



**LANCASTER SELECT BOARD**  
**Regular Meeting Agenda - AMENDED\***  
**Prescott Building – Nashaway Room**  
**Monday, February 6, 2023**  
**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:

Join Zoom Meeting

<https://us02web.zoom.us/j/81713297980>

Meeting ID: 817 1329 7980

One tap mobile

+13092053325,,81713297980# US

+13126266799,,81713297980# US (Chicago)

Dial by your location

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 9128 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

Meeting ID: 817 1329 7980

Find your local number: <https://us02web.zoom.us/j/kcmh3MZ0IW>

Additional materials for Select Board meetings are available at:

<https://www.ci.lancaster.ma.us/administration-select-board/pages/meeting-materials>

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: January 3, 2023



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**III. SCHEDULED APPEARANCES & PUBLIC HEARINGS**

- 6:05pm – Notice of Public Hearing for application for Special Permit to Remove Earth Products Renewal; Notice is hereby given that a Public Hearing will be held on **Monday, February 6, 2023 at 6:05 PM** to consider the application of Fort Pond, LLC, c/o W.J. Graves Construction Inc., 192 Depot Road, East Templeton, MA for renewal of a Special Permit to Remove Earth Products (overburden, rock, gravel, loam) from a parcel of land located 450 Fort Pond Road, Lancaster, MA., Map 5; Parcel No. 26B, Location approximately 800 feet East from the intersection with Fort Pond Inn Road. A copy of the Application and Engineering Plans may be viewed in the Select Board's Office, Prescott Building, 701 Main Street, 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.

This public hearing will be a hybrid meeting Zoom ID: <https://us02web.zoom.us/j/81713297980>  
Meeting ID: 817 1329 7980

- Memorial School Reuse Committee
  - ✓ Review and Outline steps taken and process in making recommendation(s)
  - ✓ Final Recommendation for reuse
  - ✓ Committee next steps, funding recommendations and other actions
- Police Chief Everett Moody – Refresher/discussion relative to Staff, Committee or Board Members' access and right to access private property.

**IV. BOARDS, COMMITTEES AND DEPARTMENT REPORTS - NONE**

**V. PUBLIC COMMENT**

*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. TOWN ADMINISTOR REPORT**

- Recruitment/Staffing Updates
- Review of open Board and Committee Positions
- Other Department Updates

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

1. Discussion/Debrief of Special Town Meeting January 28, 2023.
2. FY24 Budget Updates
  - a. Overview & review of draft FY24 budget book
  - b. Set date & time for formal budget review.



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3. Annual Town Meeting 2023
  - a. Set Meeting Date(s) and Time(s)
  - b. Review & Approve Town Meeting Calendar.
  - c. Discuss/Review potential Warrant Articles
  - d. Set Date/Time for Annual Town Meeting Warrant Preview
4. Acceptance of cost-of-living increase for retirees in the Worcester Regional Retirement System

**VIII. APPOINTMENTS AND RESIGNATIONS \***

Resignation:

Historical Commission: Joan Richards as member, effective January 27, 2023

Appointment:

Historical Commission: John "Sandy" Foster as member, term to expire June 30, 2025 (fill unexpired term)

**IX. COMMUNICATIONS**

- Select Board's next Special Meeting will be held on Monday, February 13, 2023 at 6:00pm
- Select Board's next Regular Meeting will be held on Monday, February 27, 2023 at 6:00pm
- Miscellaneous Correspondence & Memorandums

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

- Division of Capital Asset Management and Maintenance Property (Hodges)
  - Update regarding Special Legislation
  - Updated Timeline Reviewed

**XI. 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 following purposes:
  - i. Purpose (2): To conduct collective bargaining session with the AFSCME, Local 3720, specifically to hear a Level Three grievance regarding discipline for member A. Martin; and
  - ii. Purpose (3): To discuss strategy with respect to collective bargaining, specifically to deliberate regarding the response to grievance filed by AFSCME, Local 3720 regarding discipline for member A. Martin,
  - iii. Purpose (3): to discuss litigation strategy re: A. Turner's DUA Appeal, as an open meeting may have a detrimental effect on the litigating position of the Select Board

as an open meeting may have a detrimental effect on the bargaining position of the Select Board and not to reconvene in Open Session thereafter.

**XIV. ADJOURNMENT**

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

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**LANCASTER SELECT BOARD  
Regular Meeting Minutes  
of Tuesday, January 17, 2023  
6:00 P.M.**

**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 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. *Additional materials for Select Board meetings are available at <https://www.ci.lancaster.ma.us/administration-select-board> > Meeting Materials.*

Join Zoom Meeting: <https://us02web.zoom.us/j/81102727576>  
Meeting ID: 811 0272 7576

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**

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

**III. SCHEDULED APPEARANCES & PUBLIC HEARINGS**

**Nashoba Regional School Superintendent – Discussion regarding High School Building Proposal and update on fiscal forecasts and budget projections for FY24 and beyond.**

Superintendent Kirk Downing distributed a “board brief” to the Select Board (attached). He reviewed the process of determining that a new school is needed, and how it will be paid for. Estimates for funding will be available mid-May. Superintendent Downing reviewed the process defined in Massachusetts General Laws (MGL) for funding regional school building projects.

Mr. Allison confirmed that the Town will most likely vote on the project in the fall of 2023. Each of the three towns would have to approve incurring the debt by a Special Town Meeting vote. An alternate approval methodology would be to have a collective vote of all three towns, which would require a 2/3 vote by the School Committee. Mr. Kerrigan had several questions regarding

the timeframe for project approval. He urged Superintendent Downing to provide costs as soon as possible so that information can be communicated to residents.

School Committee member Dan Gleason spoke briefly about costs which will be reimbursed by the MSBA (Massachusetts School Building Authority). He encouraged all town boards and committees, as well as residents, to participate in tours of the school that will be scheduled in the Spring to gain a better understanding of why a new building is needed.

<b>IV. BOARDS, COMMITTEES, AND DEPARTMENT REPORTS - NONE</b>
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<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 tolerated.*

Mr. Kerrigan recognized Ralph Gifford (address not given). Mr. Gifford objected to the scheduling of the upcoming Special Town Meeting on a Saturday, stating that this was disenfranchising a significant portion of the community, including minority residents.

Mr. Kerrigan recognized Justin Smith, 4 Turner Lane. Mr. Smith objects to waiving the public hearing for Earth Removal permits, which will be discussed later in the agenda. Furthermore, he would like a commission appointed to grant Earth Removal Permits and would like to raise the fees for same.

Mr. Kerrigan recognized Anne Ogilvie, 4 Turner Lane. Ms. Ogilvie objects to the scheduling of the upcoming Special Town Meeting and the costs associated with the Special Town Meeting. She reviewed several reasons why she does not support the rezoning article at the STM. Ms. Ogilvie went on at length with objections to Mr. Kerrigan's management of Public Comments.

Mr. Kerrigan recognized Kathy Hughes, 80 Fire Road 11. Ms. Hughes stated that the Special Town Meeting should not take place because it was not called within 45 days of receipt of the Citizens' petition. Furthermore, she does not think that revisiting the rezoning article already considered at Special Town Meeting meets legal requirements. She would like to know Town Counsel's opinion on this.

Mr. Kerrigan recognized Rebecca Young-Jones, 94 Barnes Court. She agreed with both Kathy Hughes and Anne Ogilvie. She stated that Mr. Kerrigan is "stifling" public comment.

Mr. Kerrigan recognized Martha Moore, 131 Center Bridge Road. She is concerned about people with cancer or other sicknesses who are unable to attend the Special Town Meeting, wanting to know if it was possible to use absentee or mail-in ballots so as not to disenfranchise voters. Mr. Kerrigan reviewed accommodations that are being made for those who need social distancing, also explaining that absentee ballots are inconsistent with the Open Town Meeting form of government.

Mr. Kerrigan recognized Deb D'Eramo, 127 Harvard Road. She echoed Mr. Smith's statements about Earth Product Removal permits. Additionally, she stated that the Town Calendar had initially said that the Special Town Meeting will begin at 9AM, but now says 10AM. Additionally, she encourages residents to vote "no" at the Special Town Meeting.

Mr. Kerrigan recognized Anne Ogilvie again. Ms. Ogilvie stated, "In my letter I was referring to the expenditure of town resources on behalf of the citizens' petition, which I think is unusual. And my last ..... regardless of the outcome of the next Special Town Meeting, residents would be wise to ask how well government's .... Radical actions, such as recalls and petitions, which have led to such division in our town, are serving us. They are tools available for our use, but at what cost. Thank you."

Mr. Kerrigan recognized Kendra Dickinson, 402 Oetman Way, speaking as a private citizen. Ms. Dickinson agrees with those who do not want to waive the public hearing for Earth Removal permits. She thinks that because of past concerns it is important to keep residents in the loop. She approves of the work done to prepare for the upcoming Special Town Meeting, stating that in the past weeknights have been difficult for her due to childcare, and that a Saturday meeting is helpful.

Mr. Kerrigan recognized Kathy Hughes again. Ms. Hughes said that she became very ill after the previous Special Town Meeting, and that she had, because of a broken foot, felt very unsafe because of all the chaos around. She is also very much in disagreement with the MOA regarding the zoning change to be addressed at the STM, saying that it was signed at the last minute. She stated that she is asking a question that she has asked multiple times and has never received an answer, asking if there has ever been any financial due diligence on The Capital Group. She stated, "You made a financial agreement with them although ... money that we will undoubtedly never see because they will never completely complete that project and will therefore never get the land agreement in there. But if you are going to go into a financial agreement with a company you should do some due diligence, financial due diligence, on them, and it seems to me as a private company that this has not been done... shared with the Town."

