



LANCASTER SELECT BOARD
Special Meeting Agenda - AMENDED*
Prescott Building – Nashaway Room & ZOOM
Tuesday, September 5, 2023
6:00 P.M.

In accordance with the Open Meeting Law, please be advised that this meeting will be recorded and broadcast, and/or rebroadcast, over Sterling-Lancaster Community TV.

I. CALL TO ORDER

Chair Stephen J. Kerrigan will call the meeting to Order at 6:00 PM in the Nashaway Meeting Room located on the second floor of the Prescott Building, 701 Main Street, Lancaster, MA 01523.

Join Zoom Meeting

<https://us02web.zoom.us/j/83446483053?pwd=RmgzbVY3dWUwY2VwS2VDWDB2SWNadz09>

Meeting ID: 834 4648 3053

Passcode: 797777

One tap mobile

+13126266799,,83446483053#,,, *797777# US (Chicago)

+16465588656,,83446483053#,,, *797777# US (New York)

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

II. SCHEDULED APPEARANCES & PUBLIC HEARINGS - 6:05 PM

Nashoba Regional School District Superintendent, Kirk Downing will join the meeting to review and discuss the proposal coming before Lancaster Residents at Special Town Meeting, September 18, 2023, for a new Regional High School Building.

III. APPROVAL OF MEETING MINUTES

Review and take action on the following Select Board's Meeting Minutes:

- August 7, 2023
- August 16, 2023

IV. BOARDS, COMMITTEES AND DEPARTMENT REPORTS

- Lancaster Historical Commission Discussion (Kerrigan)
- Discuss Staff Harassment RE: Provided Select Board Zoom Access (Allison)
- Update of Hawthorne Lane (Allison)

V. PUBLIC COMMENT

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

1. *Proposed* Fire Truck Acquisition – Remove approval for FY24, Update from TA
2. Capital Requests Review – Initial Requests Only (informational; no action/no votes)
3. Accounting/Budget Software (Turner)
4. Update/Review Town-Wide Fees (Turner)
5. TA Review Update (Allison)
6. Vote to accept Special Election Warrant*



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7. Vote to assign proponent and opponent statements relative to Question #1 on the September 25, 2023 Special Election Ballot as outlined in Lancaster's Special Act of 2004. *

VII. APPOINTMENTS AND RESIGNATIONS -

Announce and accept the following resignations offered either verbally, or in writing, to a member(s) of the Select Board:

- Denise Hurley, Lancaster Cultural Council
- Heather Lennon, Lancaster Historical Commission

VIII. Licenses & Permits -

1. Application for Public Entertainment (Weekdays) and Sundays – The Profound Market, , Saturday, September 23, 2023 from 8:30am-5pm and Sunday, September 24, 2023 from 10am-5pm) at the Lancaster Fairgrounds, 318 Seven Bridge Road.
2. Application Special (One Day) Liquor License for The Profound Market to be held on September 23rd and 24th , 2023 at the Lancaster Fairgrounds from 8:30am-5pm (Saturday) and 10am-5pm (Sunday).
3. Application Special (One Day) Liquor License for The First Church of Lancaster, 725 Main Street, for a Horseshed Fair to be held on Saturday, September 30, 2023 from 10am-4pm.*
4. Application for use of Town Green/Gazabo for The First Church of Lancaster, for the Horseshed Fair on September 30, 2023 from 10am-4pm.*
5. Application for use of Town Green/Gazabo for The First Church of Lancaster, for Halloween on the Green, October 29, 2023 from 4pm – 7pm.*

IX. COMMUNICATIONS

- Select Board's upcoming meetings will be held on September 18, 2023 & October 2, 2023 both starting at 6:00 PM.
- Special Town Meeting called for Monday, September 18, 2023. The meeting will be held in the Mary Rowlandson and Luther Burbank schools starting at 7:00pm.
- Special Town Election called for Monday, September 25, 2025. Polls open from 7 am – 8 pm.
- Miscellaneous Correspondence & Memorandums
 - FEMA FIS Study Report

X. EXECUTIVE SESSION

The Lancaster Select Board will enter into Executive Session pursuant to M.G.L. c.30A, §21(a) for the following purposes:

1. Purpose (3): To discuss strategy with respect to litigation in the matter of J. King and B. King vs. Town of Lancaster as the Chair has determined that having a discussion in open session would have a detrimental effect on the public body's litigation position

And not to re-convene in open session thereafter.



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XI. ADJOURNMENT

SCHEDULED APPEARANCES & PUBLIC HEARINGS

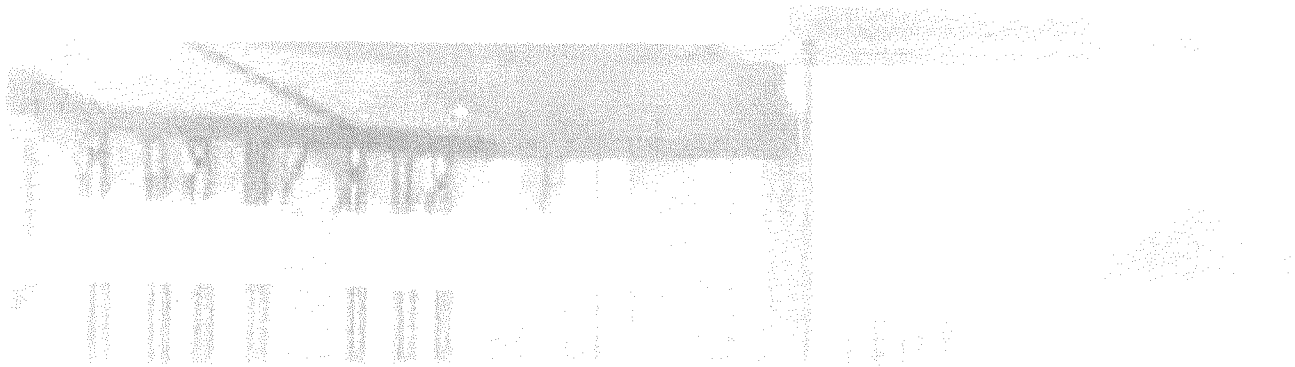
Nashoba Regional High School Building Project Financials

(5 minute video + 3 minute presentation)

Kirk Downing, Superintendent

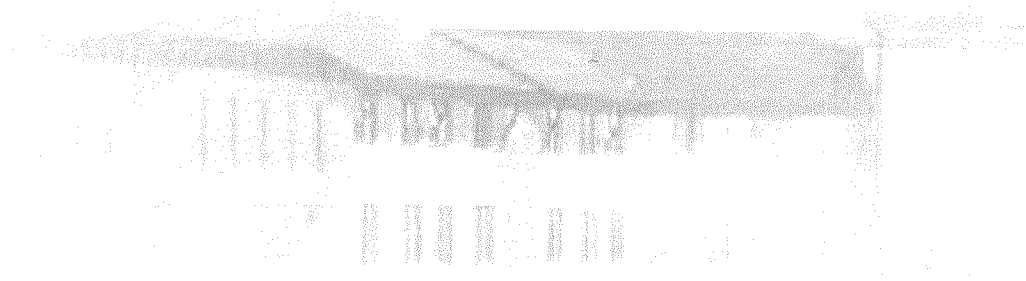
Ross Mulkerin, Director of Finance
& Operations

NRHS Building Project Borrowing Estimates Presentation to NRSC 8/2/23



Purpose

Provide the NRSC with an estimate of borrowing costs based on available data and figures received from our financial advisors



Project Cost

Estimated Total Project Cost	\$241,714,926
MSBA Reimbursement	\$64,811,362
Total Taxpayer Contribution	\$176,903,564

Estimated Totals per Town *

Bolton (31.87%)	\$56,379,165
Lancaster (32.97%)	\$58,325,105
Stow (35.16%)	\$62,199,293

*Based on Regional Agreement using FY24 enrollment data

Key Understandings

- As project budget estimates were being developed, the district began series of meetings with financial advisors
- Both NRSC approved project budget and OPM-provided draft cash flows were provided to our financial advisors
- Financial advisors have provided district administration with three borrowing options
 - These options will be provided to Bond Advisory Subcommittee for feedback as district determines borrowing strategy

Key Understandings (cont.)

- Bonding amount based on project cost less the MSBA Maximum Total Facilities Grant
- Estimates based on fiscal assumptions of current market conditions
 - There has been no rate or term “locked-in”
 - Assumptions may change over time based on conditions outside the control of the district between today and finalization of bonding
- Finalized cost to taxpayers via annual district debt assessment will not be known until completion of building project
- Annual capital debt assessments over life of the bond will be defined according to the Regional Agreement

Option A	Option B	Option C
Bond total project cost at start of project	Bond the project in two portions (two years apart)	Annual notes with bond at conclusion of construction

Estimated Tax Assessment per Household

- Estimate based on:
 - Total project cost
 - MSBA reimbursement
 - Bonding entire project at start of construction (Option A on previous slide)
 - Assumed interest rates of 4.0% to 4.5%
 - 30 Year term (maximum)
 - Regional Agreement using FY24 enrollment data

Estimated Tax Assessment per Household *

	Median Residential Assessment**	Annual Increase for Median Residential Assessment
Bolton	\$712,172	\$1,550-\$1,750
Lancaster	\$456,209	\$1,150-\$1,350
Stow	\$640,760	\$1,300-\$1,500

*Based on estimates provided by financial advisors

**Based on FY24 town assessment data (7/31/23)

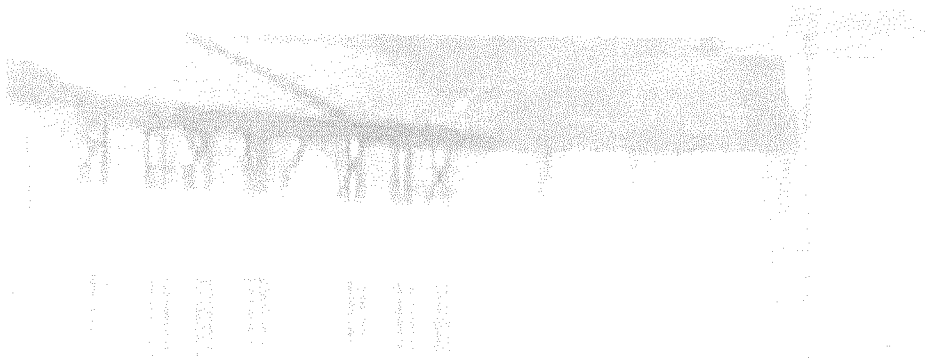
Estimated Tax Assessment per Household *

	Increase per Day**
Bolton	\$4.25-\$4.79
Lancaster	\$3.15-\$3.70
Stow	\$3.56-\$4.11

*Based on estimates provided by financial advisors

**Based on data from previous slide

Thank you!



NASHOBA Regional School Committee



Together, we inspire and challenge all learners to realize their unique potential and become active contributors to their community

Leah Vivirito, Chairperson
Amy Cohen, Vice Chairperson
Joseph Gleason, Secretary

August 3, 2023

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED
AND E-MAIL (JAllison@lancasterma.net)**

Lancaster Select Board
Prescott Building
701 Main Street
Second Floor
Lancaster, MA 01523

RE: Notice of Borrowing Authorization Pursuant to G.L. c. 71, §16(d)

Dear Members of the Lancaster Select Board:

Pursuant to G.L. c. 71, §16(d), the Nashoba Regional School District School Committee (the "School Committee") hereby provides notice that on August 2, 2023, the School Committee voted as set forth in the attached certified vote (the "Committee Vote"), appropriating and authorizing associated borrowing in the amount of \$241,714,926, for the purpose of paying costs of a new Nashoba Regional High School, 12 Green Road, Bolton, MA 01740 including site work and athletic fields, including the payment of all costs incidental or related thereto (the "Project"). Following the Committee Vote the Town of Lancaster is entitled to hold a town meeting regarding this matter in accordance with Section 16, which in pertinent part states as follows:

Section 16. A regional school district established under the provisions of the preceding section shall be a body politic and corporate with all the powers and duties conferred by law upon school committees, and with the following additional powers and duties:

...

Amy Vessels – Bolton Representative
Jacki Reinert – Lancaster Representative
Sharon Poch – Lancaster Representative
Scott Powell – Stow Representative

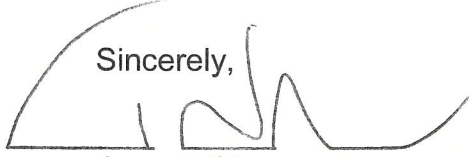
Mike Horesh – Bolton Representative
Shandor Simon – Lancaster Representative
Karen Devine – Stow Representative
Dana Ellis – Stow Representative

Visit www.nrsd.net for representative contact information

(d) To incur debt . . . provided further, that no debt may be incurred until the expiration of 60 days after the date on which the debt was authorized; and provided further, that before the expiration of this period any member town of the regional school district may hold a town meeting for the purpose of expressing disapproval of the amount of debt authorized by the district committee, and if at that meeting a majority of the voters present and voting express disapproval of the amount authorized by the district committee, the debt shall not be incurred and the district school committee shall prepare another proposal which may be the same as any prior proposal and an authorization to incur debt therefor.

See G.L. c. 71, § 16.

Please do not hesitate to contact me with any questions regarding this matter. Thank you.

Sincerely,

Joseph Gleason,
School Committee Secretary

Amy Vessels – Bolton Representative
Jacki Reinert – Lancaster Representative
Sharon Poch – Lancaster Representative
Scott Powell – Stow Representative

Mike Horesh – Bolton Representative
Shandor Simon – Lancaster Representative
Karen Devine – Stow Representative
Dana Ellis – Stow Representative

Visit www.nrsd.net for representative contact information

APPROVAL OF MEETING MINUTES



**LANCASTER SELECT BOARD
Regular Meeting Minutes
of Monday, August 7, 2023
6:00 P.M.
Prescott Building – Nashaway Room**

ZOOM: <https://us02web.zoom.us/j/85856254816>

Meeting ID 858 5625 4816

I. CALL TO ORDER

Chairman Stephen J. Kerrigan called the meeting to order at 6:00PM and advised that the meeting was being recorded and broadcast by Sterling Lancaster Community Television.

Roll call vote taken, Jason A. Allison, present, Alexandra W. Turner, present, Stephen J. Kerrigan, present. Also present, Kate Hodges, Town Administrator.

Please note that some items were taken out of order due to assigned times for Public Hearings.

II. APPROVAL OF MEETING MINUTES

Ms. Turner moved to approve the minutes of July 27, 2023. Mr. Allison seconded the motion. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. Motion passed. [3-0-0].*

III. SCHEDULED APPEARANCES & PUBLIC HEARING

6:10 pm Public Hearing for Renewal of Special Permit to Remove Earth Products

*Notice is hereby given that a Public Hearing will be held on **Monday, August 7, 2023 at 6:10 p.m. located in the Prescott Building, Nashaway Room – Second Floor, 701 Main Street, Lancaster and via Zoom***

<https://us02web.zoom.us/j/85856254816?pwd=L0huaWRJUXo0eno0d1M4TEp6cTRkZz09> to consider the application of John E. Kanis, Inc. 535 Harvard Road, Lancaster, MA, for renewal of a Special Permit To Remove Earth Products (Sand and Gravel) from a parcel of land located at the terminus of Pine Hill Road (0 Pine Hill Road) further identified on the Lancaster Assessors' Maps as Map 31, Parcels 4, easterly of B& M Railroad, westerly of Nashua River at the end of Pine Hill Road by DeFalco Engineering Services, 35 Pine Hill Road, Lancaster, MA. A copy of the Application and Engineering Plans may be viewed in the Town Administrator's Office, Prescott Building, 701 Main Street, Suite 1, Lancaster, MA

between the hours of 9:00 a.m. and 4:00 p.m. Monday through Thursday. All persons interested in providing comment should attend and be heard.

Ms. Turner moved to open the above-referenced Public Hearing, reading the legal notice into the record. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. Motion passed. [3-0-0].*

Mr. Kerrigan recognized John Farnsworth, 35 Pine Hill Road, representing the applicant. Mr. Kerrigan noted that the Board had considered waiving this Public Hearing at a previous meeting but did not have a supermajority (unanimous) vote to do so, and therefore this Hearing was called. Ms. Turner thanked Mr. Farnsworth for his preparation, explaining that she had voted waiving the Public Hearing because everyone should have a chance to be heard, especially in a case like this where the applicant has had an excellent track record with the Town. Ms. Turner asked if the engineering firm Tighe & Bond has submitted their report to the Town, and asked a variety of questions regarding truck traffic and environmental issues. She would like the word “hydroseeding” to be removed since this is not accurate; Mr. Farnsworth explained that the land is actually being reforested. No public comment was heard. Ms. Turner moved to close the Public Hearing; Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. Motion passed. [3-0-0].*

Mr. Allison moved to renew the Earth Removal Permit (Sand and Gravel) to John E. Kanis, Inc. Ms. Turner seconded. Ms. Turner discussed an amendment to the permit to omit the word “hydroseed,” but not finding language referencing “hydroseed” in the existing permit, no amendment was offered. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. Motion passed. [3-0-0].*

6:20 pm Public Hearing to consider a Petition submitted by National Grid

*Under the provisions of Chapter 166, Section 22 of the General Laws, and any additions thereto or amendments thereof, a Public Hearing is scheduled for **Monday August 7, 2023 at 6:20 pm in the Nashaway Meeting Room located on the second floor of the Prescott Building, 701 Main Street, Lancaster, MA and Zoom***

<https://us02web.zoom.us/j/85856254816?pwd=L0huaWRJUXo0eno0d1M4TEp6cTRkZz09> to consider a petition submitted by National Grid, requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way: Mill Street Extension – National Grid to install 1 SO Pole on Mill Street Extension beginning at a point approximately 180 feet south of the centerline of the intersection of Lee Street and continuing approximately 15 feet in an east direction. Install new stub pole 35-84 in order to accommodate removal of tree guy.

