



**LANCASTER SELECT BOARD**  
**Regular Meeting Agenda**  
**Prescott Building – Nashaway Room**  
**Monday, November 7, 2022**  
**6:00 P.M.**

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

**I. CALL TO ORDER**

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

This Meeting Will Also Be Held Virtually at:

Topic: Select Board Meeting

Time: Nov 7, 2022, 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87110713986>

Meeting ID: 871 1071 3986

One tap mobile

+16469313860,,87110713986# US

+13017158592,,87110713986# US (Washington DC)

Dial by your location

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 669 900 9128 US (San Jose)

+1 719 359 4580 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 564 217 2000 US

+1 669 444 9171 US

Meeting ID: 871 1071 3986

Find your local number: <https://us02web.zoom.us/j/87110713986>

Residents Have the Ability to Ask Questions via ZOOM.

**II. APPROVAL OF MEETING MINUTES**

Review and take action on the following Select Board's Meeting Minutes of October 17, 2022



**LANCASTER SELECT BOARD  
Regular Meeting Agenda  
Prescott Building – Nashaway Room  
Monday, November 7, 2022  
6:00 P.M.**

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

**III. SCHEDULED APPEARANCES & PUBLIC HEARINGS**

**Public Hearing (Continued from October 17, 2022) Special Permit to Remove Earth Products Renewal For LLEC, Inc.**

Notice is hereby given that a Hybrid Public Hearing will be held on Monday, October 17, 2022, at 6:30P.M. Zoom Link <https://us02web.zoom.us/j/86295066308> to consider the application of James Simpson, dba LLEC Inc., 139 Greenland Road, Sterling, MA for renewal of a Special Permit To Remove Earth Products (Sand and Gravel) from a parcel of land located westerly of I-90, Easterly of Jungle Road, identified on the Lancaster Assessors' Maps as Map 23, Parcels 7, location approximately 700 feet Easterly from the intersection with Jungle Road. A copy of the Application and Engineering Plans may be viewed in the Select Board'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.

**IV. BOARDS, COMMITTEES AND DEPARTMENT REPORTS**

Thayer Memorial Library Trustees - Joint Meeting

*Vacancy – Thayer Memorial Library Trustees*

In accordance with M.G.L. c. 41, §11, the Lancaster Select Board and the remaining members of the Thayer Memorial Library Trustees, shall discuss and appoint an individual to serve on the Thayer Memorial Library Trustees to fill one seat vacated by Mr. Frank MacGrory. The appointment is effective immediately, once the member is sworn into office by the Town Clerk, and shall continue until the Town's next annual election, or until another is qualified.

**V. PUBLIC COMMENT PERIOD**

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

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

1. Review/Vote - PJ Keating request to waive public hearing for permit renewal
2. Spec Pond Road – follow-up discussion, next steps
3. ARPA Funding Use Exemption Request - Commission on Disability, funds requested to print Committee's Emergency Preparedness Guidebook.
4. Take Position on Town of Lancaster Select Board-Capital Group/702, LLC Memo of Agreement (MOA) relative to 40R Development off McGovern Blvd./Rt.70 in North Lancaster.
5. Take Position on Town of Lancaster Select Board-Capital Group/702, LLC Memo of Agreement (MOA) relative to Enterprise rezone development initiative off McGovern Blvd. in North Lancaster.

**VII. APPOINTMENTS AND RESIGNATIONS**

Resignations:

Lancaster Council on Aging - Mary J. "Judie" MacLean





**LANCASTER SELECT BOARD**  
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**Appointments**

Lancaster Council on Aging – Roberta Winsor, term to expire June 30, 2024 (fill unexpired term)  
Lancaster Cultural Council: terms to expire June 30, 2025 (*all are first terms; as members are only allowed to serve two terms*)

- Denise Hurley
- Deb Adams
- Christine Cassidy
- Joyce Corbosiero

Constable – Interim Police Chief Everett Moody, term to expire June 30, 2025

Lancaster Historical Commission – Judy Ewell as member, term to expire June 30, 2025

**VIII. LICENSES AND PERMITS (Vote may be taken) - NONE**

**IX. NEW BUSINESS \***

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

**X. COMMUNICATIONS**

- Special Town Meeting will be held on Monday, November 14, 2022, 7pm, located at Mary Rowlandson Elementary School Auditorium.
- The Select Board & Finance Committee Joint Meeting for the FY24 Budget Review will be held Saturday, November 12, 2022.
- Miscellaneous Correspondence & Memorandums

**XI. ON GOING PROJECTS & OLD BUSINESS**

- Liaison Roles, Policies & Appointments, Review Draft Proposal (Turner)
- Financial Audit Advisory Committee Charge Review & Outlined Functions (Turner)
- Division of Capital Asset Management & Maintenance Property, Update (Turner)
- Public Records Requests Inventory & Handling, Policy Proposals (Turner)

**XII. EXECUTIVE SESSION**

*Enter Executive Session*

The Lancaster Select Board will meet in Executive Session pursuant to M.G.L. c.30A, §21(a) for the Purpose (3): To discuss strategy with respect to collective bargaining, specifically to deliberate regarding the Union's response to the Level Three grievance determination issued by the Select Board to Teamsters Union, Local No. 170 regarding disciplinary action taken against member C. Manning, as an open meeting may have a detrimental effect on the bargaining position of the Select Board.

**XIII. ADJOURNMENT**

## **II. APPROVAL OF MEETING MINUTES**

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## LANCASTER SELECT BOARD

### Regular Meeting Minutes

of Monday, October 17, 2022

Nashaway Meeting Room, 2<sup>nd</sup> Floor, Prescott Building, 701 Main Street, Lancaster MA

#### I. CALL TO ORDER

Chairman Stephen J. Kerrigan called the meeting to order at 6:00PM in the Nashaway Meeting Room located on the second floor in the Prescott Building, 701 Main Street, Lancaster, MA. He advised that the meeting was being recorded via ZOOM and is being broadcast by Sterling Lancaster Community Television.

Join Zoom Meeting: <https://us02web.zoom.us/j/86295066308>

Meeting ID: 862 9506 6308

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

#### II. APPROVAL OF MEETING MINUTES

Mr. Kerrigan asked for a motion to approve the minutes of October 3, 2022. Ms. Turner offered this motion, seconded by Mr. Allison. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

#### III. SCHEDULED APPEARANCES & PUBLIC HEARINGS - NONE

##### \*\*\* OUT OF ORDER \*\*\*

The Select Board welcomed Kevin Mitrano, the new Health & Human Services Department, Recreation Coordinator. Mr. Mitrano briefly introduced himself. He will begin next Monday.

##### 6:05PM PJ Keating Peer Review Conclusion

Ms. Hodges summarized; a secondary letter from the Comprehensive Environmental, Inc. (CEI), the firm performing the Peer Review, was received, as was a response from PJ Keating; this correspondence is found under Meeting Materials. Mr. Kerrigan recognized Robert Hartzel, Principal of CEI who summarized the current status. Mr. Hartzel explained that there were two areas covered by this Review, the first being administrative or procedural issues and recommendations for Special Conditions, and the second

covering concerns about contaminants as they pertain to the water supply. Mr. Hartzel stated that the second category was essentially resolved by receiving additional data from PJ Keating. Mr. Hartzel reviewed the report and their recommendations.

Mr. Kerrigan recognized Doug Vigneau, Environmental Compliance Manager for PJ Keating. He spoke to the meeting held with CEI, reporting that their general feeling is that some of the requests are a little “over the top” but they are amenable to complying in order to put issues to rest. Mr. Vigneau reported that the Massachusetts DEP (Department of Environmental Protection) and the EPA (Environmental Protection Agency) have recently visited the site with no additional requirements. Mr. Vigneau spoke to the items that will be implemented as a result of the Peer Review Study.

Mr. Allison asked Mr. Vigneau if there were any areas of disagreement; Mr. Vigneau said no that he agrees with establishing baseline data, although he would disagree with some of the testing going on for a long time. Ms. Turner noted that this process has resulted in a better permit than the Town had initially reviewed and had a number of questions regarding well depth. Rob Robinson, PJ Keating VP of Aggregates, spoke to well depth.

Ms. Turner suggested that going forward, rather than having the Select Board address these issues, there might be an Earth Removal Committee.

Mr. Vigneau asked what the process is to have the permit issued. Ms. Hodges stated that they need to fill out an application, but that this should conclude the issue; this can be on the next Select Board meeting agenda.

Ms. Turner stated that the Select Board had promised citizens the opportunity to review findings and bring forth their concerns. Mr. Kerrigan recognized Cara Sanford, 305 Bull Hill Road. Ms. Sanford explained that citizens are welcome to contact environmental agencies and expressed her view that CEI did a better job with stringent requirements than the Town’s Consultant, Tighe & Bond. Mr. Kerrigan recognized Anne Ogilvie, 4 Turner Lane, who thanked CEI for their information. She would like to see the CEI conditions in the next permit. She echoed Ms. Sanford’s feelings about CEI versus Tighe & Bond. Ms. Ogilvie would like a separate meeting for citizens to learn more about this process. Mr. Kerrigan said that the Select Board will work to get something like this on the schedule.

**6:30PM      Public Hearing Special Permit to Remove Earth Products Renewal For LLEC, Inc.**

Mr. Allison moved to open the Public Hearing, reading the legal notice into the record as follows: *Notice is hereby given that a Hybrid Public Hearing will be held Monday, October 17, 2022, at 6:30P.M. Zoom Link <https://us02web.zoom.us/j/86295066308> to consider the application of James Simpson, dba LLEC Inc., 139 Greenland Road, Sterling, MA for renewal of a Special Permit To Remove Earth Products (Sand and Gravel) from a parcel of land located westerly of I-90, Easterly of Jungle Road, identified on the Lancaster Assessors’ Maps as Map 23, Parcels 7, location approximately 700 feet Easterly from the intersection with Jungle Road. A copy of the Application and*

*Engineering Plans may be viewed in the Select Board'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 seconded the motion. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Ms. Hodges noted that in the past renewals did not require a Public Hearing and that all needs for this application have been received. Ms. Turner stated that her understanding is that every permit is a new permit and should be treated as such. The applicant was not resent. Ms. Turner had a number of questions about reinstallation of a second monitoring well and whether or not the applicant was actively mining. No public comment was offered. Ms. Hodges explained that it was under the Select Board's purview as to whether or not a Public Hearing was held, and in this case very little activity was happening at the site. Some discussion was held as to delays in process that had been caused by COVID. Ms. Turner would like to hear from the applicant because she has questions about closure. Mr. Allison moved to renew that Special Permit for LLEC, Inc. for earth removal. Ms. Turner seconded. Ms. Turner stated that at the last permit renewal there were outstanding issues and that she would not vote yes without hearing from the applicant. There was confusion regarding the report. Mr. Allison withdrew his motion. Ms. Turner moved to continue this hearing until November 7; Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed; this Public Hearing is continued. [3-0-0]*

**6:45PM      Public Hearing Special Permit to Remove Earth Products Renewal Chisholm**

Mr. Allison moved to open this Public Hearing at 7:01PM, reading the legal notice into the record: *Notice is hereby given that a Hybrid Public Hearing will be held Monday, October 17, 2022, at 6:45P.M. Zoom Link <https://us02web.zoom.us/j/86295066308> to consider the application of William Daniel Chisholm, Trustee, Mountain Laurel Realty Company d/b/a Stow Sand & Gravel Company, 388 Goodrich Street, Lunenburg, Ma 01462 for renewal of a Special Permit To Remove Earth Products (Sand and Gravel) from a parcel of land located - Assessors Map 5/Parcels 27 (0 Shirley Road) and 32A (0 Chisholm Trail) with access over Map 5/Parcels 30 (1922 Shirley Road) , 31 (49 Chisholm Trail) and 32 (696 Fort Pond Road). A copy of the Application and Engineering Plans may be viewed in the Select Board'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 seconded the motion. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Ms. Turner noted that the permit materials show that the previous permit expired in August 2019, but she believes that it was renewed after that. Ms. Turner moved to approve the Permit pending review by an independent engineering firm because the application



seems to be missing some conditions. Mr. Kerrigan stated that the Board does not issue conditional approvals. Ms. Turner would like language included similar to that shown in the PJ Keating permit; she would like a more current review. Mr. Allison moved to approve the application from William Daniel Chisholm, Trustee, Mountain Laurel Realty Company d/b/a for Earth Removal. *Vote taken, Alexandra W. Turner, No; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [2-1-0]*

Ms. Turner would like to discuss procedures for Earth Removal Public Hearings; Mr. Kerrigan requested that this is discussed later in the agenda.

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

#### **IV. BOARDS, COMMITTEES, AND DEPARTMENT REPORTS**

Nashoba Regional High School \*\*\* out of order; Vacancy addressed prior to Building Committee \*\*\*

- Nashoba Regional High School Building Committee

Joseph Gleason, 126 Brazao Lane, Chair of the Nashoba Regional High School Building Committee, along with Superintendent Kirk Downing, gave a brief overview of the project. They are working with the MSBA (Massachusetts School Building Authority) and are currently in the Feasibility Study phase which selects a designer and a project manager. Budgets and costs will be prepared early in the new year. Mr. Kerrigan asked about the location of the project; Superintendent Downing clarified that the plan is to use the site of the current high school. Mr. Kerrigan asked about the planned capacity of the new school and cost implications. Ms. Turner spoke about past experiences with school building, asking about methodology used to determine capacity. Superintendent Downing explained that plans are for 925 students at 85% capacity. Ms. Turner also asked about water and sewer needs, and about green options. Mr. Allison asked how this project's success would be measured once it is concluded. Mr. Gleason spoke to the need to bring in the project on time and on budget. Mr. Allison asked how the Building Committee instills confidence in the residents of Lancaster. Mr. Gleason spoke to the makeup of the committee, all residents of the district plus Superintendent Downing.

Chair Kerrigan recognized Rob Zidek, 103 Kaleva Road, who talked about how impressed he was at the Building Committee's presentation last week.

- Vacancy – Nashoba Regional High School District Committee
  - In accordance with Nashoba Regional School District Agreement, the Lancaster Select Board, and the remaining members of the Nashoba Regional School District Committee from the town involved, acting jointly, shall appoint a new member by ballot within one (1) month after the vacancy occurs to serve on the Nashoba

Regional High School District Committee, to serve until the next Town Election, at which time a new member will be elected to serve the remainder of the vacated term.

Mr. Kerrigan read the agenda item into the record. Mr. Joe Gleason, 126 Brazao Lane, Lancaster member of the Nashoba Regional High School District Committee, spoke to the process of appointment by ballot. Because there is only one candidate the formal need for ballot vote is not needed. Mr. Shandor Simon, the candidate for the position, was present. Mr. Gleason moved to open the meeting on behalf of the Nashoba Regional School District School Committee; roll call vote taken. Ms. Sharon Poch seconded. Ms. Poch, Present; Brett Collins, Present; Mr. Gleason, Present.

Ms. Turner moved to waive the ballot requirement; Mr. Allison seconded. Mr. Kerrigan called for a vote of the Select Board; *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]* Mr. Gleason called for a vote of the Lancaster representatives of the Nashoba Regional School District School Committee. *Vote taken, Brett Collins, Aye; Sharon Poch, Aye; Joseph Gleason, Aye. Motion passed to waive ballot requirement. [6-0-0]*

Ms. Turner moved to appoint Shandor Simon to the Nashoba Regional School District School Committee to fill an unexpired term until the next town election. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]* Mr. Gleason called for a vote of the Lancaster representatives of the Nashoba Regional School District School Committee. *Vote taken, Brett Collins, Aye; Sharon Poch, Aye; Joseph Gleason, Aye. Motion passed to waive ballot requirement. [6-0-0]*

<b>V. PUBLIC COMMENT PERIOD</b>
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*Opportunity for the public to address their concerns, make comments, and offer suggestions on operations or programs, except personnel matters. Complaints or criticism directed at staff, volunteers, or other officials shall not be permitted.*

Mr. Kerrigan recognized Rob Zidek, 103 Kaleva Road. Mr. Zidek spoke to the needs of Lancaster's senior citizens, expressing concerns that development in North Lancaster would result in increased taxes and additional burdens on seniors.

Mr. Kerrigan recognized Anne Ogilvie, 4 Turner Lane. Ms. Ogilvie commented on the Earth Removal hearings held earlier this evening and the status of the Earth Product Removal Committee.

## **VI. TOWN ADMINISTRATOR REPORT**

### **1. Recruitment Updates**

- Health & Human Services Department, Recreation Coordinator

Mr. Kevin Mitrano was introduced earlier in the meeting. Ms. Hodges reported that she and Ms. Dolan have met with Michelle Currier to discuss what role she might play with the beach, noting that this past year was the first time that the beach was profitable.

### **2. Other Department or Town-Wide Updates**

Ms. Hodges reported that the commercial grade cleaning of the Community Center ordered by the Board of Health would take place over the weekend, and painting is being planned. A former storage room has been re-purposed and is now an office for the Board of Health, and Ms. Dolan has been in touch with the Nashoba Board of Health regarding wellness clinics.

The Halloween on the Green event is scheduled for October 30.

The Board of Health had a successful recent even, vaccinating over 125 residents for flu and/or COVID.

Health & Human Services are conducting a “gently used” drive for games, movies, outdoor sports equipment and other items.

## **VII. ADMINISTRATION, BUDGET, AND POLICY**

### **1. Call Special Town Meeting to be held on Monday, November 14, 2022, at 7:00pm to be held at the Mary Rowlandson Elementary School Auditorium**

Ms. Hodges reviewed the Articles on the Special Town Meeting warrant. She noted that babysitting will be provided in the gym. She reviewed plans to deal with overflow crowds. M

### **2. Close the Warrant for the Special Town Meeting to be held Monday, November 14, 2022**

Mr. Allison moved to close the Warrant for the Special Town Meeting to be held on Monday, November 14, 2022. Ms. Turner seconded the motion. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Mr. Allison moved to have the pamphlet regarding zoning articles prepared by the Town Administrator, placed on the Select Board website and available in limited quantities as hard copy. Ms. Turner seconded the motion. Ms. Turner would like time to review the content.



*Vote taken, Alexandra W. Turner, No; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [2-1-0]*

**3. Discussion on Peer Review regarding the Sand/Gravel site that the 40R is proposed for**

Ms. Hodges stated that this was on the agenda as a request of Ms. Turner, because the Tighe & Bond report from April had stated that although there was no current excavation, there was stockpiling at this site. Ms. Turner asked for clarification, stating that there should be restoration/closure requirements. Ms. Turner moved to have the Building Inspector / Zoning Enforcement Officer review the expired permit for compliance. Mr. Kerrigan seconded for the purposes of discussion. There is no application for a new or renewed permit. Mr. Allison stated that in his opinion the Board should not direct employees who report the Town Administrator. Ms. Turner withdrew her motion but would like to make sure that permits issued are adhered to. Ms. Hodges will gather more information for the Board.