## **VI. TOWN ADMINISTRATOR REPORT**

### **1. Financial Audit**

Ms. Hodges reported that the Auditors are scheduled to attend the Board meeting on 2/27/23; she noted that the Select Board might want to schedule the 27<sup>th</sup> rather than the 20<sup>th</sup> due to Presidents' Day and school vacation.

### **2. Visit from MA Department of Revenue (DOR)**

Ms. Hodges reported that two representatives from the DOR visited last week. They interviewed the Finance Director, the Treasurer/Collector, Ms. Hodges. They will be in contact with the Select Board Chair and the Finance Committee Chair. They have received a copy of the Town Code. They last visited in 1999, at which point they had a long list of needed improvements to the budget process. Ms. Hodges reported that of the previous 30

items to be corrected, 20 of them have been fulfilled, and now that Ms. Hodges has seen the list, other items can be corrected.

### **3. Other Business**

Ms. Hodges addressed preparation for the upcoming Special Town Meeting, noting that there is information online, at the Community Center, at the Library, the schools, and other areas. She has been working with the Massachusetts Commission on Disabilities to provide certain accommodations.

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

### **1. Fort Pond LLC Renewal Permit – Discussion to waive a public hearing**

Fort Pond LLC had asked the Select Board to consider waiving a public hearing on their Earth Products Permit renewal. Ms. Hodges explained that the application is complete. A vote to waive the hearing must be unanimous. Mr. Allison moved to schedule a Public Hearing for the Earth Products Renewal permit for Fort Pond LLC. 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, referring to a statement by previous Town Counsel, said that all permits should be treated as a new permit, and asked that current Town Counsel be consulted. Mr. Kerrigan would like to explore fee schedules; changing the fee schedule, because it is part of current bylaws, would call for Town Meeting vote. Chairman Kerrigan will speak to Town Counsel.

## **VIII. APPOINTMENTS AND RESIGNATIONS**

### **Resignations**

*Affordable Housing Trust:* Stephen Kerrigan, representing the Select Board. Ms. Turner offered a motion to accept said resignation. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

*Recreation Committee:* David Carr, Member, effective immediately. Ms. Turner offered a motion to accept said resignation with regrets. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Mr. Kerrigan asked Ms. Hodges to discuss open volunteer opportunities at the next meeting.

### **Appointments**

*Affordable Housing Trust:* Jason Allison representing the Select Board, term to expire June 30, 2023. Ms. Turner moved to appoint Jason Allison to the Lancaster Affordable Housing Trust, Term to expire June 30, 2023. Mr. Kerrigan seconded the motion. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*



*Commission on Disability:* Eugene (Geno) Brazeau, term to expire June 30, 2023 (filling an unexpired term). Ms. Turner moved to appoint Eugene (Geno) Brazeau to the Commission on Disability, term to expire June 30, 2023. Mr. Kerrigan seconded the motion. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

<b>IX. LICENSES AND PERMITS - NONE</b>
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<b>X. NEW BUSINESS - NONE</b>
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*This item is included to acknowledge matters not reasonably anticipated by the Chair.*

Mr. Allison noted that the FY24 budget is now 137 pages long.

Ms. Turner stated that prior to the previous Special Town Meeting she had several questions about the MOU/MOA, asking if she could have answers prior to the upcoming Special Town Meeting. Mr. Kerrigan asked her to submit her questions.

Ms. Turner noted that this week is the Annual MMA (Massachusetts Municipal Association) Convention in Boston, and that she will be attending and paying her own way. She asked that this expense is included in the upcoming budget. Ms. Hodges noted that in past budgets there has been a few hundred dollars for incidental meetings that members might attend, but that MMA Annual Meeting attendance has not been included. Mr. Allison disagrees with the Town paying for attendance of individual members.

<b>XI. COMMUNICATIONS</b>
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- Next Select Board Hybrid Meeting will be held on Monday, February 6, 2023 at 6:00pm
- Special Town Meeting will be held on Saturday, January 28, 2023 at 10:00am at the Mary Rowlandson Elementary School; doors open at 8:30am
- Miscellaneous Correspondence and Memoranda

<b>XII. ONGOING PROJECTS &amp; OLD BUSINESS - NONE</b>
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<b>XIII. ADJOURNMENT</b>
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Mr. Allison moved to adjourn the meeting. Ms. Turner seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Respectfully submitted,

Kathleen Rocco  
Executive Assistant

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Alexandra W. Turner, Clerk  
Dated:

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

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

Notice is hereby given that a Public Hearing will be held on **Monday, February 6, 2023 at 6:05 PM** to consider the application of Fort Pond, LLC, c/o W.J. Graves Construction Inc., 192 Depot Road, East Templeton, MA for renewal of a Special Permit to Remove Earth Products (overburden, rock, gravel, loam) from a parcel of land located 450 Fort Pond Road, Lancaster, MA., Map 5; Parcel No. 26B, Location approximately 800 feet East from the intersection with Fort Pond Inn Road. A copy of the Application and Engineering Plans may be viewed in the Select Board's Office, Prescott Building, 701 Main Street, 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.

*This public hearing will be a hybrid meeting*

*Zoom ID: <https://us02web.zoom.us/j/81713297980>*

*Meeting ID: 817 1329 7980*

***Lancaster Select Board***

Stephen J. Kerrigan, *Chair*

Alexandra W. Turner, *Clerk*

Jason A. Allison, *Member*

For publication in **The Item:**

Friday, January 27, 2023

Friday, February 3, 2023

**S. J. MULLANEY ENGINEERING, INC.**  
**CIVIL SITE DESIGN & PERMITTING**

December 9, 2022

Via: email. [KHodges@lancasterma.net](mailto:KHodges@lancasterma.net)

Town of Lancaster Select Board  
c/o Kate Hodges, Town Administrator  
701 Main Street, Suite 1  
Lancaster, MA 01523-2335

Re: Request for Renewal – Special Permit to Remove Earth Products  
Fort Pond LLC, Mr. James L. Fletcher, Manager  
Fort Pond Road

Dear Members of the Select Board:

The current Special Permit for the above-referenced, ongoing, multi-year sand and gravel pit expires on January 24, 2023. Our client, Mr. James L. Fletcher, hereby respectfully requests that the Board renew the permit for an additional two-year period from January 24, 2023 to January 24, 2025.

As you may recall, the current Special Permit was listed as expiring on October 19, 2021. However, pursuant to Chapter 53 of the Act of 2020 of The Commonwealth of Massachusetts, entitled: "An Act to Address Challenges Faced by Municipalities and State Authorities Resulting from Covid-19" enacted April 3, 2020, Section 17 (b) states:

*"...(iii) a permit in effect or existence as of March 10, 2020, including any deadlines or conditions of the permit, shall not lapse or otherwise expire and the expiration date of the permit, or time period for meeting a deadline or for performance of a condition of the permit, shall toll during the state of emergency;..."*

The state of emergency lasted 462 days, therefore; the permit has been extended until January 24, 2023.

As you are aware, your consultant engineer, Tighe & Bond, Inc., inspects the gravel pit on a regular basis. It is our understanding that Tighe & Bond has found the operation to be substantially in compliance with its permit. No changes are proposed to the earth product removal site plans.

Lancaster Zoning Bylaw Article IX, §220-32 D. states that a permit may be renewed without a public hearing by majority vote of the Select Board. We will request that the Board employ this provision to extend the current permit. Mr. Fletcher is agreeable to the continuation of the same permit conditions currently in effect should the Board decide to renew the permit in such a manner.

Thank you for your attention to this matter. Please contact us if attendance at a Board meeting is required by us or our client.

Sincerely,  
S. J. MULLANEY ENGINEERING, INC.



Mikael A. Lassila, P.E.

Cc: client





TOWN OF LANCASTER  
BOARD OF SELECTMEN  
Town Hall, 695 Main Street, Suite 1  
Lancaster, MA 01523-  
Tel: 978-365-3326 Fax: 978-368-8486

Town Clerk's Office  
Date & Time Received

## APPLICATION FOR SPECIAL PERMIT REMOVAL OF EARTH PRODUCTS

1. Applicant's Name: Fort Pond LLC
2. Applicant's Address: P.O. Box 401, East Templeton, MA 01438-0401
3. Name of Business or Concern (*If operating other than individual*): W. J. Graves Construction Co., Inc.
4. Business Address (*If different than address listed under Question 2*): Same
5. Location of Property (*Street Address*): Fort Pond Road
6. Assessors' Atlas: Map/Sheet No. 5 Parcel No. 26B Lot No. \_\_\_\_\_
7. Location approximately 800 feet ☐ N ☐ S ☒ E ☐ W from the intersection with Fort Pond Inn Road  
Worcester County (Worcester District) Registry
8. Evidence of Property Ownership (*Attach Deed, Lease, other*): District of the Land Court Book 84 - Page 69
9. Name and Address of Engineer or Firm Responsible for plans, specifications, compliance, etc? \_\_\_\_\_  
S. J. Mullaney Engineering, Inc., Attn: Stephen J. Mullaney, P.E.  
305 Whitney St., Suite G3, P.O. Box 752, Leominster, MA 01453-0752
10. Engineering plans and specifications prepared (*date*): Plan No. 101-D-5, sheets 1 to 7, dated May 27, 2011, as amended by:  
Plan No. 149-D-3, sheet 1 of 1, dated December 3, 2014  
Plan No. 149-D-5, sheet 1 of 1, dated October 21, 2016