Mr. Allison moved to open the above-referenced Public Hearing, reading the legal notice into the record. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. Motion passed. [3-0-0].*

No representative from National Grid was present. Mr. Kerrigan recognized Glenn Ryberg, 38 Mill Street Extension, who had questions; Mr. Kerrigan was able to answer concerns. Ms. Turner moved to close the Public Hearing; Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. Motion passed. [3-0-0].*

Ms. Turner moved to approve the petition as written. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. Motion passed. [3-0-0].*

- **Lancaster Board of Assessors – Abutter Lot Sales Program**

Mr. Kerrigan recognized Principal Assessor Bobbi-Jo Williams and Board of Assessors member Kristen Fox and explained that they were asked to speak to price per square foot questions in the Abutter Lot Sales Program. Ms. Williams asked if an appraiser would be involved to judge market value; she is concerned about a bylaw restricting pricing due to market value. Ms. Hodges explained that these are not buildable lots, and most likely the cost of an appraisal would be more than the value of the land in question. Ms. Williams explained that land falls into one of three categories, primary, residual, and undevelopable.

Ms. Williams suggested that a title search might be needed for some of the properties since there are many instances where the title is not clear. Ms. Hodges explained that only properties listed with clear title and for specific uses would be included. Mr. Kerrigan asked if the appraised value of property less the additional lot and with the additional lot could be determined and the difference between the two values could be the sale price. Ms. Turner stated that she agreed with Ms. Williams that the market is very fluid and having a set price might be problematic. Ms. Hodges stated that the per square foot price could be re-evaluated at any time, perhaps following setting the tax rate.

Ms. Hodges explained that to move forward with the program, a list needs to be developed with specific lots. Mr. Allison stated that he would be inclined to support a lower number, i.e., \$1.00 per square foot. Ms. Turner would encourage staff time to get this done. Mr. Kerrigan agreed with Mr. Allison's statement. Ms. Hodges stated that the next step would be to get the language to Land Counsel, and after that to Ms. Williams.

V. PUBLIC COMMENT

Opportunity for the public to address their concerns, make comments, offer suggestions, or ask questions.

Mr. Kerrigan recognized Jean Syria, 102 Bolton Road. Ms. Syria expressed concerns about an item on the agenda regarding a new fire truck. She would like streetlights back, new cruisers, and

a new dump truck for the DPW. She is concerned about the tax rate in light of the recent override and the upcoming school building costs.

Mr. Kerrigan recognized Joe D'Eramo, 127 Harvard Road. Mr. D'Eramo would like the Memorial School Reuse Engineering Study to consider many options, not just the pavilion. He suggested that the proposed pavilion is oversized and that perhaps some of the existing classrooms could be used for recreational purposes.

Mr. Kerrigan recognized Ralph Gifford, 861 George Hill Road. Regarding the lot pricing for the Abutter Lot Sales Program, Mr. Gifford stated that this is a "revenue maximization problem" and that these lots would be of no interest to anyone except the abutter, and that the price should be low to be attractive to the abutter so that this land could eventually be on the tax rolls.

Mr. Kerrigan recognized Board Member Jason Allison, 343 Brockelman Road. Mr. Allison related a recent experience of being witness to a car fire and his gratitude for how quickly Lancaster's first responders were to arrive on the scene.

VI. TOWN ADMINISTRATOR REPORT

1. Review of Special Town Meeting & Election process & potential article/ballot language

Ms. Hodges reported that the Superintendent has brought forth language to the three towns in the district that will become a Warrant Article.

2. Potential Special Town Meeting Articles (non-school)

Ms. Hodges reported that one Article will be to ratify the Emergency Services Classification Scale because fire department personnel are no longer part of the Teamsters' Union. Inclusion of additional titles on the Classification scale will also be addressed. The Water Enterprise will have an article looking to amend their budget to purchase a truck with Chapter 90 Funds. The Planning Board will seek an amendment to the Accessory Dwelling Zoning Bylaw. There may be an amendment to the 2024 Capital Plan.

Ms. Hodges explained that the Board will need a Special Meeting on Tuesday or Wednesday of next week to approve and close the Warrant. It was decided that the Board will meet on Wednesday, August 16 at 5:30PM.

The Town Clerk has asked to waive mail-in voting for the Special Election and to schedule early in-person voting. Ms. Hodges will send this information to the Board for their approval.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Lancaster Fire Department – Engine Replacement Program, Chief Michael Hanson

Chief Hanson gave a short slide show presentation regarding the need to replace Engine #4, listed in the Department's current Capital Plan for replacement in 2024. It was last updated in

2016, at which time it was estimated that the repairs would last for about five years. Lancaster has been told by the manufacturer that this is the last truck of this model in operation nationally. New trucks are estimated to take 2-2-1/2 years at this point. In the last year, the quote for this replacement has increased by about \$300,000. There would be no cost to the Town until the truck is delivered.

Mr. Kerrigan would support the need to replace Engine 4, as would Mr. Allison. Ms. Turner asked about the funding source; Ms. Hodges stated that it would be the same line item currently being used under the Capital Plan; two of the trucks will fall off the budget this year. Ms. Turner asked what the interest rate would be; this is unknown at this time. The replacement truck would need to be custom built since current trucks are too large to fit into the South Fire Station. Ms. Turner asked about an electric truck; Chief Hanson stated that these are being tested but are not in general use in the United States. The existing truck would be returned to the manufacturer as part of the Bill of Sale. Ms. Hodges will bring this to the Finance Committee meeting next week for their consideration, and it would have to be approved at Town Meeting.

Mr. Allison moved to support the Lancaster Fire Department Engine Replacement Program as presented by Chief Hanson. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. Motion passed. [3-0-0].*

2. Personnel Policies – New Section Inclusion “Public Safety”

This is part of the Personnel Policies and Procedures manual. Ms. Hodges has sent a memo on this topic to the Board. Once the pay scale has been approved, language needs to be added regarding ranks and promotions. There is also qualifying language regarding sick and personal time. Ms. Turner moved to add a new subsection “Firefighter Promotional Opportunities” within the existing Classification and Compensation Chapter of Lancaster’s Policies and Procedures Manual adopted by the Select Board on May 15, 2023 as laid out in the Meeting Materials packet for this meeting. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. Motion passed. [3-0-0].*

Mr. Allison moved to add new and clarifying language regarding Sick and Personal leave within the existing Attendance and Time Off Provisions Chapter within Lancaster’s Policies and Procedures Manual as laid out in the Meeting Materials packet for this meeting. Ms. Turner seconded the motion. *Chi taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. Motion passed. [3-0-0].*

3. Memorial School Reuse – Draft Scope & Outline for Request for Proposals (RFPs)

Ms. Hodges has sent a 58-page document to the Board. She suggests not-to-exceed \$120,000 from ARPA funds; criteria for rating the proposals received is outlined in the document. She outlined the broad variety of uses that this RFP would address. All members of the Board expressed concern about incurring additional debt should the project go forward.

Mr. Allison moved to bring this RFP forward and release it for bid. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. Motion passed. [3-0-0].*

4. Online Financial/Software Programs (Turner/Allison)

Ms. Turner will get the list of contacts and the towns she has spoken with to Mr. Allison.

5. Review & Update of Town Fees (Turner)

Ms. Turner asked to table this item; Mr. Allison moved to table this agenda item and Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. Motion passed. [3-0-0].*

6. Montachusett Regional Planning Commission (MRPC) Transportation Improvement Program (TIP) Amendment (Turner)

Ms. Turner noted that the comment period for the TIP Amendment ends on the 14th and requested that Ms. Hodges post the program information on the town website so that residents can comment. Ms. Turner noted that much of the plan does not pertain to Lancaster.

VIII. APPOINTMENTS AND RESIGNATIONS
--

** Taken out of order **

Appointments:

Tax Fairness Committee Nominations & Appointments:

Open Seats: 3 Members-At-Large, 1 Finance Committee & 1 Board of Assessor

- Sheila Casey
- Denise Hurley

Mr. Allison moved to appoint Sheila Casey as an At-Large member and Denise Hurley as representing the Friends of the Seniors to the Tax Fairness Committee. Ms. Turner seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0]*

Recreation Committee Nominations & Appointments (1 seat open, term to expire 6/30/2026)

Open Seats: 1

- Sherry Cutler
- Jessica Williams

Mr. Allison moved to appoint Sherry Cutler to the Recreation Committee, term to expire 6/30/2026. Ms. Turner seconded the motion. The Board thanked candidate Jessica Williams and hopes she will apply for a future open *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Zoning Board of Appeals

Open Seats: 1

- Eric Jakubowicz

Ms. Turner moved to appoint Eric Jakubowicz to the Zoning Board of Appeals. Mr. Allison seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0]*

IX. LICENSES AND PERMITS

**** Taken out of order ****

1. Application for Public Entertainment (Weekdays) and Sundays

Dean & Flynn Inc., dba Fiesta Show, for the Annual Bolton Fair, August 11-13, 2022. (Thursday 5-10pm, Friday Noon-10pm, Saturday 9am-10pm, and Sunday 9am-9pm) at the Lancaster Fairgrounds, 318 Seven Bridge Road.

Mr. Allison moved to approve the above referenced; Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0]*

2. Application for Public Entertainment on Sundays

Tyrod's Annual Car Show, September 10, 2023 at the Lancaster Fairgrounds, 318 Seven Bridge Road.

Ms. Turner moved to approve the above referenced application; Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0]*

3. Application for Special (One Day) Liquor License

Tyrod's Annual Car Show, September 10, 2023 at the Lancaster Fairgrounds, 318 Seven Bridge Road.

Ms. Turner moved to approve the above referenced application; Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0]*

X. COMMUNICATIONS

**** Taken out of order ****

- Select Board's next regular meetings will be held on Tuesday, September 5th (due to the Labor Day holiday on 9/4) starting at 6:00PM and on September 18 prior to Town Meeting.
- Special Town Meeting called for Monday, September 18, 2023. The meeting will be held in the Mary Rowlandson and Luther Burbank schools starting at 7:00pm
- Special Town Election called for Monday, September 25, 2025. Polls open from 7:00AM – 8:00PM
- Miscellaneous Correspondence & Memoranda

XI. ONGOING PROJECTS & OLD BUSINESS
--

Mr. Allison reports, regarding the Town Administrator Review, that he has spoken to Town Counsel regarding concerns and that his questions have been answered. He would like to begin the process and to give Board members two weeks to complete the paperwork that he has forwarded to them.

Mr. Kerrigan noted that in the budget just passed by the State, Lancaster has been allocated \$90,000 (\$80,000 for infrastructure at the Community Center and \$10,000 for furniture for the Library). He extended thanks to Senator Cronin and Representative Kilcoyne.

Ms. Turner reported the MRPC Freight Study Committee is looking for public input on truck traffic in the area, which could create opportunities for future grants. She would like to form a group to look at this; comments are due by the 21st. Ms. Hodges noted that some comments have already been submitted by herself and the Planning Director. Mr. Kerrigan asked, since this was new business, if Ms. Turner would write something up for discussion at the Special Board meeting on the 16th.

XIII. ADJOURNMENT

Mr. Allison moved to adjourn the meeting; Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. Motion passed. [3-0-0].*

Respectfully submitted,

Kathleen Rocco
Executive Assistant

Alexandra W. Turner, Clerk



**LANCASTER SELECT BOARD
Special Meeting Minutes
of Wednesday, August 16, 2023
5:30 P.M.
Prescott Building – Nashaway Room**

ZOOM: <https://us02web.zoom.us/j/89631607239>

Meeting ID 896 3160 7239

I. CALL TO ORDER

Select Board member Alexandra Turner called the meeting to order at 5:30PM and advised that the meeting was being recorded and broadcast by Sterling Lancaster Community Television.

Roll call vote taken, Jason A. Allison, present, Alexandra W. Turner, present, Stephen J. Kerrigan, absent. Also present, Kate Hodges, Town Administrator.

Mr. Allison moved that the Board go into recess until 5:45PM; Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye, Alexandra W. Turner, Aye. Motion passed. [2-0-0].* This was to allow Mr. Kerrigan, who was running late, time to join the meeting.

Ms. Turner reconvened the meeting following the recess and proposed that some items could be covered before Mr. Kerrigan's arrival. Mr. Allison moved to enter recess again, reconvening at 5:51PM. Ms. Turner seconded the motion. *Vote taken, Jason A. Allison, Aye, Alexandra W. Turner, Aye. Motion passed. [2-0-0].*

The meeting was re-convened; Mr. Kerrigan was now present.

II. ADMINISTRATION, BUDGET, AND POLICY

1. Close Special Town Meeting Warrant scheduled 09/18/23

Ms. Turner offered a motion to close the Special Town Meeting Warrant scheduled on September 18, 2023. Mr. Allison seconded the motion. *Vote taken, Vote taken, Jason A. Allison, Aye, Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Ms. Turner requested that the Board review the Warrant.

Mr. Kerrigan explained that Article 1 will vote on the new high school building project. Article 2 is to amend the Water Enterprise, making adjustments to the vote taken at the Annual Town Meeting; Ms. Hodges reported that the Water Commissioners will be present at

the Special Town Meeting to answer any questions. Article 3 is the Supplemental Classification Plan for Emergency Services personnel as discussed at the last Select Board meeting; because the Fire Department has come out of the Union, they need to be added to the Town's Classification Plan. Article 4 is sponsored by the Planning Board and has to do with Accessory Apartments.

2. Discuss and vote to accept, or reject, ballot question for Special Town Election Ballot called for 09/25/23

The ballot question, related to the prior week's Special Town Meeting Article about the high school building project, reads, "Shall the Town of Lancaster be allowed to exempt, from the provisions of Proposition 2-1/2 so called, the amounts required to pay Lancaster's allocable share of the Bond issued by the Nashoba Regional School District, for the purposes of paying costs of a new Nashoba Regional High School, 12 Green Road, Bolton, Massachusetts, 01740, including site work and athletic fields, including all costs incidental or related thereto."

Ms. Turner verified that the School Superintendent will attend the next Select Board meeting and will be attending the Special Town Meeting. She also clarified that this is not an override, but a debt exclusion, meaning that it is limited to a finite length of time. The length of time has not yet been determined.

Ms. Hodges reported that she had intended to create a flyer summarizing the School Building Project, but the School Committee, the Office for Campaign Finance, and Counsel for the State have said that this cannot be done. All information must come from the School District.

Mr. Allison said that we have a duly elected School Committee, and residents are encouraged to contact their School Committee representative with any questions.

Mr. Allison moved to approve the ballot question for the Special Town Election called for September 25, 2023. Ms. Turner seconded the motion. *Vote taken, Jason A. Allison, Aye, Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Complaints were sent via email from several members of the audience, stating that they could not hear the proceedings. Some time was spent troubleshooting the issue. Mr. Kerrigan stated that the Board would re-take any votes taken to make sure that the meeting was in order:

Ms. Turner offered a motion to close the Special Town Meeting Warrant scheduled on September 18, 2023. Mr. Allison seconded the motion. *Vote taken, Vote taken, Jason A. Allison, Aye, Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Mr. Kerrigan re-read the text of the proposed ballot question into the record. Mr. Allison moved to approve the ballot question for the Special Town Election called for September 25, 2023. Ms. Turner seconded the motion. Ms. Turner re-capped the previous discussion on this item. *Vote taken, Jason A. Allison, Aye, Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

3. Discuss and vote to include Special Town Meeting Ballot Question on the Special Town Election Ballot called for 09/25/23.

Ms. Hodges explained that the prior vote had accepted the language of the ballot question, and this agenda item pertains to voting to print the approved language on the ballot. Ms. Turner moved to include the Special Town Meeting Ballot Question on the Special Town Election Ballot called for on September 25, 2023. Mr. Allison seconded the motion. *Vote taken, Jason A. Allison, Aye, Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

4. Vote to waive mail-in voting for 09/25/23 Special Town Election

This item was not taken up as it has been decided to offer mail-in voting.

5. Vote to allow early voting for Special Town Election, called for 09/25/23, during the following hours:

Tuesday 09/29/23 – Thursday 09/23/23 between the hours of 9am-4pm

Friday 09/22/23 between the hours of 9am-1pm

All early voting will take place at the Prescott Building, 1st Floor, 701 Main St., Lancaster, MA

Mr. Allison moved to allow early voting for the Special Town Election, called for September 25, 2023, during the following hours: Tuesday, September 23, 2023, between the hours of 9am-4pm, and, Friday, September 22, 2023, between the hours of 9am-1pm, with all early voting to take place at the Prescott Building, 1st Floor, 701 Main Street, Lancaster, Massachusetts. Ms. Turner seconded the motion. Ms. Turner clarified that the first floor is the main floor where the Town Clerk's office is located. *Vote taken, Jason A. Allison, Aye, Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Ms. Hodges reported that printing the warrant could happen in about a week and then it could be mailed. The cost is about \$4,500; in her professional opinion, this is important, and she would support this happening. Unfortunately, this is not in the budget, so money would need to be transferred from another line item or some cut would need to be made to have money available for this. Mr. Kerrigan agreed, stating that he would support this because residents need to be made aware of this critical issue. Mr. Allison moved to approve the printing and mailing of the Warrant for the upcoming Special Town Meeting. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye, Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

III. NEW BUSINESS

1. Discuss and vote to permit the Town Administrator to negotiate payment for services, up to a certain amount, for unscheduled services rendered on Town property.