**VIII. APPOINTMENTS AND RESIGNATIONS**

Appointments:

Lancaster Cultural Council – Suzanne M. Turcotte, term to expire June 30, 2025

Mr. Allison moved to appoint Suzanne M. Turcotte to the Lancaster Cultural Council, term to expire June 30, 2025. Ms. Turner seconded the motion. *Vote taken, Mr. Allison, Aye; Ms. Turner, Aye; Mr. Kerrigan, Aye. [3-0-0]*

**IX. LICENSES AND PERMITS**

**1. Application for Use of the Town Gazebo/Town Green**

Applicant: Judy Kittler Zmijak

Organization: Lancaster 4-H

Event: Tree Lighting sponsored by the Lancaster 4-H

Event Date: Saturday, December 3, 2022, from 6:30pm-9:00pm

Ms. Turner moved to approve the use of the Town Gazebo/Town Green, to Judy Kittler Zmijak, Lancaster 4-H, for the Tree Lighting, December 3, 2022, from 6:30pm-9:00pm. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

**2. Rental Application for Use of Town Hall/Auditorium**

Applicant: Judy Kittler Zmijak

Organization: Lancaster 4-H

Event: Lancaster Festival of the Trees

Event Date: December 1, 2022 – December 4, 2022

Ms. Turner moved to approve a Use of the Town Hall/Auditorium, to Judy Kittler Zmijak, for the Lancaster Festival of the Trees, December 1, 2022 – December 4, 2022. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

3. Application for Use of Town Green/Gazebo

Applicant: Judy Kittler Zmijak

Organization: Lancaster 4-H

Event: Lancaster Easter Egg Hunt sponsored by the Lancaster 4-H

Event Date: Sunday, April 2, 2023, from 8:00am-10:00am

Ms. Turner moved to approve the use of the Town Green/Gazebo, by the Lancaster 4-H, for the Lancaster Easter Egg Hunt, on April 2, 2023, from 8:00am-10:00am. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

<b>X. NEW BUSINESS</b>
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*This item is included to acknowledge matters not reasonably anticipated by the Chair.*

<b>XI. COMMUNICATIONS</b>
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- Special Town Meeting will be held on Monday, November 14, 2022, 7pm, located at Mary Rowlandson Elementary School Auditorium.
- The Select Board & Finance Committee Joint Meeting for the FY24 Budget Review will be held Saturday, November 12
- Miscellaneous Correspondence & Memoranda

<b>XII. ONGOING PROJECTS &amp; OLD BUSINESS</b>
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- Liaison Roles, Policies & Appointments (Turner) - tabled
- Financial Audit Advisory Committee Charge & Functions (Turner) – on future agenda
- Division of Capital Asset Management & Maintenance Property (Turner) - tabled
- Public Records Requests Inventory & Handling Policy Proposals (Turner) - tabled

<b>XIII. ADJOURNMENT</b>
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Mr. Allison moved to adjourn the meeting. Ms. Turner seconded. *Vote taken. Mr. Allison, Aye; Mr. Kerrigan, Aye; Ms. Turner, Aye. [3-0-0]*

<b>XIV. ADJOURNMENT</b>
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Respectfully submitted,

Kathleen Rocco  
Executive Assistant

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Approved and accepted,  
Alexandra W. Turner, Clerk

### **III. SCHEDULED APPEARANCES & PUBLIC HEARINGS**

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TOWN OF LANCASTER, MASSACHUSETTS  
BOARD OF SELECTMEN  
SPECIAL PERMITS TO REMOVE EARTH PRODUCTS

Tighe & Bond

PERMIT HOLDER	CONTACT FOR SCHEDULING INSPECTIONS	Location Assessors' Map Reference	DATE PERMIT ISSUED	DATE PERMIT EXPIRATION	SURETY BOND, CASH, or LETTER OF CREDIT AMOUNT	INSPECTION CYCLE	INSPECTION DATES	RENEWAL APPLICATION STATUS
<b>Central Mass. Sand &amp; Gravel (Harper)</b>  Stephen Harper  435 Lancaster Street Leominster, MA 01453  (978) 466-9500	John Toomey  New England Specialty Soils, Inc.  Boucher Construction Corp 435 Lancaster Street Leominster, MA 01453 <a href="mailto:John@brcorpma.com">John@brcorpma.com</a> (978) 660-0175	Rear Lunenburg Rd.  M8, P45, M9, P5; M13, P2, 3&7, M14, P12.	February 14, 2018  February 14, 2020	February 14, 2020  November 14, 2021 (ext during COVID)	     \$120,000 Amount Shall Vary	     Quarterly; other times as needed	March  June September  December	Renewal Extension Request Letter 9/2/2021  No renewal to date; last communication 1/2022 NESS does intend to renew
<b>J.E. Kanis, Inc.</b> John E. Kanis 535 Harvard Road Lancaster, MA 01523	John Farnsworth Farnsworth Engineering 35 Pine Hill Road Lancaster, MA 01523 <a href="mailto:jf111b@aol.com">jf111b@aol.com</a> Cell: (603) 566-4317	Pine Hill M31, P4	August 19, 2021	August 19, 2023	\$42,000	Annually; other times as needed.	June	Renewal approved by Select Board 8/16/2021
<b>LLEC, Inc.</b> James Simpson 139 Greenland Road Sterling, MA 01564 (978) 479-8542	Same	West of I190 East of Jungle Rd, Leominster M23, P27	August 20, 2020	August 20, 2022	\$50,000	Annually; other times as needed	June	Renewal approved by Select Board 10/18/2021
<b>P.J. Keating Company</b> P.O. Box 367 Fitchburg, MA 01420	Cody Delaney P.J. Keating Company 988 Lunenburg Road Lunenburg, MA 01462 Office: (978) 562-5255 Cell: 978-502-6097 <a href="mailto:cdelaney@pikeating.com">cdelaney@pikeating.com</a>	998 Reservoir Rd Lunenburg, MA 01462	March 7, 2022	November 25, 2022	\$220,000	Quarterly, but no Fourth Quarter Inspection; other times as needed	March June September	Renewal approved 3/8/22 Select Board Mtg (for 10-month duration)
<b>Stow Sand &amp; Gravel, Inc. (Chisholm)</b> Dan Chisholm 390 Goodrich Street Lunenburg, MA 01462 (978) 815-0968	Same	Rear Shirley Road M5, P27&32A; Access via M5, P30, 31&32 Enter behind Padula Brothers store	August 14, 2021	November 19, 2022 (ext during COVID)	\$50,000	Annually; other times as needed	March	Renewal Extension Request Letter 8/31/2021
<b>Fort Pond, LLC</b> Mr. James Fletcher, Manager, Fort Pond, LLC c/o W.J. Graves Construction Co. Inc. P.O. Box 401 192 Depot Road, East Templeton, MA 01438-0401 T: (978)-939-5568 Ext. 12 F: (978)-939-5295 C: (978)-580-4123	Same	Map 5, Parcel 26 450 Fort Pond Road Lancaster, MA 01523	October 19, 2021	January 24, 2023 (ext during COVID)	\$50,000	Quarterly; other times as needed	March June September December	Renewal Extension Request Letter 9/10/2021



**TOWN OF LANCASTER**  
**OFFICE OF THE**  
**SELECT BOARD**

*Stephen J. Kerrigan, Chairman*  
*Alexandra W. Turner, Clerk*  
*Jason A. Allison, Member*

*Kate Hodges, Town Administrator*  
*Kathleen A. Rocco, Executive Assistant*

**MEMORANDUM**

TO: BOARD OF APPEALS, BOARD OF ASSESSORS, BOARD OF HEALTH,  
BUILDING COMMISSIONER, COLLECTOR-TREASURER,  
CONSERVATION COMMISSION, DEPARTMENT OF PUBLIC WORKS,  
FIRE DEPARTMENT, PLANNING BOARD, POLICE DEPARTMENT, TOWN  
CLERK

FROM: Kathleen Rocco, Executive Assistant

CC: Select Board

DATE: September 28, 2021

RE: Notice of Public Hearing –Special Permit Removal of Earth Products Renewal

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The Board is in the process of reviewing LLEC, Inc.'s application for the above –referenced. Our office would appreciate your cooperation by assisting us in this process. Attached please find the following:

- Application for Special Permit Removal of Earth Products Renewal (Maps may be viewed on the Selectmen's office);
- Town of Lancaster Notice of Public Hearing; and
- Department Comment Sheet.

Please complete the Department Comment Form, with any comments you feel appropriate on said License Application.

Please return the form(s) to the Selectmen's Office **no later than Wednesday, October 12, 2022.**

Thank you for your assistance in this matter.

Enclosures



TOWN OF LANCASTER  
OFFICE OF THE Select Board

DEPARTMENT COMMENT FORM

DEPARTMENT/BOARD NAME: DPW

Applicant: LLEC, Inc.

Requests: Application for Special Permit Removal of Earth Products Renewal

Location: 139 Greenland Road, Sterling, MA 01566

COMMENTS: None

DATE: 10/5/2022

Kevin A. Bartlett

DEPARTMENT HEAD SIGNATURE

**NOTE: IF A CODE VIOLATION EXISTS, PLEASE CITE THE RULE OR REGULATION.**





TOWN OF LANCASTER  
OFFICE OF THE Select Board

DEPARTMENT COMMENT FORM

DEPARTMENT/BOARD NAME: Treasurer / Collector

Applicant: LLEC, Inc. Parcel 23-7

Requests: Application for Special Permit Removal of Earth Products Renewal

Location: 139 Greenland Road, Sterling, MA 01566

COMMENTS:

No outstanding taxes  
I am not aware of a Bond

DATE: 10-6-22

Mary E. [Signature]  
DEPARTMENT HEAD SIGNATURE

**NOTE: IF A CODE VIOLATION EXISTS, PLEASE CITE THE RULE OR REGULATION.**

**TOWN OF LANCASTER  
NOTICE OF PUBLIC HEARING  
APPLICATION FOR SPECIAL PERMIT  
TO REMOVE EARTH PRODUCTS RENEWAL**

Notice is hereby given that a Hybrid Public Hearing will be held on Monday, October 17, 2022, at 6:30P.M. Zoom Link <https://us02web.zoom.us/j/86295066308> to consider the application of James Simpson, dba LLEC Inc., 139 Greenland Road, Sterling, MA for renewal of a Special Permit To Remove Earth Products (Sand and Gravel) from a parcel of land located westerly of I-90, Easterly of Jungle Road, identified on the Lancaster Assessors' Maps as Map 23, Parcels 7, location approximately 700 feet Easterly from the intersection with Jungle Road. A copy of the Application and Engineering Plans may be viewed in the Select Board'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.

LANCASTER SELECT BOARD  
Stephen J. Kerrigan, Chairman  
Alexandra W. Turner Clerk  
Jason A. Allison, Member

The Item – 9/30/2022 & 10/7/2022 (2x)



# 300 foot Abutters List Report

Lancaster, MA  
October 11, 2022

## Subject Property:

Parcel Number: 023-0007.0  
CAMA Number: 023-0007.0  
Property Address: 0 BROCKELMAN RD

Mailing Address: LLEC INC  
139 GREENLAND RD  
STERLING, MA 01564

---

## Abutters:

Parcel Number: 018-0012.0  
CAMA Number: 018-0012.0  
Property Address: 2680 NO MAIN ST

Mailing Address: DECOSTE STANLEY L JR & ERIN M  
2680 NO MAIN ST  
LANCASTER, MA 01523

Parcel Number: 018-0012.A  
CAMA Number: 018-0012.A  
Property Address: 0 BROCKELMAN RD REAR

Mailing Address: DURKIN JOHN D TR BASHAW REALTY  
TRUST  
18 WEATHERBEE ST  
ACTON, MA 01720

Parcel Number: 023-0005.0  
CAMA Number: 023-0005.0  
Property Address: 0 BROCKELMAN RD REAR

Mailing Address: LANCASTER TOWN OF  
701 MAIN ST SUITE 1  
LANCASTER, MA 01523

Parcel Number: 023-0006.0  
CAMA Number: 023-0006.0  
Property Address: 267 BROCKELMAN RD

Mailing Address: NASHAWAY FARMS LLC  
237 BROCKELMAN RD  
LANCASTER, MA 01523

Parcel Number: 023-0008.0  
CAMA Number: 023-0008.0  
Property Address: 0 BROCKELMAN RD

Mailing Address: OWNER UNKNOWN  
0 BROCKELMAN RD  
LANCASTER, MA 01523

Parcel Number: 023-0009.0  
CAMA Number: 023-0009.0  
Property Address: 0 BROCKELMAN RD

Mailing Address: COVE MICHAEL  
7 CROWLEY ROAD  
STERLING, MA 01564

Parcel Number: 023-0010.0  
CAMA Number: 023-0010.0  
Property Address: 0 BROCKELMAN RD REAR

Mailing Address: GOODALE WILFRED EST  
0 BROCKELMAN RD REAR  
LANCASTER, MA 01523

Parcel Number: 023-0011.0  
CAMA Number: 023-0011.0  
Property Address: 0 BROCKELMAN RD REAR

Mailing Address: COVE MICHAEL  
7 CROWLEY ROAD  
STERLING, MA 01564

Parcel Number: 023-0012.0  
CAMA Number: 023-0012.0  
Property Address: 0 BROCKELMAN RD

Mailing Address: LANCASTER TOWN OF  
701 MAIN ST SUITE 1  
LANCASTER, MA 01523

Parcel Number: 023-0014.0  
CAMA Number: 023-0014.0  
Property Address: 0 BROCKELMAN RD REAR

Mailing Address: LANCASTER TOWN OF  
701 MAIN ST SUITE 1  
LANCASTER, MA 01523



www.cai-tech.com

10/11/2022

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

Page 1 of 2



# 300 foot Abutters List Report

Lancaster, MA  
October 11, 2022

Parcel Number: 023-0015.0  
CAMA Number: 023-0015.0  
Property Address: 0 BROCKELMAN RD REAR

Mailing Address: LANCASTER TOWN OF  
701 MAIN ST SUITE 1  
LANCASTER, MA 01523

## CERTIFIED COPY

Debra A. Sanders  
Debra A. Sanders, Member  
Lancaster Board of Assessors  
October 13, 2022  
2 pages



[www.cai-tech.com](http://www.cai-tech.com)

10/11/2022

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Page 2 of 2



TOWN OF LANCASTER, MASSACHUSETTS  
BOARD OF SELECTMEN  
Town Hall, 695 Main Street, P.O. Box 293  
Lancaster, MA 01523-0293  
Tel: 978-365-3326 Fax: 978-368-8486

Town Clerk's Office  
Date **RECEIVED**

SEP 19 2022

Board of Selectmen

**APPLICATION FOR SPECIAL PERMIT  
REMOVAL OF EARTH PRODUCTS**

1. Applicant's Name: James Simpson
2. Applicant's Address: 139 Greenland Rd Sterling MA 01564
3. Name of Business or Concern (If operating other than individual): LLEC Inc.
4. Business Address (If different than address listed under Question 2): Same
5. Location of Property (Street Address): Jungle Rd.
6. Assessors' Atlas: Map/Sheet No. 23 Parcel No. 7 Lot No. RTE 117
7. Location approximately 2000 feet ☒ N ☐ S ☐ E ☐ W from the intersection with Rte 117
8. Evidence of Property Ownership (Attach Deed, Lease, other): Deedbook 32432 page 312
9. Name and Address of Engineer or Firm Responsible for plans, specifications, compliance, etc? Andrussick Land Surveying, PO Box 97, Princeton MA 015
10. Engineering plans and specifications prepared (date): January 2015

**SCOPE OF WORK**

11. Cubic yards to be excavated/removed from site: 180,000 Area: 5 acres + 5 acres Acres
12. Type of earth product(s): Peat ☐ Loam ☐ Gravel ☒ Rock ☐ Other ☐
13. Proposed date of completion of excavation: ☐ Of Removal on going
14. Duration of Request (Minimum of 6 months; maximum of 24 months): 2 years
15. Reason for Request: earth removal / site preparation  
renewal of existing permit

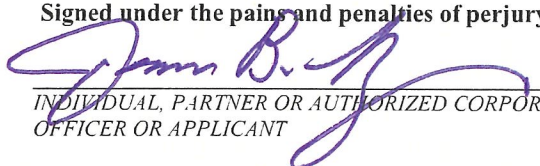
16. Estimated cost for erosion control, grading, seeding, or reclamation: \$ 3,000
17. Bond Required: Bond in place  
(To be determined by the Town)
18. Have you been issued a Special Permit for earth products removal before? Yes ☒ No ☐
- If yes, when was it last issued? 8/2020 - 8/2022 For what period? 8/2020 thru 8/2022

**THE FOLLOWING MUST BE SUBMITTED AS PART OF THIS APPLICATION:**

1. Three (3) copies of a registered, engineered plot plan of the area showing existing grades and proposed finished grades and the distances from the excavation to the side and rear property lines.
2. Three (3) copies of the registered, engineered plot plan reduced to 11" x 17" on white paper.
3. Three (3) sets of engineering specifications.
4. Evidence of Property Ownership as required under Question 8.
5. **Check for Permit Application Fee** (\$250 for one (1) year; \$500 for two (2) years).
6. **Check for \$1,000 for Professional Engineering Review Fees.** The Applicant shall be required to forward to the Town any engineering costs exceeding the \$1,000 review fee estimate.

The applicant certifies that it has filed all state tax returns and paid all state and local taxes required by law and agrees to comply with the terms of its permit and applicable law, and all rules and regulations promulgated thereto. I further certify that the information contained in this application is true and accurate and also authorize the Permitting Authority or its agents to conduct whatever investigation is necessary to verify the information contained in this application.

Signed under the pains and penalties of perjury.

  
INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
OFFICER OR APPLICANT

DATE SIGNED 8.31.22

**NOTE: The filing of this application does not permit the Applicant to remove earth products. Removal of earth products may not commence until the Board of Selectmen issues a special permit.**





# 0 Brockelman Rd

Lancaster, MA

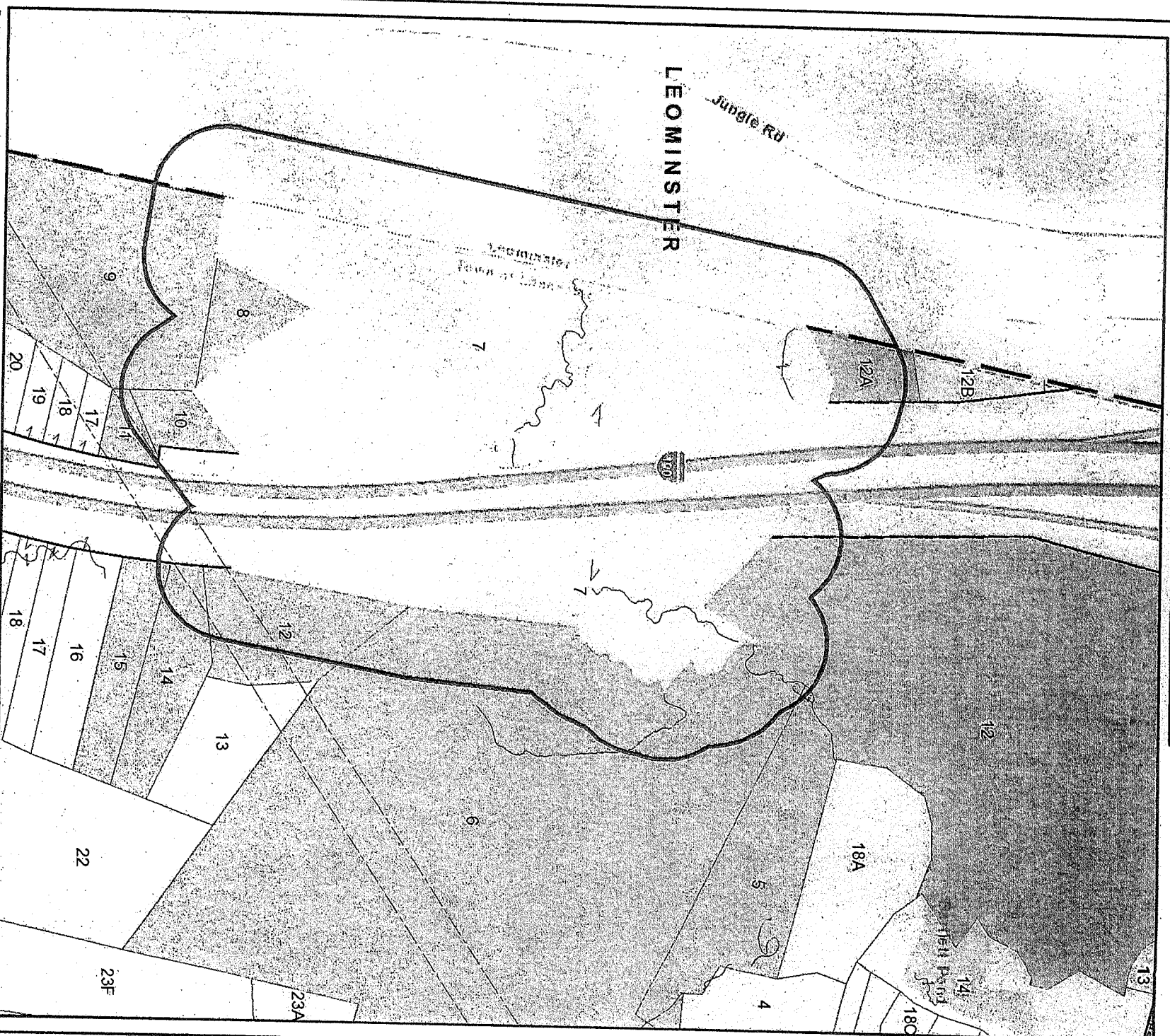


Precision Mapping Geospatial Solutions

July 13, 2021

1 inch = 555 Feet

[www.cai-tech.com](http://www.cai-tech.com)



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

32-3440-11-03  
August 10, 2022

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

RECEIVED

AUG 25 2022

Board of Selectmen

Re: **LLEC, Inc.**  
**Special Permit to Remove Earth Products**  
**June 2022 – Annual Inspection**

To Whom It May Concern:

As stipulated in the Special Permit to Remove Earth Products issued to LLEC, Inc., the annual site inspection was conducted on Friday, June 10, 2022. Kayla Larson and Mehdi Begag of Tighe & Bond, Inc. were on-site to inspect the facility with respect to the operational requirements specified in the most recent permit effective between August 20, 2020, and August 20, 2022. In the most recent permit issued, inspections were reduced from biannually to annually. Jim Simpson of LLEC, Inc. was present at the Site during inspection. A report of field inspection observations is attached.

#### **Current Activities**

No excavation activities were being performed at the time of inspection. Mr. Simpson reported that topsoil blending was being conducted on the northern portion of the Site. The facility is continuing to advance the base elevation towards the eastern portion of the Site.

#### **Inspection Observations**

It appears that the approximate elevation of the base of the Central Excavation remains at an elevation of approximately 320 feet. Since the previous biannual inspection, the recently reclaimed portions of the Central Excavation limits have continued to establish vegetation. The site continues to be used for stockpiling of materials.

Groundwater separation appeared to be in compliance, based on measurements obtained from all three groundwater monitoring wells that were installed at the Site. One well was previously inaccessible but has since been relocated and re-probed as reported at the October 18, 2021, Select Board meeting.

The Northern Excavation appeared to remain at an elevation of approximately 315 feet. This estimate was based on a benchmark elevation established by Andrysick Land Surveying at Well A within the excavation area. Well A was previously flush with the ground and could not be located during the October 2021 inspection but was found and gauged in this most recent annual inspection. No active excavation is occurring within the Northern Excavation and it is primarily being used as an area for stockpiling and topsoil blending.

Multiple stormwater controls including berms around the site, sediment catching fore-bays, and silt fencing/haybales appeared to be still in place.

Evidence of recent ATV activity was not noted at the time of inspection. Historical attempts to discourage their activity by way of a locking gate and signage have been unsuccessful, as the ATV's find alternate routes into the facility. Jim Simpson will have to continue to remain vigilant in maintaining reclaimed portions of the facility for the duration of the EPR permitting period.