### SCOPE OF WORK

11. Cubic yards to be excavated/removed from site: 1,766,400 Area: 48 Acres
12. Type of earth product(s): Peat \_\_\_\_\_ Loam \_\_\_\_\_ Gravel ☒ Rock \_\_\_\_\_ Other \_\_\_\_\_
13. Proposed date of completion of excavation: 2025 Of Removal 2025
14. Duration of Request (*Minimum of 6 months; maximum of 24 months*): 24 months  
Site preparation for future development to assist the town's economic expansion intentions
15. Reason for Request: for this EZ-Enterprise zoned area of town.
16. Estimated cost for erosion control, grading, seeding, or reclamation: \$ 27,000

17. Bond Required: \_\_\_\_\_  
(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? October 19, 2017 For what period? 24 months\*

(\*Note: Chapter 53 of the Act of the Commonwealth of Massachusetts extended this permit 462 day. )

**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 December 9, 2022

Fort Pond LLC  
by James L. Fletcher, its Manager

**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.**



# 300 foot Abutters List Report

Lancaster, MA  
January 24, 2023

## Subject Property:

Parcel Number: 005-0026.B  
CAMA Number: 005-0026.B  
Property Address: 0 FORT POND RD

Mailing Address: FORT POND LLC  
192 DEPOT RD PO BOX 401  
EAST TEMPLETON, MA 01438-

## Abutters:

Parcel Number: 002-0003.0  
CAMA Number: 002-0003.0  
Property Address: 0 SHIRLEY TOWN LINE

Mailing Address: LANCASTER TOWN OF CONSERVATION  
COMMISSION  
701 MAIN ST SUITE 4  
LANCASTER, MA 01523-

Parcel Number: 004-0070.0  
CAMA Number: 004-0070.0  
Property Address: 10 FIRE RD 54

Mailing Address: QUILL NICOLE & JEREMY A  
806 TRILLIUM CIR  
ACTON, MA 01720-

Parcel Number: 005-0013.A  
CAMA Number: 005-0013.A  
Property Address: 0 FORT POND

Mailing Address: KFATING CATHERINE D & COBURN  
JAMES F JR  
ATTN: ACCOUNTS PAYABLE DEPT 998  
RESERVOIR RD  
LUNENBURG, MA 01462-

Parcel Number: 005-0015.A  
CAMA Number: 005-0015.A  
Property Address: 132 FORT POND INN RD

Mailing Address: YMCA  
55 WALLACE AVE  
FITCHBURG, MA 01420-

Parcel Number: 005-0026.0 + 26A  
CAMA Number: 005-0026.0  
Property Address: 580 FORT POND RD

Mailing Address: FORT POND INDUSTRIAL PROPERTY OWNER LLC  
C/O THE SEYON GROUP  
205 NEWBURY ST 4TH FLOOR  
BOSTON MA 02116

Parcel Number: 005-0026.C  
CAMA Number: 005-0026.C  
Property Address: 0 FORT POND RD

Mailing Address: FORT POND INDUSTRIAL PROPERTY OWNER LLC  
C/O THE SEYON GROUP  
205 NEWBURY ST 4TH FLOOR  
BOSTON MA 02116

Parcel Number: 005-0027.0  
CAMA Number: 005-0027.0  
Property Address: 0 SHIRLEY RD

Mailing Address: CHISHOLM W D TR MOUNTAIN LAUREL  
REALTY  
388 GOODRICH ST  
LUNENBURG, MA 01462-

Parcel Number: 005-0032.0  
CAMA Number: 005-0032.0  
Property Address: 696 FORT POND RD

Mailing Address: CHISHOLM WILLIAM D TR MOUNTAIN  
LAUREL REALTY TRUST  
388 GOODRICH ST  
LUNENBURG, MA 01462-

Parcel Number: 005-0032.A  
CAMA Number: 005-0032.A  
Property Address: 0 CHISHOLM TRAIL

Mailing Address: CHISHOLM WILLIAM D TR MOUNTAIN  
LAUREL REALTY TRUST  
388 GOODRICH ST  
LUNENBURG, MA 01462-

**CERTIFIED COPY**

*Debra A. Sanders*  
Debra A. Sanders, Member  
Lancaster Board of Assessors  
January 24, 2023 - 1 page

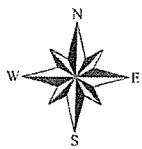


www.cai-tech.com

1/24/2023

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Page 1 of 1



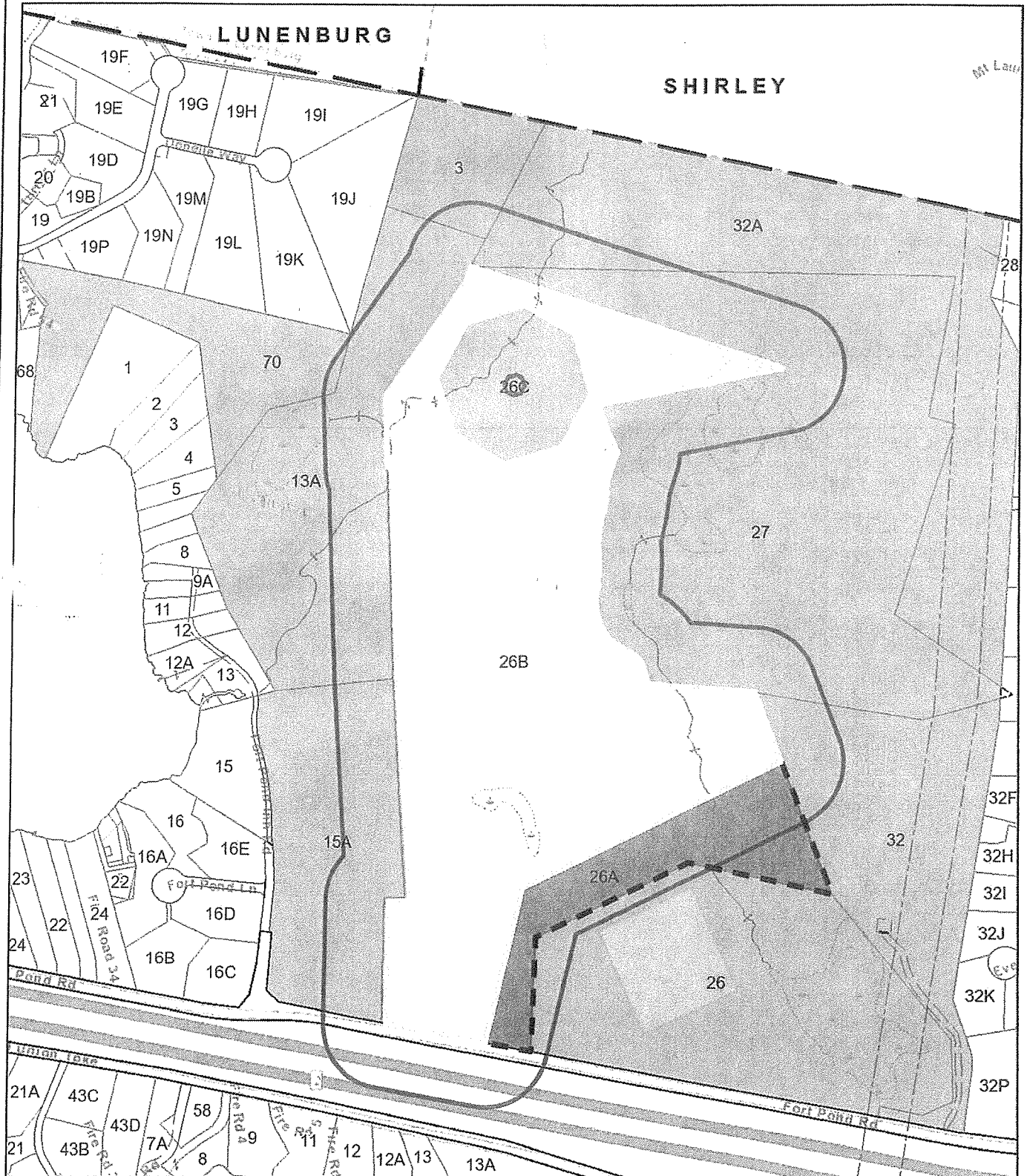
Lancaster, MA



**CAI Technologies**  
 10000 Highway 100, Suite 100  
 Dallas, TX 75243  
 (972) 440-1000  
 Fax: (972) 440-1001  
 E-mail: [info@cai-tech.com](mailto:info@cai-tech.com)  
 Web: [www.cai-tech.com](http://www.cai-tech.com)

www.cai-tech.com

January 24, 2023



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.



FORT POND LLC

INV. DATE  
12/13/2022

INVOICE NO  
SPECIAL PERMIT APREMOVAL OF EARTH

DESCRIPTION

GROSS AMT  
500.00

DISC AMT  
.00

1037  
PAID AMT  
500.00

CHECK # 1037

CHECK DATE

12/13/22

500.00

.00

500.00

mailed 2/29/12.