Mr. Allison moved to permit the Town Administrator to negotiate payment for services, up to \$3,000, for unscheduled services rendered on Town property. Ms. Turner seconded the motion for discussion. Ms. Turner asked if the Reserve Fund was still available; Ms. Hodges explained that the Reserve Fund is available but is not for this purpose, and that this is a one-time need to comply with procurement regulations per Town Counsel. Ms. Turner would move to amend the prior motion to include "one-time payment not to exceed \$3,000." Mr. Allison said that he would prefer the original wording as presented by Counsel. Mr. Kerrigan suggested that the language might be, "in recognition of a one-time special circumstance." Mr. Kerrigan moved to vote on the amendment; *Vote taken on the amendment, Jason A. Allison, No, Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [2-1-0].*

Ms. Turner moved to permit the Town Administrator to negotiate payment for services, up to \$3,000, for unscheduled services rendered on Town property, in recognition of a one-time special circumstance. Mr. Kerrigan seconded. Mr. Allison expressed concern about "trying to outsmart Town Counsel." Mr. Kerrigan stated that he was comfortable. *Vote taken, Jason A. Allison, Aye, Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

2. Designate a fund or funding mechanism for payment of work for services rendered.

Ms. Turner moved to designate a fund or funding mechanism for payment of work for services rendered. Ms. Hodges said that this money could be taken from ARPA, from a similar expense in another department's line item, or from some other area. Some discussion was held about what area money could be moved from and whether or not the Reserve Fund could be used. Mr. Kerrigan suggested using money from the Select Board budget, and that if this left a shortage of funds in the Select Board budget later in the year, the use of the Reserve Fund could be explored. Mr. Allison moved to use the Select Board appropriation as a funding mechanism for payment of work for services rendered. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye, Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

NEW BUSINESS

Mr. Allison reminded Ms. Turner that she needs to submit her input for the Town Administrator review.

Ms. Turner noted that comments need to be submitted regarding the impacts of freight and trucking for input to the Montachusett Regional Council Freight Subcommittee. She would like to include in their study small and feeder roads to the development/area. Mr. Kerrigan said that if the Board was going to submit written comments, then the Board needs to see the comments to be submitted in advance. Ms. Hodges reported that she and the Planning Director had asked for the entirety of Route 70 to be included in the study and that this had been agreed to. A draft map of the project was displayed, and discussion was held as to what roads were and/or should be included. Ms. Turner would also like the study to include counts of truck traffic at the rotary near the soccer fields. Mr. Kerrigan would like Ms. Turner to go back to the committee and request that the opening for comments be extended until after the

September 5 Select Board meeting, and that Ms. Turner have written comments prepared for discussion at the September 5 meeting.

Ms. Turner reported that on August 23, Lavendar D'Archangelo will appear on America's Got Talent. The Select Board extended good wishes.

IV. ADJOURNMENT

“

Mr. Allison moved to adjourn the meeting; Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. Motion passed. [3-0-0].*

Respectfully submitted,

Kathleen Rocco
Executive Assistant

Alexandra W. Turner, Clerk

BOARDS, COMMITTEES & DEPARTMENT REPORTS



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

KATE HODGES, Town Administrator

khodges@lancasterma.gov

MEMO

To: Select Board
From: Kate Hodges, Town Administrator
Date: September 1, 2023
RE: Hawthorne Lane Update

Select Board Member Jason Allision asked that I prepare an update related to the Melanson Bros. Development subdivision project located along Hawthorne Lane in Town. Below and attached you will find action items and notes relative to the project since I became Town Administrator. There are files in the Planning Office from before my tenure began which detail the project's acceptance, order of conditions, permit requirements, and HOA obligations if those are also of interest. That said, I believe the most pertinent information relative to the outstanding issues with the development are outlined herein.

Summer of 2022

During the summer months, I worked with the Planning Office to view and read the documents and orders relative to the subdivision expansion project which is now known as 'Hawthorne Lane.' It was apparent that a number of outstanding items remained incomplete and, moreover, that the agreed-upon Homeowners Association requirement was not met. Therefore, at the time Certificates of Occupancy were issued by the Planning Department, there was no HOA nor is any mentioned throughout the residents' property deeds. Given this, the Town has no legal authority or means to require an HOA, even retroactively. Short of those residents living in the development willingly entering an HOA, the duty to fulfil the obligations which would have been outlined in the HOA creation documents rests with the Town. I provided this information to both the Planning Board and Select Board in September of 2022 at the request of the Board and in concert with Town Council.

October 2022

On October 5, 2022, my office hosted a meeting between the builder and the members of the Planning and Building Staffs. Frank Streeter of the Planning Board and Steve Kerrigan of the Select Board were also present. At that meeting, the Town was provided updates and clarification related to Hawthorne Lane. After the meeting, I developed a "*Project Conclusion & Punch List*" memo which was circulated to all attendees and the developer. A copy was sent to the Planning and Select Boards; I have included the document as an attachment hereto.

In October and November, the developer worked on several of the items in the 'punch list' including having the bounds of the roadway inspected, clearing construction debris from the work areas, connecting stormwater management apparatuses and fixtures, and installing loam and seed in the open space areas.

December 2022 – January 2023

At the end of the year, the builders' attorney sent a draft deed and conveyance to the Planning Department relative to the open space parcel. This open space conveyance was a condition of the subdivision plan outlined by the Planning Board at the time of the development's acceptance. It is my understanding that the area in question does not conform to the initial open space agreement articulated by the then-Planning Board, nor does it conform to what was initially outlined in the permit. It is not clear what can be done about this years later as the water pump station has been built and is operational.¹

Over the past several months, the Town has sent numerous emails to the builder about the punch list. Our Public Works Superintendent has also spoken to the builder on numerous occasions relative to many of the roadway, water, and sanitation items which remain incomplete and/or not operational. The Town cannot contemplate accepting the roadway or another other part of the subdivision until the Public Works Department's requirements are satisfied and that Commission votes in the affirmative to do so.

June – July 2023

Over the past several months, the Water Department was assigned to periodically inspect the progress relative to Hawthorne Lane and were able to report the following:

Completed Items Include:

- ✓ The binder and topcoat of asphalt have been installed.
- ✓ Gate boxes on homes 45 & 53 have been raised.
- ✓ Loam & Seed has been installed.
- ✓ The water main at/on/near 719 George Hill Rd. has been relocated.
- ✓ The water booster station has had a step installed and the areas has been paved.

Incomplete Items Include:

- The required fencing around the water station is not fully installed.
- The water hydrants along roadway have not been raised to the legal height relative to the asphalt.
- The water pump station remains non-compliant per Lancaster Water Division & MA DEP.
- The items of note ordered by MA DEP include:
 - A formal determination letter or agreement as to which entity, person or group is responsible for the maintenance, operation and insurance of the water booster station is necessary; and
 - The builder's 02/28/19 permit outlined 'an agreement' which was signed by the developer and Weston & Sampson, Inc. relative to the operation and inspection of the booster station. This agreement was *only* to remain in effect until the Town or the HOA took ownership, but it has been years. Given that there is no legal HOA and the Town has not taken ownership, it is unclear if this agreement remains valid. *[I will offer that W&S sends a report monthly to Planning relative to the station, so I presume it is, but have not seen it.]* Regardless, MA DEP has said the terms of this agreement, both in substance and duration, remain unclear.
- The required flood sensors in the booster station are non-operational and must be addressed.
- The water curb stop boxes have yet to be inspected. *[The DPW Superintendent has assigned this task to the Water Division crew, and we should have information later this week.]*

¹ Note: The pump house has been erected inside what was to be the open space parcel conveyed to the Town, how and why this happened is unclear as it predates my time and the former Planning Director. However, it has operated for years and feeds the water to the homes in the development so removing it is not a viable or reasonable option. The Town can either accept the land 'as-is' or can send the matter back to the Planning Board for their recommendation.

Recommended Action Items – Select Board

1. Regardless of ownership, the Water Department is responsible for ‘*water up to the last tap.*’ The Water Department (and, in my opinion, the Town) should evaluate taking ownership of both booster pump stations or, at a minimum, enter into some legally binding agreement with the pump station owners (presumably, the developer) detailing each parties’ responsibility toward its operation, maintenance and upkeep.
2. I would also suggest that the Town, independent of the Water Division and separate from the actions of the Elected DPW Commissioners, seek to create a separate agreement which outlines the Town’s legal recourse, if any, should the obligations of others related to the booster station not be met or are handled in a negligent or inappropriate manner. There should be actual damages outlined if the actions of another party (or another party’s *non-action*) results in a booster failure leaving residents without water.
3. The Sewer Commission, which is separate and independent of the Town, should be asked by the Select Board to aggregate any information or outstanding tasks which they reasonably believe may have a negative impact to either the operation or the integrity of sewer services.

Special attention should also be called to the need for a professional inspection of the sewer curb boxes, lines, and individual connection points in order to ensure proper installation function *before* the Town contemplates adopting the roadway and/or the pump house.

I hope this information has been helpful in providing and update and determining next steps. Please see the attached reports and documents for additional information and details. If you need anything more, please do not hesitate to ask. Thank you.



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

KATE HODGES, *Town Administrator*

Kathleen Rocco, *Executive Assistant*

October 5, 2022

MEMO

To: Gary Melanson, Hawthorne Subdivision
From: Kate Hodges, Town Administrator
RE: Hawthorne Lane Subdivision Project Conclusion & Punch List
CC: Select & Planning Boards
Jasmine Farinacci, Community Development & Planning Director
Brian Gingras, Building Inspector

I appreciate, Gary, the time you took last week to meet with the Town Staff and I regarding the Hawthorne Lane Development Project. I felt our meeting was productive and was conducted with a true spirit of collaboration – I thank *you* for that. As promised, below I have provided a synopsis of the items we discussed. These appeared on Haley and Ward’s “*Punch List*” memorandum dated 3-31-2021. This list had previously been provided to the Planning Board, in April of 2021; however, the membership of the current Planning Board is different than that of 2021. Because of this, the new board members will need to understand some of the historical background relative to this project in order to assist in closing out the matter. To assist in that effort, I will also be sending a copy of this memo to the Planning Board.

I appreciate the fact that you wish to complete the tasks needed to close of this project by the end of November 2022. I am further grateful for the time you took last week to reaffirm my staff and I of your desire to *comply* with each of the stipulations outlined in the project’s Special Permit which was issued by the Planning Board years ago. Please know that we believe we are partners with you in this matter and want you to feel free to ask questions, voice concerns or explore reasons for any delays. Doing so, we will be better able to avoid rumor, innuendo and bad feelings relative to the project overall.

Given that, the table below seeks to represent the mutually-agreed-upon summary of outstanding matters relative to the eventual completing of the Hawthorn Lane subdivision.

ACTION ITEMS	AGREED UPON REMEDY
Install Bounds	Completed in May of 2022. Haley & Ward (H&W) need to inspect them. Gary will get in touch with them to schedule.
Clean trash & debris from stormwater ponds	Completed in November 2021. Gary plowed the subdivision last winter. H&W need to inspect as well.
Install grates & frames on stormwater outlets	Completed. The Engineer needs to inspect. Gary will coordinate this.
Install ¼” cover plate over stormwater pond	Completed. The Engineer needs to inspect. Gary will coordinate this.

outlet structure	
Raise hydrant & gate boxes on homes 45 & 53	Pending Confirmation. Gary <i>believes</i> these were completed when last he and his team were on-site working. Gary will investigate and let the Town know.
Loam & seed shoulder	Completed in <i>appx.</i> Fall of 2021. H&W already inspected this. Gary went back to the site after H&W's inspection and installed additionally fill and seed to support the curb backing.
Provide hoods at catch basins.	WITHDRAWN. No longer needed as these were only necessary during construction to protect wetlands and control stormwater.
Relocate 719 George Hill sewer force main	Completed. This item was relocated in 2019; the sewer main is now located within the George Hill ROW per spec.
Investigate & resolve settlement at NE corner of water boost station	Completed. This is no longer an issue as the areas in question have been graded and prepared for the installation of pavement (see above).
Add step at water boost station	Completed. This will be done at the same time as the final paving tasks are also completed (see task above).
Place binder & top course pavement at water boost station	Outstanding. Gary is going to schedule this work and provide the Town (through this office) with the date(s) this will be taking place.
Install fence & gate around pump station	Outstanding. After the pavement install is scheduled, Gary will order these supplies and install the fencing after they are received.
Raise hydrants to grade at pump station	Outstanding. This will be completed at the same time as the paving.
Raise sewer service curb boxes to grade for whole project & label "sewer"	Outstanding. This will be completed at the same time as the paving.
Raise water service curb boxes to grade for whole project & label "water"	Outstanding. This will be completed at the same time as the paving.
Provide record plans for project	Pending Confirmation. Jasmine and Brian shall confirm that what is on file in their office is exactly what is needed to satisfy this action item.
Provide Draft Homeowners Agreement	WITHDRAWN. A draft of this agreement <i>was</i> provided to the Planning Board many years ago; a copy is on file in the planning office. That said, the homeowners were issued certificates of occupancy and permitted to move-in without any executed HOA agreements. No deeds to any of the homes mention the need or the existence of an HOA. There is no legal recourse, currently and under these circumstances, for the Town to now require this after-the-fact. The Town staff from years' ago mismanaged this; however, it is not the fault of the residents who moved in nor is it reasonable to require (which, for the record, we cannot legally require anyway) them to redo their home deeds and mortgage documents to include an HOA which was not in place at the time of their purchase and has not been in place for the entire time they have lived in the development. This is on the Town and we need to accept it; we don't have to like it, but we have to accept it.
Confirm alarm call outs to water dept. from pump station	WITHDRAWN. The facility has a dial-up system (phone) in the building that automatically rings to the Fire Dept. If there were to be a loss of electricity which causes the water pump to effectively shut down,

~~...alarm call-outs (cont.)~~

the phone in the building automatically calls the Fire Dept. to alert them. Gary also offered that the existing pumpstation has been operational for more than three years and has employed the system detailed above. During that time, there have been no reported calls for a system outage or water pump issue at the site. There is no need to require this additional layer as it is unnecessary and costly.

During our conversation, there were also several additional points of clarification discussed. We also explored a few other tasks which were not represented on H&W's punch list but were worth exploring as a group.

These included the following:

- ✚ The water department requested that Melanson pave 6' around the pump house structure and add a 12' paved driveway leading to the pump house entrance. The water department staff expressed their need to access the generator within the pump during emergencies and, in order to do that during the winter months, they will have to snowplow/snow blow the area in order to allow access. The original specifications for the area surrounding the pump house outlined a stone dust or rock pathway as a mean of egress. The water department staff are concerned about maintaining the area properly during inclement weather and asked for these modifications; Gary agreed to pave the areas as requested.
- ✚ Chairman of the Planning Board Frank Streeter asked Gary if there was anything that he [Gary] and his team could provide relative to landscaping 'around' the pump house and the structure itself is rather unappealing. Gary agreed to investigate this and see what could be done in terms of planning, shrubbery, and screenings, to make the area more aesthetically pleasing.
- ✚ The open space, as it exists now, has the pump house structure cited within the center of the property. Like the Homeowners Association matter outlined above, homeowners were permitted to occupy their spaces despite the pump house building's location (meaning, within the open space parcel as it has always been.) While the Town maintains its position of discontent with the facility's location, the collective group recognized that moving the building required immense expense, including reciting water and sewer lines, and would render the neighborhood waterless during the construction time which would be lengthy. It was agreed that while not ideal, undoing this, at this time, would not be in the best interest of the Town or the Residents of Hawthorne Lane. It was agreed, therefore, that:
 - The open space land shall be deeded to the Town, under the care, custody and control of the Select Board as is.
 - Gary's attorney will re-draft the land donation agreement to reflect the change of 'owner' from Conservation to Select Board/Town and will forward a copy to this office for review when it is completed.
- ✚ Haley and Ward have an outstanding bill for services rendered relative to this project which Melanson is responsible for. Gary agreed that he would personally contact H&W directly and make arrangements to provide payment.
- ✚ The Avidia Bank Fund which has been referred to as the '*project bond*' has approximately \$93,000 remaining.

- Gary received \$43,000 BACK (as authorized by the Planning Board) approximately one year ago. This release of funds was signed by Russ Williston who was the Planning Board Chair at the time.
- This amount was returned in recognition of several project milestone completions including:
 - The installation of the main Hawthorne Lane roadway;
 - The completion of the roadway berms which surrounded the curbs along the Hawthorne Lane;
 - The additional of extra loam and seed to backfill the area around the curbing; and
 - The acquisition and installation of twenty-nine (29) street trees (public shade trees) which were planted in a staggered pattern on the sides of Hawthorne Lane .
- When the additional outstanding items outlined in pages 1 and 2 of this memo have been completed, Gary will reappear before the Planning Board to request that the remainder of the funds held in the Avidia account are released.
 - This will signify the project's completion and the acceptance of the project and, by default, the road.
 - The Planning Board expects to hear from Gary at their meeting on October 24th and shall be placed on the agenda to provide, at a minimum, an update on the 'punch list' items detailed above.