Town of Lancaster, Massachusetts  
Special Permit to Remove Earth Products  
Inspection Form

Facility: LLEC  
Inspection Date: 6/10/21  
Inspector: KMI

Earth Removal Operation is in Permit Compliance <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Contact:	Jim Simpson LLEC, Inc. 139 Greenland Road Sterling, MA 01564 (978) 479-8542
Active Cell:	<u>Central Excavation</u>
Depth of Excavation:	<u>~ 320'</u> Comment: <u>No change</u>
Description of Current Activities: <u>Blending topsoil in North side of Site</u> <u>No excavation occurring during time of inspection</u>	
Dust Issues? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, comment:	
Dust Control Measures In Place: <u>Minimal activity at Site to cause dust</u>	
Erosion and or Stormwater Issues? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, comment:	
Erosion and Stormwater Control Measures In Place: <u>Site is bermed around perimeter. No erosion</u> <u>Observed</u>	

Town of Lancaster, Massachusetts  
Special Permit to Remove Earth Products  
Inspection Form

Facility: LLEC  
Inspection Date: 6/10/22  
Inspector: KML

Other Comments:

Current Permit will expire in August 2022, inspections  
are now being conducted on an annual basis

**LLEC, INC.**



**TOWN OF LANCASTER, MASSACHUSETTS  
SELECT BOARD  
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

**In accordance with Article 12 of the Zoning Bylaws, the Select Board hereby grants to the Applicant a Special Permit to remove earth products, subject to the conditions noted herein.**

**Name of Applicant/Grantee:** James Simpson

**Address of Applicant/Grantee:** 139 Greenland Road, Sterling, MA 01566

**Company Name:** LLEC, Inc.

**Company Address:** 139 Greenland Road, Sterling, MA 01566

**Permit Issue Date:** August 20, 2020

**Permit Expiration Date:** August 20, 2022

**Conditions:**

1. Description of Area: All earth removal and related site work shall be in accordance with the approved Earthen Products Removal plans for Gravel Removal Special Permit, dated July 2012, as prepared by Andrysick Land Surveying, and as modified by the terms and conditions of this Special Permit. Also, modifications to the plans for the Central Excavation portion of the site, as notated on the Notice of Intent Plans dated July 31, 2012, and in agreement with the resulting Conservation Commission Hearing of August 21, 2012 have become conditions of this permit.
2. The site shall be restored with a minimum depth of nine inches of loam which shall be capable of supporting grass growth unless the applicant can document a lesser amount pre-exists on site, in which case the applicant will be responsible for the lesser amount. The site shall be restored upon completion of the earth removal authorized by this special permit. The area shall be hydroseeded and the planted area shall be protected from erosion during the establishment period using sound conservation practices. Areas that wash out shall be repaired immediately. Trees or shrubs of prescribed species shall be planted to provide screening and reduce erosion during the establishment period.
3. No top or subsoil shall be removed from the site. An estimated 5,000 cubic yards will be stripped from the site, but due to the ongoing restoration program, less than 1,000 cubic yards will be stockpiled at any one time. Estimated amount of earth products to be removed is 395, 700 cubic yards.



**TOWN OF LANCASTER, MASSACHUSETTS  
SELECT BOARD  
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

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4. Provisions for dust control shall be in place prior to commencement of the earth removal operations. Abutting public right-of-ways and abutters shall be kept clear of construction debris and dust.
5. Dust Control measures shall be undertaken as specified in the approved plans.
6. Active work areas shall be limited to five (5) acre parcels in each of the Northern and Central Excavations, in accordance with the approved phasing plans.
7. At least two (2) of the five (5) acres shall be restored before work commences (including building haul roads) on the subsequent phases. All restoration work shall be completed within 30 days after expiration of a permit or upon cessation of operations within any phase.
8. A maximum slope of three foot horizontal to one foot vertical (3:1) is required; 4:1 within any buffer zone of a resource area as shown on the approved plans.
9. The hours and days for which trucks are allowed to remove earth materials from the site shall be limited to 7:00 am – 4:30 pm Monday through Friday and 8:00 am – Noon on Saturdays, except for Federal and State Holidays. Alteration of this time schedule may be accomplished only by prior approval of the Select Board.
10. All entrances to the facility shall be gated and locked to prevent unauthorized entry during non-working hours. Proper signage must also be posted within the site to advise drivers of site conditions. Truck entering signs shall also be erected along the abutting right-of-ways to warn motorists of truck traffic from the site.
11. Truck trips from the site shall not exceed 32 (loads) within any given day. Alteration of this trip schedule may be accomplished only by prior approval of the Select Board based upon an approved traffic management plan approved by the Chief of Police.
12. A minimum of two (2) groundwater-monitoring wells shall be installed. Groundwater levels shall be checked on a quarterly basis and data provided to the Town. A minimum depth to groundwater separation of 6-feet shall be maintained at all times. Areas which fall within the Town's water resource overlay district shall maintain a minimum depth to groundwater separation of 10-feet. Two respective monitoring wells shall be installed in the following locations:
  - a. Near the southernmost extent of the Central Excavation approximate to the intersection of the 200' riparian zone buffer and the Zone II wellhead protection buffer





**TOWN OF LANCASTER, MASSACHUSETTS  
SELECT BOARD  
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

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- b. Near the southeastern corner of the Central Excavation approximate to the location of the 100' wetland buffer and the 200' riparian zone.
13. Provide a minimum of three (3) permanent benchmarks with elevations for each active phase of the operation.
14. The land shall be left so that natural storm drainage leaves the property at the original natural drainage points and so that the total discharge at peak flow, and the area of drainage at anyone point, is not increased, and so that the hydrograph of any post-development receiving body of water is the same as that of the pre-development hydrograph per the approved plans.
15. No stumps shall be buried on-site.
16. A Surety Bond, Irrevocable Standby Letter of Credit, or Cash Account in the amount of \$50,000 shall be provided to the Town prior to commencement of any work authorized under this special permit in order to secure compliance with the terms and conditions hereof. The Surety Bond, Irrevocable Standby Letter of Credit, or Cash Account shall remain in effect during the term of the Special Permit.
17. The excavations, fills or side cuts shall be set back a minimum of one hundred (100) feet from the abutter's property lines or public right-of-way. The following exceptions apply:
  - a. The 100-foot buffer is waived for the western portion of the site which abuts the existing earth removal operation in Leominster in order to provide access to the LLEC, Inc. site.
18. No areas should be excavated so as to cause accumulation of standing water. Excavation areas shall be graded to provide positive drainage in accordance with the approved stormwater management plan.
19. Agent(s) assigned by the Select Board shall conduct inspections. All costs for outside consultant services used for inspection purposes shall be paid for by the permit holder. Funds shall be deposited into a Consultant Review Account. Inspections shall be scheduled on a semiannual basis and at other times as needed.
20. Recommendations for permit compliance cited in inspection reports shall be addressed by the Applicant before the next subsequent inspection, or the permit may be subject to revocation by the Select Board following a hearing.
21. Separate from the normal permit renewal process, the Applicant shall remain vigilant in renewals of local and federal stormwater and wetlands permits for the facility so that current permits do not expire while operation of the facility continues.



**TOWN OF LANCASTER, MASSACHUSETTS  
SELECT BOARD  
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

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22. If any conditions of this permit are violated, the permit is subject to revocation by the Select Board following a hearing.
23. This permit shall not be assigned to any other person other than the person or entity named herein, unless authorized in writing by the Select Board.
24. By exercising this special permit, the permit holder agrees to permit reasonable access onto the subject premises by the agents and employees of the Lancaster Select Board for inspection purposes consistent with the requirements of Condition 19.
25. By exercising this special permit, the permit holder agrees that he will not excavate in such a manner as to leave dangerous and unsightly conditions on the premises as a result of the excavation.

**Date of Public Hearing and Continuances:** July 19, 2021 and continued to August 2, 2021

**Location of Hearing(s):** Via ZOOM™

**Notice of Hearing, Names of newspapers:** *The Clinton Item*

**Date of Public Notice:** July 2, 2021 and July 9, 2021

**Certified List of Abutters:** See attached

**DECISION FINDINGS:**

With respect to the Special Permit, the Board finds, after soliciting and reviewing comments from other Town boards, departments, agencies, staff, and interested persons that reasonable measures have been or will be taken to:

- (a) Ensure that all requirements applicable to the special permit are fulfilled;
- (b) That the specific site is an appropriate location for the uses proposed;
- (c) That there is safe access from roads adequate for the traffic expected, adequate parking is provided and internal circulation is adequate for emergency vehicles;
- (d) That the Board of Health requirements for water and sanitation arrangements will be followed;



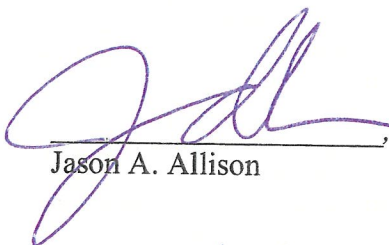
**TOWN OF LANCASTER, MASSACHUSETTS  
SELECT BOARD  
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

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- (e) That the use as developed and operated will not adversely affect the neighborhood;
- (f) That the purposes of the Bylaw are substantially met.

The Select Board, the Permitting Authority, hereby grants this Permit on behalf of the Town of Lancaster.

SELECT BOARD:

  
\_\_\_\_\_, *Chair*  
Jason A. Allison

Date: 9/15/21



**TOWN OF LANCASTER, MASSACHUSETTS  
BOARD OF SELECTMEN**

**NOTICE OF DECISION**

Notice is hereby given that the Lancaster Board of Selectmen has granted a Special Permit to LLEC Inc., 139 Greenland Ave., Sterling, MA 01564, affecting the rights of the owner/applicant with respect to the use of land identified on Lancaster Assessor's Map 23, Parcel 7, said property being the premises described by deed recorded in the Worcester District Registry of Deeds at Book 32432, Page 312.

The Board of Selectmen further certifies that the decision attached hereto is a true and correct copy and that the decision and all plans referred to therein have been filed with the Lancaster Town Clerk and Planning Board.

No permit or other relief granted by this decision shall take effect until the decision has been certified by the Town Clerk to be final by written endorsement hereon, and this decision is recorded at the applicant's expense in the Worcester District Registry of Deeds, indexed in the grantor index under the name of the record owner.

ANY APPEAL FROM THE DECISION OF THE BOARD MUST BE FILED IN COURT PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 17 AND NOTICE THEREOF FILED WITH THE TOWN CLERK WITHIN TWENTY (20) DAYS AFTER THIS DECISION IS FILED WITH THE TOWN CLERK.

The rights granted by this decision must be exercised, and in the case of a permit to construct, construction must commence within the time specified by M.G.L. c. 40A or the rights shall lapse unless extended or renewed. Special permits shall be exercised within two (2) years unless a shorter duration is specified.

Certified this 18<sup>th</sup> day of October 2021

LANCASTER BOARD OF SELECTMEN:

Jason A. Allison, *Chairman*

## DECISION AND PROCEEDINGS

**In accordance with the Town of Lancaster Zoning Bylaws, the Board of Selectmen hereby grants to the Applicant a Special Permit to Remove Earth Products, subject to the conditions noted herein.**

**Name of Applicant/Grantee:** LLEC, Inc.

**Address of Applicant/Grantee:** 139 Greenland Road, Sterling, MA 01564

**Locus:** Westerly of I-190 and 700' easterly from the intersection with Jungle Road, Leominster.

**Assessors Reference:** Map 23, Parcel 7

**Deed Reference:** Worcester District Registry of Deeds at Book 32432, Page 312.

**Application Received:** September 2021

**Date of Public Hearing and Continuances:** Hearing opened and closed on October 18, 2021. The hearing, which was convened following publication, posting and notice to parties in interest, pursuant to the provisions of G.L. c. 40A, §11, was opened by the Chairman at 6:15 PM. The following Board Members noted as present were in attendance throughout the hearing:

Chairman:	Jason A. Allison
Clerk:	Jay M. Moody
Member:	Alexandra W. Turner

**Hearing Location:** Virtually via ZOOM™

**Notice of Hearing, Names of newspapers:**

**Date of Public Notice:** 9/24/2021 & 10/01/2021 (2x)

**Certified List of Abutters:** Attached.

**Permit Effective Date:** August 20, 2020

**Permit Expiration Date:** August 20, 2022

**Permit Conditions:**

1. Description of Area: All earth removal and related site work shall be in accordance with the approved Earthen Products Removal plans for Gravel Removal Special Permit, dated July 2012, as prepared by Andrysick Land Surveying, and as modified by the terms and conditions of this Special Permit. Also, modifications to the plans for the Central Excavation portion of the site, as notated on the Notice of Intent Plans dated July 31, 2021, and in agreement with the resulting Conservation Commission Hearing of August 21, 2021 have become conditions of this permit.
2. The site shall be restored with a minimum depth of nine inches of loam which shall be capable of supporting grass growth unless the applicant can document a lesser amount pre-exists on site, in which case the applicant will be responsible for the lesser amount. The site shall be restored upon completion of the earth removal authorized by this special permit. The area shall be hydroseeded and the planted area shall be protected from erosion during the establishment period using sound conservation practices. Areas that wash out shall be repaired immediately. Trees or shrubs of prescribed species shall be planted to provide screening and reduce erosion during the establishment period.
3. No top or subsoil shall be removed from the site. An estimated 5,000 cubic yards will be stripped from the site, but due to the ongoing restoration program, less than 1,000 cubic yards will be stockpiled at any one time. Estimated amount of earth products to be removed is 395, 700 cubic yards.
4. Provisions for dust control shall be in place prior to commencement of the earth removal operations. Abutting public right-of-ways and abutters shall be kept clear of construction debris and dust.
5. Dust Control measures shall be undertaken as specified in the approved plans.
6. Active work areas shall be limited to five (5) acre parcels in each of the Northern and Central Excavations, in accordance with the approved phasing plans.
7. At least two (2) of the five (5) acres shall be restored before work commences (including building haul roads) on the subsequent phases. All restoration work shall be completed within 30 days after expiration of a permit or upon cessation of operations within any phase.
8. A maximum slope of three foot horizontal to one foot vertical (3:1) is required; 4:1 within any buffer zone of a resource area as shown on the approved plans.
9. The hours and days for which trucks are allowed to remove earth materials from the site shall be limited to 7:00 am – 4:30 pm Monday through Friday and 8:00 am – Noon on Saturdays, except for Federal and State Holidays. Alteration of this time schedule may be accomplished only by prior approval of the Board of Selectmen.
10. All entrances to the facility shall be gated and locked to prevent unauthorized entry during non-working hours. Proper signage must also be posted within the site to advise drivers of site conditions. Truck entering signs shall also be erected along the abutting right-of-ways to warn motorists of truck traffic from the site.



11. Truck trips from the site shall not exceed 32 (loads) within any given day. Alteration of this trip schedule may be accomplished only by prior approval of the Board of Selectmen based upon an approved traffic management plan approved by the Chief of Police.
12. A minimum of two (2) groundwater-monitoring wells shall be installed. Groundwater levels shall be checked on a quarterly basis and data provided to the Town. A minimum depth to groundwater separation of 6-feet shall be maintained at all times. Areas which fall within the Town's water resource overlay district shall maintain a minimum depth to groundwater separation of 10-feet. Two respective monitoring wells shall be installed in the following locations:
  - a. Near the southernmost extent of the Central Excavation approximate to the intersection of the 200' riparian zone buffer and the Zone II wellhead protection buffer
  - b. Near the southeastern corner of the Central Excavation approximate to the location of the 100' wetland buffer and the 200' riparian zone.
13. Provide a minimum of three (3) permanent benchmarks with elevations for each active phase of the operation.
14. The land shall be left so that natural storm drainage leaves the property at the original natural drainage points and so that the total discharge at peak flow, and the area of drainage at anyone point, is not increased, and so that the hydrograph of any post-development receiving body of water is the same as that of the pre-development hydrograph per the approved plans.
15. No stumps shall be buried on-site.
16. Soil being imported to the Site for processing shall not be considered a hazardous waste pursuant to RCRA (40 CFR 261) and MassDEP 310 CMR 30.000 regulations.
17. Soil being imported to the Site for processing shall not be considered a PCB remediation waste pursuant to TSCA (40 CFR 761).
18. Soil being imported to the Site shall not contain oil and/or hazardous material (OHM) for which MassDEP notification is required by 310 CMR 40.0300 and 40.1600.
19. Soil being imported to the Site shall not contain asphalt/brick/concrete (ABC) that is either greater than 6 inches or 5% by volume.
20. Soil being imported to the Site shall not contain other solid wastes (Wood/Plastic/Paper/Wire/Pipe/Coated ABC, etc.) at quantities that are collectively greater than 1% by volume of all fill material.
21. Soil containing free liquids with evidence staining, odors, or other discolorations indicative of an oil and hazardous material shall be prohibited.
22. The following materials shall not be imported to the facility:
  - a. Industrial waste, street sweeping or catch basin cleanings
  - b. Coated and/or unprocessed ABC
  - c. Construction and Demolition (C&D) Debris

- d. Solid Waste subject to 310 CMR 19.00 and 16.00, except as noted in Permit Conditions 19 and 20.
- 23. A Surety Bond, Irrevocable Standby Letter of Credit, or Cash Account in the amount of \$50,000 shall be provided to the Town prior to commencement of any work authorized under this special permit in order to secure compliance with the terms and conditions hereof. The Surety Bond, Irrevocable Standby Letter of Credit, or Cash Account shall remain in effect during the term of the Special Permit.
- 24. The excavations, fills or side cuts shall be set back a minimum of one hundred (100) feet from the abutter's property lines or public right-of-way. The following exceptions apply:
  - a. The 100-foot buffer is waived for the western portion of the site which abuts the existing earth removal operation in Leominster in order to provide access to the LLEC, Inc. site.
- 25. No areas should be excavated so as to cause accumulation of standing water. Excavation areas shall be graded to provide positive drainage in accordance with the approved stormwater management plan.
- 26. Agent(s) assigned by the Board of Selectmen shall conduct inspections. All costs for outside consultant services used for inspection purposes shall be paid for by the permit holder. Funds shall be deposited into a Consultant Review Account. Inspections shall be scheduled on an annual basis and at other times as needed.
- 27. Recommendations for permit compliance cited in inspection reports shall be addressed by the Applicant before the next subsequent inspection, or the permit may be subject to revocation by the Board of Selectmen following a hearing.
- 28. Separate from the normal permit renewal process, the Applicant shall remain vigilant in renewals of local and federal stormwater and wetlands permits for the facility so that current permits do not expire while operation of the facility continues.
- 29. If any conditions of this permit are violated, the permit is subject to revocation by the Board of Selectmen following a hearing.
- 30. This permit shall not be assigned to any other person other than the person or entity named herein, unless authorized in writing by the Board of Selectmen.
- 31. By exercising this special permit, the permit holder agrees to permit reasonable access onto the subject premises by the agents and employees of the Lancaster Board of Selectmen for inspection purposes consistent with the requirements of Condition 19.
- 32. By exercising this special permit, the permit holder agrees that he will not excavate in such a manner as to leave dangerous and unsightly conditions on the premises as a result of the excavation.

**DECISION FINDINGS:**



**TOWN OF LANCASTER, MASSACHUSETTS  
SELECT BOARD  
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

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22. If any conditions of this permit are violated, the permit is subject to revocation by the Select Board following a hearing.
23. This permit shall not be assigned to any other person other than the person or entity named herein, unless authorized in writing by the Select Board.
24. By exercising this special permit, the permit holder agrees to permit reasonable access onto the subject premises by the agents and employees of the Lancaster Select Board for inspection purposes consistent with the requirements of Condition 19.
25. By exercising this special permit, the permit holder agrees that he will not excavate in such a manner as to leave dangerous and unsightly conditions on the premises as a result of the excavation.

