT HOURS: 4-9 pm
ALCOHOL: Beer and Wine: X All Alcohol*: _____
(Non Profit; Charity or Club Only)*
ATTENDANCE: Approximate Number of Persons in Attendance: 700 - 1,000
Persons Under 21 in Attendance: Yes X No _____

If this Special One-Day Liquor License is granted, I hereby agree to abide by all rules, regulations and laws of the Commonwealth of Massachusetts concerning the sale and consumption of alcohol, particularly with regard to the minors. No persons under the age of twenty-one (21) shall be served alcoholic beverages.

[Signature]
Signature of Applicant

POLICE DEPARTMENT OFFICIAL USE ONLY

_____ Approval Recommended _____ Approval **Not** Recommended

Police Officer Required: Yes _____ No _____

Comments/Conditions: _____

Date: _____

Police Chief Signature



Jesse Tarbell <jesse@sterlingstreetbrewery.com>

Re: Sterling Street Brewery - Stars Night - May 26, 2022

Ariana Bren <abren@starsofma.org>

Wed, May 11, 2022 at 2:29 PM

To: Brian Mason <brian@sterlingstreetbrewery.com>

Cc: Jesse Tarbell <jesse@sterlingstreetbrewery.com>, Sarah Dewhurst <sdewhurst@starsofma.org>

Hi Brian and Jesse,

Great news we will have you at the event!!

Here is some general info in regards to the event, which I think Sarah already explained most of it, but wanted to share it with you anyways,

**Event is on schedule for Thursday, May 26th 2022 from 4pm to 9pm
at the Stars Complex - 70 McGovern Blvd, Lancaster, MA 01523**

How to participate?

- 1- Save your spot for a \$100 REFUNDABLE deposit through our event registration form attached
 - 2- Along with the form, please send us a picture of your product, so we can advertise before the event to abren@starsofma.org
 - 3- You will be located in the Lower area of our Stars Complex and the road will be blocked off at 3:30pm, so you need to get to the event before that time to set up.
 - 4- Families will order and pay for it directly. We don't handle your money or prices.
 - 5- Event is expected to have between 700-1000 people approximately.
 - 6- We kindly ask for an appreciation gift card or prize for the auction, ****NOT** required
- More Information can be found in the registration form-----

Please notice we are ok if you don't send us the refundable deposit, you guys already committed and talked to Sarah, so we trust you will be at the event!!

In regards to the license, as you know, you will need that from the BOH, what I am not sure is if you get the same license as the food trucks?
All food trucks are getting the Temporary permit , attached form, just in case needed.

I don't think we will have any issues as long as you get the license. I have talked to the BOH and never mentioned that we need a permit, as it's a private space. In any case, we will appreciate you letting us know if anything we need to do in regards to permits.

****One thing to keep in mind, I have already talked to a person in the BOH. So, they are expecting vendor paperwork not more than tomorrow May 12th, 2022. as they need at least 14 days to process.**

Please let me know if you have any questions,

Looking forward to a great event!

Thanks,
Ariana

[Quoted text hidden]

--



Ariana Bren
FC STARS
Financial Administrator
(978) 631-0766

[Quoted text hidden]

2 attachments

 **Registration Form_STARS ANNUAL EVENT 2022.pdf**
140K

 **Nashoba_BOH-Application -Temporary Food.pdf**
219K



TOWN OF LANCASTER
OFFICE OF THE
BOARD OF SELECTMEN

SPECIAL (ONE-DAY) LIQUOR LICENSE

INSTRUCTIONS AND INFORMATION

YOU MUST APPLY FOR A SPECIAL ONE-DAY LIQUOR LICENSE IF YOU ARE SELLING ALCOHOL IN ANY MANNER AT A PRIVATE FACILITY. IF YOU ARE NOT SURE IF YOU NEED A ONE-DAY SPECIAL LICENSE, PLEASE CALL THE SELECTMEN'S OFFICE AT 978-365-3326, EXT. 1201.

REGULATIONS FOR A SPECIAL LICENSE CAN BE FOUND IN MASSACHUSETTS GENERAL LAWS CHAPTER 138 SECTION 14.

Application for sales of all alcoholic beverages must be for a non-profit, charity or club. Special Licenses may only be issued to the responsible manager. Application for sales of wine and malt beverages may be issued to the responsible manager of any indoor or outdoor activity or enterprise (for profit or non-profit).