✚ Once the Planning Board has determined that the project is complete, the Select Board should plan to schedule a time to hold a joint meeting with the DPW Commission. At this meeting, the Boards should vote to formally accept the water pump house (DPW) and the open space (Select Board). This will ensure maintenance and upkeep of the two assets are transferred from that of a private company (Melanson) to the Town (via the DPW and the Town Administrator).

Thank you, once again, for taking the time to meet with us and to help us outline a mutually agreeable pathway forward. I am hopeful, as your proposed November completion date draws near, that you will feel welcome to contact me should you face any delays, barriers, or issues which you believe may prevent your target date from being met.

I believe, as stated before, we can all agree that while the path that led us to this point was muddy at best, we all want to end this project in an open and responsive way which benefits the town, it's residents and your company.

Thank you for being part of that solution. I look forward to hearing about your progress.

ⁱ This arrangement is not a bond. The discussion surrounding this matter is not one which the group had with Mr. Melanson; however, it is something which the Town's Select Board and Finance Committee should discuss, at length, in the upcoming months.

QUITCLAIM DEED

MELANSON BROS., INC., a Massachusetts corporation with a principal business of 28 Mary Catherine Drive, Lancaster, MA 01523,

for consideration paid and in full consideration of less than One Hundred and 00/100 Dollars (\$100.00)

grants to THE INHABITANTS OF THE TOWN OF LANCASTER

with quitclaim covenants

A certain parcel of land, situated in Lancaster, Mass. on the northwesterly side of George Hill Road and the southwesterly side of Hill Top Road and shown as "Open Space" a plan entitled "Definitive Subdivision Plan, Land in Lancaster, Mass." Owned by Poras Realty Trust, dated October 6, 2015, by Whitman & Bingham Associates, LLC, which plan is recorded in the Worcester District Registry of Deeds in Plan Book 934, Plan 43 (hereinafter, the "Plan").

Said Open Space parcel contains 847,101 square feet more or less, according to the Plan.

This transaction does not constitute a sale of all or substantially all of the assets of the corporation in Massachusetts.

Grantee hereby reserves to itself, and to its successors and assigns, the temporary right and easement, for the purpose of bringing and placing on said strip all personnel, tools, equipment, vehicles and appliances necessary to construct roadway, drainage and slopes, including any necessary landscaping and other improvements related thereto, in connection with the completion of the subdivision shown on the Plan as the Grantee may from time to time deem necessary and the right and easement to cut and trim trees, bush, overhanging branches and other obstructions to the extent that the Grantee deems necessary; and the right to enter said parcel for access thereto for all the above purposes.

Property Address:

By its acceptance of this grant the Grantee, for itself and its respective successors and assigns, agrees that this temporary construction easement shall automatically terminate and be of no further force or effect on and after the second (2nd) anniversary of the date of this deed.

Being a portion of the same premises conveyed to the Grantor by deed recorded with the Worcester District Registry of Deeds at Book 58783, Page 374.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

Executed as a sealed instrument this 17TH day of NOVEMBER, 2022.

Melanson Bros., Inc.



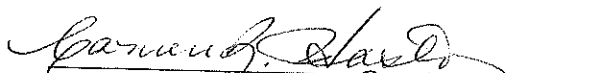
Steven Melanson, Treasurer

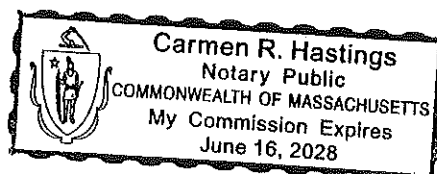
COMMONWEALTH OF MASSACHUSETTS

County of: WORCESTER

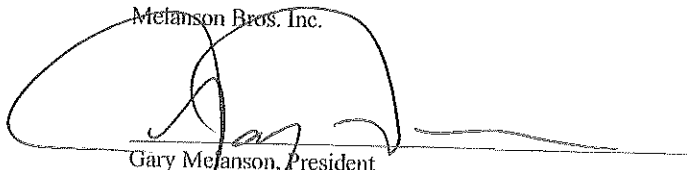
NOVEMBER 17TH, 2022

Then personally appeared the above named Steven Melanson, as Treasurer of Melanson Bros., Inc., a corporation, proved to me through satisfactory evidence of identification, which were ☒ driver's license; ☐ state ID; ☐ passport ☐ other government issued ID; ☐ known to me; ☒ other, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purposes, before me,


Notary Public: CARMEN R. HASTINGS
My Commission Expires: JUNE 16, 2028



Executed as a sealed instrument this 22 day of November, 2022.

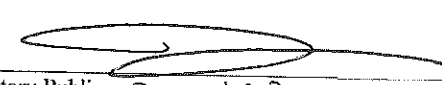
Melanson Bros. Inc.

Gary Melanson, President


COMMONWEALTH OF MASSACHUSETTS

County of: Middlesex

November 22, 2022

Then personally appeared the above named Gary Melanson, as President of Melanson Bros., Inc., a corporation, proved to me through satisfactory evidence of identification, which were ☐ driver's license; ☐ state ID; ☐ passport ☐ other government issued ID; ☒ known to me; ☐ other, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purposes, before me,


Notary Public: Daniel J. Burger
My Commission Expires: 10/28/2027

 **DANIEL J. BURGER**
Notary Public
Commonwealth of Massachusetts
My Commission Expires
October 28, 2027









Bk: 58643 Pg: 289

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**PORAS REALTY TRUST DEFINITIVE SUBDIVISION PLAN
DECLARATION OF RESTRICTIVE COVENANTS
PURSUANT TO M.G.L. Chapter 41, §81U**

WHEREAS, Peter F. Poras and Joseph C. Poras, as Trustees of Poras Realty Trust, under a Declaration of Trust dated December 29, 2000 and recorded in the Worcester District Registry of Deeds (the “Registry”) in Book 23382, Page 209, and Peter F. Poras and Joseph C. Poras, as Trustees of Wienerwald II Realty Trust, under a Declaration of Trust dated May 31, 2006 and recorded in the Registry in Book 39103, Page 305, of which the mailing address of each Trust is c/o John B. Shevlin, Esq., Gilman, McLaughlin & Hanrahan LLP, 101 Merrimac Street, Suite 810, Boston, MA 02114 (collectively, the “Declarant”), are all of the owners of certain parcels of land consisting of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 and other areas, including, without limitation, a proposed minor street and open space, all as shown on a plan entitled: “Definitive Subdivision Plan of Hilltop Road, Lancaster, Massachusetts”, prepared by Whitman & Bingham Associates, LLC, dated October 6, 2015, as affected by a modification thereto, which modification was approved by the Planning Board of the Town of Lancaster (“Planning Board”) on January 22, 2018 and recorded with the Registry in Plan Book 934, Plan 43 (the “Subdivision Plan”) and;

WHEREAS, Declarant has requested the Planning Board to approve the Subdivision Plan without requiring a performance bond,

|

NOW THEREFORE, in consideration of the Planning Board approving the Subdivision Plan without requiring a performance bond, the undersigned covenant and agree with the Town of Lancaster as follows:

(1) Except as otherwise expressly provided in Massachusetts General Laws, Chapter 41, Section 81U, Lots 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, and 13 as shown on the Subdivision Plan (but not Lot 5) shall not be built upon or conveyed other than by mortgage deed until the construction of ways and installation of municipal services necessary to adequately serve said lots have been completed in accordance with the covenants, conditions, agreements, terms and provisions (the "Requirements") as specified in the following:

- a. Application for Approval of Definitive Plan dated 1-11-16;
- b. The Planning Board's Certificate of Approval for the Subdivision Plan dated 12-11-17 and recorded herewith with the Registry, Book 58643, Page 280, and the conditions of approval specified therein;
- c. The Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land, Lancaster, Massachusetts, adopted by the Planning Board.
- d. The Subdivision Plan.

Provided, however, that a mortgagee who acquires title to Lots 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, or 13 or any combination of these lots (but not Lot 5) by foreclosure or otherwise, and any successive owner who derives title from said mortgagee, may sell any such lot, subject only to that portion of this Declaration of Restrictive Covenants that said lot(s) shall not be built upon until ways and services have been provided to serve said lot(s) in accordance with the above.

(2) The undersigned shall conform to the conditions, limitations and restrictions as set forth in the Requirements;

(3) This agreement shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned and shall constitute a covenant running with the land and operate as restrictions upon said land.

(4) The lots within the Subdivision subject to this covenant shall, respectively, be released from the foregoing conditions only upon satisfactory performance of this covenant with respect to said lot and the recording of a certificate of performance executed by a majority of said Planning Board and enumerating the specific lots to be so released.

(5) The undersigned represents and covenants that the undersigned are all of the owners in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise on any of said land.

(6) The Declarant shall reference this Covenant on and record it with the endorsed Subdivision Plan.

(7) Upon final completion of the construction of ways and installation of municipal services as specified herein or the posting of any bond or surety hereafter given and approved by the Planning Board as adequate security for said final completion, as evidenced by a majority vote of the Planning Board, the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete the construction and installation within the time specified in the Requirements shall result in automatic rescission of the approval of the Subdivision Plan as set forth therein, and upon such rescission, as confirmed by the completion of those requirements to effect rescission set forth in G.L. c.41, §81W, the covenants, agreements, conditions, limitations, terms, provisions, and restrictions set forth in this Declaration (collectively, the "Declaration Covenants") shall be null and void, and neither the Declarant nor any subsequent owner of any lot shown on the Subdivision Plan or any other land shown on the Subdivision Plan shall be bound by the Declaration Covenants.

(8) Nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this Covenant of either the entire parcel of land shown on the Subdivision Plan or of all lots not previously released by the Planning Board.

(9) A deed of any part of the subdivision in violation of this Covenant shall be voidable by the grantee prior to the release of this Covenant, but not later than three (3) years from the date of such deed, as provided in M.G.L. c.41, §81U.

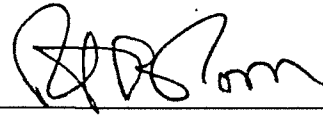
(10) NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THIS DECLARATION, LOT 5, AS SHOWN ON THE SUBDIVISION PLAN, TOGETHER WITH THE APPURTENANT EASEMENT AND RIGHT TO USE THE EXISTING DRIVEWAY, AS SHOWN ON THE SUBDIVISION PLAN, FOR ACCESS TO HILL TOP ROAD, IS NOT SUBJECT TO THE REQUIREMENTS OR ANY COVENANTS, AGREEMENTS, CONDITIONS, LIMITATIONS, TERMS, PROVISIONS, OR RESTRICTIONS SET FORTH IN THIS DECLARATION.

(11) For Declarant's title see deed dated December 29, 2000 and recorded with the Registry in Book 23382, Page 215 and deed dated May 31, 2006 and recorded with the Registry, in Book 39103, Page 313.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the undersigned, the Declarant, do set their hands and seals effective this 8 day of February, 2018.

PORAS REALTY TRUST

By: 
Name: Peter F. Poras, Trustee

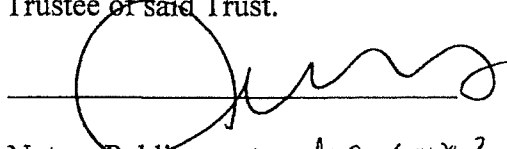
WIENERWALD II REALTY TRUST

By: 
Name: Peter F. Poras, Trustee

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

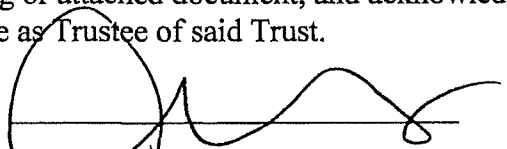
On this 8 day of February, 2018, before me, the undersigned notary public, personally appeared Peter F. Poras as Trustee of Poras Realty Trust, proved to me through satisfactory evidence of identification, which was personally known, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Trustee of said Trust.


Notary Public Amelia Lopez
My commission expires: 4/13/2018

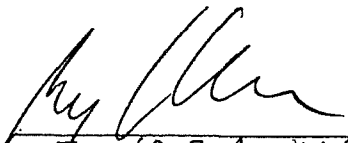
COMMONWEALTH OF MASSACHUSETTS

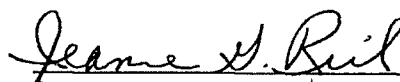
Suffolk, ss.

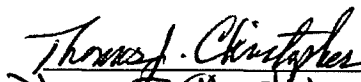
On this 8 day of February, 2018, before me, the undersigned notary public, personally appeared Peter F. Poras as Trustee of Wienerwald II Realty Trust, proved to me through satisfactory evidence of identification, which was personally known, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Trustee of said Trust.


Notary Public Amelia Lopez
My commission expires: 4/13/2018

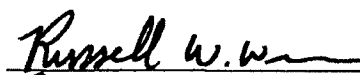
Approved: Feb 12, 2018
Lancaster Planning Board


[Philip F. Lawler], Chair


[Jeanne G. Rich], Vice-Chair


[Thomas S. Christopher], Member

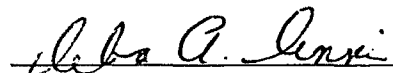
_____, Clerk


[Russell W. Williams], Member

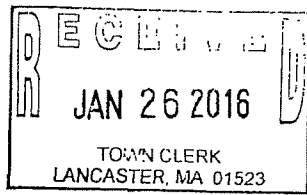
COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

On this 12th day of February, 2018, before me, the undersigned notary public, personally appeared Lancaster Planning Board Members proved to me through satisfactory evidence of identification, which was personal knowledge [personal knowledge or drivers' license], to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he)(she) signed it voluntarily for its stated purpose.


Notary Public

My commission expires: March 9, 2018



A TRUE COPY ATTEST:

Mary de Alderete
TOWN CLERK
LANCASTER, MASSACHUSETTS

LANCASTER PLANNING BOARD

CERTIFICATE OF APPROVAL OF A DEFINITIVE SUBDIVISION PLAN

January 26, 2016

Mary de Alderete, *Town Clerk*
695 Main Street
Lancaster, MA 01523

**Re: *Poras Realty Trust and Wienerwald II Realty Trust* Definitive Subdivision Plan
Dated October 6, 2015**

Applicant: Poras Realty Trust and Wienerwald II Realty Trust

Prepared by: Whitman & Bingham Associates, LLC

Dear Ms. de Alderete:

The Lancaster Planning Board hereby certifies that at a meeting of said Board on January 11, 2016, at which a quorum was present, following a duly noticed public hearing held by the Board on November 9, 2015, and continued to November 23, 2015, December 14, 2015, and January 11, 2016 on which date the hearing was closed. It was voted to approve a Modification to a Definitive Subdivision Plan of Land entitled "Definitive Subdivision Plan off Hilltop Road, Lancaster, Massachusetts", prepared by Whitman & Bingham Associates, LLC, dated October 6, 2015, which was submitted for the Board's approval by Poras Realty Trust and Wienerwald II Realty Trust. Said Definitive Plan is approved with the following conditions:

1. The conditions of the Flexible Development Special Permit Certificate of Approval for Poras Realty Trust and Wienerwald II Realty Trust granted by the Planning Board on December 14, 2015 are incorporated herein by reference.
2. Prior to the Planning Board's endorsement of approval on the Definitive Plan Modification, the Applicant shall submit a performance guarantee in a form acceptable to the Planning Board as provided in G.L. c. 41, Sec. 81U, clause

(3), executed by the owner(s) of record of all the land shown on the Plan. Prior to its execution, the proposed performance guarantee shall be submitted for review by Town Counsel.

3. The endorsement of the approved Definitive Plan Modification by the Lancaster Planning Board shall be required prior to the recording of the Plan at the Worcester District Registry of Deeds.
4. No lot shall be released from the performance guarantee required under Condition 2, and no Building Permit shall be issued with respect to any of the lots, until either (a) the secured improvements are satisfactorily completed to the specifications of the Definitive Plan, or (b) the base course of the roadway pavement and all municipal services necessary to adequately serve the roadway and lot or lots has been completed to the satisfaction of the Planning Board and all remaining construction and installation necessary to serve said lot have been secured by an alternative form of performance guarantee under G.L. c. 41, §81U, which the Planning Board has deemed to be sufficient to secure the completion.
5. Prior to Planning Board endorsement of the Definitive Plan Modification, the Applicant shall add the following notation to the Plan: "No land shown on the plan of the Subdivision shall be further divided or used in any manner so as to create additional building lots."
6. Prior to Planning Board endorsement of the Definitive Plan, the Applicant shall add to the Plan a notation that the subdivision is approved in accordance with this Certificate of Approval and Conditions therein, dated January 25, 2016, and in accordance with the Flexible Development Special Permit Certificate of Approval and the Findings and Conditions therein, dated January 11, 2016, and both to be recorded at the Registry of Deeds simultaneously with the Plan.
7. The Applicant shall provide street trees per the Lancaster Subdivision Regulations.
8. The Applicant shall supply the Mylar and six sets of prints for the endorsement of the Lancaster Planning Board.
9. All streets or ways shall be surfaced with at least a 2-inch binder course prior to application for a Certificate of Occupancy for any structures served by such streets or ways. A notation to this effect shall be placed on the Definitive Plan Modification prior to endorsement.
10. During construction, all Local, State and Federal laws shall be followed regarding noise, vibration, dust, and blocking of town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to

residents in the general area. Construction of the proposed ways and services shall not occur on Saturdays, Sundays and Federal and State holidays and shall not otherwise commence on any day before 7:00 AM and shall not continue beyond 5:00 PM. All traffic related to and generated by construction of the ways and services of the subdivision shall remain within the site and off established Hilltop Road, except as necessary to install a water main connection to the existing water main at Hilltop Road.