**Date of Public Hearing and Continuances:** July 19, 2021 and continued to August 2, 2021

**Location of Hearing(s):** Via ZOOM™

**Notice of Hearing, Names of newspapers:** The Clinton Item

**Date of Public Notice:** July 2, 2021 and July 9, 2021

**Certified List of Abutters:** See attached

**DECISION FINDINGS:**

With respect to the Special Permit, the Board finds, after soliciting and reviewing comments from other Town boards, departments, agencies, staff, and interested persons that reasonable measures have been or will be taken to:

- (a) Ensure that all requirements applicable to the special permit are fulfilled;
- (b) That the specific site is an appropriate location for the uses proposed;
- (c) That there is safe access from roads adequate for the traffic expected, adequate parking is provided and internal circulation is adequate for emergency vehicles;
- (d) That the Board of Health requirements for water and sanitation arrangements will be followed;



# 300 foot Abutters List Report

Lancaster, MA

July 13, 2021

## Subject Property:

Parcel Number: 023-0007.0  
CAMA Number: 023-0007.0  
Property Address: 0 BROCKELMAN RD

Mailing Address: LLEC INC  
139 GREENLAND RD  
STERLING, MA 01564

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## Abutters:

Parcel Number: 018-0012.0  
CAMA Number: 018-0012.0  
Property Address: 2680 NO MAIN ST

Mailing Address: DECOSTE STANLEY L JR & ERIN M  
2680 NO MAIN ST  
LANCASTER, MA 01523

Parcel Number: 018-0012.A  
CAMA Number: 018-0012.A  
Property Address: 0 BROCKELMAN RD REAR

Mailing Address: DURKIN JOHN D TRUSTEE BASHAW  
REALTY TRUST  
18 WEATHERBEE ST  
ACTON, MA 01720

Parcel Number: 023-0005.0  
CAMA Number: 023-0005.0  
Property Address: 0 BROCKELMAN RD REAR

Mailing Address: LANCASTER TOWN OF  
701 MAIN ST SUITE 1  
LANCASTER, MA 01523

Parcel Number: 023-0006.0  
CAMA Number: 023-0006.0  
Property Address: 267 BROCKELMAN RD

Mailing Address: NASHAWAY FARMS LLC  
237 BROCKELMAN RD  
LANCASTER, MA 01523

Parcel Number: 023-0008.0  
CAMA Number: 023-0008.0  
Property Address: 0 BROCKELMAN RD

Mailing Address: OWNER UNKNOWN  
0 BROCKELMAN RD  
LANCASTER, MA 01523

Parcel Number: 023-0009.0  
CAMA Number: 023-0009.0  
Property Address: 0 BROCKELMAN RD

Mailing Address: D & R FARMS, INC  
765 BROCKELMAN RD  
LANCASTER, MA 01523

Parcel Number: 023-0010.0  
CAMA Number: 023-0010.0  
Property Address: 0 BROCKELMAN RD REAR

Mailing Address: GOODALE WILFRED EST  
0 BROCKELMAN RD REAR  
LANCASTER, MA 01523

Parcel Number: 023-0011.0  
CAMA Number: 023-0011.0  
Property Address: 0 BROCKELMAN RD REAR

Mailing Address: D & R FARMS INC  
765 BROCKELMAN RD  
LANCASTER, MA 01523

Parcel Number: 023-0012.0  
CAMA Number: 023-0012.0  
Property Address: 0 BROCKELMAN RD

Mailing Address: LANCASTER TOWN OF  
701 MAIN ST SUITE 1  
LANCASTER, MA 01523

Parcel Number: 023-0014.0  
CAMA Number: 023-0014.0  
Property Address: 0 BROCKELMAN RD REAR

Mailing Address: LANCASTER TOWN OF  
701 MAIN ST SUITE 1  
LANCASTER, MA 01523



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7/13/2021

Page 1 of 2



# 300 foot Abutters List Report

Lancaster, MA

July 13, 2021

Parcel Number: 023-0015.0  
CAMA Number: 023-0015.0  
Property Address: 0 BROCKELMAN RD REAR

Mailing Address: LANCASTER TOWN OF  
701 MAIN ST, SUITE 1  
LANCASTER, MA 01523

## CERTIFIED COPY

Debra A. Sanders

Debra A Sanders, Member  
Lancaster Board of Assessors  
July 13, 2021  
2 pages



[www.cai-tech.com](http://www.cai-tech.com)

7/13/2021

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Page 2 of 2



#### **IV. BOARDS, COMMITTEES & DEPARTMENT REPORTS**

## Kathi Rocco

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**From:** Aime Sund <aime26jak@gmail.com>  
**Sent:** Monday, October 10, 2022 9:08 PM  
**To:** Kathi Rocco; Joe Mulé  
**Subject:** Letter of Intent for Library Board of Trustees

Dear Members of the Select Board and Library Board of Trustees,

My name is Aime Sund, and I'm writing to express my interest in joining the Library Board of Trustees to fill the recently vacated seat. As a lifelong Lancaster resident who has visited and made use of the Library's resources and programs at every stage of my life, I'm interested in keeping it as an integral part of Lancaster's future.

My love of reading and books made the Library one of my favorite places to be at a young age. With my mother's encouragement and tutelage, I learned to read early, before I was in kindergarten, and books have always been my go-to source of entertainment. It has also been the impetus behind the career change I undertook several years ago to become an editor, and I now have a growing freelance editing business (Red Leaf Word Services) from my home here in town.

Over the last few years, I have become immersed in the publishing world as it morphs and changes to accommodate the growth of the independent publishing sector and the rise of digital media. I keep up with the trends in genres, reader preferences, and authors to best serve the writers I edit for, and because I write myself (when it's possible). I'd be happy to use that knowledge and connection and work with the Board members to keep the Library as a relevant resource of content, in digital and tangible form, and a place of learning and discovery for the community for the future.

I don't have specific ideas in mind to pursue if I am selected to be a member of the Board, but instead, I bring an open mind and the ability to see bigger pictures and the options present in pursuit of a goal. I'd be happy to answer any questions you may have, please use this email address to contact me or the phone number listed below. Thank you very much for your consideration and time, and I look forward to hearing from you,

Sincerely,

Aime Sund  
(978) 990-6511

## Kathi Rocco

---

**From:** Adam Zand <adam@librarylandproject.org>  
**Sent:** Friday, October 7, 2022 3:29 PM  
**To:** Joe Mulé; Kathi Rocco  
**Subject:** Letter of Intent - Board of Trustees for Thayer Memorial Library

Hi Kathi and Joe,

This email serves as my letter of intent to join the Board of Trustees for the Thayer Memorial Library in Lancaster.

I love the Thayer Memorial Library and want to have an increased role in its stewardship. I want to lend my expertise, time and energy to supporting its operations and services - and also helping to solidify its connection to our community. I currently serve on the Building Committee that is selecting an architecture firm for a feasibility study and needs assessment. I have enjoyed that work and collaboration. I have also attended several monthly Trustees meetings, and ran for this position in the last town election.

I am co-founder of a public relations agency, but also the co-founder of the Library Land Project, a 501 (c)(3) organization whose mission is to explore, document and promote the essential role public libraries play in our communities. With my fellow co-founder, we have visited more than 400 libraries across the country (and in Europe), presented at state association conferences across the country, and appeared in local and national media. We have seen a lot of libraries, talked to a lot of library professionals and people in the library ecosystem. I want to share some of that knowledge and best practices as we think about what is next for this institution. I want to continue to learn from Joe, the library staff, Trustees, and other supporters/patrons of this great institution.

Thank you for this opportunity to share my background and interest. I am happy to answer any questions you may have about my interest and suitability for this opening. I look forward to possible next steps.

In libraries,

Adam

--

**Adam Zand**  
President, Co-Founder  
781-643-6960



## V. PUBLIC COMMENTS

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## **VII. ADMINISTRATION, BUDGET AND POLICY**

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#1

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#2

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\$1,000 for the purchase of new equipment for the use of the Road Department, such sum to be expended under the direction of the Board of Road Commissioners and the Selectmen, or act in any manner relating thereto, (Approved by the Finance Committee)

10th: To see if the Town will vote to raise and appropriate the following listed amounts which were necessarily contracted for during the year 1937, and the appropriations for these departments were insufficient to pay such amounts; W.P.A. Department \$42.28; Welfare Department \$353.94. (Approved by the Finance Committee)

11th: To see if the Town will vote to raise and appropriate the sum of \$2,000. to be used for equipment, supplies and clerical help in connection with so called W.P.A. projects, such sums to be expended under the direction of the Selectmen. (Approved by the Finance Committee)

12th: To see if the Town will vote to raise and appropriate the sum of \$15,000 for the purchase of 8,000 feet of ten inch water pipe and fittings, to replace a six inch water main on Sterling Road, from Sterling Street to Main Street, South Lancaster, or act in any manner relating thereto. (Approved by the finance committee)

13th: To see if the Town will vote to raise and appropriate the sum of \$300 to widen the north entrance of the road to the Public Buildings in the Center, or act in any manner relating thereto. (Approved by the Finance Committee)

14th: To see if the Town will vote to raise and appropriate the sum of \$300, to be expended in exchange of the present police car for a new one, or act in any manner relating thereto. (Approved by the Finance committee)

15th: To see if the Town will vote to raise and appropriate the sum of \$1,500.00 to be expended on Lunenburg Road, under Chapter 90 of General Laws, on the condition that the State appropriates the sum of \$3,000, and the County appropriates the sum of \$1,500 for this work. (Approved by the Finance Committee)

16th: To see if the Town will vote to raise and appropriate the sum of \$8000 for the purchase of a new fire truck, such sum to be expended under the direction of the Board of Fire Engineers and the Selectmen, or act in any manner relating thereto. (Approved by the finance committee)

17th: \* To see if the town will vote to request the Commonwealth of Massachusetts to establish a public right of way to Spectacle Pond, or act in any manner relating thereto.

18th: To see if the Town will vote to accept the following Article as a By-Law of the Town of Lancaster: It shall be unlawful for any person to stand in a roadway in this town for the purpose of soliciting a ride from the operator of a motor vehicle, or act in any manner relating thereto.

19th: To see if the Town will vote to accept the following Article as a By-Law:



Annual Town Meeting Vote  
February 19, 1938  
43 4 2

Article 10: It was voted that the sum of \$5,000 be raised and appropriated for the purchase of a new fire truck and that the Treasurer be and hereby is authorized and empowered to borrow with the approval of the selectmen, the full sum of \$5,000 giving the bond on notes of the town therefor, stating the same into four notes of two thousand dollars each, and a note of the first note to become due and payable December 1, 1938 and a note of two thousand dollars (\$2,000) to become due each year thereafter; and in point of note to be issued and payable in accordance with the provisions of clause 9, section 7, chapter 44, General Laws, re: percentage addition, to that the note town shall be paid in not more than five years from date of issue of the first bond or note; such sum to be expended under the direction of the Board of Nine Lumbermen and Selectmen. There were 130 votes for and 45 against.

Article 17: It was voted to request the State to establish a public right of way to the Maccabean Pond.

Article 18: It was voted not to accept the article as a by-law of the town. It shall be understood that any person travelling upon a bicycle, a motor sled, roller skates or any toy vehicle, to riding to, or along itself on such conveyance to any other moving vehicle upon any highway in this town.

Article 19: The town voted to authorize and empower the Treasurer with the approval of the selectmen to sell any real estate within the town has acquired or may acquire by the foreclosure of tax titles, at prices determined by the Treasurer and the Board of Selectmen, and to execute such deeds for such real estate; but the Treasurer with the approval of the selectmen may set aside tracts suitable for forestry as town forest for development under the care of the free burden and that the town retain at least one acre of land in the park property to keep access or right of way to the property.

G. Outcalling space as follows offering a resolution:

"Bottom citizens: Today marks the end of Judge Buttrick's forty consecutive years of service as Moderator at our town meetings. During this long period he has ably, fairly and justly filled the difficult position to the satisfaction of the voters and the credit of the town. I believe it would be service to the town to pass without public recognition, therefore I offer the following resolution:-

Resolved: That the citizens and voters of the town of Lancaster in town meeting assembly, join to testify to their appreciation of the forty years of honorable service of Judge William G. Buttrick as Moderator at town meetings, in office which he has held with unusual ability and which he has



to trade in the present cruiser as part payment or take any action relating thereto. Selectmen

*Recommended: The \$700 be raised and appropriated.*

#### Article 22

To see if the Town will vote to accept the provisions of General Laws Chapter 41, Sec. 111A relative to granting of vacations for members of regular or permanent Police and Fire Force in certain cities and towns, or take any action in relation thereto. Petition

#### Article 23

To see if the Town will vote to raise and appropriate or take from available funds the sum of \$3,000 to be expended by the Selectmen for the control of Dutch Elm Disease or take any action relating thereto. Selectmen

*Recommended: The \$3,000 be raised and appropriated.*

#### Article 24

To see if the Town will vote to raise and appropriate or take from available funds the sum of \$750 to be expended by the School Committee for State-aided evening practical arts classes for the year 1957 in accordance with the provisions of Chapter 74 Sec. 14 of the General Laws, and acts amendatory thereto, or dependent thereon, or act in any manner relating thereto. School Committee

*Recommended: The \$750 be raised and appropriated.*

#### Article 25

To see if the Town will vote to raise and appropriate or take from available funds the sum of \$4,000 to be expended by the School Committee for Trade School Tuition and travel for the year 1957 under Chapters 69 and 74 General Laws, or act in any manner relating thereto. School Committee

*Recommended: The \$4,000 be raised and appropriated.*

#### Article 26

To see if the Town will vote to raise and appropriate or take from available funds the sum of \$1,400 to be expended by the School Committee for Retarded Children for the year 1957, or act in any manner relating thereto. School Committee

*Recommended: The \$1,400 be raised and appropriated.*

#### Article 27

To see if the Town will vote to raise and appropriate or take from available funds the sum of \$480 for two unpaid Trade School

Tuition bills for the year 1954 or act in any manner relating thereto. School Committee

*Recommended: The \$480 be taken from available funds.*

#### Article 28

To see if the Town will vote to transfer the Dental Clinic Holding Funds to the General Fund or act in any manner relating thereto. School Committee

#### Article 29

To see if the Town will vote to raise and appropriate or take from available funds the sum of \$58.26 for unpaid bills of the School Department for the year 1956 or act in any manner relating thereto. School Committee

*Recommended: The \$58.26 be taken from available funds.*

#### Article 30

To see if the Town will vote to raise and appropriate or take from available funds the sum of \$27.46 for an unpaid bill of the School Department for the year 1955 or act in any manner relating thereto. School Committee

*Recommended: The \$27.46 be taken from available funds.*

#### Article 31

To see if the Town will vote to authorize an expenditure of \$34,000 by the Memorial School Building Committee for the completion of the Lancaster Memorial Elementary School Building, and authorize the Treasurer, with the approval of the Selectmen, to borrow the sum of \$34,000 and to issue bonds therefor, payable in twenty years, bearing a rate of interest to be fixed by the Treasurer with the approval of the Board of Selectmen, or act in any manner relating thereto. School Building Committee

*Recommended as written.*

#### Article 32

To see if the Town will vote to approve amendments of the Agreement for the Establishment of the Nashoba Regional School District, prescribing the procedure for the choice of the elective members of the Regional District School Committee to which a newly admitted town would be entitled and providing that all amendments of said Agreement must be approved by majority vote in

each of the towns comprising the District. The amendments are as follows:

I. Add the following to Section one of said Agreement:

(E) Upon the admission of a town to the Regional School District, the elective members of the Regional School District Committee to which the newly admitted town is entitled under Section 1 (A) shall be appointed by the Selectmen of such town to hold office until the next annual Town Election. At such election elective members shall be elected for such terms as may be determined by the Regional District School Committee as hereinafter provided. Prior to such election the Regional District School Committee shall determine by vote and shall certify to the Selectmen of such town the terms for which such members shall be elected, so as to provide as nearly as possible for the termination of the office of an equal number of all the elective members of the Committee in each year. Thereafter each elective member shall be elected for three years.

II. Strike out from the first sentence of Section 7 of said Agreement the words "Sections four, six and seven of," and strike out from said section 7 the following sentence, "The remaining sections of this Agreement may be amended in similar manner provided not more than one town disapproves." Regional School Committee

#### Article 33

To see if the Town will vote to raise and appropriate or take from available funds the sum of \$5,000 to be expended by the Fire Department to purchase and install an improved alarm system, or act in any manner relating thereto. Petition

*Recommended no action be taken.*

#### Article 34

To see if the Town will vote to raise and appropriate or take from available funds the sum of \$4,000 to be expended by the Board of Selectmen for an Engineering Survey and Report on a proposed Sewage System. Selectmen

*Recommended to raise and appropriate \$4,000.*

#### Article 35

To see if the Town will vote to raise and appropriate or take from available funds the sum of \$417.21 for an unpaid bill of the Welfare Department for the year 1956 or act in any manner relating thereto. Selectmen

*Recommended: The \$417.21 be taken from available funds.*

#### Article 36

To see if the Town will vote to raise and appropriate, take from available funds, or transfer from the rehabilitation fund, the sum of \$3,750 to be expended by the Water Commissioners to replace the water main under Vose Bridge and its approaches in conjunction with Chapter 90 road construction or act in any manner relating thereto.

*Recommended: The \$3,750 be transferred from the Rehabilitation Fund.*

#### Article 37

To see if the Town will vote to construct a permanent road from Old Union Turnpike where presently located, running in a generally southerly direction to the private property boundary line of the premises owned by the Members of the Spec Pond Park Association and being located northeasterly of Spec Pond, or act in any manner relating thereto. Petition

#### Article 38

To see if the Town will vote to sell a triangular piece of land near Fort Pond, situated on the southerly side of Old Union Turnpike and north of the new Fort Pond Road and adjoining lot No. 48 and the formerly proposed street called Maple Lane, as shown on blueprint No. 8-C-261, containing about 6,676 square feet on file in Town Clerk's office or act in any manner relating thereto. Petition

To hear the report of any outstanding committees and to act thereon.

To choose any committee or committees that may be thought necessary.

And on Monday, the eleventh day of March 1957 at the Town Hall in said Lancaster to elect by ballot the following officers: Moderator for one year; Selectmen for three years; Collector for three years; Assessor for three years; Road Commissioner for three years; Road Commissioner for one year; Water Commissioner for three years; Board of Health Member for three years; School Committee Member for three years; Two Library Trustees for three years; Cemetery Committee Member for three years; Tree Warden for one year; Finance Committee Member for three years; Finance Committee Member for one year; Recreation Committee Member for three years; Planning Board Member for five years; Three Constables for one year; Town Caucus Committee Member for three years; Regional School District Committee for three years.

The polls will open at noon and remain open until 8 p.m.

And you are directed to serve this warrant by posting up attested copies thereof at South Lancaster, the North Village, Post



Select Board Meeting Minutes  
January 30, 1957

Mr. MacArthur stated that this type of clinic would do more for the children in need than the previous type. He stated that the other type of clinic would not be able to continue without asking the town for money for new equipment. Dr. Murphy has stated that the equipment is out of date.

Since it was felt that the Local Board of Health and several citizens do not understand that the dental clinic is not being stopped entirely, the Board of Selectmen will call a joint meeting of the School Committee and the Board of Health to discuss the matter.

Mr. George Transue and Mr. Raymond Allain met to present a petition for an article for the Town Warrant with regard to a road to Spec Pond. The Board agreed to insert it in the warrant.

Mr. Sylvester Knoll met to request that another water meter be put into his house for his tenant. He inquired about rent control and evicting a tenant. He was advised to see the water department about the meter and to consult a lawyer on the other matter.

Mr. Wendell, Accounting Officer, reported that he has certified to the Assessors the amount of \$21,000 for prin. and \$10,445 for interest as the amount to be raised in 1957 for the Bonds on the Tercentenary School.

Francis Buzay

Among the



# DPW MEETING

## TALKING POINTS FOR 6/30/22 SPEC POND AVE MEETING

I would like to consider 3 options for moving forward on the question of the town maintaining Spec Pond Ave.

#1) That Spec Pond Ave was already accepted and illegally discontinued.

- A) Spec Pond Park was an approved sub development in 1925. The plan was "RECORDED" in the Registry of Deeds Plan book #45, plan #55. Plans are not recorded unless approved by the municipality and stamped by the Town Clerk.
- B) Spec Pond Ave is shown on USGS plan of 1939 (survey 1935) along with early homes in the development.
- C) Spec Pond Ave is shown as a continuous road from Old Union Turnpike to Shirley Road USGS map 1951 Survey 1945 but cut short due to Devens annexation.
- D) Spec Pond Ave is listed as "ACCEPTED" in 1938.
- E) Spec Pond is listed as "DISCONTINUED" in 1957. Notes for reasons in town meeting minutes V17 P32 and 37 DO NOT support that there was ANY legal reason for discontinuance. Mass General Laws are clear ( 82:83A) for the procedure to discontinue a road. These procedures were not even partially followed. Only a note in the towns meeting that "The property owners would build their own road" (article 37) Who would say that after it was voted to "ACCEPT" the road?

#2 If the town claims they can not maintain "UNACCEPTED" roads. Then there are 153 roads listed in Lancaster. 83 are listed as "ACCEPTED"

- A) If the "SWEEPING" list is any indication 118 roads are being maintained. 33 of these roads are "NOT ACCEPTED". What is the legal basis for maintaining these roads and not SPEC POND AVE? What determines what non accepted roads are maintained and which ones are not? Why in addition to being plowed and swept is Chase Hill Rd (A non-accepted) road being paved?
- B) If Spec Pond Ave needs to apply to the selectmen for "ACCEPTANCE" should not all 33 other roads need to do the same for services to continue?

#3 Finally all history and prior precedent aside.

There are 50 separate homes either on Spec Pond Ave or on side roads that use Spec Pond Ave as the only access. Under the "APPEARANCE OF FAIRNESS" Doctrine isn't it only fair and reasonable that these homes get fair and equitable services from the town. The town plows Stagecoach Rd (9 homes) and Old union Turnpike. It would be no stretch to plow Spec Pond Ave. The road has been patched and paved by the residence for 70 years. Adding Spec Pond Ave to the 2023 paving list is only fair. I would challenge the town to come up with any other road with close to 50 houses that is not maintained.

From our Association Meeting 8/25

## FACTS ABOUT SPEC POND AVE BEING A TOWN ROAD

Hopefully you will find this interesting and (if you pay real estate taxes) ANGRY

When a town takes over a road from a developer or assumes care and maintenance of a road it is called "ACCEPTED" Many of the older roads or cow paths were accepted by default or grandfathering but are still listed as "ACCEPTED" IE Main St accepted 1897 town record 8 page book 38. In 1953 Mass enacted bylaws for sub developments. Roads in those post 1953 are "ACCEPTED" by town meeting.

A road can only be "DISCONTINUED" or "UNACCEPTED" by vote in a town meeting. Mass General Law 82 section 21

SPEC POND PARK was an approved sub development in 1925. Worcester Registry of Deeds Plan book 45 page 55.

SPEC POND AVE is listed on the OFFICIAL LANCASTER BOOK OF ROADS (Town Clerks office) as "ACCEPTED" in 1938

Between 1945 (after World War 2) and 1956 40 houses were built in the Association.