**FORT POND LLC**

P.O. Box 401  
East Templeton, MA 01438-0401  
Tel: 978-939-5568  
Fax: 978-939-5295

February 29, 2012

Town of Lancaster  
c/o Orlando Pacheco, Town Administrator  
695 Main Street, Suite 1  
Lancaster, MA 01523-2294

Dear Orlando,

Enclosed is the \$60,000.00 check for the Surety Bond for Fort Pond LLC. Please forward any account info in regards to this check for us to keep on file.

Should you need me to stop by and sign anything please just give me a call.

Thank you.

Sincerely,



James Fletcher

Fort Pond, LLC  
192 Depot Rd. P.O. Box 401  
East Templeton, MA 01438-0401  
Tel. #978-939-5568

1001

DATE 2/29/2012 53-7054-2113


PAY TO THE  
ORDER OF

Town of Lancaster

\$ 60,000.00

Sixty thousand & 00/100

DOLLARS

 Security Features  
Indicate on Back



**Bank**

America's Most Convenient Bank®

FOR Surety bond

Jim J. Smith

⑈001001⑈ ⑆211370545⑆ 8248614352⑈

32-3440-14-03  
January 13, 2023

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

Re: **Fort Pond, LLC.**  
**Special Permit to Remove Earth Products**  
**September 2022 – Quarterly Site Inspection**

To Whom It May Concern:

As stipulated in the Special Permit to Remove Earth Products issued to Fort Pond LLC., the fall 2022 quarterly site inspection was conducted on Friday September 9, 2022. Mehdi Begag of Tighe & Bond was on-site for inspection of the facility with respect to the operational requirements specified in the most recent EPR permit effective October 19, 2021, to January 24, 2023. A report of field inspection observations is attached.

### **Current Activities**

No excavations or screening activities were taking place at the site during the time of inspection. Excavation previously continued in the Phase X areas, on the north, north-east border of the site. Screening operations were previously relocated from Phase IV to Phase III to make room for the solar field installation, however no screening plants were observed on the date of this inspection. Stockpiles remain in Phase II, III, IV, and VI. A truck scale and scale house are still present near the border of Phase II and Phase IV.

Areas of the property located within the successive phases of the project have all been cleared of trees at this time. Stockpiles of material currently exist in portions of Phases II, III, IV, VI, VIII, and X. Areas within Phases V, VII, and IX have been reclaimed. Installation of the solar field has been completed on the reclaimed areas.

### **Inspection Observations**

The base of the previously active Phase II area appears to be approximately at elevation 355-feet. The eastern bases of Phases IV, VI, VIII, and X currently exist at a higher elevation than the base floor, and currently support stockpiles of various earth products. The rock face in Phase VI had been blasted, gravel crushed, and stockpiled within the phase. No activities extended deeper than the base elevation. The truck scale and scale house appear to be at roughly the same elevation as the rest of the active floor.

Rip-rap slopes at the entrance to the site as well as the paved apron continue to direct run-off to existing swales along either side of the haul road, which drain towards the detention basins located internal to the site in Phases II and III.

There did not appear to be any dust or stormwater issues on the site during the inspection. A water truck is contracted to wet the haul roads as needed. Multiple stormwater controls including berms around the site, sediment catching forebays, and detention basins, are still in place and operational.

An additional detention basin within Phase X has not yet been developed, but three monitoring wells exist within the newest phase. The monitoring wells have been labeled Phase X-1, Phase X-2, and Phase X-3. Phase X-1 is closest to the Phase IX area and Phase X-3 is the furthest from the Phase IX area. The area proposed for the detention basin, adjacent to Well Phase X-



3, has not yet been excavated deeper than the remainder of the Phase 10 area. A new well was placed in the Phase I area and is currently being labeled Phase I-1. These wells are likely to be relocated as the construction progresses, so the names MW-10A, MW-10B, MW-10C, and MW-1A have not been applied. The elevation of the monitoring wells will be provided once they are established at a more permanent location.

Similarly, if excavation resumes within Phase VI, and the elevation of active surface approaches the base elevation, it is required that Fort Pond, LLC. install Well 6A or 6B adjacent to the active excavation.

Monitoring wells within the reclaimed areas, MW-3B, B103-OW, MW-5B, MW-7B, and MW-9A were not measured for groundwater depth, due to no active excavation occurring in those areas and the installation of the solar array. It is likely that the wells have been, or will be, removed to not interfere with the solar construction.

Groundwater elevations gauged at each well location during the quarterly inspection have been provided in tabular form below.

Well ID	Depth to Water (ft.)	Elevation	Groundwater Elevation
MW-2C	9.95*	367.27	N/A
MW-2A	<i>removed</i>	**	N/A
MW-2D	20.55*	367.55	N/A
MW-4B	24.20*	**	N/A
Phase X-1	<i>inaccessible</i>	355.09	N/A
Phase X-2	18.65*	351.50	N/A
Phase X-3	22.00*	**	N/A
Phase I-1	Too shallow (rocks)	368.50	N/A

\* Well was dry, measurement to bottom of well

\*\* New elevation needed following resetting of well

Well Phase X-1 was damaged by construction vehicles and was repaired with a PVC pipe too high above the ground to be accessible for groundwater measurement. This well casing should be repaired.

Well MW-2A could not be located amongst new stockpiles in the previous location of the well. It is likely that the well has been removed or buried. No excavation work has been completed near MW-2A. This well should be reset when excavation continues in the Phase II or Phase IV area. Upon resetting the well new survey grades for the top of well casing should be provided.

Based on visual estimates of the excavation floor elevation within IX and X, adequate groundwater separation of 10 feet was observed at the time of inspection. The groundwater separation at MW-2C is likely skewed due to its location in close proximity to a detention basin. It is likely that the recent rainstorms contributed to an elevated groundwater mound beneath MW-2C due to the collection of water in the nearby detention basin. No excavation work has been completed near MW-2C.

Between the March 2020 inspection and the June 2020 quarterly inspections, the monitoring well casing on MW-4B was reset following relocation of stockpiles. The well is likely to be relocated again due to planned excavation activities; upon resetting the well, a new survey grade for the top of well casing will be provided.

The monitoring well Phase I-1 is less than 10 feet deep to the base of the well and cannot be used to accurately measure the groundwater table. A monitoring well was installed in 2018 to confirm adequate groundwater separation in the Phase I area, however, there appears to be

large boulders or ledge below grade; the new well within Phase I could only be set at a depth of 3 feet. No work has been completed in that area; this well will be reset when excavation continues in the Phase I area.

Well Phase X-3 is to be relocated when the material surrounding the well is excavated, and the elevation of the well at the new location shall be provided.

The earthen berm constructed from stripped topsoil material continues to provide a buffer between excavation operations and the adjacent athletic field complex. The side of the berm facing the athletic field also has a layer of established vegetation to discourage windblown erosion.

A locking security gate and appropriate signage are present at the entrance to the site. However, site security does appear to be an issue, as there were ATV tracks noted within the Phase X area at the back of the site, bordered by the woods.

Portions of excavation areas within Phases V, VII, and IX had been reclaimed with loam and seeded. Vegetative growth has become established in these reclaimed areas along the bermed perimeter of the site.

A request for truck load logs was made via email to W.J. Graves Construction following the inspection detailing the number of truck loads hauled from site on the date of inspection, September 9, 2022. Graves indicated that no trucks hauled Graded Base material off site on the day of inspection. This loading event satisfied Condition 11 of the EPR Special Permit requiring no more than 70 loads leaving the facility daily.

### **Corrective Actions**

Corrective actions noted during this quarterly inspection include need for repair the well casing of well Phase X-1 to make it accessible for measurement. Fort Pond, LLC should also increase signage or other means of site security at the back of the site, farthest from Fort Pond Road, to deter trespassing.

In closing, the operation of the facility appears to be in general conformance with the most recent Special Permit to Remove Earth Products, effective October 19, 2021, through January 24, 2023. An updated site plan showing active phases and anticipated excavation volumes should be provided with the next renewal request prior to January 2023.

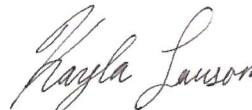
The next quarterly inspection for Fort Pond LLC is scheduled for December 2022. If you have any questions, please contact Kayla Larson at [KMLarson@TigheBond.com](mailto:KMLarson@TigheBond.com) or (508) 471-9610, or Antonio J. da Cruz at [AJDaCruz@TigheBond.com](mailto:AJDaCruz@TigheBond.com) or (508) 471-9617.

Sincerely,

**TIGHE & BOND, INC.**



Antonio J. da Cruz, P.E.  
Vice President



Kayla M. Larson, P.E.  
Project Manager

Enclosure

Copy: Lancaster Select Board (w/encl)

Brian Gingras, Building Inspector/Zoning Enforcement Officer (w/encl)

James Fletcher, Fort Pond LLC (w/encl)

File (w/encl)



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

Facility: Fort Pond LLC  
Inspection Date: 9/9/2022  
Inspector: M.B.