11. The subdivision will be served by the Town of Lancaster municipal water system. The Applicant shall construct a water supply system sufficient to provide the subdivision with adequate water from the Town of Lancaster municipal water system. The Applicant must obtain all applicable approvals and permits for the water system design and connection from the Massachusetts Department of Environmental Protection and the Lancaster Department of Public Works prior to commencement of any construction. The water supply system shall be designed and constructed in accordance with Section 301-12.B of the Subdivision Rules and Regulations, and the following further conditions as found in Addendum A.
12. The Applicant must obtain all applicable approvals and permits for the wastewater system design and connection from the Massachusetts Department of Environmental Protection prior to commencement of any construction.
13. Prior to the final release of security for the subdivision modification, the Applicant shall provide the As-Built Plans to the Planning Board and shall have obtained Town acceptance of the roadways and necessary utilities serving the roadway by approved Easement Deed or Deed of Conveyance or satisfactory evidence that the herein referenced Poras Realty Trust and Weinerwald II Realty Trust Homeowner Association has been approved and established and has accepted ownership and maintenance of said roadway and necessary utilities.
14. The cul-de-sac road shall not be either extended or connected to any other road in the future.
15. Prior to the conveyance of any lots, the Applicant shall provide to the Planning Board evidence of recording in the Worcester District Registry of Deeds a declaration of trust for a homeowner's association for maintenance of any subdivision improvements, including but not limited to the roadway, drainage facilities, and fire cisterns, until such time, if any, as ownership of the parcels and/or subdivision improvements may be accepted by the Town. Said declaration to be in a form approved by the Planning Board and Town Counsel.
16. Failure by the Applicant to obtain the endorsement of the Lancaster Planning Board within six months of the date of this approval shall result in the

automatic rescission of this approval. The time for such endorsement may be extended for not more than one year upon the written request of the Applicant, for good cause shown, prior to the expiration of said six-month period, and upon a vote of the majority of the Lancaster Planning Board then present.

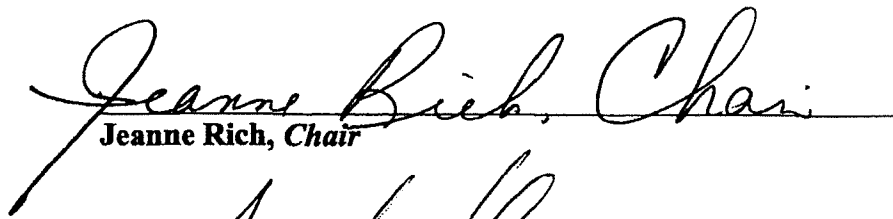
17. Failure by the Applicant to complete the construction of the ways and the installation of the services shown on the Definitive Subdivision Plan Modification within five years of the date of endorsement shall result in the automatic rescission of this approval. The time for such construction and/or installation may be extended upon the written request of the Applicant, for good cause shown, prior to the expiration of said five-year period, and upon a vote of the majority of the Lancaster Planning Board then present.
18. This approval is further subject to town counsel review of the following documents:
 - a) Declaration establishing the Poras Realty Trust and Weinerwald II Realty Trust Homeowners Association Trust with responsibility for the maintenance of the retention ponds, all private, common facilities in the subdivision.
 - b) A Grant of Easement to the Town for a 30-foot wide Utility Easement spanning one of the proposed lots and the open space parcel to the west of the development and to the Eagle Ridge property. This easement would allow the option to tie into the existing water high-level service area and municipal sewer through the Eagle Ridge development. This may provide more favorable options for domestic water use, fire protection, and wastewater disposal services to the proposed subdivision.

Waivers:

In granting its approval of the Definitive Plan Modification, the Planning Board has granted the following waiver of the Board's Subdivision Rules and Regulations:

1. No waivers are requested.

Signed by the Lancaster Planning Board on January 25, 2016.

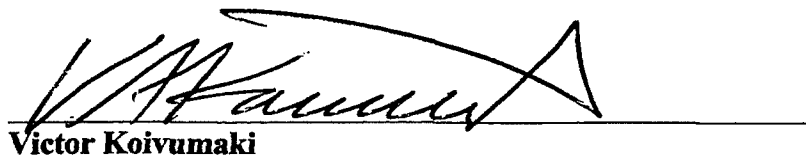


Jeanne Rich, Chair



Philip Lawler, Vice-Chair

Francis Sullivan, Clerk



Victor Koivumaki



Thomas Christopher

ADDENDUM A

1. The developer will prepare design plans subject to the approval of the Town of Lancaster Board of Public Works (Water Division) to expand the water system above the normal hydraulic grade of the public water supply distribution system.
2. The developer will prepare a submittal to Massachusetts Department of Environmental Protection (MassDEP) on behalf of the Town of Lancaster Board of Public Works (Water Division) through the application process of BRP WS 32 - Distribution Modifications for Systems that serve more than 3,300 people. All design work shall in accordance with the applicable MassDEP Guidelines for Public Water Systems and Town of Lancaster DPW standard practice.
3. The developer will maintain an escrow account with the Town to fund the cost of reasonable professional engineer review and coordination services.
4. The preference for development of the system expansion will be as follows with consideration given to reasonable as built system costs and legal access to available land and utilities.
 - a) Expansion of the existing Eagle Ridge high pressure system with the addition of elevated storage or
 - b) Expansion of the existing normal pressure system from George Hill Road or Hilltop Road through the installation of a booster pump station and distribution main to create a second high pressure system or
 - c) Expansion of the normal pressure system for domestic service only through the installation of a booster pump station and distribution system. Fire protection will be provided through the installation of underground storage chamber(s) with a fire pump and jockey pump to feed a separate pressure fire system.
5. The completed system will provide a minimum of 750 gallons per minute of fire flow at each hydrant will maintaining a minimum residual system pressure of 20 psi.
6. The completed system will provide a minimum of 35 psi throughout the distribution system during normal domestic flow conditions.
7. The completed system will be integrated in to the Water Division's telemetry system for control and alarm management.
8. Water distribution piping will be constructed using double cement lined, 350 pressure class ductile iron pipe (AWWA C151) or PVC 305 pressure class with service saddles (AWWA C909).
9. Water Division standard hydrants with isolation valves, shall be provided at a maximum spacing of 500 feet within the fire protection service area, at high points in the distribution system and at dead ends.
10. Water Division standard, resilient wedge main line gate valves shall be provided at the existing system connection point and at a maximum spacing of 1,000 feet throughout the system.
11. The elevated water storage tank, if required, will be designed and constructed in accordance with:

a) Applicable AWWA Standards:

- i. AWWA D100-11 Welded Carbon Steel Tanks for Water Storage or
- ii. AWWA D103-09 Factory-Coated Bolted Carbon Steel Tanks for Water Storage

b) An overflow elevation of 650 feet

c) Two hours of fire flow storage available above elevation 582

d) Fill/drain passive mixing system

e) Fenced site with paved access road

f) Accessories to include: caged ladder meeting OSHA standards, two ground level manways, vacuum relief vent, dome access manway, overflow

g) Isolation valves and site hydrant for draining.

12. The booster pump station, if required, will be designed and constructed in accordance with:

a) Duplex domestic pumping system with premium efficiency motors and variable speed drives

b) Each pump shall provide for the projected daily domestic flow with a peak factor of at least 10

c) Third pump, if applicable for fire flow capacity

d) Backup power supply or engine driven back pump

e) Bronze and stainless fitted pumps for all moving parts. Epoxy or similar coating on other wetted parts

f) Fully enclosed, above grade, insulated, weather proof enclosure allowing full standing height and free movement

g) Fenced site with paved access road

h) Accessories to include: propane heat, thermostat controlled fan, interior and exterior LED lighting

i) Station alarms will include intrusion, low temperature, low and high system pressure, phase failure, pump fault, generator fault and fire

j) Underground propane storage tank on site sized for heat and 3 days of emergency generator/engine use

k) Isolation valves and two site hydrants for emergency bypass piping

13. The onsite fire storage and pumping facility, if required, will be designed and constructed in accordance with:

- a) Two hours of fire flow storage available
- b) Engine driven pump package meeting NFPA 20 standards for stationary pump installation
- c) Pressure sustaining jockey pump with premium efficiency electric motor and variable frequency drive or equivalent pressure sustaining supply from a separate domestic water system
- d) Bronze and stainless fitted pumps for all moving parts. Epoxy or similar coating on other wetted parts.
- e) Fully enclosed, above grade, insulated, weather proof enclosure allowing full standing height and free movement.
- f) Fenced site with paved access road
- g) Accessories to include: propane heat, thermostat controlled fan, interior and exterior LED lighting
- h) Station alarms will include intrusion, low temperature, low and high system pressure, phase failure, pump fault, engine fault and fire
- i) Underground propane storage tank on site sized for heat and 3 days of emergency generator/engine use
- j) Isolation valves and two site hydrants for emergency bypass piping
- k) Refill capability using a domestic supply system or tankers

HAWTHORNE LANE
HOMEOWNERS TRUST
DECLARATION OF TRUST

The undersigned Melanson Bros., Inc., of Lancaster, Massachusetts, establishes this Trust to be known as the "Hawthorne Lane Trust", which Trust is to be owned by said Melanson Bros. Inc. This Trust is formed to provide for the maintenance of the roadway, drainage facilities and fire cisterns, until such time as ownership of the roadway and the water boost system, (collectively the "Common Area"), shall be accepted by the Town of Lancaster, Massachusetts.

1. DEFINITIONS:

The following words and phrases when used in the Declaration of Trust and in any easement deeds or other documents executed in connection herewith shall have the meanings hereinafter ascribed to them unless the context indicate a contrary intention;

A. "Definitive Subdivision Plan." "Definitive Subdivision Plan," prepared by Whitman & Bingham Associates, LLC, Leominster, dated October 6, 2015, said plan recorded with Worcester County Registry of Deeds at Plan Book 934, Plan 43, (the 'Plan').

B. "Lot." Each one of the building lots as shown as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 on the Plan.

C. "Common Area Expenses." All ordinary and extraordinary costs for the maintenance of the Common Area in accordance with the provisions of Section 15 of the Lancaster Planning Board Certificate of Approval of a Definitive Subdivision Plan dated January 26, 2016 and recorded with the Worcester County (Worcester District) Registry of Deeds in Book 58643, Page 271; and all reasonable costs and expenses incurred by the Trustees in connection with the administration or other business of the Trust.

2. BENEFICIAL INTERESTS:

Melanson Bros., Inc., shall be the Beneficiary under this Trust.

3. PURPOSE OF TRUST:

The purpose of the trust is as follows:

a. to maintain the Common Area until such time as ownership of the Common Area shall be accepted by the Town of Lancaster, Massachusetts; and

b. To insure ongoing compliance with the provisions of Section 15 of the Lancaster Planning Board Certificate of Approval of a Definitive Subdivision Plan dated January 26, 2016 and recorded with the Worcester County (Worcester District) Registry of Deeds in Book 58643, Page 271, until such time as ownership of the roadway and water boost system shall be accepted by the Town of Lancaster, Massachusetts.

4. TRUSTEE: Number and Term.

a. Number and Terms of Trustees:

There shall be one original Trustee hereunder as follows:

Melanson Bros., Inc.
28 Mary Catherine Drive
Lancaster, MA 01523

who shall continue to serve until such time as ownership of the roadway and water boost system shall be accepted by the Town of Lancaster, Massachusetts. Immediately thereafter, this Trust shall be terminated.

4. TRUSTEES: DUTIES, POWERS AND COMPENSATION:

a. Duties: It shall be the responsibility of the Trustee or the Trustees (as the case may be)

(i) to maintain Common Area; and

(ii) To insure ongoing compliance with the provisions of Section 15 of the Lancaster Planning Board Certificate of Approval of a Definitive Subdivision Plan dated January 26, 2016 and recorded with the Worcester County (Worcester District) Registry of Deeds in Book 58643, Page 271, until such time as ownership of the roadway and water boost system shall be accepted by the Town of Lancaster, Massachusetts.

b. Powers: Except as otherwise specifically provided herein to the contrary, the Trustees shall have:

(i) Supervision and control of the Common Area;

(ii) The power to open a bank account with any licensed banking institution in the Commonwealth of Massachusetts and to designate the signatory or signatories therefor;

(iii) The power to collect, sue for, receive and give acquaintances for all sums of money due to the Trust;

(v) The power to contract with, employ, elect, appoint, remove from office or dismiss agents, attorneys, officers, contractors and employee or any other persons contracted with or employees by the Trust unless such act is also a willful breach of trust on the part of said Trustee;

(vi) to settle and compromise any claim at any time made by or against the trust and to submit any such claim to arbitration; and

(vii) to adopt and from time to time amend and repeal administrative rules and regulations covering the use and operations of the Common Area. The Trustees, may, in addition, adopt such reasonable sanctions, including monetary fines as they deem necessary to enforce such rules.

c. Compensation: The Trustees shall not be entitled to compensation for their services but shall be reimbursed for all reasonable out-of pocket expenses incurred by them for the benefit of the Trust.

5. NEGATION OF PERSONAL LIABILITY, TRUSTEE'S INDEMNITY:

All persons, corporation or other entities extending credit to, contracting with or having any claim against the Trust or Trust property except for the Town of Lancaster Officials and for compliance with the provisions of this Trust shall look solely to the funds and assets of the Trust for payment of such obligations or claims so that the Trustee shall be personally liable therefore. A Trustee shall be liable only for willful breach of Trust hereunder, and no Trustee shall be liable except for his or her own acts. Except in the case of a willful breach of trust, any Trustee shall be entitled to indemnity out of the Trust property against any liability incurred in the execution of the Trustee's duties hereunder, including but not limited to, liabilities in contract and tort and for damages, penalties and fines. Any Trustee may demand reasonable security for such indemnity prior to taking any action as a trustee. In every note or contract for the payment of money borrowed by and in every other written contract of the Trust, it shall be the duty of the Trustees or other officers or agents expressly to stipulate that the Trustee shall not be held to any personal liability under or by reason thereof, provided, however, that the failure to include such a provision shall not by itself invalidate any such document nor result in any personal liability to the Trustee.

6. RESERVED

7. RESERVED

8. RESERVED

9. TRUSTEE'S CERTIFICATE:

A certificate signed by Melanson Bros, Inc., the Trustee of this Trust, as to any fact relating to the Trust shall be binding and exclusive as to all persons dealing with the Trust in reliance thereon upon recording with the Worcester District Registry of Deeds.

10. AMENDMENT:

This Declaration may be amended by instrument in writing by the Trustee appearing upon the records of Worcester District Registry of Deeds to be trustees hereunder. No such amendment shall be effective until record with said Registry of Deeds indexed under the name of this Trust.

11. INSURANCE:

To the extent that insurance coverage is available at reasonable premium cost, the Trustee may maintain insurance in such amounts, as they shall deem reasonably appropriate in their discretion covering the Common Area.

12. RESERVED

13. WAIVER:

No provisions contained in this Declaration, or any rule or regulation adopted hereunder, shall be deemed to have been waived or abrogated by reason of any failure to enforce the same irrespective of the number of violations or breaches which may occur, nor shall a waiver on any particular occasion be deemed to constitute a waiver of the same or any other provisions on any other occasion.

14. INVALIDITY:

The invalidity of any provision of this Declaration shall not be deemed to impair or affect the balance hereof, which shall continue in force and affect as if such invalid provision had not been included herein.

15. NOTICES:

Any notice required or permitted to be given hereunder, including without limitation notices of meetings and of assessments, shall be properly given if delivered in hand or if mailed by first-class mail, postage prepaid.

EXECUTED AS INSTRUMENT UNDER SEAL THIS 20th
DAY OF May, 2020

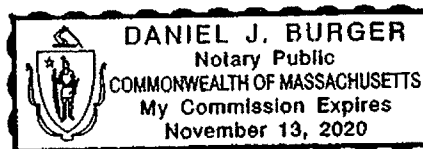
Melanson Bros., Inc.
By: [Signature]
Name: Gary Melanson
Title: President

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 20th day of May, 2020, before me, the undersigned notary public, Gary Melanson personally appeared, as President of Melanson Bros., Inc., a corporation, proved to me through satisfactory evidence of identification, which were MA Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed as the voluntary act of the corporation.