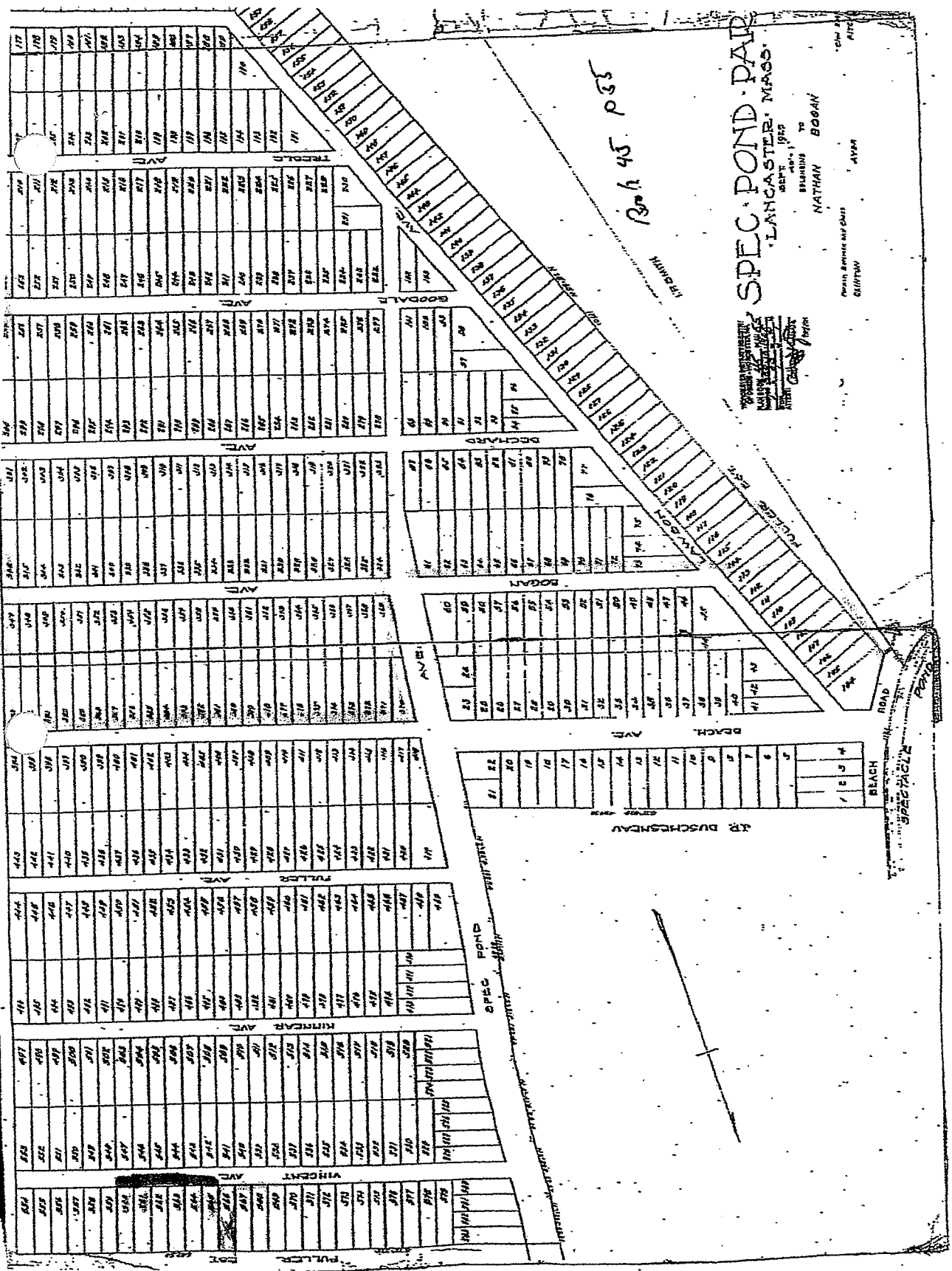
In 1957 we are listed as "DISCONTINUED" See V17 Page 32,37. These town meeting notes state "NO VOTE WAS TAKEN" IT WAS STATED "PROPERTY OWNERS CONCERNED WOULD BUILD THEIR OWN ROAD" "BUILD" our own road AFTER 40 houses were built ?????

OUR ROAD WAS ILLEGALLY DROPPED.

We are not asking the town to "ACCEPT" our road. It ALREADY is "ACCEPTED" We just want the services we are already paying for.

Please be a voice in righting this outrage. The town is licking their chops at how to spend the millions in new tax money NORTH Lancaster development will bring in yet continue to screw us the largest group of houses in town not plowed or paved. WHICH WE ARE RIGHTFULLY ENTITLED TO.

BTW Spec Pond Ave does not go to the beach. Beach Ave does. Beach Ave is an association driveway. The beach is our yard. If the town plows someone's road that does not give you the right to park in their driveway or picnic in their yard.



Box 45 p 55

SPEC POND PARK  
LANCASTER, MASS.  
SEPT. 1953

PLANNED BY  
NATHAN BOGAN

PLANNED BY  
NATHAN BOGAN

BEACH  
SPEECHES

STREET NAME	ACCEPTED	DISCONTINUED/NOT ACC.	LOCATED FROM	LOCATED TO	CUR	OTHER INFORMATION
REDSTONE HILL RD			STERLING LINE	STERLING ST 62	Y	
RED TAIL WAY						BLUE HERON SUB-DIV
RIGBY RD	1848 V 5 P 66	1929 V 11 P 76,107 DISC?	SOUTH MEADOW	CLINTON LINE	Y	1893 V7 P763 ACC EXT
ROSS LN			MAIN ST	ROSS LN	Y	
RUSSELL LN	1886 V 7 P 243 ACC		CENTER BRIDGE	TO END	Y	SEE RUSSELL AVE
SANDY HILL RD			STERLING LINE	STERLING LINE		OFF ALBRIGHT RD.
SAWYER ST	1888 V7 P596-598 ACC		PRESCOTT ST	NARROW LN	Y	NAMED 1888 V 7 P 601
SCHUMACHER RD			MAIN ST	PONAKIN RD	Y	
SETTLER'S PATH	1973 V20 P58/62 ACC		MILL ST	HIGH ST	Y	ACC AS HOUGHTON ST
SEVEN BRIDGE RD	1927 V 11 P 54-61		MAIN ST	BOLTON LINE	Y	1928-29 V 11 79-80 97-106
SHANNON WAY			MARYCATHERINE	SHANNON WAY	Y	
SHASTA DR	1965 V18 P67 A11 ACC		SEVEN BRIDGE	BURBANK LN	Y	
SHIRLEY RD	1851 V5 P176		MAIN ST	FORT DEVENS	Y	#10 1968 LIST 2 SECTIONS
SILVER ST	1895 V 7 P 821 ACC		STERLING ST	MAGNOLIA AVE	Y	
SOUTH MEADOW RD	1940?		DEERSHORN RD	CLINTON LINE	Y	
SPEC POND AVE	1938 V13 P93 A17	SEE V 17 P 32, 37 1957	OLD UNION TNPK	BOGAN AVE	Y	FIRE RD 8
SQUIRE SHALER LN			SETTLER'S PATH	SQUIRE SHAL LN	Y	
STAGECOACH RD	1991 V24 ART47 ACC		OLD UNION TNPK	OLD UNION TNPK	Y	
STERLING RD	1938 V 13 P 92?		STERLING LINE	MAIN ST	Y	1976 V21 P16 BYLW CARD
STERLING ST	1964 V18 P36 ACC R62	1884 V 7 P 195 ?? C CARD	CLINTON LINE	STERLING LINE	Y	1900 V 8 P 9,126-7
STILL RIVER RD	1852 V 5 P 217,212		BOLTON RD 110	BOLTON LINE	Y	
SYLVAN RD	1947 V15 P63 A21 ACC		STERLING RD	SYLVAN RD	Y	
TURNER LN			KALEVA RD	TO END	Y	
VINCENT AVE			SPEC POND AVE	TO END	Y	
WHITCOMB DR	1960 V17 P127 A1 ACC		MAIN ST	BIGELOW RD	Y	GEORGE HILL PARK
WHITE POND RD	1948 V15 P94 A8 ACC		LEOMINSTER LN	TO END	Y	
WHITE TAIL LN	1997 V 25 ART 20 ACC		STERLING ST	TO END	Y	
WINSLOW ST	1948 V15 P94 ACC		MILL ST	TO END	Y	ATM 7/29/48
WINSOR RD	1967 V19 P4 ACC		GEORGE HILL RD	TO END	Y	
WOODLAND MEADOW DR	1992 V24 ART 20 ACC		CHACE HILL RD	WOODLAND MEA	Y	1993 V24 ART13 AATM-PW
WOODRUFF RD	1968 V 19 P 19/20 ACC		MILL ST	CLINTON LINE	Y	
WOODS LN			LUNENBURG RD	WOODS LN	Y	
YELLOW BIRCH LN						BLUE HERON SUB-DIV

\$2000 to be expended by the Board of Selectmen for an engineering survey and report on a proposed Sewage System.

Article 35 - It was voted to take from available funds the sum of \$417.21 for an unpaid bill of the Welfare Department for the year 1956.

Article 36 - This article was voted in order to correct and clarify the same article which was voted in the annual meeting last year.

Article 37 - There was no vote taken on this article. It was stated that the property owners concerned would build their own road/

Article 38 - It was voted that the matter of selling this piece of land near Fort Pond be placed in the hands of the Selectmen to sell or grant a right of way or settle in whatever manner they may think best.

At this point the Town Clerk requested the reconsideration of Article 32 on the ground that there had been no opportunity for an explanation of the article. Upon her motion which was seconded the request was granted and upon the motion of Charles J. Stokes which was duly seconded the article was approved as written.

Francis J. Burgoyne reported progress on the Wage Study Committee.

The meeting was adjourned at 11.20 P.M. to Monday, March 11, at the Town House when the annual election of officers will be held.

Attest:

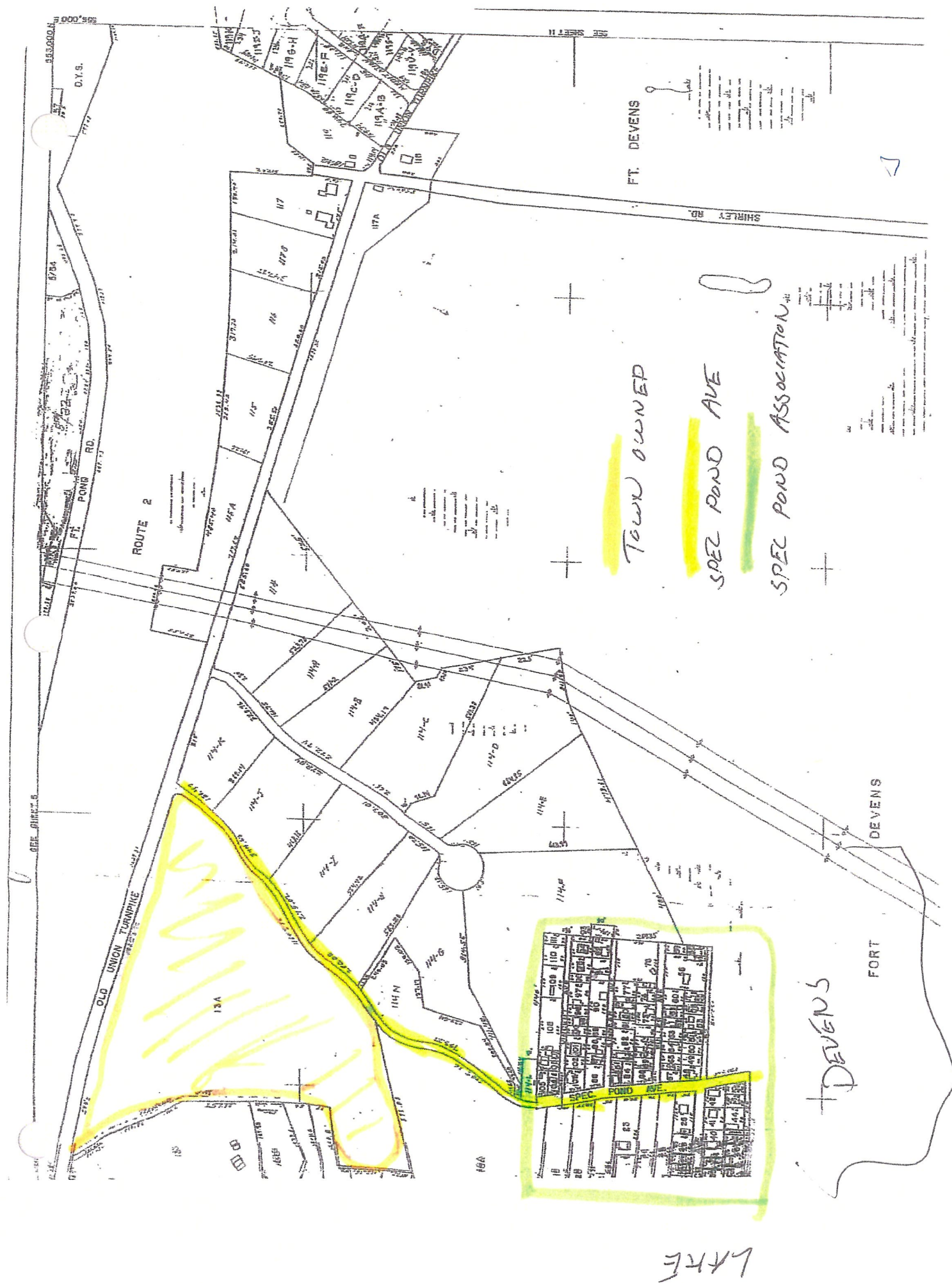
Ethel B. Macdonald.

Town Clerk

THE FOLLOWING ROADS ARE BEING MAINTAINED BY THE TOWN OF LANCASTER and HAVE NOT BEEN LEGALLY "ACCEPTED"

Murphy Road  
Bull Hill Road  
Langden Road  
Meditation Lane  
Fort Pond Road  
Fort Pond Inn Road  
Donell Way  
Brian Road  
Mary Catherine Drive  
Shannon Way  
Nicholas Drive  
Lindsey Way  
Buttrick Road  
Redstone Hill Road  
Chace Hill Road  
Runaway Brook  
Public Road  
Otis Street  
Buttonwood Lane  
Schumacher Road  
Devonshire Way  
Fairview Hill Road  
Goss Lane  
Oatman way  
Bartol Drive  
Old Common Road  
Bolton Station Road  
Farnsworth Way  
Garrison Grove  
Squire Shaler Lane  
Houghton Street  
George Hill Road  
Hill Top Road





#3

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# LANCASTER EMERGENCY PREPARATION GUIDE

In our current day and age where disasters and emergencies are increasing in frequency and severity, it is prudent to urgently act responsibly to protect Lancastrians by providing a guide to communicate, reduce or eliminate confusion about what to do, how to prepare, proceed and where to go, during emergencies. More importantly, doing so can...

## **Prevent injury, reduce stress and even SAVE LIVES!**

Highlights about the Guide:

- **The First Emergency Preparation Guide** ever produced for the Town of Lancaster
- The First Type of Guide ever produced that is **fully Inclusive for all**, incorporating a design and content format that also addresses the needs of persons with disabilities, who when confronted with emergencies are especially more vulnerable than the general population.
- **Very Comprehensive!** Includes contact information, numerous resources for help, detailed instructions on staying in place, evacuation, how to prevent injury and death in extreme situations and much more!
- **Convenient digest format** for “Top Drawer Access”

- **Printed format required!** Yes, the guide is available online. However when power is lost and/ or digital devices can no longer access information online, a **printed guide is overall the most useful tool!**

***Developed by The Lancaster Commission on Disabilities, who strongly supports and recommends that the Select Board moves to appropriate the funding ASAP to have available for the residents of Lancaster printed copies in quantities of the “EMERGENCY PREPARATION GUIDE” for THE TOWN OF LANCASTER***

*Estimated funding required based on quantities between 2,000 to 3,000:*

*\$3,000 to \$4,000*

*Respectfully Requested by*

***Michael S. McQue***

*Chair/ Lancaster Commission on Disability*

## Kathi Rocco

---

**From:** Mike McCue <mmccue@mccueassociates.com>  
**Sent:** Thursday, October 27, 2022 1:14 PM  
**To:** Alexandra Turner; Kate Hodges  
**Cc:** Jason A. Allison; Kathi Rocco; Kelly Dolan; Stephen J. Kerrigan  
**Subject:** RE: Printing of E Prep Guide

Hello Alix and CC's,

### Print Quantities:

Regarding your question on print quantity, the reason I estimated between 2,000 and 3,000 is because although I do not know the exact, current residence address count of Lancaster, I believe it is within this general range. This is why I lean toward having the higher end of the print quantity range, because if Lancaster did a household mailing that included the guide (recommended), then it would also be prudent to have extra copies available at certain locations in town. Which brings me to part two of your question:

### Distribution Methods/ and locations:

I envision that it would make sense to have the guides be available at **Town Hall, at the LFD and Police Dept, at TML, at LCC. The COD recommends that the guides be mailed one copy to each household address.** This could be accomplished either by having a mailing dedicated to only the guide itself with a cover letter about it, or include the guide along with whatever else the town is required to mail to every household in the next such mailing that the town conducts, as doing one mailing of several items can save on postage. If the town decides to not mail the guides to households, then **many more** of the guides should be made available at the physical locations above, in addition to perhaps having schools and churches distribute guides in classrooms and at religious services.

Also if the town has a welcome package for newcomers to Lancaster, the guide should be included in it.

**Frankly, because any effort designed to ultimately save lives deserves importance and a thorough approach, I think the town should do this right, i.e. mail the guide with a cover letter about it to every household,** and also have sufficient copies available at the town departments referenced above.

Thanks! & Best Regards,

Mike McCue  
President



**McCue & Associates**

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



**From:** Alexandra Turner <turnerselect@gmail.com>

**Sent:** Thursday, October 27, 2022 5:34 AM

**To:** Kate Hodges <khodges@lancasterma.net>

**Cc:** Jason A. Allison <JAllison@lancasterma.net>; Kathi Rocco <krocco@lancasterma.net>; Kelly Dolan <kdolan@lancasterma.net>; Mike McCue <mmccue@mccueassociates.com>; Stephen J. Kerrigan <SKerrigan@lancasterma.net>

**Subject:** Re: Printing of E Prep Guide

Morning Mike

Thank you for helping facilitate the compilation of these materials. I read the guide, I hope everyone does! People often don't plan ahead for emergencies. I hope this prompts them to do so. You are right it could save lives!

Question: How many hard copies do you want, and how do you plan to distribute them?

My initial thought was asking the library to add one or two to their collection. What or who else should distribute them so we estimate how many copies-coat?

Thanks again for helping spearhead this hood work,

Alix

On Wed, Oct 26, 2022 at 8:17 PM Kate Hodges <KHodges@lancasterma.net> wrote:

Thanks Mike!! We have it and won't lose it and your email and attachment will be in the packet. Thanks!

Get [Outlook for iOS](#)

---

**From:** Mike McCue <mmccue@mccueassociates.com>

**Sent:** Wednesday, October 26, 2022 7:40:14 PM

**To:** Kate Hodges <KHodges@lancasterma.net>; Stephen J. Kerrigan <SKerrigan@lancasterma.net>; Alexandra Turner <turnerselect@gmail.com>; Jason A. Allison <JAllison@lancasterma.net>

**Cc:** Kelly Dolan <KDolan@lancasterma.net>

**Subject:** RE: Printing of E Prep Guide

Hello Kate, Steve, et al,

For the Select Board Meeting on Monday evening 11/7, you now have two key exhibits to use to deliberate the recommendation to appropriate funding immediately for the purpose of printing the E-Prep Guide:

- **One actual printed sample of the guide** that I handed to Kate today (the only printed copy that exists) Please review and display this for discussion at the meeting. Also, I need this only copy, so **PLEASE DO NOT LOSE IT OR LEAVE IT WITH ANYBODY ELSE** (thanks)

- **Attached, please see justification highlights** about the guide. Easy, quick, to the point. I suggest this be read aloud, as I am sorry that I cannot attend the meeting.

Thank you all for supporting a tool that can save the lives of Lancastrians!

Sincerely,

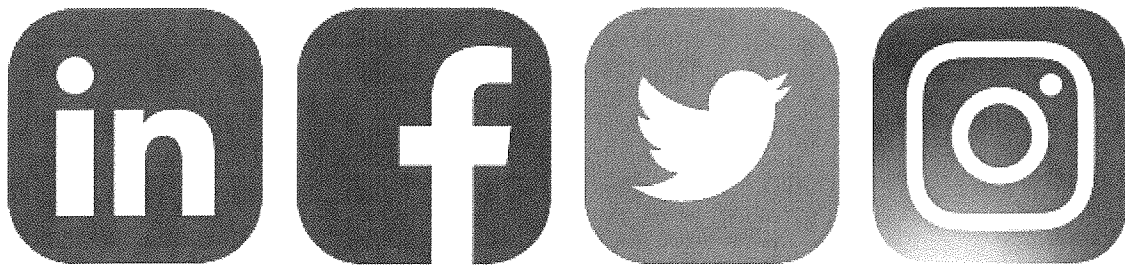
*Mike McCue*

*President*



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---

**From:** Kate Hodges <[KHodges@lancasterma.net](mailto:KHodges@lancasterma.net)>

**Sent:** Friday, October 21, 2022 12:56 PM

**To:** Mike McCue <[mmccue@mccueassociates.com](mailto:mmccue@mccueassociates.com)>; Stephen J. Kerrigan <[SKerrigan@lancasterma.net](mailto:SKerrigan@lancasterma.net)>; Alexandra Turner <[turnerselect@gmail.com](mailto:turnerselect@gmail.com)>; Jason A. Allison <[JAllison@lancasterma.net](mailto:JAllison@lancasterma.net)>

**Cc:** Kelly Dolan <[KDolan@lancasterma.net](mailto:KDolan@lancasterma.net)>

**Subject:** RE: Printing of E Prep Guide



Magnificent. Thanks.

Kate Hodges, ICMA-CM

Town Administrator, Lancaster MA

978-365-3326

---

**From:** Mike McCue <[mmccue@mccueassociates.com](mailto:mmccue@mccueassociates.com)>

**Sent:** Friday, October 21, 2022 12:23 PM

**To:** Kate Hodges <[KHodges@lanasterma.net](mailto:KHodges@lanasterma.net)>; Stephen J. Kerrigan <[SKerrigan@lanasterma.net](mailto:SKerrigan@lanasterma.net)>; Alexandra Turner <[turnerselect@gmail.com](mailto:turnerselect@gmail.com)>; Jason A. Allison <[JAllison@lanasterma.net](mailto:JAllison@lanasterma.net)>

**Cc:** Kelly Dolan <[KDolan@lanasterma.net](mailto:KDolan@lanasterma.net)>

**Subject:** RE: Printing of E Prep Guide

Kate,

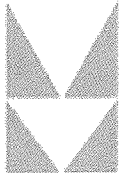
Thanks, but unfortunately I won't be able to attend even on Zoom because I will be physically in another meeting with other people at the exact same time as the SB meeting.