Earth Removal Operation is in Permit Compliance <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Contact:	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
Active Cell:	<u>No active excavation</u>
Depth of Excavation:	<u>350 ~ 360'</u> Comment: <u>No change in base elevation</u>
Description of Current Activities:	<u>Solar installation appears complete</u> <u>Minimal excavation activities occurring since last Site Visit</u>
Dust Issues? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, comment:	
Dust Control Measures In Place: <u>No dust observed, water truck used regularly on Site</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 bermed around perimeter. No erosion observed</u>	

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

Facility: Fort Pond LLC  
Inspection Date: 9/9/2022  
Inspector: M.B

Site Security Issues? ☒ Y ☐ N If yes, comment:

Some ATV tracks still observed in Phase X

Site Security Measures In Place:

Locking gate and signage in place

Groundwater Separation Compliance? ☒ Y ☐ N Comments:

GW Well #	Well Elev	Depth to GW	GW Well #	Well Elev	Depth to GW
MW-2C	367.27	9.95' <del>A</del>	B-103-OW	350.86	Reclaimed Solar Area
MW-2A	361.58	Inaccessible	MW-4B	360.93	24.20' <del>A</del>
MW-2D	367.55	20.55' <del>A</del>	MW-5B	348.75	Reclaimed Solar Area
MW-3 (source well)	N/A	Reclaimed Solar Area	MW-7B	350.76	"
MW-3B	355.32	Reclaimed Solar Area	MW-9A	354.33	"
Phase X-1	355.09	Inaccessible (too high)			
Phase X-2	18.65' <del>A</del>				
Phase X-3	22.00' <del>A</del>				

SITE RESTORATION

Restored Grades in Compliance ☒ Y ☐ N If no, comment:

Depth of Loam: ± 9 inches

Vegetation Established? Yes

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

Facility: Fort Pond LLC  
Inspection Date: 9/9/2022  
Inspector: M.B.

Other Comments:

Current Permit Active

OCT 19, 2021 - January 24, 2023

Well MW-4B found behind stockpile, MW-2A still appears to  
have been removed/buried

Phase X-1 well too high to access



580 Fort Pond LLC



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

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

**Name of Applicant/Grantee:** 580 Fort Pond LLC

**Address of Applicant/Grantee:** 1881 Worcester Rd., Suite 200, Framingham, MA 01701-5410

**Company Name:** Same

**Company Address:** Same

**Permit Issue Date:** October 17, 2019

**Permit Expiration Date:** October 17, 2021

**Conditions:**

1. **Description of Area:** All earth removal and related site work shall be in accordance with the approved Earth Removal plans for 580 Fort Pond LLC, dated May 27, 2011, as prepared by S. J. Mullaney Engineering, Inc. as modified by the terms and conditions of this Special 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.



**TOWN OF LANCASTER, MASSACHUSETTS  
BOARD OF SELECTMEN  
RENEWAL OF 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 a six (6) acre parcel, in accordance with the approved phasing plans.
7. At least two of the six 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 70 trips (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 for every six acres of active work area. Groundwater levels shall be checked on a quarterly basis and data provide 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.
13. Provide a minimum of three (3) permanent benchmarks with elevations for each active phase of the operation.



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

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23. 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.
24. At the discretion of the Boards of Selectmen, a traffic study shall be conducted at the applicant's expense, at least 9 months after excavation starts, to determine if changes to the entrance of traffic pattern of trucks needs to be re-routed
25. A groundwater monitoring report will be provided at the applicant's expense, after 12 months of operation from the start of work, to determine if any further issues will require monitoring

**Date of Public Hearing:** N/A

**Location:** N/A

**Notice of Hearing, Names of newspapers:** N/A

**Date of Public Notice:** N/A

**Certified List of Abutters:** N/A

**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;
- (e) That the use as developed and operated will not adversely affect the neighborhood;



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

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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 Ten Thousand Dollars (\$10,000) per open acre of excavation activities or other amount as specified by the Town's Engineering Consultant, 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 public right-of-way.
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 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 quarterly and at other times as needed.
20. If any conditions of this permit are violated, the permit is subject to revocation by the Board of Selectmen following a hearing.
21. 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.
22. 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.




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

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(f) That the purposes of the Bylaw are substantially met.

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

BOARD OF SELECTMEN:



Stanley B. Starr, Jr., *Chairman*

Date:

*11/18/19*



## AMENDMENT TO SPECIAL PERMIT TO REMOVE EARTH PRODUCTS

Issued to Fort Pond LLC

Concerning 580 Fort Pond Road, Lancaster, Massachusetts

On November 4, 2019, the Board of Selectmen of the Town of Lancaster ("Select Board," approved and issued a Special Permit to Remove Earth Products (together with any prior or subsequent versions of such Special Permit, the "Earth Removal Special Permit") with respect to the earth removal and related site work at property commonly known as Fort Pond, LLC Fort Pond Road, Lancaster, Massachusetts ("Site"). After public meeting held by the Selectmen on November 4, 2019, the Selectmen approved and amends the Earth Removal Special Permit as follows:

1. The Select Board recognizes that on August 24, 2018, the Town of Lancaster Planning Board ("Planning Board"), by unanimous vote, approved the Site Plan application ("Site Plan Approval") submitted by TJA Pope Solar LLC ("Pope Solar," for the construction of a proposed 5.0 megawatt (DC) solar energy generating facility ("Solar Facility") to be located on a portion of the Site of the existing Earth Removal Special Permit, pursuant to a lease by and between Fort Pond LLC and Pope Solar. According to the Planning Board, the Solar Facility will occupy approximately 30 acres of the approximately 76 acres of the Site. No earth removal and related site work covered by this Earth Removal Special Permit shall be undertaken on the area of the Solar Facility. The Solar Facility and Fort Pond LLC shall both operate on the Site. It is the intent of the Select Board that the Solar Facility shall not be governed by the conditions of the Earth Removal Special Permit and any prior or subsequent versions or renewals of same, but shall instead be governed by the Site Plan Approval of the Planning Board. The area of the Solar Facility on the Site is shown on the site plans submitted to and approved by the Planning Board ("Solar Facility Site"). The Site Plan Approval and the depiction of the Solar Facility Site submitted to and approved by the Planning Board are incorporated herein by reference.
2. The Select Board recognizes that two businesses with separate and distinct operations will exist concurrently on the site and that the failure of one entity to maintain its obligations to the Town of Lancaster will not affect the legal occupancy and operation of the otherwise compliant entity.
3. The Select Board recognizes that the obligations of Pope Solar to maintain compliance with its Site Plan Approval and approved Stormwater Permit Application are separate and distinct from those obligations of Fort Pond LLC under its Earth Removal Special Permit, including, without limitation, Fort Pond LLC's obligations as to site closure, restoration of the Site, top or subsoil removal or replacement requirements, dust control and debris, active work areas, slope requirements (including, without limitation, slope creation and/or restoration), truck trip and

traffic restrictions, installation and maintenance of groundwater wells, groundwater monitoring, elevation benchmarks, storm drainage, surety bond requirements, standing water requirements, the agent/consultant review account, limitations on assignment, excavation requirements and traffic study requirements.

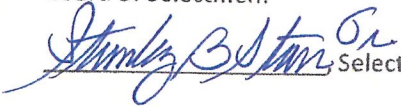
4. Without limiting the generality of the foregoing, the Select Board recognizes that the Decommissioning Plan as required of Pope Solar by the Planning Board in its Site Plan Approval, represents the full extent of its responsibility for any decommissioning, removal of equipment, site restoration, slope restoration, groundwater remediation, soils remediation and the like with respect to the Solar Facility Site. Fort Pond, LLC shall remain solely responsible for any and all site closure, restoration and remediation responsibilities to the Town of Lancaster, as set forth in the Earth Removal Special Permit once the Solar Facility is decommissioned pursuant to the Site Plan Approval.
5. The Select Board recognizes that the lease to Pope Solar of the Solar Facility Site may be assigned to another entity and the construction of the Solar Facility may be financed by a mortgagee or other entity providing financing to Pope Solar, or its successor and assigns. It is the intent of this Amendment that its terms are not limited to Pope Solar and shall apply to any such assignee and/or mortgagee or entity providing financing to Pope Solar, its successors and assigns.

traffic restrictions, installation and maintenance of groundwater wells, groundwater monitoring, elevation benchmarks, storm drainage, surety bond requirements, standing water requirements, the agent/consultant review account, limitations on assignment, excavation requirements and traffic study requirements.

4. Without limiting the generality of the foregoing, the Select Board recognizes that the Decommissioning Plan as required of Pope Solar by the Planning Board in its Site Plan Approval, represents the full extent of its responsibility for any decommissioning, removal of equipment, site restoration, slope restoration, groundwater remediation, soils remediation and the like with respect to the Solar Facility Site. Fort Pond, LLC shall remain solely responsible for any and all site closure, restoration and remediation responsibilities to the Town of Lancaster, as set forth in the Earth Removal Special Permit, once the Solar Facility is decommissioned pursuant to the Site Plan Approval.
5. The Select Board recognizes that the lease to Pope Solar of the Solar Facility Site may be assigned to another entity and the construction of the Solar Facility may be financed by a mortgagee or other entity providing financing to Pope Solar, or its successor and assigns. It is the intent of this Amendment that its terms are not limited to Pope Solar and shall apply to any such assignee and/or mortgagee or entity providing financing to Pope Solar, its successors and assigns.

Voted to approve on this \_\_ day of November, 2019:

Board of Selectmen:

 Select Person  
\_\_\_\_\_, Select Person  
\_\_\_\_\_, Select Person  
\_\_\_\_\_, Select Person  
\_\_\_\_\_, Select Person

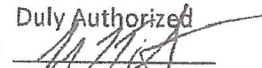
Acknowledged and Agreed:

Fort Pond LLC

By:   
James L. Fletcher

Its: Trustee

Duly Authorized

By:   
John L. Fletcher

Its: Trustee

Duly Authorized



**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: January 24, 2023

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

The Board is in the process of reviewing 580 Fort Pond, LLC 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 Select Board's Office **no later than Tuesday, January 31, 2023.**

Thank you for your assistance in this matter.