[Signature]
Notary Public:
My commission expires:



ATTEST: WORC Kathryn A. Toomey, Register

PUBLIC COMMENTS

ADMINISTRATION, BUDGET AND POLICY

#1

#2

#3

	A	B	C	D	H
1	License Type	Lunenburg	MGL	Min/Max Allowed MGL	Lancaster
2	Restaurant All Alcohol §12	\$1,450.00	c.138 §12		\$2,500.00
3	General On Premise All Alcohol §12	\$1,450.00	c.138 §12		n/a
4	Restaurant Wine & Malt §12	\$700.00	c.138 §12		\$2,500.00
5	Club All Alcohol §12	\$350.00	c.138 §12		n/a
6	General On Premise Wine & Malt	\$700.00	c.138 §12		n/a
7	Club Wine & Malt	\$175.00	c.138 §12		n/a
8	Pkg Store All Alcohol	\$1,450.00	c.138 §15		n/a
9	Pkg Store Wine & Malt	\$700.00	c.138 §15		n/a
10	One Day All Alcohol	\$60.00	c.138 §14		\$100.00
11	One Day Wine & Malt	\$40.00	c.138 §14		\$100.00
12	Common Victualer	\$25.00	c. 140 §2	\$25/\$100	\$100.00
13	Auctioneer (per day/annual)	\$10/\$30	c. 100 §2		
14	Base	\$60.00	c. 140 §181,202		
15	Class I Auto Dealer	\$100.00	c. 140 §§58,59	no > \$200	\$200.00
16	Class II Auto Dealer	\$100.00	c. 140 §§58,59	no > \$200	\$200.00
17	Class III Auto Dealer	\$100.00	c. 140 §§58,59	no > \$200	\$200.00
18	Storage of Gasoline and Inflammables	varies by tank size	c. 148 §13		varies by tank
19	Limousine	\$25.00	c.159A §1		
20	Taxicab	\$25.00	c. 40 §22		
21	Peddlers	\$20.00	c. 101 §5		\$100.00
22	Weekday Entertainment	\$100.00	c.140 §183A		\$400.00
23	Sunday Entertainment	No Town Fee	c. 136 §4		\$25.00
24	Automatic Amusement/each device	\$35.00	c.140 §177A		\$100.00
25	Jukebox	\$35.00	c.140 §181		\$25.00
26					

#4

#5

#6



**Warrant for Annual Town Election
September 25, 2023
The Commonwealth of Massachusetts**

Worcester, ss.

To any Constable of the Town of Lancaster in the County of Worcester,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lancaster qualified to vote in elections and Town affairs, to vote by ballot, on Monday, the twenty fifth day of September 2023, at the Town Hall Auditorium, 695 Main Street, in said Lancaster from 7:00 AM to 8:00 PM, for the following purpose:

Ballot Question One

Shall the Town of Lancaster be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay Lancaster's allocable share of the bond issued by the Nashoba Regional School District for the purpose of paying costs of a new Nashoba Regional High School, 12 Green Road, Bolton, MA 01740 including site work and athletic fields, including the payment of all costs incidental or related thereto?

Yes _____ No _____

Full and concise summary of the question:

G. L. c.59, §21C, otherwise known as Proposition 2½, limits the amount of revenue a city or town may raise from local property taxes each year to fund municipal operations. This amount is known as the annual levy limit. Generally, the levy limit is constrained in one of two ways. First, the levy cannot exceed 2.5% of the total assessed value of taxable real and personal property in the municipality. This is known as the levy ceiling. Second, the levy automatically increases by 2.5% above the prior year's levy after accounting for increased value from new growth. This is known as the levy limit. In no case, may the levy limit exceed the levy ceiling. However, Proposition 2½ allows a city or town to exclude certain debt from the levy with the approval of the voters at an election. The additional amount of the debt is added to the levy limit for the life of the debt only.

Here, Question 1 seeks to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay Lancaster's allocable share of the bond issued by the Nashoba Regional School District of the costs of a new Nashoba Regional High School.

Effects of the vote: A **yes** vote would exempt the Town's allocable share of the bond issued by the District for the purpose of paying for the new school from the maximum amount the Town can levy through taxation. A **no** vote would not exempt the Town's allocable share of the bond issued by the District for the purpose of paying for the new school from the maximum amount the Town can levy through taxation.

The polls will open at 7:00 A.M. and will remain open until 8:00 P.M.

And you are directed to serve this Warrant by posting up attested copies thereof at the South Lancaster Post Office, the Center Post Office, the Town Hall, and the Fifth Meeting House, in said Town, fourteen days at least before the time of holding said Town Election. Hereof fail not and make due return of the Warrant with your doings thereon to the Town Clerk at the time and place of elections aforesaid.

Given under our hands this _____ day of September, 2023.

Select Board of Lancaster

Stephen J. Kerrigan, *Chairman*

Alexandra W. Turner, *Clerk*

Jason A. Allison, *Member*

CONSTABLE'S CERTIFICATION

I hereby certify under the pains and penalties of perjury that I posted an attested copy of this Warrant at the South Lancaster Post Office, the Center Post Office, the Town Hall, and the Fifth Meeting House on the date attested. I further certify that this Warrant was posted in accordance with the By-laws of the Town of Lancaster and the provisions of M.G.L. c.39, §10.

Attest: _____
Constable

Date _____

#7

APPOINTMENTS AND RESIGNATIONS

LICENSES AND PERMITS



The Bolton Fair, Inc.

RECEIVED

AUG 04 2023

Board of Selectmen

August 1, 2023

Selectman – Town of Lancaster

On behalf of the Board of Directors of The Lancaster Fairgrounds, we give permission for the Profound Market to serve alcohol at their events at the fairgrounds.

Dates of the event are: September 23 & 24, 2023.

The Event Manager Rose Darden for the fairgrounds has been CORI checked.

Tips certified licenses to be provided before event.

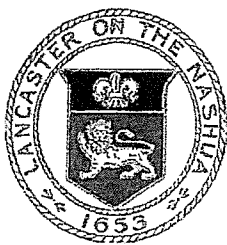
Liability Insurance to be provided before event.

Please let me know if you have any questions.

Best Regards,

Rose Darden
508-294-8516 cell

Lancaster Fairgrounds Event Manager



TOWN OF LANCASTER, MASSACHUSETTS
SELECT BOARD
Prescott Building, 701 Main Street, Suite 1
Lancaster, MA 01523
Tel: 978-365-3326 (ext 1201) Fax: 978-368-8486
Email: krocco@lanasterma.net

Annual License Fee -
\$100.00
Single Event Fee - \$20.00

Select Board's Office

RECEIVED

AUG 04 2023

Board of Selectmen

APPLICATION FOR LICENSE
THEATRICAL EXHIBITIONS, PUBLIC SHOWS, PUBLIC AMUSEMENTS
AND EXHIBITIONS OF EVERY DESCRIPTION HELD ON WEEKDAYS

New Application X Renewal

Name of Concern: THE PROFOUND MARKET AT LANCASTER FAIRGROUNDS
Street Address of Concern: 318 SEVEN BRIDGE RD
Mailing Address (if different): P.O. BOX 154 BOLTON, MA
Contact Person & Title (Owner, Director, Manager, Other): MICHELLE PALMER / ROSE DARDEN
Telephone: 508-294-8516 Facsimile: 978-365-2120 E-Mail: INFO@BOLTONFAIR.ORG

Describe in detail the proposed dancing, game, sport, fair, exposition, play, or entertainment of public diversion:

DISPLAY OF VINTAGE INSPIRED VENDORS AND ARTISAN MARKET 9/23/23

Hours of Proposed Entertainment: Starting Time: SAT. 8:30 AM Ending Time: 5:00 P.M.

The applicant certifies that all state tax returns have been filed and all state and local taxes have been paid as required by law and further agrees to comply with the terms of the License and applicable law, and all rules and regulations promulgated thereto. The Applicant further certifies that the information contained in this application is true and accurate and also authorizes the Licensing Authority or its agents to conduct whatever investigation is necessary to verify the information contained in this application.

Resubscribed by Michelle Palmer

Signature of Applicant

SSN# or Tax ID Required: 82-1133791

Date

8/3/23

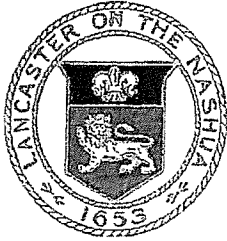
License Fee must be submitted with this form. Make check payable to Town of Lancaster. Mail Application Form, Workers' Compensation Affidavit, and check to: Select Board, Suite 1, 701 Main Street, Lancaster, MA 01523.

* Dancing applies to watching dance (e.g. Ballet).

** Public Diversion includes, but is not limited to, flea markets, coin-operated amusements, ice and roller-skating, carousels, inclined railways, Ferris wheels, and exhibitions of firefighting.

A License issued under this Application applies to weekday operation ONLY. If entertainment is to be operated on Sundays, you also must file with the Select Board an APPLICATION FOR LICENSE FOR DANCING, SPORTS, GAMES, FAIRS, EXPOSITIONS, PLAYS OR ENTERTAINMENT OF PUBLIC DIVERSION ON SUNDAY, as well as an Application for a State License to the Commissioner of Public Safety, Attn: Special Licensing Division, One Ashburton Place, Boston, MA 02108-1618.

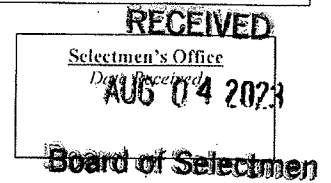
NOTICE: The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 may require the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.



TOWN OF LANCASTER, MASSACHUSETTS
SELECT BOARD

Prescott Building, 701 Main Street, Suite 1
Lancaster, MA 01523
Tel: 978-365-3326 Fax: 978-368-8486
Email: krocco@lanasterma.net

Annual License Fee - \$400.00
Annual License Fee - \$100.00 w/M-Sat
License
Single Event - \$20.00



APPLICATION FOR TOWN LICENSE
DANCING*, SPORTS, GAMES, FAIRS, EXPOSITIONS, PLAYS OR
ENTERTAINMENT OF PUBLIC DIVERSION** ON SUNDAY

New Application X Renewal

Name of Concern: THE PROFOUND MARKET AT LANCASTER FAIRGROUNDS
Street Address of Concern: 318 SEVEN BRIDGE
Mailing Address (if different): P.O. BOX 154 BOLTON, MA 01740
Contact Person & Title (Owner, Director, Manager, Other): MICHELLE PALMER / ROSE PARDEN
Rose Parden
Telephone: 508-294-8516 Facsimile: 978-365-2400 E-Mail: INFO@BOLTONFAIR.ORG

Describe in detail the proposed dancing, game, sport, fair, exposition, play, or entertainment of public diversion:

DISPLAY OF VINTAGE INSPIRED VENDORS AND ARTISAN MARKET 9/24/23

Hours of Proposed Entertainment: Starting Time: SUN 10:00 AM Ending Time: 5:00 P.M.

NOTICE: No License issued pursuant to G.L. c.136, §4 shall be granted to permit activities before 1:00 p.m. without a License issued by the Commissioner of Public Safety, Attn: Special Licensing Division, One Ashburton Place, Boston, MA 02108-1618.

The applicant certifies that all state tax returns have been filed and all state and local taxes have been paid as required by law and further agrees to comply with the terms of the License and applicable law, and all rules and regulations promulgated thereto. The Applicant further certifies that the information contained in this application is true and accurate and also authorizes the Licensing Authority or its agents to conduct whatever investigation is necessary to verify the information contained in this application.

Rose Parden for Michelle Palmer
Signature of Applicant
Tax ID Required 82-1133791

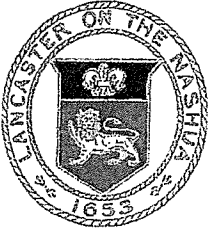
8/3/23
Date

License Fee must be submitted with this form. Make check payable to Town of Lancaster. Mail Application Form, Workers' Compensation Affidavit, and check to: Select Board, 701 Main Street, Suite 1, Lancaster, MA 01523.

* Dancing applies to watching dance (e.g. Ballet).

** Public Diversion includes, but is not limited to, flea markets, coin-operated amusements, ice and roller-skating, carousels, inclined railways, Ferris wheels, and exhibitions of firefighting.

NOTICE: The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 may require the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.



TOWN OF LANCASTER, MASSACHUSETTS
OFFICE OF THE
BOARD OF SELECTMEN

RECEIVED
AUG 14 2023
Board of Selectmen

SPECIAL (ONE DAY) LIQUOR LICENSE APPLICATION

TODAY'S DATE: 8/3/23

APPLICANT'S NAME: ROSE DARDEN TELEPHONE: 508-294-8516

ORGANIZATION: BOLTON FAIR INC.

EVENT ADDRESS: 318 SEVEN BRIDGE RD LANCASTER

EVENT PURPOSE: PROFOUND MARKET

EVENT DATE: 9/23/23 - 9/24/23 2 DAYS

EVENT HOURS: SAT 8:30A - 5P SUNDAY 10:00A - 5P

ALCOHOL: Beer and Wine: _____ All Alcohol*: X BEER, WINE, SELTZERS
(Non Profit; Charity or Club Only)*

ATTENDANCE: Approximate Number of Persons in Attendance: 6K OVER 2 DAYS

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.

Rose Darden for Bolton Fair Inc.
Signature of Applicant

POLICE DEPARTMENT OFFICIAL USE ONLY

_____ Approval Recommended _____ Approval **Not** Recommended

Police Officer Required: Yes _____ No _____

Comments/Conditions: _____

Date: _____

Police Chief Signature



The Commonwealth of Massachusetts
Department of Industrial Accidents
1 Congress Street, Suite 100
Boston, MA 02114-2017
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses.
TO BE FILED WITH THE PERMITTING AUTHORITY.

Applicant Information

Please Print Legibly

Business/Organization Name: the profound MARKET

Address: 55 Middlesex St #206

City/State/Zip: N Chelmsford, MA 01863

Phone #: 617-371-7016

Are you an employer? Check the appropriate box:

1. ☐ I am an employer with _____ employees (full and/or part-time).*
2. ☒ I am a sole proprietor or partnership and have no employees working for me in any capacity.
[No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. ☐ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☒ Other Event Coordinator

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: _____

Insurer's Address: _____

City/State/Zip: _____

Policy # or Self-ins. Lic. # _____

Expiration Date: _____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.

Signature: [Signature]

Date: 04.24.2023

Phone #: 617-371-7016

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
6. Other _____

Contact Person: _____ Phone #: _____



TOWN OF LANCASTER, MASSACHUSETTS

OFFICE OF THE BOARD OF SELECTMEN

RECEIVED

AUG 29 2023

Board of Selectmen

SPECIAL (ONE DAY) LIQUOR LICENSE APPLICATION

TODAY'S DATE: 8/29/2023
APPLICANT'S NAME: George Frank TELEPHONE: 978-807-0308
ORGANIZATION: First Church of Lancaster
EVENT ADDRESS: 725 Main St.
EVENT PURPOSE: Community event - fund raising
EVENT DATE: SAT. Sept. 30, 2023
EVENT HOURS: 10-4 (Setup & tear down earlier + later)
ALCOHOL: Beer and Wine: _____ All Alcohol*: _____
(Non Profit; Charity or Club Only)*
ATTENDANCE: Approximate Number of Persons in Attendance: 1000
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 of Applicant [Signature]

POLICE DEPARTMENT OFFICIAL USE ONLY

X Approval Recommended _____ Approval Not Recommended

Police Officer Required: Yes X No _____

Comments/Conditions: _____

Date: 8/29/23

[Signature]
Police Chief Signature

TOWN OF LANCASTER

APPLICATION FOR USE OF TOWN GREEN/GAZEBO

(Submit to: Executive Assistant, Town of Lancaster, 701 Main Street, Suite 1, Lancaster, MA 01523)

RECEIVED

AUG 31 2023 Date

To the Licensing Authorities:

The undersigned hereby applies for a License/Permit in accordance with the provisions of the Board of Selectmen of Massachusetts and/or Bylaws of the Town of Lancaster relating thereto:

Date of Activity: 9-30-2023
Time: 10 AM Start: 10 AM End: 4 PM
Name & Address: WILL CLARK 978 MAIN
Telephone: 978-660-3374
Emergency Contact & Phone: _____
Business Name (If applicable): FIRST CITIZEN
Address: 725 MAIN
Telephone: _____
Number of People Attending: 600

Provisions for Parking: _____
Partial or full road closure? NO
Structures? NO
Tents with sides? NO
Cooking? NO
Food/Refreshments? NO
Porta Potty? NO
Portable Sink Unit? NO
Email address: CLARKBARSS@LANCAST.NET

Clearly explain the purpose for requesting the use of the Town Green/Gazebo:

AS PART OF HOUSHELD FAIR WE WOULD LIKE
TO SET ASIDE SPACE FOR LOCAL BUSINESSES, ORGS
AND TOWN DEPTS TO SET UP TABLES/BOOTH

A Refundable Deposit of \$100 is required of anyone requesting the use of the Gazebo/Town Common.

Wedding Fees

Residents: No Charge for Weddings, Rehearsals or Photographs
Non-Residents: Weddings - \$50
Rehearsals - \$25
Photographs - \$25

I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth and the Town of Lancaster relating to the filing and payment of taxes.

[Signature]
Signature of Individual or Corporate Officer

FIRST CITIZEN
Company Name or Individual Name

157-54-2662
Social Security Number or Federal
Identification Number*

* Your Identifying Number will be furnished to the Massachusetts Department of Revenue to determine whether or not you have any tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Chapter 62C, Section 49A, of the Massachusetts General Laws and the Bylaws of the Town of Lancaster.

TOWN OF LANCASTER

APPLICATION FOR USE OF TOWN GREEN/GAZEBO

(Submit to: Executive Assistant, Town of Lancaster, 701 Main Street, Suite 1, Lancaster, MA 01523)

RECEIVED

AUG 31 2003

To the Licensing Authorities:

Date
Board of Selectmen

The undersigned hereby applies for a License/Permit in accordance with the provisions of the Statutes of the Commonwealth of Massachusetts and/or Bylaws of the Town of Lancaster relating thereto:

Date of Activity: 10-29-23
Time: 4 Start: 7 End: 7
Name & Address: WINFIELD CLARK
Telephone: 978-660-3374
Emergency Contact & Phone: LANCASTER REC
Business Name (If applicable):
Address:
Telephone:
Number of People Attending: 600

Provisions for Parking:
Partial or full road closure? NO
Structures? NO
Tents with sides? NO
Cooking? NO
Food/Refreshments? YES -> FOOD TRUCK POSSIBLE
Porta Potty? NO
Portable Sink Unit? NO
Email address: CLARKBARS@COMCAST.NET
Clearly explain the purpose for requesting the use of the Town Green/Gazebo:
HALLOWEEN ON THE GREEN

A Refundable Deposit of \$100 is required of anyone requesting the use of the Gazebo/Town Common.