Application must be filled out completely and filed with the Office of the Town Administrator, thirty (30) days prior to the date of the event in order for the application to be considered by the Board of Selectmen at a Regular Selectmen's Meeting.

Persons holding a Special Liquor License must purchase alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer/winery, farmer/ brewery or special permit holder. A person holding a Special License cannot purchase alcoholic beverages from a package store. Persons holding a Special License must not take delivery of, or store alcohol, prior to the date the License is granted.

No persons may be granted a Special License for more than a total of thirty (30) days per calendar year and no Special License will be granted to any person while his/her application for an Annual License is pending before the Local Licensing Authority.

The application requires a single point of contact and it must be the authorized representative of the locale/grounds holding the event.

The complete name, telephone number and address of the person applying for the Liquor License must be clearly printed on the Application.

Prescott Building
701 Main Street, Suite 1, Lancaster, Massachusetts 01523
T: 978-365-3326 F: 978-368-8486
E-Mail: opacheco@lancasterma.net or krocco@lancasterma.net

Bartenders must be TIP Certified (Training Intervention Program). Copies of server training certificates for individuals who will serve liquor, including their license numbers, are required. All alcoholic beverages must be served by trained bartenders or wait staff.

Event Manager must be CORI checked.

The Police Chief, at his discretion, may determine that if Police Detail is required. If the Police Detail is required, the applicant must pay the cost of the Detail no later than 10 (ten) days prior to the event.

Fees to the Town of Lancaster are: \$50/All Alcohol \$75/Wine & Malt

Copy of Certificate of Liability Insurance showing insurance coverage must be provided from the company serving the alcohol or a private policy. The Certificate of Liability Insurance must name the Town of Lancaster as an additional insured.

APPLICATION CHECKLIST

- X Application for Special (One-Day) Liquor License
- X Check made payable to Town of Lancaster (\$50 or \$75).
- X TIP Certifications including a list of names of all certified employees with their training certification expiration dates.
- X Certificate of Liability Insurance (valid copy)
- X Letter from the Event Location Representative authorizing the sale of liquor.

Return this Checklist and all paperwork to the Town of Lancaster's Town Administrator's Office. All applications must be reviewed before being placed on the Board of Selectmen's Agenda. The Board of Selectmen usually meet the first and third Monday of each month

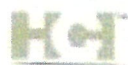
Certificate of Completion

This Certificate of Completion of
eTIPS On Premise 3.1
For coursework completed on September 6, 2021
provided by Health Communications, Inc.
is hereby granted to:

Michael Souza

Certification to be sent to:

**Mass Brewing, LLC, Sterling Street Brewery
175 Sterling St
Clinton MA, 01510-1937 USA**



HEALTH COMMUNICATIONS INC.



This document is not proof of TIPS certification. It signifies only that you have completed the course. Valid certification documents will be forwarded to you.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/19/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER GHM Agency 51 Main Street PO Box 649 Waterville ME 04903-0649	CONTACT NAME: Arielle Roy PHONE (A/C, No, Ext): (207) 873-5101 FAX (A/C, No): (207) 873-5784 E-MAIL ADDRESS: arielle@ghmagency.com														
INSURED MASS BREWING LLC 175 STERLING STREET CLINTON MA 01510	<table><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A: Acadia Insurance Co</td><td>31003</td></tr><tr><td>INSURER B:</td><td></td></tr><tr><td>INSURER C:</td><td></td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Acadia Insurance Co	31003	INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
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INSURER D:															
INSURER E:															
INSURER F:															

COVERAGES	CERTIFICATE NUMBER: 21/22 Master	REVISION NUMBER:
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THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			ADV5453236-11	9/15/2021	9/15/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			ADV5453236-11	9/15/2021	9/15/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A	WCA5453240-11	9/15/2021	9/15/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	Liquor Liability			ADV5453236-11	9/15/2021	9/15/2022	EACH OCCURRENCE 1,000,000 AGGREGATE 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
General Liability: Additional insured endorsement CG2011 04/13 for ongoing operations included

CERTIFICATE HOLDER**CANCELLATION**

Stars Complex
70 McGovern Blvd
Lancaster, MA 01523

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Arielle Roy/ARIELL

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ACORD 25 (2014/01)

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INS025 (201401)