**The good news however**, is I think I can get one actual digital-printed copy of the guide itself in time for the meeting, which would be very helpful for all to see firsthand how impressive and important this would be for the town!

Best Regards,

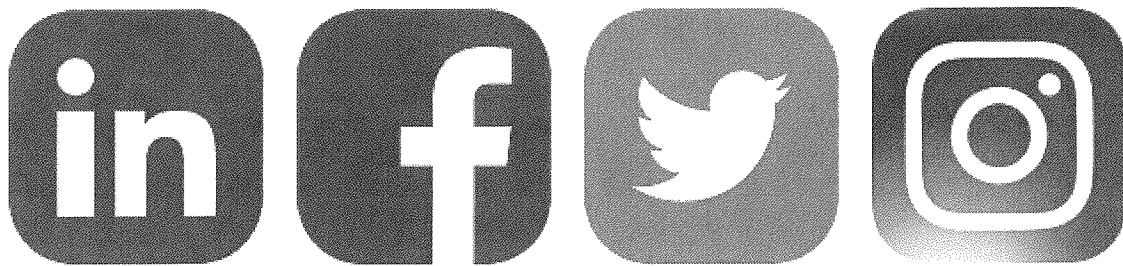
*Mike McCue*

*President*



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**From:** Kate Hodges <[KHodges@lanasterma.net](mailto:KHodges@lanasterma.net)>

**Sent:** Friday, October 21, 2022 11:54 AM

**To:** Mike McCue <[mmccue@mccueassociates.com](mailto:mmccue@mccueassociates.com)>; Stephen J. Kerrigan <[SKerrigan@lanasterma.net](mailto:SKerrigan@lanasterma.net)>; Alexandra Turner <[turnerselect@gmail.com](mailto:turnerselect@gmail.com)>; Jason A. Allison <[JAllison@lanasterma.net](mailto:JAllison@lanasterma.net)>

**Cc:** Kelly Dolan <[KDolan@lanasterma.net](mailto:KDolan@lanasterma.net)>

**Subject:** Re: Printing of E Prep Guide

Sounds good. I can also send you the zoom link if you can participate that way

Get [Outlook for iOS](#)

---

**From:** Mike McCue <[mmccue@mccueassociates.com](mailto:mmccue@mccueassociates.com)>

**Sent:** Friday, October 21, 2022 11:47:58 AM

**To:** Kate Hodges <[KHodges@lanasterma.net](mailto:KHodges@lanasterma.net)>; Stephen J. Kerrigan <[SKerrigan@lanasterma.net](mailto:SKerrigan@lanasterma.net)>; Alexandra Turner <[turnerselect@gmail.com](mailto:turnerselect@gmail.com)>; Jason A. Allison <[JAllison@lanasterma.net](mailto:JAllison@lanasterma.net)>

**Cc:** Kelly Dolan <[KDolan@lanasterma.net](mailto:KDolan@lanasterma.net)>

**Subject:** RE: Printing of E Prep Guide

Hi Kate,

Thanks for the prompt reply! I know you and the SB are on it, and our Commission on Disability definitely appreciates it, thank you!

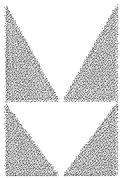
I would love to attend the SB meeting on the 7<sup>th</sup>, but unfortunately I will be at a business meeting in Atlanta when the SB meeting is live, so I cannot attend. However, if I can think of some good support material for the pre-meeting packet, I will get that to you next week.

Thanks much to you and the SB for all your help,

Best Regards,

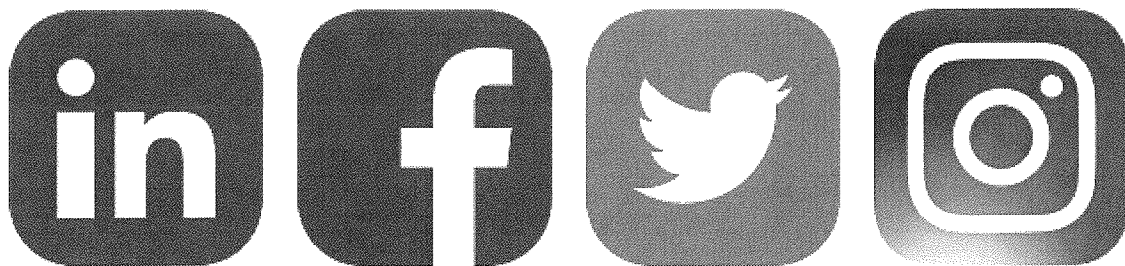
*Mike McCue*

*President*



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---

**From:** Kate Hodges <[KHodges@lancasterma.net](mailto:KHodges@lancasterma.net)>

**Sent:** Friday, October 21, 2022 11:29 AM

**To:** Mike McCue <[mmccue@mccueassociates.com](mailto:mmccue@mccueassociates.com)>; Stephen J. Kerrigan <[SKerrigan@lancasterma.net](mailto:SKerrigan@lancasterma.net)>; Alexandra Turner <[turnerselect@gmail.com](mailto:turnerselect@gmail.com)>; Jason A. Allison <[JAllison@lancasterma.net](mailto:JAllison@lancasterma.net)>

**Cc:** Kelly Dolan <[KDolan@lanasterma.net](mailto:KDolan@lanasterma.net)>

**Subject:** Re: Printing of E Prep Guide

Hi Mike,

We have not forgotten; believe me! That said, the board cannot deliberate on this matter outside of an open meeting. This is why you haven't heard, it would be an open meeting law violation. For background, the board deliberated on, and set a policy, to determine how and when to use ARPA funds. It was decided that projects would be assessed during the capital budget process and not as one-off projects moving forward. We have been planning for that. Since this request seeks an exemption from that policy, the board needs to approve that, and it must be discussed in open session-not before. Further, I cannot simply say yes or no as that would violate the policy decision they made in September. Therefore, nothing can really happen before or outside of their next meeting, which is November 7th, even for good reason like this. I hope you understand.

I have the matter on their agenda for 11/7. You're welcome to join if you like. Let me know if you plan to and if you have anything you'd like them to view beforehand, I will need it by Wednesday of next week so we can get it into their packet by Thursday.

Copying the Board so they have some additional background before the 7th.

Thanks!

Kate Hodges

---

**From:** Mike McCue <[mmccue@mccueassociates.com](mailto:mmccue@mccueassociates.com)>

**Sent:** Friday, October 21, 2022 11:17:29 AM

**To:** Kate Hodges <[KHodges@lanasterma.net](mailto:KHodges@lanasterma.net)>; Stephen J. Kerrigan <[SKerrigan@lanasterma.net](mailto:SKerrigan@lanasterma.net)>

**Subject:** FW: Printing of E Prep Guide

Hello Steve, Kate,

Just sending this out again to see if you received my email below on Monday. Has the select board decided to appropriate funding for the printing? Please see the yellow highlight in my message below.

Thanks & Best Regards,

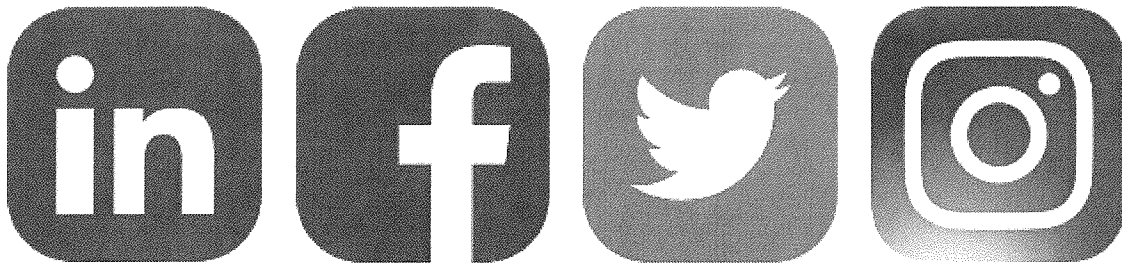
*Mike McCue*

*President*



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**From:** Mike McCue  
**Sent:** Monday, October 17, 2022 12:39 PM  
**To:** Kate Hodges <[KHodges@lanasterma.net](mailto:KHodges@lanasterma.net)>  
**Cc:** Stephen J. Kerrigan <[SKerrigan@lanasterma.net](mailto:SKerrigan@lanasterma.net)>  
**Subject:** RE: Printing of E Prep Guide

Hi Kate,

Thanks for the explanation about the appropriation situation regarding printing the E Prep guide. Hopefully something can be legitimately done so that it can be printed, but I understand the circumstances.

Regarding your question about other (significant) printing project(s) for the future, there are none that we have. The most the we usually do is minor enough to come out of our extremely modest commission budget, or we do it

ourselves as a donation to the town. During my tenure with the COD over many years, the E Guide is the only printing project of cost significance that we have encountered.

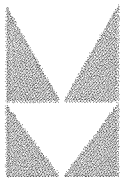
Steve:

As for asking the select board for appropriation to print the guide, yes of course. Steve, please let me know what is possible asap, as unlike a debatably unnecessary request, the guide is important enough to potentially save Lancastrian lives. Printing it is important, because only having a digital guide limits access, especially considering that when power is lost and/or websites are down (emergencies) , the print guide is best, is always "fully functionable" and is the most useful format.

Thanks! & Best Regards,

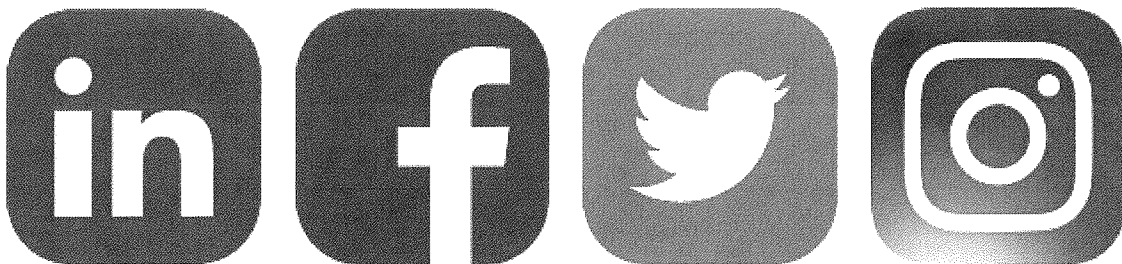
*Mike McCue*

*President*



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[www.mccueassociates.com](http://www.mccueassociates.com)



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**From:** Kate Hodges <[KHodges@lanasterma.net](mailto:KHodges@lanasterma.net)>  
**Sent:** Monday, October 17, 2022 11:42 AM  
**To:** Mike McCue <[mmccue@mccueassociates.com](mailto:mmccue@mccueassociates.com)>  
**Cc:** Stephen J. Kerrigan <[SKerrigan@lanasterma.net](mailto:SKerrigan@lanasterma.net)>  
**Subject:** RE: Printing of E Prep Guide

Mike,

Unfortunately, I have not been able to find any General Fund line item or printing account that has the \$4,000 +/- to print these – at least, not as of yet. I did mention this to SB Chair, Steve Kerrigan and he, too, is thinking of ways we have handle this. Just so you know, the entire town budget only has \$1,000 allocated to “general printing” (meaning, printing things other than the town warrants or the annual report which are required). The COA budget has \$1,500 for office supplies and that amount is supposed to include board of health supplies as well. Both are woefully underfunded.

I know you had said that my predecessor had a way of ‘finding money’ and I am sorry that I am not able to simply do that. While I cannot say where the past monies may have been “found”, the budget that I am working off is incredibly lean and very specific to each department. Legally, as I explained to you on the phone, I cannot take from one department budget and reallocate to another. Not only is it a misappropriation of funds, but it’s also simply the wrong thing to do. Municipal finance regulations are an interesting beast, and I am not saying you asked me to do anything like this, but I just want to be clear WHY I cannot simply ‘find money’ so you don’t think I am being unnecessarily unhelpful.

In the future, we would really benefit from sitting together as we are determining needs for funds and grant them through the budget process. I realize this doesn’t help you immediately, but perhaps the FY24 budget should include more money for outreach and larger-scale printings like this. Do you have anything large like this on the horizon that we should be budget for in FY24?

For now, the only thing I can think of to get this project completed is that a case can be made that ARPA money could be used for these expenses. At this time, the Select Board voted to take ARPA requests and projects at the same time as the Capital Budget so using \$4,000 +/- for this outside of that would have to be something the Select Board would approve. Do you think the Disability Commission may want to ask the Board? I have copied Steve on this email, as Chair, so he can give some direction too.

Kate Hodges, ICMA-CM

Town Administrator, Lancaster MA

978-365-3326

---

**From:** Mike McCue <[mmccue@mccueassociates.com](mailto:mmccue@mccueassociates.com)>

**Sent:** Monday, October 17, 2022 11:22 AM

**To:** Kate Hodges <[KHodges@lanasterma.net](mailto:KHodges@lanasterma.net)>

**Subject:** Printing of E Prep Guide

**Importance:** High

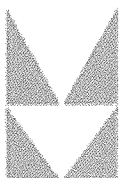
Hello Kate,

Per our last discuss, checking in to see if you have learned of any options financially for the printing. I don't want to keep the printer on hold indefinitely. But please let me know,

Thanks,

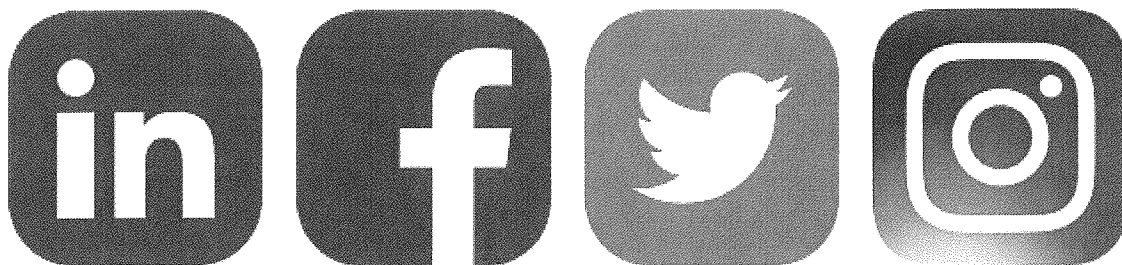
*Mike McCue*

*President*



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#4

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## MEMORANDUM OF AGREEMENT – 40R SMART GROWTH OVERLAY DISTRICT

This Memorandum of Agreement (the “Agreement”) is entered into this \_\_ day of June, 2022, by and between the Town of Lancaster (the “Town”), acting by and through its Select Board and its Affordable Housing Trust (the “Trust”), 702, LLC, a business having its principal Massachusetts office at 259 Turnpike Road, Suite 100 Southborough, MA 01772 (“702”); and North Lancaster, LLC, a business having its principal Massachusetts office at 435 Lancaster Street, Leominster, MA 01453 (“North Lancaster”). Hereinafter the Town and the Trust may sometimes be collectively referred to as the “Town” and 702 and North Lancaster, their successors and assigns, may be collectively referred to as the “Owner”).

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### RECITALS

WHEREAS, the Owner owns or controls property located in the Town of Lancaster described more fully in Exhibit A (the “Property”); and

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WHEREAS, to further the Town’s housing production goals and help attain the state-mandated minimum affordability threshold, the Town is amenable to sponsoring an article on the warrant at a Special Town Meeting ~~to be held on November 14, 2022~~ ~~in 2022~~ ~~or the 2023 Annual Town Meeting, whichever sooner occurs,~~ substantially in the form attached as Exhibit B, that would amend Section \_\_\_\_\_ of the Lancaster Zoning Bylaw ~~by adding the~~ North Lancaster Smart Growth Overlay District ~~by adding a portion of the Property to the North Lancaster Smart Growth Overlay District,~~ an overlay zoning district enacted pursuant to M.G.L. c. 40R and accompanying regulations at 760 CMR 59.00; (the “North Lancaster Smart Growth Overlay District Amendment Bylaw”); and

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~~WHEREAS, to facilitate the permitting process for state mandated minimum affordable housing pursuant to M.G.L. c. 40R, the Town is also amenable to sponsoring an article on the warrant at a Special Town Meeting in 2022, or at the 2023 Annual Town Meeting, whichever sooner occurs, substantially in the form attached as Exhibit C, which addresses and amends Section \_\_\_\_\_ of the Lancaster Zoning Bylaw, North Lancaster Smart Growth Overlay District, and creates a Plan Approval Authority as set forth therein for all Site Plan Approvals within the EZ District for 40R projects (the “Smart Growth Permitting Amendment”); and~~ WHEREAS, the North Lancaster Smart Growth Overlay District is depicted on Exhibit \_\_\_\_\_, and includes a portion of the Property, specifically Assessors’ Parcel 14-4.M, Parcel 14.4.L, Parcel 14-4.N, Parcel 14-4.G, Parcel 14-4.F, Parcel 14-4.K, Parcel 14-4.J, Parcel 14-4.I, Parcel 14-4.H, Parcel 14-4.A, Parcel 14-8.0 and Parcel 14-8.A (collectively the “North Lancaster Smart Growth Overlay District”); and

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WHEREAS, a copy of the North Lancaster Smart Growth Overlay District bylaw is attached hereto as Exhibit D;

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WHEREAS, the Massachusetts Department of Housing and Community Development (“DHCD”) issued a letter of conditional eligibility dated May 27, 2022 finding that the proposed North Lancaster Smart Growth Overlay District Overlay Amendment Bylaw (“NL-SGOD”) conditionally meets the approval requirements established pursuant to M.G.L. c. 40R and 760 CMR 59.04(1) in order to establish a “Smart Growth” overlay zoning district; and

WHEREAS, ~~the Owner contemplates construction of a portion of the Property is included within the proposed 40R District (said portion is hereinafter referred to as the "Site"), as shown on the Proposed Re Zoning Plan attached hereto as Exhibit E, and the Owner contemplates a mixed-use development of this portion of the Property including up to 146 new dwelling units and the maximum area of commercial space as conceptually described below and in compliance with M.G.L. 40R mixed use ratio requirements (the "40R Project") on a portion of the Property within the North Lancaster Smart Growth Overlay District defined as Assessors' Parcel 14-4.I, Parcel 14-4.H, Parcel 14-4.A, Parcel 14-8.0, and Parcel 14-8.A (collectively, the "Site"); and~~

WHEREAS, the Owner, is concurrently seeking to expand the Enterprise Zoning District to include land owned or controlled by Owner, adjacent to the Site, namely specific areas of Assessor Parcels 008-0045.0, 009-0004.0, 014-0003.B & 014-0004.D (hereinafter the "Enterprise Project Site"), on which owner proposes to develop a Commercial Center, containing a maximum building ground floor area of 2,450,000 square feet, along with associated parking, access, site circulation and infrastructure, including, without limitation, the installation of the Phase One Access Road on and within Parcel 014-0004.D (the "Enterprise Project"). The Enterprise Project is the subject of a companion Memorandum of Agreement (the "EZ MOA") between the parties, an executed copy of which is attached hereto as **Exhibit F**, and will also require the adoption of separate zoning amendments by Special or Annual Town Meeting. Hereinafter the Enterprise Project and the 40R Project are sometimes referred to collectively as the "Owner's Projects". The Phase One Access Road will service both of Owner's Projects. All obligations of Owner and Town set forth in the EZ MOA which are necessary for the permitting and development of the 40R Project are expressly incorporated by reference herein.

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WHEREAS, based on the traffic and engineering studies performed by Owner, and reviewed by the Town's consultants, the Parties have identified the water, sewer, traffic, public transit, pedestrian, cycling, environmental, open space and recreational improvements that are required in order to support the 40R Project; and

WHEREAS, this Agreement is entered into by the Parties in an effort to establish a framework to supplement the North Lancaster Smart Growth Overlay District bylaw and to (i) memorialize the maximum residential and commercial development that may occur on the Site and the Property, (ii) facilitate the development of housing units that will count towards the Town's Subsidized Housing Inventory ("SHI"), and (iii) itemize infrastructure upgrades, as well as environmental mitigation, and other improvements to be undertaken by Owner to adequately support the 40R Project.

NOW, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

#### AGREEMENT

##### 1. DEVELOPMENT OF THE SITE AND PROPERTY.

1.1 Subject to the terms of this Agreement generally, and final Town Meeting and Attorney General Approval of the North Lancaster Smart Growth Overlay District Zoning

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~~Amendments provided for herein~~, and those set forth in the EZ MOA, Owner agrees to diligently pursue all permits, orders and approvals necessary and required for the development of the 40R Project in compliance with this Agreement.