Wedding Fees

Residents: No Charge for Weddings, Rehearsals or Photographs
Non-Residents: Weddings - \$50
Rehearsals - \$25
Photographs - \$25

I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth and the Town of Lancaster relating to the filing and payment of taxes.

[Signature]
Signature of Individual or Corporate Officer
LANCASTER REC
Company Name or Individual Name

157-521-2662
Social Security Number or Federal
Identification Number*

* Your Identifying Number will be furnished to the Massachusetts Department of Revenue to determine whether or not you have any tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Chapter 62C, Section 49A, of the Massachusetts General Laws and the Bylaws of the Town of Lancaster.

COMMUNICATIONS



Federal Emergency Management Agency

Washington, D.C. 20472

RECEIVED

AUG 22 2023

Board of Selectmen

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
APPEAL START

August 14, 2023

Stephen J. Kerrigan, Chair
Select Board
Town of Lancaster
Town Offices
Prescott Building
701 Main Street
Lancaster, Massachusetts 01523

Case No: 16-01-0276S
Community: Town of Lancaster,
Worcester County,
Massachusetts
Community No.: 250312

Dear Chair Kerrigan:

On August 13, 2021, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided your community with Preliminary copies of the revised Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Worcester County, Massachusetts (All Jurisdictions) and revised Preliminary copies of the FIRM and FIS report on May 5, 2023. FEMA has posted digital copies of these revised FIRM and FIS report materials to the following website: <https://hazards.fema.gov/femaportal/prelimdownload/>. The Preliminary FIRM and FIS report include proposed flood hazard information for certain locations in the Town of Ashburnham. The proposed flood hazard information may include addition or modification of Special Flood Hazard Areas, the areas that would be inundated by the base (1-percent-annual-chance) flood; base flood elevations or depths; zone designations; or regulatory floodways.

We have published a notice of the proposed flood hazard determinations in the *Federal Register* and will publish a public notification concerning the appeal process (explained below) in *The Boston Globe* on or about August 21, 2023, and August 28, 2023. We will also publish a separate notice of the flood hazard determinations on the "Flood Hazard Determinations on the Web" portion of the FEMA Website: https://www.floodmaps.fema.gov/fhm/BFE_Status/bfe_main.asp. We have enclosed copies of the notice published in the *Federal Register* and the newspaper notice for your information.

These proposed flood hazard determinations, if finalized, will become the basis for the floodplain management measures that your community must adopt or show evidence of having in effect to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). However, before any new or modified flood hazard information is effective for floodplain management purposes, FEMA will provide community officials and citizens an opportunity to appeal the proposed flood hazard information presented on the preliminary revised FIRM and FIS report posted to the above-referenced Website.

Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) is intended to ensure an equitable balancing of all interests involved in the setting of flood hazard determinations. The legislation provides for an explicit process of notification and appeals for your community and for private persons prior to this office making the flood hazard determinations final. The appeal procedure is outlined below for your information.

During the 90-day appeal period following the second publication of the public notification in the above-named newspaper, any owner or lessee of real property in your community who believes his or her property rights will be adversely affected by the proposed flood hazard determinations may appeal to you, or to an agency that you publicly designate. It is important to note, however, that the sole basis for such appeals is the possession of knowledge or information indicating that the proposed flood hazard determinations are scientifically or technically incorrect. The appeal data must be submitted to FEMA during the 90-day appeal period. Only appeals of the proposed flood hazard determinations supported by scientific or technical data can be considered before FEMA makes its final flood hazard determination at the end of the 90-day appeal period. Note that the 90-day appeal period is statutory and cannot be extended. However, FEMA also will consider comments and inquiries regarding data other than the proposed flood hazard determinations (e.g., incorrect street names, typographical errors, omissions) that are submitted during the appeal period, and will incorporate any appropriate changes to the revised FIRM and FIS report before they become effective.

If your community cannot submit scientific or technical data before the end of the 90-day appeal period, you may nevertheless submit data at any time. If warranted, FEMA will revise the FIRM and FIS report after the effective date. This means that the revised FIRM would be issued with the flood hazard information presently indicated, and flood insurance purchase requirements would be enforced accordingly, until such time as a revision could be made.

Any interested party who wishes to appeal should present the data that tend to negate or contradict our findings to you, or to an agency that you publicly delegate, in such form as you may specify. We ask that you review and consolidate any appeal data you may receive and issue a written opinion stating whether the evidence provided is sufficient to justify an official appeal by your community in its own name or on behalf of the interested parties. Whether or not your community decides to appeal, you must send copies of individual appeals and supporting data, if any, to:

Gardner Bent, Project Manager
U.S. Geological Survey
10 Bearfoot Road
Northborough, Massachusetts 01532
(508) 490-5041
gbent@usgs.gov

Colleen Bailey, Community Coordination Officer
FEMA Region I
220 Binney Street
Cambridge, MA 02142
colleen.bailey@fema.dhs.gov

If we do not receive an appeal or other formal comment from your community in its own name within 90 days of the second date of public notification, we will consolidate and review on their own merits such appeal data and comments from individuals that you may forward to us, and we will make such modifications to the proposed flood hazard information presented on the revised FIRM and in the revised FIS report as may be appropriate. If your community decides to appeal in its own name, all individuals' appeal data must be consolidated into one appeal by you, because, in this event, we are required to deal only with the local government as representative of all local interests. We will send our final decision in writing to you, and we will send copies to the community floodplain administrator, each individual appellant, and the State NFIP Coordinator.

All appeal submittals will be resolved by consultation with officials of the local government involved, by an administrative hearing, or by submission of the conflicting data to an independent scientific body or

appropriate Federal agency for advice. Use of a Scientific Resolution Panel (SRP) is also available to your community in support of the appeal resolution process when conflicting scientific or technical data are submitted during the appeal period. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. An SRP is an option after FEMA and community officials have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Please refer to the enclosed "Scientific Resolution Panels" Overview for additional information on this resource available to your community.

FEMA will make the reports and other information used in making the final determination available for public inspection. Until the conflict of data is resolved and the revised FIRM becomes effective, flood insurance available within your community will continue to be available under the effective NFIP map, and no person shall be denied the right to purchase the applicable level of insurance at chargeable rates.

The decision by your community to appeal, or a copy of its decision not to appeal, should be filed with this office no later than 90 days following the second publication of the flood hazard determination notice in the above-named newspaper. Your community may find it appropriate to call further attention to the proposed flood hazard determinations and to the appeal procedure by using a press release or other public notice.

If warranted by substantive changes, during the appeal period we will send you Revised Preliminary copies of the revised FIRM and FIS report. At the end of the 90-day appeal period and following the resolution of any appeals and comments, we will send you a Letter of Final Determination, which will finalize the flood hazard information presented on the revised FIRM and FIS report and will establish an effective date.

If you have any questions regarding the proposed flood hazard determinations, revised FIRM panels, or revised FIS report for your community, please call our FEMA Mapping and Insurance eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627) or e-mail the FMIX staff at FEMA-FMIX@fema.dhs.gov.

Sincerely,



Luis V. Rodriguez, P.E, Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

List of Enclosures:

Newspaper Notice
Proposed Flood Hazard Determinations *Federal Register* Notice
"Scientific Resolution Panels" Overview

cc: Community Map Repository
Jasmin Farinacci, Director of Community Development and Planning, Town of Lancaster

for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Petroleum Refineries in Foreign Trade Sub-zones.

OMB Number: 1651–0063.

Form Number: N/A.

Current Actions: Extension with a decrease in burden but no change to the information collected or method of collection.

Type of Review: Extension (with change).

Affected Public: Businesses.

Abstract: The Foreign Trade Zones Act, 19 U.S.C. 81c(d), contains specific provisions for petroleum refinery sub-zones. It permits refiners and U.S. Customs and Border Protection (CBP) to assess the relative value of such multiple products at the end of the manufacturing period during which these products were produced, when the actual quantities of these products resulting from the refining process can be measured with certainty.

19 CFR 146.4(d) provides that the operator of the refinery sub-zone is required to retain all records relating to the above-mentioned activities for five years after the merchandise is removed from the sub-zone. Further, the records shall be readily available for CBP review at the sub-zone.

Instructions on compliance with these record keeping provisions are available in the Foreign Trade Zone Manual which is accessible at: <http://www.cbp.gov/document/guides/foreign-trade-zones-manual>.

Type of Information Collection: Recordkeeping for Petroleum Refineries.

Estimated Number of Respondents: 47.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 47.

Estimated Time per Response: 1,000 hours.

Estimated Total Annual Burden Hours: 47,000.

Dated: July 26, 2023.

Robert F. Altneu,

Director, Regulations and Disclosure Law Division, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection.

[FR Doc. 2023–16155 Filed 7–28–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2023–0002; Internal Agency Docket No. FEMA–B–2357]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before October 30, 2023.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location <https://hazards.fema.gov/femaportal/prelimdownload> and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

You may submit comments, identified by Docket No. FEMA–B–2357, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) patrick.sacbibit@fema.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and

Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) patrick.sacbibit@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at https://www.floodsrp.org/pdfs/srp_overview.pdf.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location <https://hazards.fema.gov/femaportal/>

prelimdownload and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the

tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Nicholas A. Shufro,
Deputy Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Essex County, Massachusetts (All Jurisdictions) Project: 15-01-0633S Preliminary Date: May 26, 2023	
City of Beverly	City Hall, 191 Cabot Street, Beverly, MA 01915.
City of Gloucester	City Hall, 9 Dale Avenue, Gloucester, MA 01930.
City of Haverhill	City Hall, 4 Summer Street, Haverhill, MA 01830.
City of Lynn	City Hall, 3 City Hall Square, Lynn, MA 01901.
City of Newburyport	City Hall, 60 Pleasant Street, Newburyport, MA 01950.
City of Peabody	City Hall, 24 Lowell Street, Peabody, MA 01960.
City of Salem	City Hall, 93 Washington Street, Salem, MA 01970.
Town of Andover	Town Hall, 36 Bartlet Street, Andover, MA 01810.
Town of Boxford	Town Hall, 7A Spofford Road, Boxford, MA 01921.
Town of Danvers	Town Hall, 1 Sylvan Street, Danvers, MA 01923.
Town of Essex	Town Hall, 30 Martin Street, Essex, MA 01929.
Town of Georgetown	Town Hall, 1 Library Street, Georgetown, MA 01833.
Town of Groveland	Town Hall, 183 Main Street, Groveland, MA 01834.
Town of Hamilton	Town Hall, 577 Bay Road, Hamilton, MA 01936.
Town of Ipswich	Town Hall, 25 Green Street, Ipswich, MA 01938.
Town of Lynnfield	Town Hall, 55 Summer Street, Lynnfield, MA 01940.
Town of Manchester-by-the-Sea	Town Hall, 10 Central Street, Manchester-by-the-Sea, MA 01944.
Town of Marblehead	Abbot Hall, 188 Washington Street, Marblehead, MA 01945.
Town of Merrimac	Town Hall, 4 School Street, Merrimac, MA 01860.
Town of Middleton	Town Hall, 48 South Main Street, Middleton, MA 01949.
Town of Newbury	Newbury Municipal Offices, 12 Kent Way, Byfield, MA 01922.
Town of North Andover	Town Hall, 120 Main Street, North Andover, MA 01845.
Town of Rockport	Town Hall, 34 Broadway, Rockport, MA 01966.
Town of Rowley	Town Hall, 139 Main Street, Rowley, MA 01969.
Town of Saugus	Town Hall, 298 Central Street, Saugus, MA 01906.
Town of Swampscott	Town Hall, 22 Monument Avenue, Swampscott, MA 01907.
Town of Topsfield	Town Offices, 8 West Common Street, Topsfield, MA 01983.
Town of Wenham	Town Hall, 138 Main Street, Wenham, MA 01984.
Town of West Newbury	Town Hall, 381 Main Street, West Newbury, MA 01985.
Middlesex County, Massachusetts (All Jurisdictions) Project: 15-01-0633S Preliminary Date: June 08, 2023	
City of Cambridge	City Hall, 795 Massachusetts Avenue, Cambridge, MA 02139.
City of Everett	City Hall, 484 Broadway, Everett, MA 02149.
City of Lowell	City Hall, 375 Merrimack Street, Lowell, MA 01852.
City of Malden	City Hall, 200 Pleasant Street, Malden, MA 02148.
City of Medford	City Hall, 85 George P. Hassett Drive, Medford, MA 02155.
City of Melrose	City Hall, 562 Main Street, Melrose, MA 02176.
City of Newton	City Hall, 1000 Commonwealth Avenue, Newton, MA 02459.
City of Somerville	City Hall, 93 Highland Avenue, Somerville, MA 02143.
City of Waltham	City Hall, 610 Main Street, Waltham, MA 02452.
City of Woburn	City Hall, 10 Common Street, Woburn, MA 01801.
Town of Arlington	Town Hall, 730 Massachusetts Avenue, Arlington, MA 02476.
Town of Ashby	Town Hall, 895 Main Street, Ashby, MA 01431.
Town of Ashland	Town Hall, 101 Main Street, Ashland, MA 01721.
Town of Ayer	Town Hall, 1 Main Street, Ayer, MA 01432.
Town of Bedford	Town Hall, 10 Mudge Way, Bedford, MA 01730.
Town of Belmont	Town Hall, 455 Concord Avenue, Belmont, MA 02478.
Town of Billerica	Town Hall, 365 Boston Road, Billerica, MA 01821.
Town of Boxborough	Town Hall, 29 Middle Road, Boxborough, MA 01719.
Town of Burlington	Town Hall, 29 Center Street, Burlington, MA 01803.
Town of Chelmsford	Town Hall, 50 Billerica Road, Chelmsford, MA 01824.
Town of Concord	Town House, 22 Monument Square, Concord, MA 01742.
Town of Dracut	Town Hall, 62 Arlington Street, Dracut, MA 01826.
Town of Dunstable	Town Hall, 511 Main Street, Dunstable, MA 01827.
Town of Groton	Town Hall, 173 Main Street, Groton, MA 01450.
Town of Holliston	Town Hall, 703 Washington Street, Holliston, MA 01746.
Town of Hopkinton	Town Hall, 18 Main Street, Hopkinton, MA 01748.
Town of Lexington	Town Offices, 1625 Massachusetts Avenue, Lexington, MA 02420.
Town of Lincoln	Town Hall, 16 Lincoln Road, Lincoln, MA 01773.
Town of Littleton	Town Hall, 37 Shattuck Street, Littleton, MA 01460.

Community	Community map repository address
Town of Natick	Town Hall, 13 East Central Street, Natick, MA 01760.
Town of North Reading	Town Hall, 235 North Street, North Reading, MA 01864.
Town of Pepperell	Town Hall, 1 Main Street, Pepperell, MA 01463.
Town of Reading	Town Hall, 16 Lowell Street, Reading, MA 01867.
Town of Sherborn	Town Hall, 19 Washington Street, Sherborn, MA 01770.
Town of Shirley	Town Hall, 7 Keady Way, Shirley, MA 01464.
Town of Stoneham	Town Hall, 35 Central Street, Stoneham, MA 02180.
Town of Tewksbury	Town Hall, 1009 Main Street, Tewksbury, MA 01876.
Town of Townsend	Town Hall, 272 Main Street, Townsend, MA 01469.
Town of Tyngsborough	Town Hall, 25 Bryants Lane, Tyngsborough, MA 01879.
Town of Wakefield	Town Hall, 1 Lafayette Street, Wakefield, MA 01880.
Town of Watertown	Town Hall, 149 Main Street, Watertown, MA 02472.
Town of Wayland	Town Hall, 41 Cochituate Road, Wayland, MA 01778.
Town of Westford	Town Hall, 55 Main Street, Westford, MA 01886.
Town of Weston	Town Hall, 11 Town House Road, Weston, MA 02493.
Town of Wilmington	Town Hall, 121 Glen Road, Wilmington, MA 01887.
Town of Winchester	Town Hall, 71 Mt. Vernon Street, Winchester, MA 01890.