Enclosures



TOWN OF LANCASTER  
OFFICE OF THE Select Board

DEPARTMENT COMMENT FORM

DEPARTMENT/BOARD NAME: Treasurer/Collector

Applicant: Fort Pond LLC.

Requests: Application for Special Permit Removal of Earth Products Renewal

Location: 450 Fort Pond Road, Lancaster, MA 01524

COMMENTS: None

DATE: 1-24-23

Mary E. Ad.  
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: Police Department

Applicant: Fort Pond LLC.

Requests: Application for Special Permit Removal of Earth Products Renewal

Location: 450 Fort Pond Road, Lancaster, MA 01524

COMMENTS: No concerns  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: 01-24-2023

Chief Everett L. Moody  
DEPARTMENT HEAD SIGNATURE

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



# Lancaster Community Activity Center and Outdoor Pavilion Concept



Presented by The Memorial School Re-Use Committee

January 2023

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# Memorial School Re-use Committee

## Why a Pavilion?

### Maintaining 90 Years of Tradition in Lancaster's Backyard / Aligning Future Needs

The Memorial School is located on Thayer Memorial Park on a 22 acre parcel of town-owned land directly behind the Town Green and Thayer Memorial Library and adjacent to the Thayer Fields in what is quite literally, Lancaster's backyard.

Lancaster is fortunate to have such an unusual asset in the heart of our town, a credit to Pauline R. Thayer who gifted the land in the name of Nathaniel Thayer just prior to her death in 1934 "...for the purpose of providing a proper and adequate recreation and playground center for the inhabitants of the Town of Lancaster".

The Memorial School structure is a building at risk!

- Large building approx. 19,500 SF with no match to present or future town needs
- Not directly linked to the historic Town Green nor is architecturally significant
- Requires substantial and expensive upgrades for future use as building has been unoccupied and unmaintained for 20+ years



A Pavilion on the Memorial School footprint is a flexible space that would support:

- Thayer Memorial Park & create space for community gatherings
- Align with intent of the original gifted land & current Thayer Field Master Plan
- Enable new use cases for community space that would benefit many in the Lancaster community & beyond!





# Memorial School Re-use Committee

## Why a Pavilion?

### A Pavilion Supports New & Expanded Use Cases

- Local recreation space to support Senior Center activities, youth and adult sport gatherings, club activities (Scouts, 4-H, the Gardening Club, etc.)
- Community picnic area
- Open meeting space
- DIY classes, such as crafts and instruction classes on homeowners' projects, or learning a skilled trade
- Over-flow area for the Halloween Walk, Memorial Day Celebration, and other Town Green socials/events.

### Low Cost & Revenue Generating Potential

- Re-purposing space as a Pavilion costs less to build and maintain. Renovating the current building is costly.
- Space could be rented out for private parties & functions, thus generating revenue to help maintain the park area, community center gardens, etc.
- Open community space would serve multiple populations and needs across the Lancaster community
- Vinyl sides or curtains extend use during inclement weather.
- Solar power on the pavilion roof can lead to guaranteed annual revenues.

### Other Key Considerations Proposal Addresses

- Maintains parking for the Library, playground and town events use
- Avoids new zoning laws that other use cases would bring into play
- Resident support
- Actionable, sustainable



## Memorial School Re-use Committee

### MRPC Recreation Survey

The Montachusett Regional Planning Commission in collaboration with the Thayer Field Recreation Task Force, conducted an Open Space and Recreation survey for the Town of Lancaster, and collected 309 responses.(MRPC Town Center Recreation Campus Master Plan 2011). They also held a number of community meetings regarding the survey.

Included in the top 10 elements of the future campus were:

- Amphitheater/pavilion
- Ice skating and skateboard park
- Additional Basketball court

The new space proposed would be able to accommodate these items as well as pickleball, shuffleboard, bocci, horseshoe pits, cornhole, Senior activities, etc.

## Memorial School Re-use Committee

### Input of abutters and Letters of support

The current Memorial School Reuse committee has 4 individuals that are abutters to the property, in addition to the committee members that represent the Recreation Committee, Library Trustees, Council on Aging, and Lancaster Affordable Housing Trust.

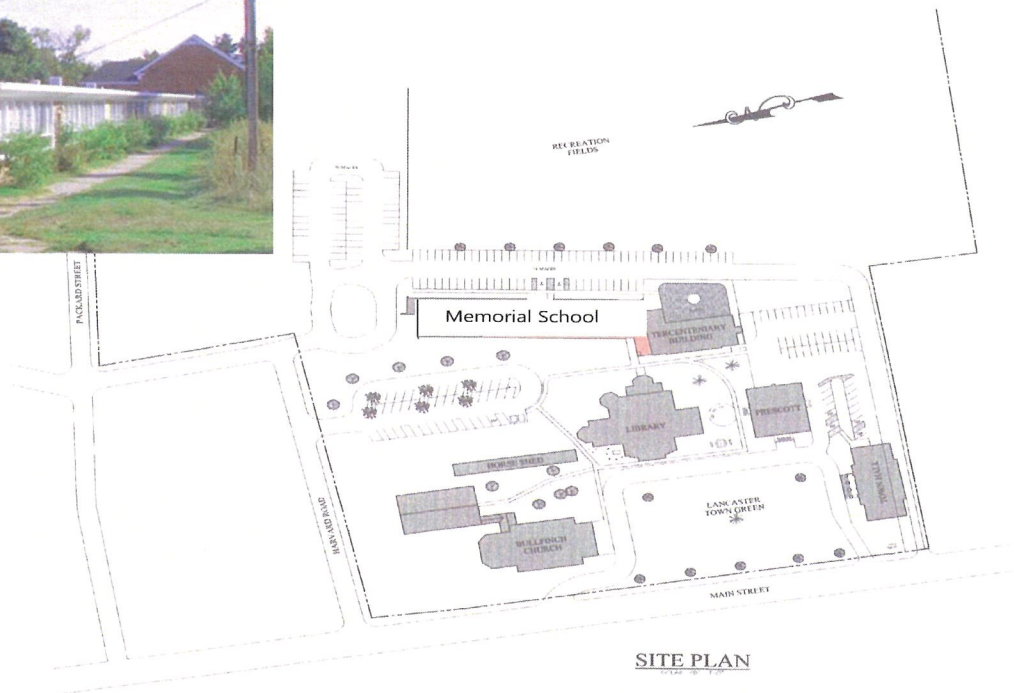
A letter of public support is in circulation, and signatures will be submitted to the CPA.

# Memorial School Re-use Committee

## The Current Building

The Memorial School is a 12-classroom single story brick and steel building built in 1956 located at 39 Harvard Road. It stands adjacent to but DOES NOT include the Tercentenary Building where the Senior Center and Gymnasium is located.

Use of the school was discontinued in 2002 when it was determined too costly to renovate to meet any future needs of the town.



**MUSE Designs** Modified Design  
43 MAHOGANY BLVD  
LANCASTER, MA 01503  
TEL: 978-654-4499  
FAX: 978-227-1208

PROJECT: LANCASTER REGIONAL SCHOOL DISTRICT  
OFFICE: OFFICE OF THE TOWN CLERK  
PROJECT: MEMORIAL BUILDING  
TOWN GREEN, LANCASTER, MA

S-1



# Memorial School Re-use Committee

## Pavilion Estimate – Circle B

The concrete floor could be re-used for the pavilion. Circle B has estimated that a 70' x 200' pavilion would cost \$476,000

<b>Circle B LLC</b> <b>Barn Depot Supply LP</b>  489 Neck Road Lancaster, MA 01523 (978) 368-8400 Tel (978) 368-9130 FAX	<b>PAVILION PROPOSAL</b>  Proposal To: <u>Town of Lancaster Massachusetts</u> Attn: <u>Dan Lapen</u> <u>95 Packard St. Lancaster MA 01523</u>  Date: <u>1/6/2023</u> Telephone: <u>278-880-1825</u> Distance: _____ Job #: <u>14020-34</u> E-Mail: <u>dan@lapen.com</u>
--	---

We hereby submit specifications and estimates for labor and materials to build a 70' x 200' x 10' Wood-Framed Pavilion with Truss Roof Design on 24" pre-engineered footings as follows:

Items	Qty.	Size	Description
Footings:			Pre-engineered concrete footings
Frame:	1	70' x 200' x 10'	Wood frame building with truss roof design (solar ready)
Siding:			Standard kiln-dried shingles pine siding (rough side out), upper gable ends only
Roofing:			Standard architectural shingle roofing over 3/8" OSB underlayment
Doors:			4" Roof Pitch (Aerial) Eaves 4' on center
Windows:			None
Venting:			None
Flooring:			None
Plans:			Allowance of 10 hours design-drawing time for plans

We hereby propose to furnish specifications and estimates for labor and materials in accordance with the above information and attached contract specifications excluding options below) for the total sum of:

Total Pavilion at **\$476,000.00** (excludes options)  
 Four-hundred seventy-six thousand and 00/100 dollars (excludes options)

~ Options (Installed) - Additional Charges Apply ~

Plot Plan Power to Site Flooring	Electrical/Lighting/HVAC Plumbing/FF Hydrants Plywood Allowance	Floor Prep/Arena Footing Painting/Staining Sales Tax on Materials	Excavation/Site Drainage Permit Fee Options above
--	---	---	---

Any alteration or deviation from above specifications including state debts will be expensed only upon written change orders and will become an extra charge over and above this proposal. Payments are to be made per a "Payment Schedule" and due upon receipt of invoice. All agreements are contingent upon wholesale price changes, strikes or delays beyond our control. As shown is a partial based on Canadian. Summary prices is subject to change without notice, subject to our policy regarding rates.