~~1.2 Prior to the issuance of the first Building Permit for either the Enterprise Project or the 40R Project the Owner shall organize a Common Roadway Association, mandatory membership in which shall be enforced by deed restriction and/or duly recorded affirmative covenant and shall consist of all Owners of all properties, including without limitation the 40R Project, which front on or use the Common Roadway previously approved by the Lancaster Planning Board (Amended Definitive Subdivision Plan for McGovern Place approved on March 14, 2022 and recorded at the Worcester District Registry of Deeds in Book \_\_\_\_\_ Page \_\_\_\_\_), or any extension thereof, for any purpose. The terms, conditions, management and operation of the Common Roadway Association shall be as Owner, in its sole discretion determined. As set forth in the EZ MOA the Common Roadway Association, as Owner's successor, may assume certain Obligations of Owner set forth herein or in the EZ MOA.~~

**1.23 Number of Dwelling Units.**

a. The Owner agrees with the Town that there shall be a maximum of 146 dwelling units constructed upon the Site~~Property~~. The Owner shall not develop, apply for, permit or construct any additional dwelling units on the Property~~Site~~, whether pursuant to the Town's Zoning Bylaws, M.G.L. c.40B, Sections 20-23, or otherwise.

b. ~~The Owner agrees that it shall not develop, apply for, permit or construct any dwelling units within the portion of the North Lancaster Smart Growth Overlay District located outside the Site pursuant to M.G.L. c.40B, Sections 20-23, unless such project is permitted as a Local Initiative Project (a/k/a a "friendly" 40B).~~

c. ~~The Owner agrees that it shall not develop, apply for, permit or construct any dwelling units on the portions of the Property located outside the North Lancaster Smart Growth Overlay District, whether pursuant to the Town's Zoning Bylaws, M.G.L. c.40B, Sections 20-23, or otherwise. The Owner agrees that it shall immediately withdraw, with prejudice, any and all pending applications concerning the development of housing on any portion of the Property located outside of the North Lancaster Smart Growth Overlay District. Pursuant to Chapter 40R, residential units shall equal no less than 51% of the gross floor area of the 40R Project.~~

1.34 The Owner covenants that there shall be no more than the maximum number of bedrooms on the Site allowed by applicable DCHD regulations for a project with no more than 146 units. The distribution of bedroom count across the total units shall adhere to DHCD policies ensuring the inclusivity of families with children, and notably not less than 10% of units shall be 3-bedroom units. This covenant shall be deemed to run with the land and is intended to be a restriction to be held by a governmental body and intended to benefit the Town of Lancaster, for the longest period permitted by law.

1.45 **Housing Style.** The Owner agrees that all dwelling units constructed on Site shall be apartment style.

1.56 Affordable Rental Housing. The Owner agrees that all residential housing units developed upon the Site up to the maximum of 146 units shall be rental housing, and that no less than 25% of such housing units shall be affordable units qualifying for enumeration under M.G.L. c. 40B, Sections 20-23 (the “Affordable Units”), to ensure that all housing units contained in the Project (both affordable and market rate) count on the Town’s SHI in perpetuity or for the longest period permitted by law. Units must comply with all aspects of the Town’s NL SGOD 40R bylaw, including design, landscaping, lighting and pedestrian and cycle-friendly measures. In addition, not less than 8% of the housing units shall be affordable to a qualifying household earning 60% or less of the area median income (“AMI”), with the remainder of the Affordable Units to be affordable to those earning no more than 80% of AMI.

1.67 Local Preference. From the date on which the marketing of residential units commences and continuing for a period of 60 calendar days, and to the maximum extent permitted by law and applicable regulation, local preference for the initial occupancy of Affordable Units within the Project shall be given to residents of the Town, employees of the Town and businesses located in the Town, and households with children attending the Town’s schools, satisfying all applicable eligibility requirements. The Owner agrees to pursue DHCD approval of a local preference to the extent reasonably necessary.

1.78 Tenant Selection. The Owner, or Owners’ designated qualified Consultant, shall undertake a lottery and implement an Affirmative Fair Housing Marketing Plan to solicit interest for the occupancy of the Affordable Units in accordance with applicable DHCD procedures then in effect. Consistent with the terms and conditions established in this section, the Owner and the Town, in concert with DHCD’s review and approval, shall draft, execute and record a DHCD regulatory agreement that will detail the protocol for the marketing, leasing, management and oversight of the Affordable Units.

1.89 Commercial Space. The Owner agrees that, residential units shall equal no less than 51% of the gross floor area of the 40R Project. The total gross floor area devoted to non-residential uses may not exceed 49% of the total gross floor area of the 40R Project.

1.940 Required Additions to the Project. Owner agrees that its site plan for the 40R Project will be revised, prior to submission for permitting and approval by the Town’s designated plan approval authority, to include:

- a. -Pocket Park or Parks suitable for multi-age children.
- b. A dog park; and
- c. A minimum of three (3 ) electric vehicle charging stations.

1.1044 Control Plan. Owner agrees that with the exception of (a) the required additions to the Project set forth in Section 1.98, (b) insubstantial field changes to the location of buildings and infrastructure, and/or (c) and any further plan revisions agreed to in writing by all parties to this Agreement, Owner shall develop the Site exclusively as shown on the Conceptual Layout Plan attached as Exhibit G.

1.11 No building contained within the EZ Project shall be visible from the residential units constructed on the Site. The view shall be protected by an existing, permanent treescape not to be altered and/or a vegetated berm.

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1.122 Prior to the issuance of the first Building Permit for either the Enterprise Project or the 40R Project the Owner shall organize a **Common Roadway Association**, mandatory membership in which shall be enforced by deed restriction and/or duly recorded affirmative covenant and shall consist of all Owners of all properties, including without limitation the 40R Project, which front on or use the Common Roadway previously approved by the Lancaster Planning Board (Amended Definitive Subdivision Plan for McGovern Place approved on March 14, 2022 and recorded at the Worcester District Registry of Deeds in Book \_\_\_\_\_ Page \_\_\_\_\_) or any extension thereof, for any purpose. The terms, conditions, management and operation of the Common Roadway Association shall be as Owner, in its sole discretion determines. As set forth in the EZ MOA the Common Roadway Association, as Owner's successor, may assume certain Obligations of Owner set forth herein or in the EZ MOA. Pursuant to Chapter 40R, residential units shall equal no less than 51% of the gross floor area of the 40R Project.

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## 2. WATER AND SEWER.

2.1 Water Service. The Owner has arranged for the City of Leominster to provide potable water service to the Property pursuant to the Water Supply and Development Agreement dated December 4, 2020 a copy of which is attached hereto as **Exhibit "E"** and the Intermunicipal Agreement between the City of Leominster and the Town of Lancaster for the Provision of Water Service, dated March 17, 2021 a copy of which is attached hereto as **Exhibit "F"**. The Town expressly disclaims any ability to provide potable water service to the 40R Project. —Owner hereby acknowledges and agrees on behalf of itself, its successors and assigns, and any and all affiliated entities that the Town does not now have and will not have in the future any obligation, to provide water service to the 40R Project or to the Property for any reason whatsoever, regardless of the status of the Water Supply and Development Agreement dated December 4, 2020 or the availability of potable water from the City of Leominster. Connection to the Leominster Water Supply shall be completed prior to the issuance of the first building permit for either of Owner's Projects. Notwithstanding the foregoing if, in the future, the Town determines to expand public water service to the area of the Property, the Town in its sole discretion, may elect to offer public water service to the Property.

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2.2 Sewer Service. The Owner will be wholly responsible for permitting, construction, operation, and maintenance of a private wastewater treatment plant to serve both the 40R project and the Enterprise Project on the Enterprise Project Site. Owner's obligation under this Section 2.2 is specifically subject to Owner obtaining final approvals of the Enterprise Project as contemplated in the EZ MOA. The Town expressly disclaims any availability of Town sewer service to serve the Owner's Projects, and the Owner agrees that it shall construct and operate its private wastewater treatment plant in compliance with any permit issued by the Massachusetts Department of Environmental Protection. Completion and DEP approval of the waste-water shall be final prior to the issuance of the first building permit for either of Owner's Projects. The Owner on behalf of itself, its successors and assigns, and any and all affiliated entities, agrees that, unless requested by the Town, the Town will have no obligation, now or in the future, to provide sewer service to the Project or to the Property

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### 3. TRANSPORTATION.

3.1 Traffic Mitigation. Owner has provided the Town with the Traffic Impact and Access Study prepared by TEC, Inc. dated May 5, 2021 (the "Traffic Study"), and the Town has arranged for the Traffic Study to be peer reviewed on its behalf. The Traffic Study evaluates the combined traffic impacts of the 40R Project and the Enterprise Project. The Traffic Study recommends a comprehensive program of traffic mitigation, as set forth in the EZ MOA. -Provided that Town Meeting approves expansion of the Enterprise Zoning District and the "NL-SGOD" Bbylaw ~~Permitting Amendment~~ set forth in Exhibit \_\_\_\_ the Owner hereby agrees ~~has agreed~~ to implement all recommended traffic mitigation at its own cost- and to all of the transportation conditions included in Section 3 of the EZ MOA which are incorporated herein by reference and which shall be fully binding on Owner.

3.2 Notwithstanding the provisions of Section 3.1 above, if ~~a future Special Town Meeting or Town Meeting~~ does not adopt a zoning amendment to allow the Owner's proposed Enterprise Project, and the Owner elects to permit and construct the 40R Project only, the Owner shall prepare and provide to Town a revised traffic study devoted exclusively to the 40R Project. Upon receipt of such a study, the Town shall arrange for review by its peer review consultant, and the parties shall collaborate on a revised transportation mitigation package to be ~~implemented performed~~ by Owner at its expense. Best efforts shall be used to ensure that- mitigation measures shall be fully installed and/or implemented prior to issuance of Occupancy for the 40-R Project, subject to ~~Mass~~ADOT approval for timing of said improvements.

3.3 MART Bus Extension. The Owner shall:

a. Fund the cost of extending the Montachusett Regional Transit Authority ("MART") Route #8 bus line to the Property, to the extent that such funding is not fully covered by state and federal transit funding. The Owner will reimburse the Town for its share of the actual cost of providing Route #8 service to the Property, no later than thirty (30) days after delivery of an invoice from the Town. The onsite improvements required to allow for the extension of the Route #8 bus line shall be in effect and operational prior to issuance of the first certificate of occupancy for the Project. The Owner's funding obligation pursuant to this section shall remain in place as long as the Project exists on the Property. It is expressly understood by the parties that actual operation of MART Route #8 is not the obligation of Owner.

b. As set forth in Section 3.9 of the EZ MOA, ~~the~~ Owner agrees to construct and maintain, at its sole expense, two (2) bus shelters for use as part of the MART Route #8 bus line, with one (1) shelter located within the 40R District adjacent to the housing, and one (1) shelter within the Enterprise Project. The shelter located nearest the 40R Project shall be fully completed prior to issuance of the first certificate of occupancy for the 40R Project, and Owner shall be responsible for maintaining both shelters for as long as the Project and/or the distribution/logistics center project exist on the Property.

3.4 Pedestrian Improvements. North Lancaster, LLC as part of the Phase One Roadway construction, shall construct a 5-foot sidewalk on McGovern Boulevard as per the approved subdivision plans (**Exhibit A** hereof) to provide connectivity between land uses on

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the site and Lunenburg Road. This includes connectivity to the several retail parcels previously constructed (Dunkin Donuts and Mobil Station), future retail as programmed for the parcels on the west side of Lunenburg Road, and the existing Kimball Farm along the east side of Lunenburg Road. Additional pedestrian crossings will be provided across McGovern Boulevard within the site. Final layout of on-site pedestrian and bicycle accommodations, internal site circulation, and other on-site transportation networks will be designed in connection with the 40R Project approval process and constructed by North Lancaster, LLC in connection therewith.

3.5 Bicycle Improvements. North Lancaster, LLC shall construct 5-foot bicycle lanes supplemented with MUTCD-compliant bicycle signage along McGovern Boulevard to provide connectivity between the Site and Lunenburg Road. In addition, bicycle racks will be provided on-site at various locations to promote the use of bicycle travel. Final layout of on-site pedestrian and bicycle accommodations, internal site circulation, and other on-site transportation networks will be designed in connection with the 40R Project approval process and constructed in connection therewith.

#### 4. LOCAL TAXES.

4.1 All real property and commercial personal property contained within the Project shall be taxable, and all real estate and personal property taxes shall be paid by Owner or its tenants, as applicable. The Owner and tenants shall not seek a nonprofit, agricultural, or other exemption or reduction with respect to such taxes, including without limitation through Tax Increment Financing Agreement with the Town relating to the 40R portion of the development.

#### 5. CONSERVATION/WETLANDS.

5.1 It is anticipated that onsite and offsite wetland resources and adjacent buffer zones to these resources may be impacted by the Project. To mitigate the impacts anticipated by the Project, in addition to any reasonable requirements imposed by the Town's regulatory boards, commissions and departments, prior to the issuance of any occupancy permit for a structure within the Project, the Owner agrees to pay for the costs of all on-site and off-site stormwater management improvements necessitated by the Project, said improvements to be determined by the Town, and to be consistent with requirements and standards of federal, state and Town laws and regulations. To the extent that Owner is called upon to pay for costs of offsite stormwater improvements pursuant to this section, it shall provide the necessary funds to the Town within thirty (30) day after receipt of a written request.

#### 6. LAND DONATION, OPEN SPACE AND TRAIL CONNECTIVITY.

6.1 Open Space. Parcel 014-0008.A shall be conserved and protected open space with the exception of the portion of the parcel needed for the 40R development and/or trail connection on adjacent Parcel 014-0004.A.

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Parcel 014-0008.B shall be conserved and protected open space.

6.2 Trail Connectivity. Provided that Town Meeting approves expansion of the Enterprise Zoning District and the "NL-SGOD" Bylaw Permitting Amendment set forth in Exhibit \_\_\_\_ the Owner hereby agrees to implement all trail connectivity and to grant necessary easements on the terms and conditions included in Section 6.5 of the EZ MOA which are incorporated herein by reference and which shall be fully binding on Owner.

Trails shall be as shown on Exhibit \_\_\_\_.

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## 7. SUPPLEMENTAL USE RESTRICTIONS.

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7.1 The Owner covenants there shall not be drive-through businesses in the Project with the exception of one car wash. This covenant shall be deemed to run with the land and is intended to be a restriction to be held by a governmental body and intended to benefit the Town of Lancaster, for the longest period permitted by law.

7.2 The Owner covenants not to allow so-called "adult entertainment uses" on the Property or within the Project. This covenant shall be deemed to run with the land and is intended to be a restriction to be held by a governmental body and intended to benefit the Town of Lancaster, for the longest period permitted by law.

## 8. CONSULTANT COSTS.

8.1 The Owner shall pay the reasonable fees of the Town's review consultants and attorneys providing services in connection with the Town's review and consideration of the Project. All such costs shall be paid by Owner within thirty (30) days after delivery of an invoice from the Town.

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8.2 The Town agrees that prior to engaging a consultant, professional or an attorney or incurring any costs that will be the obligation of the Owner under this Agreement, the Town will: (i) provide written notice to and consult with the Owner regarding the necessity and selection of said consultant, professional or attorney; (ii) provide the Owner with a written scope of work and an estimated budget for the anticipated consultant, professional or attorney's work; (iii) not incur any such costs, or enter into any such contract, any contract amendments or any work order for extras without prior written notice to and reasonable approval by the Owner; and (iv) upon request by the owner, provide a written accounting of all costs incurred and other expenditures made by or on behalf of Owner under this Agreement. Any objection from Owner pursuant to subsection (iii) shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications, which shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. Failure by Owner to respond to any written notice within fourteen (14) days of receipt shall be deemed approval of the matter contained in such notice.

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## 9. MISCELLANEOUS.

9.1 Effective Date. This Agreement shall become effective upon approval of the North Lancaster Smart Growth Overlay District Bylaw by the Massachusetts Attorney General.

~~following its adoption by the -a future- Lancaster Special Town Meeting or Annual Town Meeting.~~

9.2 Failure to Obtain 40R Approvals. In the event that ~~Owner fails despite applying all best efforts to obtain or maintain all final and effective federal, state and local permits necessary to allow for the construction and operation of the 40R Project, upon Owner's delivery of written notice to the Town, the Parties shall work together to establish a mutually acceptable alternative development plan for the Site, failing which Owner may terminate this Agreement without further recourse to any Party and all restrictions contained herein shall be deemed null and void and without legal recourse, such that Owner may develop and use the Property as allowed by applicable law then if effect.~~

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9.3 Failure to Obtain Other Approvals. In the event that ~~(i)-the zoning amendment expanding the Enterprise District is disapproved by Town Meeting or the Massachusetts Attorney General, Sections 1.2.c shall not be binding upon Owner but the remainder of this Agreement shall remain in full force and effect, or (ii) Owner fails despite applying all best efforts to obtain or maintain all final and effective discretionary federal, state and local permits necessary to allow for the construction and operation of the Enterprise Project, upon Owner's delivery of written notice to the Town, the Owner may terminate this Agreement without future recourse to the Town.~~

9.4 Retention of Regulatory Authority. Nothing contained in this Agreement shall affect, limit, or control the authority of Town boards, commissions, Plan Approval Authority ("PAA") and departments to carry out their respective duties to decide upon and to issue, deny, or condition applicable permits and other approvals under the statutes and regulations of the Commonwealth, the General and Zoning Bylaws of the Town, or the applicable regulations of those boards, commissions, and departments, or to enforce said statutes, bylaws, and regulations. The Town, by entering into this Agreement, is not thereby required or obligated to issue such permits and approvals as may be necessary for the Project to proceed, or to refrain from enforcement action against the Project to whatever extent the Project is determined to be in violation of applicable law.

9.5 Cooperation. The Town agrees to cooperate with the Owner in the implementation of offsite traffic improvements, so long as such improvements are in compliance with permits and approvals issued by federal, state and Town authorities and are otherwise consistent with the Town's bylaws, rules and regulations.

9.6 Successors and Assigns. This Agreement shall run with the Property and any portion thereof, and shall be binding upon the Owner, its successors and assigns. The Parties agree that this Agreement shall be recorded with the Worcester District Registry of Deeds, and agree to cooperate to execute any documents necessary to accomplish the recording of the Agreement.

9.7 Notices. Notices, when required hereunder, shall be deemed sufficient if sent certified mail to the Parties at the following addresses:

Owner: 702, LLC  
259 Turnpike Road  
Suite 100

Southborough, MA 01772

with a copy to:

[CG: Do you want to add anyone?]

and

North Lancaster, LLC  
435 Lancaster Street  
Leominster, MA 01453

with a copy to:

[CG: do you want to add anyone?]

Town: Town Administrator  
Town of Lancaster  
Prescott Building  
701 Main Street – 2<sup>nd</sup> Floor  
Lancaster, MA 01523

Chair  
Lancaster Affordable Housing Trust  
Prescott Building  
701 Main Street – Suite 2  
Lancaster, MA 01523

with a copy to:

Ivria G. Fried, Esq.  
Miyares and Harrington LLP  
40 Grove Street  
Wellesley, MA 02482  
Attn: Ivria G. Fried, Esq.

Chair  
Lancaster Affordable Housing Trust  
Prescott Building  
701 Main Street – Suite 2  
Lancaster, MA 01523

9.8 Force Majeure. The Owner shall not be considered to be in breach of this Agreement for so long as the Owner is unable to complete any work or take any action required

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hereunder due to a *force majeure* event or other events beyond the reasonable control of the Owner.

9.9 Default: Opportunity to Cure. Failure by either Party to perform any term or provision of this Agreement shall not constitute a default under this Agreement unless and until the defaulting Party fails to commence to cure, correct or remedy such failure within thirty (30) days of receipt of written notice of such failure from the other Party and thereafter fails to complete such cure, correction, or remedy within ninety days of the receipt of such written notice, or, with respect to defaults that cannot reasonably be cured, corrected or remedied within such ninety-days, within such additional period of time as is reasonably required to remedy such default, provided the defaulting Party exercises due diligence in the remedying of such default. Notwithstanding the foregoing, the Owner shall cure any monetary default hereunder within thirty days following the receipt of written notice of such default from the Town.

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9.10 Enforcement. ~~The Parties agree that irreparable damage shall occur in the event that any provision of this Agreement is not performed in accordance with the terms hereof, and that the Parties shall be entitled to specific performance of all terms, in addition to other remedies at law or in equity. In addition to the foregoing, the Parties agree in contract if the Town has issued a written notice pursuant to Section 9.9 above and the Owner has not commenced cure as required therein, or has not initiated the arbitration process as provided for in Section 9.11 below, the Town shall have the authority to withhold building permits and/or certificates of occupancy, as most directly applicable, for any building or phase of the Project until such time as the Owner has addressed its failure to perform to the Town's reasonable satisfaction. Commencement of Arbitration shall operate as to stay the authority of the Town to demand payment or to withhold building permits or certificates of occupancy for any building or phase of the Project until such time as Arbitration is completed. Notwithstanding the foregoing, in the event that the Town determines any action or inaction by Owner or its agents, or any condition or activity on the Property constitutes an immediate and urgent risk to public health and safety, and to which concern Owner, after actual notice, refuses or fails to take immediate action, the Town may commence appropriate remedial judicial action.~~

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~~The Parties agree that irreparable damage shall occur in the event that any provision of this Agreement is not performed in accordance with the terms hereof, and that the Parties shall be entitled to specific performance of all terms, in addition to other remedies at law or in equity. In addition to the foregoing, the Parties agree in contract if the Town has issued a written notice pursuant to Section 9.9 above and the Owner has not commenced cure as required therein, the Town shall have the authority to withhold building permits and/or certificates of occupancy, as most directly applicable, for any building or phase of the Project until such time as the Owner has addressed its failure to perform to the Town's reasonable satisfaction.~~

#### 9.11 Arbitration

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(a) All disputes which may arise between the Owner and the Town out of or in relation to or in connection with this Agreement including without limitation, the determination of an event of default under the Agreement, shall be finally settled by personal or virtual arbitration in Worcester County, Massachusetts, in accordance with the applicable rules of JAMS Arbitration Service, Boston Massachusetts. Designation of a single Arbitrator shall be by mutual agreement of the parties, made within 30 days of the submission of a case for determination, failing which each party agrees that the matter shall be determined by one Arbitrator Selected by JAMS. The decision of such arbitration, including an award of

monetary damages, shall be binding on both parties, and a judgment on an award rendered shall be entered pursuant to paragraph (b). The parties agree to proceed with the arbitration process in a cooperative and timely manner. The cost of arbitration shall be paid by the non-prevailing party.