Norfolk County, Massachusetts (All Jurisdictions)
Project: 15-01-0633S Preliminary Date: April 07, 2023

City of Quincy	City Hall, 1305 Hancock Street, Quincy, MA 02169.
Town of Avon	Town Hall, 65 East Main Street, Avon, MA 02322.
Town of Bellingham	Municipal Center, 10 Mechanic Street, Bellingham, MA 02019.
Town of Braintree	Town Hall, 1 John F. Kennedy Memorial Drive, Braintree, MA 02184.
Town of Brookline	Town Hall, 333 Washington Street, Brookline, MA 02445.
Town of Canton	Town Hall, 801 Washington Street, Canton, MA 02021.
Town of Cohasset	Town Hall, 41 Highland Avenue, Cohasset, MA 02025.
Town of Dedham	Town Hall, 450 Washington Street, Dedham, MA 02026.
Town of Dover	Town House, 5 Springdale Avenue, Dover, MA 02030.
Town of Foxborough	Town Hall, 40 South Street, Foxborough, MA 02035.
Town of Franklin	Town Hall, 355 East Central Street, Franklin, MA 02038.
Town of Holbrook	Town Hall, 50 North Franklin Street, Holbrook, MA 02343.
Town of Medfield	Town House, 459 Main Street, Medfield, MA 02052.
Town of Medway	Town Hall, 155 Village Street, Medway, MA 02053.
Town of Millis	Veterans Memorial Building, 900 Main Street, Millis, MA 02054.
Town of Milton	Town Office Building, 525 Canton Avenue, Milton, MA 02186.
Town of Needham	Town Hall, 1471 Highland Avenue, Needham, MA 02492.
Town of Norfolk	Town Hall, 1 Liberty Lane, Norfolk, MA 02056.
Town of Norwood	Town Hall, 566 Washington Street, Norwood, MA 02062.
Town of Plainville	Town Hall, 142 South Street, Plainville, MA 02762.
Town of Randolph	Town Hall, 41 South Main Street, Randolph, MA 02368.
Town of Sharon	Town Office Building, 90 South Main Street, Sharon, MA 02067.
Town of Stoughton	Town Hall, 10 Pearl Street, Stoughton, MA 02072.
Town of Walpole	Town Hall, 135 School Street, Walpole, MA 02081.
Town of Wellesley	Town Hall, 888 Worcester Street, Wellesley, MA 02482.
Town of Westwood	Town Hall, 580 High Street, Westwood, MA 02090.
Town of Weymouth	Town Hall, 75 Middle Street, Weymouth, MA 02189.
Town of Wrentham	Town Hall, 79 South Street, Wrentham, MA 02093.

Worcester County, Massachusetts (All Jurisdictions)
Project: 16-01-0276S Preliminary Date: May 05, 2023

City of Fitchburg	City Hall, 718 Main Street, Fitchburg, MA 01420.
City of Gardner	City Hall, 95 Pleasant Street, Gardner, MA 01440.
City of Leominster	City Hall, 25 West Street, Leominster, MA 01453.
City of Worcester	City Hall, 455 Main Street, Worcester, MA 01608.
Town of Ashburnham	Town Hall, 32 Main Street, Ashburnham, MA 01430.
Town of Berlin	Town Offices, 23 Linden Street, Berlin, MA 01503.
Town of Bolton	Town Hall, 663 Main Street, Bolton, MA 01740.
Town of Boylston	Town Hall, 221 Main Street, Boylston, MA 01505.
Town of Clinton	Town Hall, 242 Church Street, Clinton, MA 01510.
Town of Harvard	Town Hall, 13 Ayer Road, Harvard, MA 01451.
Town of Holden	Starbard Building, 1204 Main Street, Holden, MA 01520.
Town of Hopedale	Town Office, 78 Hopedale Street, Hopedale, MA 01747.
Town of Hubbardston	Town Hall, 7 Main Street, Hubbardston, MA 01452.
Town of Lancaster	Prescott Building, 701 Main Street, Lancaster, MA 01523.
Town of Lunenburg	Town Hall, 17 Main Street, Lunenburg, MA 01462.
Town of Mendon	Town Hall, 20 Main Street, Mendon, MA 01756.
Town of Milford	Town Hall, 52 Main Street, Milford, MA 01757.
Town of Paxton	Town Hall, 697 Pleasant Street, Paxton, MA 01612.
Town of Princeton	Town Hall, 6 Town Hall Drive, Princeton, MA 01541.
Town of Rutland	Town Hall, 250 Main Street, Rutland, MA 01543.
Town of Sterling	Butterick Municipal Building, 1 Park Street, Sterling, MA 01564.

Community	Community map repository address
Town of West Boylston	Town Hall, 140 Worcester Street, West Boylston, MA 01583.
Town of Westminster	Town Hall, 11 South Street, Westminster, MA 01473.

[FR Doc. 2023-16142 Filed 7-28-23; 8:45 am]
BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2023-0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address

listed in the table below and online through the FEMA Map Service Center at <https://msc.fema.gov>.

FOR FURTHER INFORMATION CONTACT: Rick Sacbabit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbabit@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

The currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that

the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at <https://msc.fema.gov>.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Nicholas A. Shufro,
Deputy Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Alabama: Limestone (FEMA Docket No.: B-2341).	Unincorporated areas of Limestone County (22-04-5392P).	Collin Daly, Chair, Limestone County Commission, 310 West Washington Street, Athens, AL 35611.	Limestone County Engineering Department, 310 West Washington Street, Athens, AL 35611.	Jul. 21, 2023	010307
Arkansas: Sebastian (FEMA Docket No.: B-2324).	City of Fort Smith (22-06-0574P).	Carl Geffken, City of Fort Smith Administrator, 623 Garrison Avenue, Room 315, Fort Smith, AR 72901.	City Hall, 623 Garrison Avenue, Fort Smith, AR 72901.	Jun. 28, 2023	055013
Sebastian (FEMA Docket No.: B-2324).	Unincorporated areas of Sebastian County, (22-06-0574P).	The Honorable Steve Hotz, Sebastian County Judge, 35 South 6th Street, Room 106, Fort Smith, AR 72901.	Sebastian County Courthouse, 35 South 6th Street, Fort Smith, AR 72901.	Jun. 28, 2023	050462
Colorado: Arapahoe (FEMA Docket No.: B-2334).	City of Centennial, (21-08-1158P).	The Honorable Stephanie Piko, Mayor, City of Centennial, 13133 East Arapahoe Road, Centennial, CO 80112.	Southeast Metro Stormwater Authority, 7437 South Fairplay Street, Centennial, CO 80112.	Jul. 7, 2023	080315
Arapahoe (FEMA Docket No.: B-2334).	Unincorporated areas of Arapahoe County, (21-08-1158P).	The Honorable Carrie Warren-Gully, Chair, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, CO 80120.	Arapahoe County Public Works and Development Department, 6924 South Lima Street, Centennial, CO 80112.	Jul. 7, 2023	080011

DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY

Proposed Flood Hazard Determinations for Worcester County, Massachusetts (All Jurisdictions)

The Department of Homeland Security's Federal Emergency Management Agency has issued a preliminary Flood Insurance Rate Map (FIRM), and where applicable, Flood Insurance Study (FIS) report, reflecting proposed flood hazard determinations within Worcester County, Massachusetts (All Jurisdictions). These flood hazard determinations may include the addition or modification of Base Flood Elevations, base flood depths, Special Flood Hazard Area boundaries or zone designations, or the regulatory floodway. Technical information or comments are solicited on the proposed flood hazard determinations shown on the preliminary FIRM and/or FIS report for Worcester County, Massachusetts (All Jurisdictions). These flood hazard determinations are the basis for the floodplain management measures that your community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program. However, before these determinations are effective for floodplain management purposes, you will be provided an opportunity to appeal the proposed information. For information on the statutory 90-day period provided for appeals, as well as a complete listing of the communities affected and the locations where copies of the FIRM are available for review, please visit FEMA's website at https://www.floodmaps.fema.gov/fhm/BFE_Status/bfe_main.asp or call the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-FEMA MAP (1-877-336-2627).

OVERVIEW

SCIENTIFIC RESOLUTION PANELS

The Federal Emergency Management Agency (FEMA), through its flood hazard mapping program, Risk MAP (Risk Mapping, Assessment, and Planning), identifies flood hazards, assesses flood risks, and partners with states, tribes and local communities to provide accurate flood hazard and risk data to guide them in taking effective mitigation actions. The resulting National Flood Insurance Program (NFIP) maps provide the basis for community floodplain management regulations and flood insurance requirements.

What is a Scientific Resolution Panel?

FEMA's Scientific Resolution Panel (SRP) process reinforces FEMA's commitment to work with communities to ensure the flood hazard data depicted on Flood Insurance Rate Maps (FIRMs) are developed collaboratively, using the best science available.

Flood hazards are constantly changing, and FEMA updates FIRMs through several methods to reflect those changes. When proposed changes to a FIRM are met with conflicting technical and/or scientific data during a regulatory appeal period, an independent third-party review of the information may be appropriate. An SRP serves as an independent third party.

The SRP process benefits both FEMA and the community:

- ▶ It offers a neutral review process by independent third parties.
- ▶ It confirms FEMA's commitment to using the best science for the purpose of accurately depicting flood hazards on flood maps.
- ▶ It provides an additional opportunity for resolving community appeals involving conflicting technical and/or scientific data.

While FEMA had previously established an SRP process, the Biggert-Waters Flood Insurance Reform Act of 2012 formally established a statutory SRP process. The *Appeal and Comment Processing Guidance for Flood Risk Analysis and Mapping*, which incorporates the legislative requirements for the SRP, is available at www.fema.gov/guidelines-and-standards-flood-risk-analysis-and-mapping.

For Additional Information

For more information on appeals, see the FEMA document *Appeals, Revisions, and Amendments to National Flood Insurance Program Maps: A Guide for Community Officials* at www.fema.gov/flood-maps/change-your-flood-zone/guide-community-members

Part 67 of the NFIP regulations, which pertains to appeals, is available at www.ecfr.gov/current/title-44/chapter-I/subchapter-B/part-67

FEMA's Guidelines and Standards for Flood Risk Analysis and Mapping webpage includes the *Appeal and Comment Processing Guidance for Flood Risk Analysis and Mapping*: www.fema.gov/guidelines-and-standards-flood-risk-analysis-and-mapping

Templates and Other Resources:

www.fema.gov/media-library/assets/documents/32786?id=7577

Other Important Links:

- NIBS Scientific Review Panel website: www.floodsrp.org
- Risk MAP: www.fema.gov/flood-maps/tools-resources/risk-map
- Information on Recent and Upcoming Map Changes: www.fema.gov/flood-maps/change-your-flood-zone#lomc
- Flood Insurance: www.floodsmart.gov

RISK MAPPING, ASSESSMENT, AND PLANNING PROGRAM (RISK MAP)

The Federal Emergency Management Agency's Risk MAP Program delivers quality data that increases public awareness and leads to action to reduce risk to life and property. Risk MAP is a nationwide program that works in collaboration with states, tribes, and local communities using best available science, rigorously vetted standards, and expert analysis to identify risk and promote mitigation action, resulting in safer, more resilient communities.

Who Can Request an SRP?

A community, tribe, or other political entity with the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction can request that FEMA use an SRP when conflicting technical and/or scientific data have been presented. For additional information, review the *Appeal and Comment Processing Guidance for Flood Risk Analysis and Mapping* at www.fema.gov/guidelines-and-standards-flood-risk-analysis-and-mapping.

When Can Communities Request an SRP?

A community can request an SRP if the following requirements have been met:

- ▶ It has not yet received a Letter of Final Determination (LFD) from FEMA.
- ▶ Conflicting technical and/or scientific data, submitted during the 90-day appeal period, resulted in different flood hazards than those proposed by FEMA.
- ▶ At least 60 days of community consultation with FEMA (but no more than 120 days) have taken place.

Additionally, a community that receives a FEMA-issued resolution letter and has not previously exercised the SRP process will have 30 days from the issuance of the letter to request an SRP.

Independent Panel Sponsor

The SRP process is managed by the National Institute for Building Sciences (NIBS), a non-profit organization independent of FEMA. NIBS will administer the SRPs, ensuring that proper guidelines and procedures are employed and maintaining a cadre of experts from which panel members are selected.

Panel Member Selection

Five panelists are convened for each appeal brought to the SRP request. Panel members are technical experts in surface water hydrology, hydraulics, coastal engineering, and other engineering and scientific fields that relate to the creation of FIRMs and Flood Insurance Studies (FIS) throughout the United States.

Based on the technical challenges associated with each request, NIBS develops a list of potential members with relevant expertise, from its cadre of experts. NIBS also checks that those listed are available to serve, do not reside in the state from which the appeal or data were filed, and have no personal or professional interest in its findings for the flood risk project.

NIBS provides the list to the community and FEMA to select the panel members. The community selects at least the simple majority (three), and FEMA selects the remaining panel members from the short list of cadre members, based on the technical challenges of the appeal or data submittal.

The Process

To request a review by an SRP, the community's Chief Executive Officer or designee completes an SRP Request Form and submits it to FEMA during the time periods outlined above. Once FEMA confirms that the situation and the conflicting technical and/or scientific data are eligible for an SRP, it forwards the SRP Request Form to NIBS, which will initiate the panel selection process and develop a list of potential members.

Once the panel is convened, panel members are provided with a summary of the issue, FEMA's data, and the data the community submitted during the 90-day appeal period. Panel members review the data and, on a point-by-point basis, deliberate and make a decision based on the scientific and/or technical challenges.

If the community feels it is necessary to make an oral presentation in support of its request, it must include a justification on the SRP Request Form.

Resolution

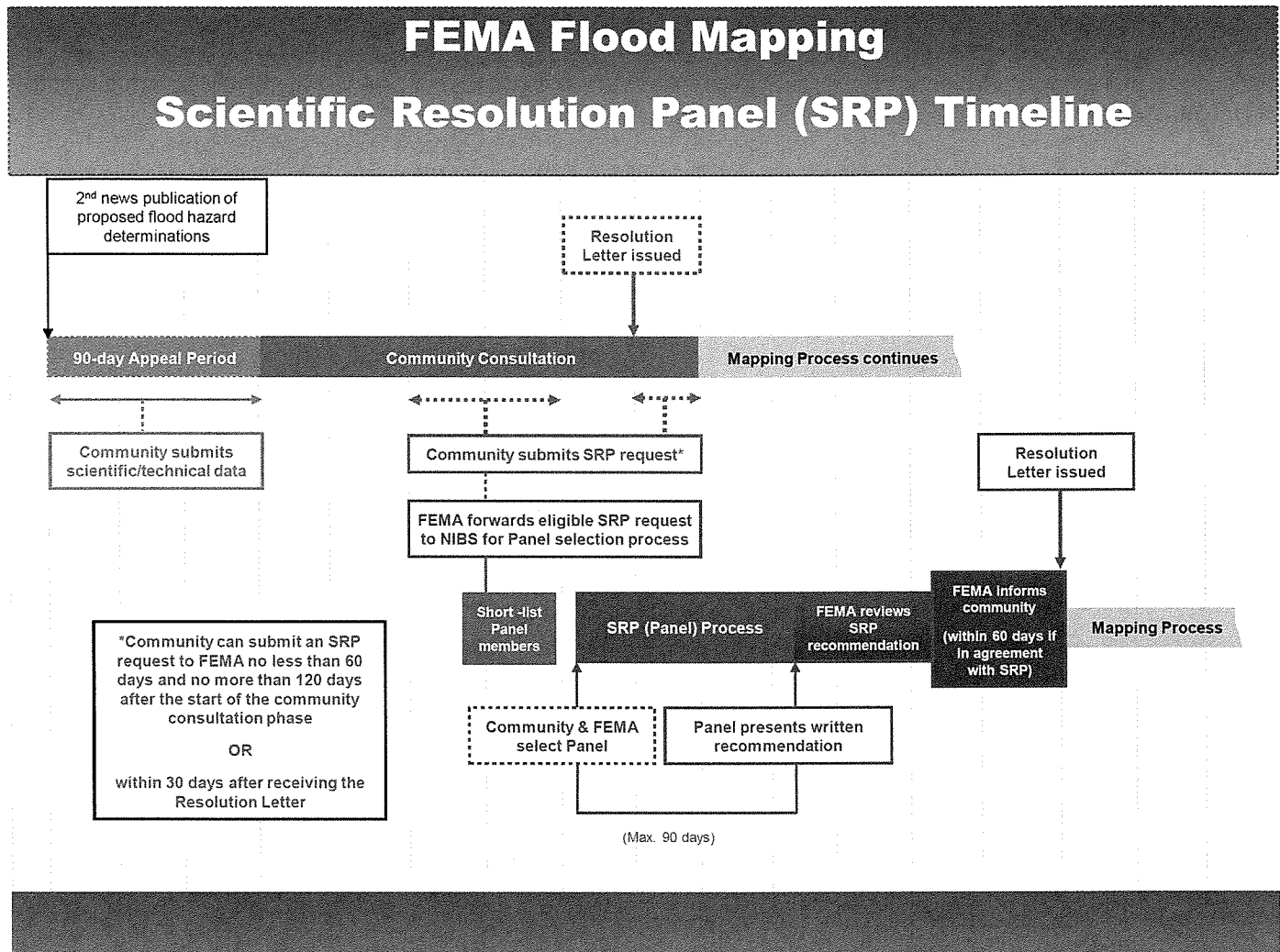
The panel must present its written report to the community and FEMA within 90 days of being convened, and that report will be used by the FEMA Administrator for making the final determination. A panel determination must be in favor of either FEMA or the community on each distinct element of the dispute, and the panel may not offer any alternative determination as a resolution. In the case of a dispute submitted by the community on behalf of an owner or lessee of real property in the community, the panel determination must be in favor of either FEMA, the community, or the owner/lessee on each distinct element of the dispute.

If changes to the maps are recommended in the panel's determination, and FEMA elects to implement the panel's determination, FEMA will incorporate the changes into a revised Preliminary FIRM and, if appropriate, FIS report. The revised products will be available to the community for review, with a resolution letter, before FEMA issues an LFD.

Once the SRP provides its determination and FEMA issues its resolution letter to implement the recommendations, the SRP recommendations are binding on all appellants and not subject to judicial review.

If the FEMA Administrator elects not to accept the panel's findings, the Administrator will issue a written justification within 60 days of receiving the report from the SRP. Under these circumstances, the appellants maintain their right to appeal FEMA's final determination to the appropriate Federal District Court.

Figure 1: SRP Timeline



EXECUTIVE SESSION

ADJOURNMENT