Total Pavilion Price (including options selected above, if any):

Owner's Initials: \_\_\_\_\_ Circle B Initials: \_\_\_\_\_

Acceptance of Proposal:

Upon acceptance, proposal becomes a legal and binding contract. This proposal may be withdrawn by us if not accepted within 10 days.

Customer Signature/Date \_\_\_\_\_ President's Signature/Date \_\_\_\_\_


At acceptance, please sign proposal & contract specification sheet and return both with 25% deposit of \$119,000.00. Deposits non-refundable unless otherwise specified; materials payment required upon delivery of each load.

# Memorial School Re-use Committee

## Recovery of the Memorial School Floor

Compared to renovation, a more cost effective solution would be to recover the Memorial School floor for the pavilion and recreational use.

An estimate for the recovery of the Memorial School floor by removing the walls and roof was provided by Vinagro Corp. for \$189,500

  
Specializing in Demolition and Recycling

September 16<sup>th</sup>, 2022

Project: Memorial School Re-Use 39 Harvard Rd Lancaster, MA

Quote to: Memorial School Re-Use Committee  
Attn: Daniel Lapen Daniel.Lapen@comcast.net  
RE: JR Vinagro Demolition Proposal #P2209-0323

The below listed prices have been prepared for the above referenced project along with a list of conditions. If we were to enter into a subcontract agreement with your firm, these conditions would become part of that agreement.

**Demolition: \$145,000**  
**Misc. Support: \$44,500**

**Specific Scope:**

1. Demolition includes the demolition and removal of 1 story school building (exterior walls, interior walls, and roof) down to slab.
2. Required building separation where 1 story meets 2 story building.
3. JRV assumes handwork demolition at separation location
4. Misc. Support includes Wheel wash, silt fence, temporary fence, cuts and caps on property, and demolition permit.


**Inclusions:**

1. All work performed by JRV will be done in strict accordance with all Local, State, and Federal Safety Regulations. Standard insurance certificate to be provided.
2. All work will be performed in accordance with the Contract Documents, Specifications, and Contract Special Provisions.
3. We assume continuous access/egress for equipment required to perform our work.
4. Proposal is based on working standard 8hr weekday shifts
5. Proposal is based on One (1) mobilization.
6. Procurement of Demolition Permit ( fees are excluded)
7. Wheel wash, silt fence, temp. fence, cuts and caps on property.
8. Excavation to perform our scope of work. Excavated material to be cast adjacent to the work or loaded directly into trucks supplied by others.
9. All Dust control. Water consumption costs/fees by others.
10. All salvageable materials will become the property of JRV.
11. Demolition debris, including masonry and concrete, will be legally disposed/recycled at approved facilities.
12. Demolition Plan showing means, methods, equipment, and locations for your review

**Exclusions:**

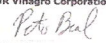
1. We exclude any and all costs associated with all testing, handling, processing, removal and disposal of hazardous materials including but not limited to asbestos, PCBs, regulated wastes, bird guano, soil, fluids, oils, etc. to the extent that same are not quantified and expressly included in our proposal.
2. Premium Tims, Bonds, Permits sidewalk, street opening, etc.)
3. Backfilling/import of material(s), support of excavation, cofferdams, control of water, dewatering, rock excavation, double handling or disposal of excavated material.
4. Any items to be removed and stacked/staked/packaged/reused/stored/transported offsite.
5. Structural load limitations of existing structures. PE Survey, Temp shoring/bracing
6. Elevator Decommissioning (if applicable)
7. Removal & Disposal of loose furniture & equipment
8. Relocation/Abandonment and make safe of any/all utilities.
9. Disconnection of any MEP's (mechanical, electrical, plumbing) if they are connected to the building that is remaining.
10. Police/Fire Details, Security, State Personnel (DOT, etc.) Flagmen, Escorts; Road Closures.
11. Equipment Access to work zones.
12. Any maintenance, protection devices: vehicular or pedestrian traffic control; shutdowns/stoppages and/or cancellations of work beyond our control.

2208 Plainfield Pike, Johnston, RI 02819 tel (401)-943-7100 fax (401) 847-5041

  
Specializing in Demolition and Recycling

13. Disposal of any water runoff generated by dust control, wheel washing operations, demolition equipment, and other demolition activities.
14. Rodent control, Tree protection, Dust/Hose barriers, Temporary partitions
15. Hardscape removals (walls, curb, paving, etc.) beyond building footprint not identified in scope above
16. Patching, Waterproofing, Weatherproofing (ie at separation)
17. Removal of Deep Foundation elements (piles, caissons, etc.)
18. Selective demolition for bracing, utility relocations, etc.
19. Winter Conditions/Snow Removal.
20. Site Restoration (paving, sidewalks, fencing, landscaping, etc.)
21. Noise barriers/sound attenuated equipment. Low vibration/low impact equipment
22. Survey/Layout. Pre/Post survey/video/photos. Independent Testing or Monitoring (noise, dust, vibration, soils, compaction, welding, etc.) or any Inspection by Independent Consultants.

**Payment Terms:** Payment to be made as follows: Monthly requisitions – net 30; final payment due 30 days after completion of our scope of work described above/herein. This proposal may be withdrawn by JRV if not accepted within 15 days. Thank you for the opportunity to bid on this project and we look forward to working with you in the future.

Respectfully,  
  
JR Vinagro Corporation  
Peter Beal  
Vice President, Demolition

2208 Plainfield Pike, Johnston, RI 02819 tel (401)-943-7100 fax (401) 847-5041

## Memorial School Re-use Committee

### Sustainability

The utilities that are envisioned for the current plan are for lighting only. These would be normally turned off, except for special events. Fees for each event would cover any lighting costs that are required for the event.

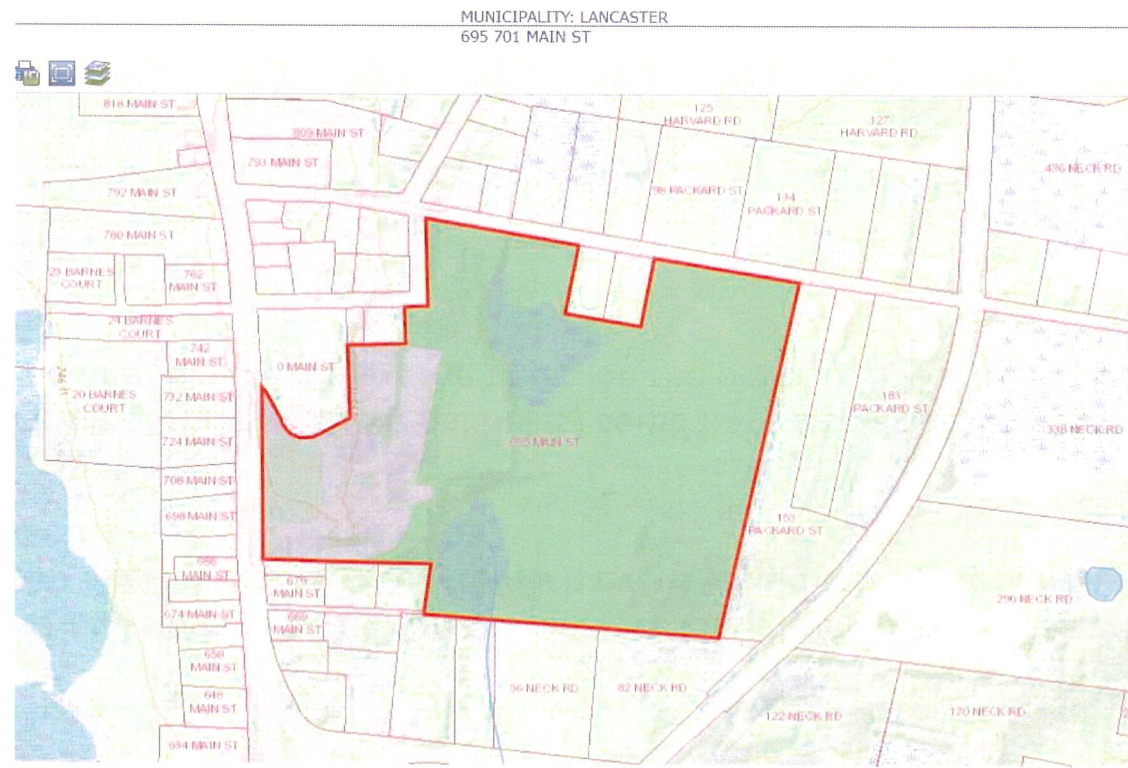
The pavilion roof facing east (toward the ballfields) could have a solar panel installation, that could generate guaranteed annual revenue for the town, on the order of \$10,000 per year.