(b) Exclusive jurisdiction over entry of judgment on any arbitration award rendered pursuant to paragraph (a) or over any dispute, action or suit arising therefrom shall be in any court of appropriate subject matter jurisdiction located Worcester County and the parties by this Agreement expressly subject themselves to the personal jurisdiction of said court for the entry of any such judgment and for the resolution of any dispute, action, or suit arising in connection with the entry of such judgment while reserving all rights to appeal.

(c) Notwithstanding anything to the contrary set forth in subsections (a) and (b) immediately above, any and all disputes which arise during the local permitting process and are within the subject matter authority of the Planning Board, Conservation Commission, Zoning Board of Appeals, Building Commissioner, or any other local permitting authority, are not subject to the Arbitration process required in this Agreement. Both the Town and Owner specifically retain all statutory, legal and equitable rights of judicial review and intervention in connection with such local permitting.

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(d) Notwithstanding anything to the contrary set forth in subsection (a) and (b) above, any and all disputes pertaining to payment of money under the terms of this Agreement shall be exempt from the provisions of this Section 9.11.

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~~9.12.1~~ **Estoppels.** Each Party agrees, from time to time, upon not less than ten (10) days' prior written request from the other, to execute, acknowledge and deliver a statement in writing certifying (i) that this Agreement is unmodified and in full force and effect (or if there have been modifications, setting them forth in reasonable detail); (ii) that the party delivering such statement has no defenses, offsets or counterclaims against its obligations to perform its covenants hereunder (or if there are any of the foregoing, setting them forth in reasonable detail); (iii) that there are no uncured defaults of either party under this Agreement (or, if there are any defaults, setting them forth in reasonable detail); and (iv) any other information reasonably requested by the party seeking such statement. If the Party delivering an estoppel certificate is unable to verify compliance by the other Party with certain provisions hereof despite the use of due diligence, it shall so state with specificity in the estoppel certificate, and deliver an updated estoppels certificate as to such provisions as soon thereafter as practicable. Any such statement delivered pursuant to this Section \_\_\_ shall be in a form reasonably acceptable to, and may be relied upon by any, actual or prospective purchaser, tenant, mortgagee or other party having an interest in the Project.

~~9.13.2~~ **Governing Law.** This Agreement shall be governed by the laws of the Commonwealth of Massachusetts. If any term, covenant, condition or provision of this Agreement or the application thereof to any person or circumstance shall be declared invalid or unenforceable by the final ruling of a court of competent jurisdiction having final review, then the remaining terms, covenants, conditions and provisions of this Agreement and their application to other persons or circumstances shall not be affected thereby and shall continue to be enforced and recognized as valid agreements of the Parties, and in the

place of such invalid or unenforceable provision, there shall be substituted a like, but valid and enforceable provision which comports to the findings of the aforesaid court and most nearly accomplishes the original intention of the Parties. The Parties hereby consent to jurisdiction of the courts of the Commonwealth of Massachusetts sitting in the County of Worcester.

9.14~~13~~ Entire Agreement; Amendments. This Agreement sets forth the entire agreement of the Parties with respect to the subject matter hereof, and supersedes any prior agreements, discussions or understandings of the Parties and their respective agents and representatives. This Agreement may not be amended, altered or modified except by an instrument in writing and executed by all parties.

9.15~~14~~ Severability. The invalidity of any provision of this Agreement as determined by a court of competent jurisdiction shall in no way affect the validity of any other provision hereof. If any provision of this Agreement or its applicability to any person or circumstance shall be held invalid, the remainder thereof, or the application to other persons shall not be affected.

9.16~~15~~ Time is of the Essence. Time shall be of the essence for this Agreement and, subject to economic conditions and approval of the North Lancaster Smart Growth Overlay District Bylaw by the Town at the ~~Annual~~ Town Meeting, DHCD, and the Massachusetts Attorney General, the Owner shall diligently pursue the remaining permitting, development, construction and residential occupancy of the Project.

9.17~~16~~ Counterparts; Signatures. This Agreement may be executed in several counterparts and by each Party on a separate counterpart, each of which when so executed and delivered shall be an original, and all of which together shall constitute one instrument. It is agreed that electronic signatures shall constitute originals for all purposes.

9.18~~17~~ No Third-Party Beneficiaries. Notwithstanding anything to the contrary in this Agreement, the Parties do not intend for any third party to be benefitted hereby.

9.19~~18~~ Joint and Several Liability. 702 LLC and North Lancaster LLC shall be jointly and severally liable for all obligations attributed to the Owner in this Agreement.

[Remainder of this page intentionally left blank. Signature page follows.]

EXECUTED under seal as of the date and year first above written,

TOWN OF LANCASTER SELECT BOARD

~~Jason Allison~~ Stephen J. Kerrigan, Chair

~~Jay M. Moody~~ Jason Allison, Clerk, Clerk

Commented [BD4]: Need to update for new Select Board member.

Alexandra W. Turner

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned notary public,  
personally appeared \_\_\_\_\_

proved to me through satisfactory evidence of identification, which was (a driver's license)  
(a current U.S. passport) (my personal knowledge of the identity of the principal), to be the  
persons whose name is signed on the preceding or attached document, and acknowledged to  
me that s/he signed it voluntarily for its stated purposes.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

TOWN OF LANCASTER AFFORDABLE HOUSING TRUST

\_\_\_\_\_  
Victoria Petracca, Chair

\_\_\_\_\_  
Frank Streeter, Secretary

\_\_\_\_\_  
~~Jay M. Moody~~ Stephen J. Kerrigan

\_\_\_\_\_  
Carolyn Read

\_\_\_\_\_  
Debra Williams

\_\_\_\_\_  
~~Marilyn Largey, Ex Officio Non-Voting Member~~

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned notary public,  
personally appeared \_\_\_\_\_

\_\_\_\_\_  
proved to me through satisfactory evidence of identification, which was (a driver's license)  
(a current U.S. passport) (my personal knowledge of the identity of the principal), to be the  
persons whose name is signed on the preceding or attached document, and acknowledged to  
me that s/he signed it voluntarily for its stated purposes.

\_\_\_\_\_  
Notary Public  
My Commission Expires:



702, LLC

\_\_\_\_\_  
Name: William A. Depietri  
Its: Manager

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned notary public,  
personally appeared \_\_\_\_\_  
proved to me through satisfactory evidence of identification, which was (a driver's license)  
(a current U.S. passport) (my personal knowledge of the identity of the principal), to be the  
persons whose name is signed on the preceding or attached document, and acknowledged to  
me that s/he signed it voluntarily for its stated purposes.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

North Lancaster, LLC

\_\_\_\_\_  
Name: Steve Boucher  
Its: Manager

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned notary public,  
personally appeared \_\_\_\_\_  
proved to me through satisfactory evidence of identification, which was (a driver's license)  
(a current U.S. passport) (my personal knowledge of the identity of the principal), to be the  
persons whose name is signed on the preceding or attached document, and acknowledged to  
me that s/he signed it voluntarily for its stated purposes.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

## **LIST OF EXHIBITS**

Exhibit A – Property Description  
Exhibit B – Draft Overlay Amendment Draft Permitting Amendment  
Exhibit D – Smart Growth Draft Permitting Amendment  
Exhibit E- Proposed Re-Zoning Amendment  
Exhibit F - EZ MOA  
Exhibit G - Conceptual Concept Plan

#5

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#6

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## VIII. APPOINTMENTS AND RESIGNATIONS

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## Kathi Rocco

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**From:** Nicole Kanis <nicolemkanis@gmail.com>  
**Sent:** Monday, October 17, 2022 1:52 PM  
**To:** Kathi Rocco  
**Subject:** COA Board

Hi Kathi,

At today's COA meeting Judie Maclean resigned from the board.

Roberta Windsor would like to be considered for her replacement.

Thank you  
Niki Kanis



As a resident of  
Bigelow Park, I  
feel it is imperative  
the residents here  
have a voice and  
a vote in what is  
available for them.  
Thank you for your  
consideration.

Rheta Johnson

Board of Selectmen!

Would you be  
kind enough to  
consider me for a  
position on the COA  
Committee. I have  
been attending the  
meetings for approximately  
five years.

## Kathi Rocco

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**From:** Kate Hodges  
**Sent:** Wednesday, October 19, 2022 10:08 AM  
**To:** Kathi Rocco  
**Subject:** FW: Lancaster Cultural Council - Inquiry



Kate Hodges, ICMA-CM  
Town Administrator, Lancaster MA  
978-365-3326

**From:** Denise Hurley <deehurley@hotmail.com>  
**Sent:** Tuesday, October 18, 2022 4:41 PM  
**To:** Kate Hodges <KHodges@lancasterma.net>  
**Subject:** Fw: Lancaster Cultural Council - Inquiry

Hi,

I just received this in the mail. I would like to be added to the Cultural Council to help out..

Take care

Denise

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**From:** Brais, Hanako (ART) <[hanako.brais@state.ma.us](mailto:hanako.brais@state.ma.us)>  
**Sent:** Tuesday, October 18, 2022 4:20 PM  
**To:** [deehurley@hotmail.com](mailto:deehurley@hotmail.com) <[deehurley@hotmail.com](mailto:deehurley@hotmail.com)>  
**Subject:** Lancaster Cultural Council - Inquiry



Dear Denise Hurley,

Thank you for your past service on the Lancaster Cultural Council.

I am reaching out because we will be needing your expertise and support if you are interested. If you are still a resident of Lancaster, **would you be willing to serve once again on the Lancaster Cultural Council?**

This year, Lancaster Cultural Council has an increased allocation of \$7,900 to distribute for this year's grant cycle. However, the council currently does not have the required 5 members to hold a voting meeting on grant applications

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**Deborah Adams**

48 Old Hickory Rd.  
Lancaster, MA 01523  
(508) 826-1669  
deb.adams@comcast.net

27th October 2022

**Lancaster Select Board**

Lancaster Town Offices  
701 Main St.  
Lancaster, MA 01523

Dear Select Board members,

I am writing to express interest in an appointment to the Lancaster Cultural Council. I previously served as chairperson of this committee from 2009 - 2015 and enjoyed the experience very much.

The mission of the state cultural council is to: 'promote excellence, education, diversity, and inclusion in the arts, humanities, and sciences to foster a rich cultural life for all Massachusetts residents and contribute to the vitality of our communities and economy.' This mission cascades to the individual local councils and is vitally important to the communities and the artists residing in the area.

We in Massachusetts are very fortunate to have such generous state support of the arts and humanities through the grant money awarded to each town. If appointed, I will work with the committee members to utilize these funds in the best interests of Lancaster.

Thank you for your consideration.

Sincerely,

Deb Adams

Lancaster Select Board  
701 Main St., Suite 1  
Lancaster, MA 01523

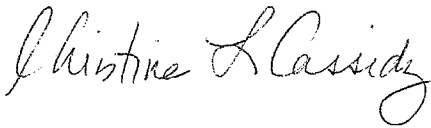
October 27, 2022

To the Lancaster Select Board:

In response to a communication I received from Hanako Brais, Program Officer for the Mass. Cultural Council, I am submitting this letter to let you know that I am interested in serving on the Lancaster Cultural Council for a one-year term. As I understand the situation, the Council needs 5 members in order to hold a vote on this year's grant applications.

I appreciated my previous service as a member of the Lancaster Cultural Council, and I look forward to the opportunity to help support the Town of Lancaster and the important work of the Cultural Council.

Sincerely,

A handwritten signature in cursive script that reads "Christine Cassidy". The signature is written in dark ink and is positioned above the printed name and address.

Christine Cassidy  
17 Ivy Court  
Lancaster, MA 01523

RECEIVED

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Board of Selectmen

*Joyce A. Corbosiero*  
*52 Poulin Drive*  
*Lancaster, MA 01523*

October 21, 2022

Lancaster Select Board  
701 Main Street  
Lancaster, MA 01523

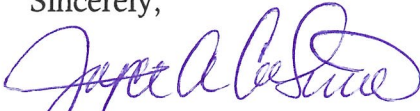
Dear Honorable Select Board,

I am writing with interest for the open position on the Lancaster Cultural Council. I am a prior member with a knowledge of the actions of the council. The council provides extraordinary opportunities to the community dispersing funding to enrich the community with cultural events and programming. I would love the chance to give back by offering my advisory skills to the council.

I have a strong background in local government and possess a broad range of administrative skills. With this background and knowledge I believe I would serve as an excellent member on the council. I would be thrilled to have the opportunity to serve and put my knowledge to use.

Thank you in advance for your consideration of this appointment.

Sincerely,



Joyce A. Corbosiero

<b>Part I</b>	ADMINISTRATION OF THE GOVERNMENT
<b>Title VII</b>	CITIES, TOWNS AND DISTRICTS
<b>Chapter 41</b>	OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS
<b>Section 91</b>	CONSTABLES; APPOINTMENT AND REMOVAL IN CITIES

Section 91. In a city in which the city council accepts this section, or has accepted corresponding provisions of earlier laws, constables shall be appointed by the mayor for terms not exceeding three years. The mayor may, with the consent of the board of aldermen, remove a constable from office for gross misconduct.

## Kathi Rocco

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**From:** judy Elwell <emmagrey\_3@hotmail.com>  
**Sent:** Monday, October 31, 2022 9:56 AM  
**To:** stevekerrigan@gmail.com; turnerselect@gmail.com; Jason A. Allison  
**Cc:** Kate Hodges; Kathi Rocco  
**Subject:** FW: Lancaster Historical Commission

October 31, 2022

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

Dear Members of the Select Board;

Lancaster Historical Commission (LHC) Chairperson Heather Lennon has recently made me aware of the death of long-time LHC member Joy Peach in September of 2022. I am hereby applying for her vacant seat. I have recently begun working with Heather on a project to inventory and categorize a large collection of historical postcards which will become a valuable part of our holdings. Once that project is completed, I am sure there will be many more projects I can work on.

As a resident of Lancaster and former elementary school teacher who has been interested in local history since college, I feel that I can offer a valuable set of skills to the group and thus be an asset to the LHC.

Sincerely,

Judith Elwell  
140 Nicholas Drive  
Lancaster, MA 01523



## XI. COMMUNICATIONS

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## Kate Hodges

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**From:** Anne Ogilvie <anneogilvie@gmail.com>  
**Sent:** Wednesday, November 2, 2022 12:29 PM  
**To:** Kate Hodges; Stephen J. Kerrigan; Jason A. Allison; Alexandra Turner  
**Cc:** Kathi Rocco  
**Subject:** Re: Earth products Removal Vote at Oct 17th SB Meeting

Dear Kate and Select Board,

I am writing to once again raise issues regarding recent earth products removal permits. I wrote to you previously about two of these matters on Tuesday, October 25, 2022 (email copied below) and Kate referred me to Ms. Kathi Rocco, who she indicated is overseeing this process. Ms. Rocco offered some helpful information on earth products removal permits. I am grateful for what she provided, but my most pressing questions remain unanswered. I will reiterate my concerns about several outstanding EPR permits:

1. I just received the Monday, November 7, 2022 SB agenda, and I note that there is an EPR hearing for LLEC, but that there is not an agenda item to re-take the vote taken on the Chisholm permit hearing on Monday, October 17, 2022. The 10/17/2022 SB vote on the Chisholm permit went 2-1-0. *According to that vote, and our own bylaws, that permit was NOT granted.* I would hope that the Town would act to remedy this error by informing the permit-seeker of its occurrence and re-holding the hearing. **Can you provide an update on this permit and the action the SB will take to address this error, where the vote did not meet the threshold in our bylaws required to pass an EPR permit?**

2. **Can you provide an update on the plan for the NESS site on McGovern Blvd that has a now long-expired permit, and how the restoration will be completed in compliance with the permit?** My notes regarding the outstanding questions raised by the Tighe and Bond review of this site are in my initial email, and were not yet answered. As you know, this site is referred to as an "open sand and gravel pit" in the rezoning marketing materials, but of course it would not be if the restoration had been completed as the permit dictates.

3. Lastly, I note that the SB agenda item to Review/Vote on the PJ Keating request to waive the public hearing for permit renewal. **I request that rather than waive this public hearing, the SB opts instead to hold the hearing, and to have the permit, complete with the new conditions recommended by CEI, reviewed at this meeting.** We heard at the last meeting that Keating and the CEI reviewers were substantially in agreement, and it would be beneficial for residents to understand the new conditions that have been incorporated into the new permit, and have the opportunity to ask questions.

I think it is very positive that the town undertook the review of this important permit, and that an agreement on new conditions has been achieved. Holding the hearing will further residents' understanding of these conditions, which can only improve the relationship between Keating and the community. There are also important items that need to be confirmed at a hearing, such as whether the new data monitors in the wells that were promised for April 15, 2022 (Permit condition #25 ) have been installed. It is also important to know if the increased surety bond in permit condition #16 has been received by the Town.

**I also ask that the SB appoint CEI as the new environmental monitoring partner for this permit.** Tighe and Bond missed several key matters over the years they have monitored this site, and residents have had to point out these shortcomings in order to have permit conditions such proper flow meters installed, and to reinstate the originally instituted monitoring practices, as hand counts had been substituted for 14 years at various wells as the well transducers failed over the years and were not replaced.

I have numerous emails I am happy to share that contain the detailed background regarding the many concerns that lead up to the SB electing to issue a shortened permit this year and to request the CEI permit

review. I think this process has been long, but it has resulted in better conditions for Lancaster and nearby residents, and a greater awareness from Keating as to the impacts of their operations on our neighborhoods and resources. Upholding the hearing requirement to complete the review process and adopt the new permit conditions would be an exercise in transparency that will benefit the Town.

I am grateful for your consideration of these requests and any help you can provide to answer my questions above and provide updates..

Sincerely,

Anne Ogilvie  
4 Turner Lane

## Kate Hodges

---

**From:** Anne Ogilvie <anneogilvie@gmail.com>  
**Sent:** Tuesday, October 25, 2022 11:39 AM  
**To:** Kate Hodges  
**Cc:** Alexandra Turner; Stephen J. Kerrigan; Jason A. Allison  
**Subject:** Earth products Removal Vote at Oct 17th SB Meeting

Hi Kate,

I'm sure you're busy preparing for the STM and election. I'm sorry to throw these questions your way, but as you'll see below, there is at least one that must be dealt with in an urgent fashion, as it regards a vote taken last week at the SB meeting that may need to be corrected.

I have an interest in earth product removal permits and how the Town handles them. I know there have been several efforts by various boards and individuals in years past to address some of the issues of this permit process, and to consider if our procedures are adequate from a due diligence, mitigation, and revenue-generation perspective. I strongly believe it is time to re-examine these matters, do some benchmarking with other towns, and address the current shortcomings.

I wanted to point out some issues with the earth product removal vote that was taken last week, and ask some questions.

It appears from language within the permit application itself [https://www.ci.lancaster.ma.us/sites/g/files/vyhlif4586/f/uploads/earth\\_products\\_removal\\_special\\_permit\\_application.pdf](https://www.ci.lancaster.ma.us/sites/g/files/vyhlif4586/f/uploads/earth_products_removal_special_permit_application.pdf) that:

**1. The SB shall hold a hearing within 65 days from the filing of an application.**

-Note that the bylaw itself in 220. 32 D does say that the SB may waive a public hearing by a majority vote:

<https://ecode360.com/11813888>

But the permit says "shall". This is incongruous. In any case, it seems the SB would need to take a vote at a meeting to waive a public hearing on these permits.

**2. A special permit for earth products removal shall require a unanimous vote of the board (3/3).**

-So, if I recall correctly, there was a vote on the second permit that went 2-1-0. *According to that vote, and our own bylaws, that permit was NOT granted.* I would hope that the Town would act to remedy this error by informing the permit-seeker of its occurrence and re-posting the hearing.

**3. There is a requirement to notify abutters,** but neither permit up for approval that night had any abutter notification information in the packet. Was this info just not included? Or was it not submitted by the applicants?

**4. There is also a requirement for engineering plans, were these submitted for the applicants? Were they reviewed by the building inspector?**

In the future, it would be great to have a checklist that accompanies all permit applications that indicates that these things have been done and that the appropriate Town staff have signed off on them. Both permits discussed lists a surety bond, and if I understood the notes in the packet correctly, they seemed to indicate that the Town was not aware if it still held the bond. This seems to be an important matter to clarify with any special permit.

I am also wondering if an expired permit is considered a renewal? Shouldn't an expired permit require a new application, and a hearing? If not, what is the incentive for renewing a permit on time?

As for the NSS Permit for the McGovern Blvd. Site, the T&B letter in the packet is pretty clear:

**"The current permit is expired, and a Special Permit renewal is required.** In the renewal request letter from Bovenzi & Donovan, dated September 2, 2021, it was stated that NESS expects to cease earth removal as of November 14, 2021 and would not be seeking a permit renewal. However, following conversations with NESS staff in January 2022, they have indicated that a renewal is the preferred alternative to site closure. A permit renewal is necessary, as NESS has continued to operate outside of their approved permit limits. If the applicant is to continue with Earth Removal operations, an application, updated site plan, and anticipated excavation volume projections should be submitted to the Select Board.

If the applicant is to let the Special Permit Expire, per Condition 1 of the Special Permit, final elevations shall be submitted on a revised plan by the applicant.

The next quarterly inspection is scheduled for June 2022, or sooner if upon request for final inspection."

**-Was there a June 2022 inspection? What is the intention of the applicant?**

**-Does the town have a surety of \$10K/ open acre/year?**

There is a lot of talk about how the McGovern Blvd site is just an open sand pit, but it should not be that way if the conditions of the permit were followed. The fact that they were not is an issue Lancaster must resolve. I would like to hear what efforts are underway to investigate and rectify these questions.

Thank you for your help,

Anne