## Memorial School Re-use Committee

### The Land – Parcel Map

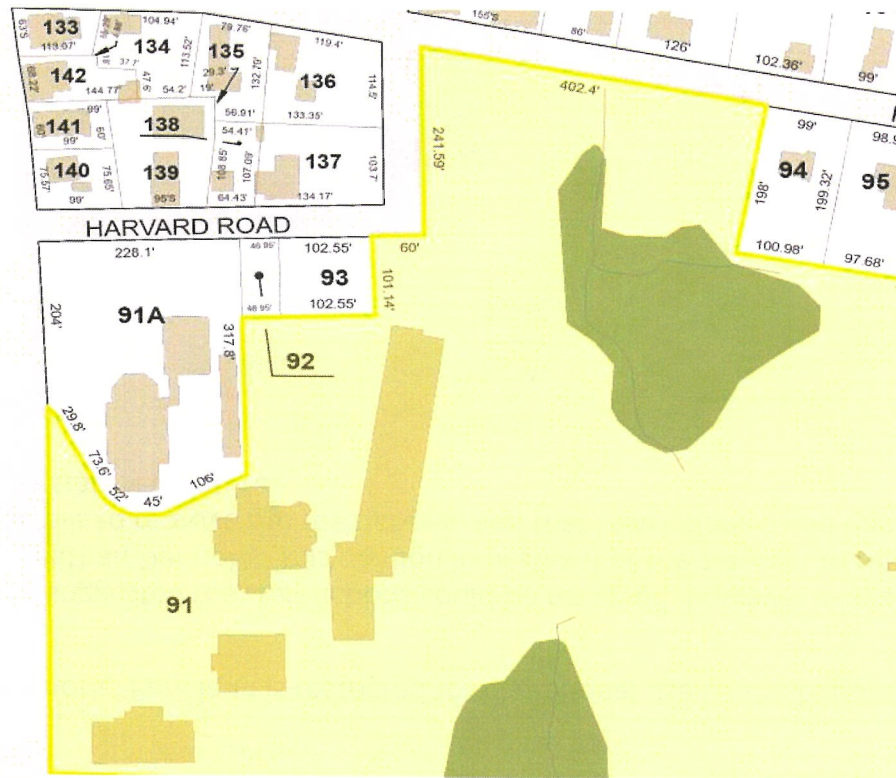
The Memorial School is located on the Thayer Memorial Park land which has been incorporated into the Town Green property, going back at least to 8/23/2011. The parcel map is below:



## Memorial School Re-use Committee

### Wetlands/Conservation Considerations

The Memorial School is located next to a seasonal stream (Blue Lines) and wetland (Green Areas). The edge of the building may or may not be within the 200 ft buffer zone of the seasonal stream.



An Engineering/Design study will be able to determine what conservation restrictions apply.

## Memorial School Re-use Committee

## Land Use Restrictions – Thayer Will

Thayer Memorial Park land is restricted to recreational use by the bequest of Pauline Thayer, which donated the land to the town in 1934.

It has been suggested that restrictions could be removed, however a legal opinion was rendered to the Board of Selectman in 2004 by Jonathan Dennehy. This opinion indicates that the attempt to remove the restrictions by The House of the Good Samaritan fails to remove the restrictions, and that restrictions could only be removed by a 2/3 vote at town meeting AND a 2/3 vote by the state legislature.

TELEPHONE  
(978) 534-4575

JONATHAN M. DENNEHY, ESQUIRE  
DANIEL R. PERKINS, ESQUIRE  
JONAS R. FREEMAN, ESQUIRE

March 23, 2004

Board of Selectmen  
TOWN OF LANCASTER  
Municipal Building  
695 Main Street  
Lancaster, MA 01523

Dear Lancaster Selectmen:

Our office has been asked by James Piermarini to research the possibility of the Town selling property it owns on the Town Common. The Estate of Pauline R. Thayer left the property to the inhabitants of the Town of Lancaster. Mrs. Thayer's will in 1934 left 18.9 acres to be used by the Town "to be used by the said town for the purposes of providing a proper and adequate recreation and play ground center for the inhabitants of the Town of Lancaster ...." (a copy of Mrs. Thayer's will, in its pertinent parts, are attached hereto as Exhibit A). This parcel is referred to herein as the "Gymnasium Property." The "Old Inn" land (as shown on a plan recorded with the Worcester District Registry of Deeds in Plan Book 22, Plan 38, a copy of which is attached hereto as Exhibit B) was excepted from this devise, and therefore excepted from the restrictions imposed by Mrs. Thayer in her will (see Article 2 of said will in Exhibit A). That property was left to Lancaster Social Service Association. The LSSA deeded this property to the Town in two separate deeds recorded in Book 3775, Page 457 and Book 5363, Page 466 (copies of said deeds are attached hereto as Exhibit C).

In 1956, the residual beneficiaries of Mrs. Thayer's will, Massachusetts General Hospital and House of the Good Samaritan attempted to release the Gymnasium Property from the restriction that the property be used as a playground. It is my opinion, however, that this attempt fails to remove the restriction imposed by Mrs. Thayer's will, and that the Town can neither convey the property nor change the use of the property from a "playground use" without a vote of the Massachusetts legislature.

As I am sure you are aware, the town need a two-thirds vote at town meeting under Mass. Gen. Laws, ch. 40, sec. 15 (a) in order to convey town owned real property. In addition to this requirement, in order for the town to convey the Gymnasium Property without running afoul of the restriction, the town would first need to comply with Article 49 of the Massachusetts Constitution. Article 49 guarantees the citizens of the Commonwealth the right to enjoyment of what we would call open space. Because Thayer's will restricted the property to use as a playground, Article 49 would apply to this property, disavowing any attempt to change the use of the property without a two-thirds vote by both the State Senate and State House of Representatives.

If the town endeavored change the use of the Gymnasium Property or to sell it without having the restriction successfully removed, title to the Gymnasium Property would revert by operation of law to the Estate of Pauline R. Thayer. Therefore, I would highly recommend preserving the property as Mrs. Thayer's will provided or gain permission from the Legislature to change the use prior to any attempt to convey the Gymnasium Property or change its use.

If you have any questions, please do not hesitate to call me. Thank you for your attention to this matter.

Very truly yours,  
Daniel R. Perkins, Esq.



# Memorial School Re-use Committee

## Restrictions Voted at Annual Town Meeting

Additional recreational restrictions were placed on the land when the town unanimously voted that the 695 Main Street land parcel (see page 12) would be restricted to recreational use per GL c 45 section 14, at an Annual Town Meeting held May 2, 2016.

GL c 45 section 14 allows for municipal and educational facilities.

There are 2 scrivener errors in the warrant: 1.)the acreage stated should be 22 acres, not 17 acres, and 2.) the CABCO map date should be 8/23 not 8/25.

If the recreational restrictions were removed from the land parcel, then the \$300,000 grant money accepted by the vote, would need to be returned to the grantor agency.

ARTICLE 18  
Board of Selectmen  
Finance Committee

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) for the purpose of designing, developing, constructing, and renovating new and existing outdoor recreational facilities for public use on the Town-owned land located at 695 Main Street, shown as Assessor's Map 34, Parcel 91, consisting of seventeen acres, more or less, and shown on a plan entitled "Plan of Land in Lancaster, made by CABCO, dated 8/25/11", which recreational facilities may include, but are not limited to, park facilities, playground equipment, athletic fields, and any manner of buildings and structures to support and carry out such purpose;

and further to transfer the care, custody, management and control of the said land from the Board of Selectmen for the purpose for which it is currently held to the Recreation Committee for active and passive outdoor recreation purposes in accordance with the provisions of G.L. c. 45, Section 14, as amended, and any other enabling authority with respect to recreation property; and further to dedicate the said property to public recreation and playground purposes forever;

and further to authorize the Recreation Committee and/or its designees to file on behalf of the Town any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts under the Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat 897) or other sources in any way connected with the scope of this article, and to accept funds therefrom and any other gifts and/or grants therefor;

and to enter into any and all agreements and execute any and all instruments as may be necessary or convenient on behalf of the Town to undertake the purposes of the article, and that to meet this appropriation, the Treasurer-Collector with the approval of the Board of Selectmen, is hereby authorized to borrow said sum pursuant to the provisions of G.L. c. 44, Section 7, or any other enabling authority, and to issue bonds or notes of the Town therefor, said funds to be expended under the direction of the Board of Selectmen;

or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

## Memorial School Re-use Committee

### Summary

The recreational concepts and options presented here will allow the highest utilization of the property by the largest numbers of Lancaster residents of all ages.

The pavilion and recreational area by recovering the Memorial School floor, offers a cost effective solution for the utilization of the Memorial School Property.

The Activity Center and Pavilion concept also appreciates and conforms to the existing recreational use restrictions.

An Engineering and Design study will further define the concept and move the town forward toward a facility that is sustainable and meet the needs of the all Lancastrians for the decades to come.

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

## V. PUBLIC COMMENTS

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## **VI. TOWN ADMINISTRATOR REPORT**

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	Source	Chair Email	Chair Verification	Web Updated	Expiration	Address					
<b><u>AFFORDABLE HOUSING TRUST</u></b>											
Victoria Petracca, Chair	<b>Members</b>	3 one year terms; 2 two years terms; 1 ex-officio non voting member; Statutory Reference - Town Bylaw									
Jason Allison, member		vpetraccapublic@gmail.com	yes		6/30/2023	67 Woodland Road					
Carolyn Read, Member		**if elected in 2023 to SB he will be appointed 2 years here				343 Brockelman Rd				**Must have one SB Rep	
Debra Williams, Member					5/8/2023	296 Hill Top Road					
Frank Streeter, Secretary					6/30/2023	159 Old Common Road					
Kelly Dolan, Ex Officio					6/30/2024	135 Bull Hill Road					
					N/A	Lancaster Community Center					
<b><u>AGRICULTURAL COMMISSION</u></b>											
Peter Jakubowicz, Chair	<b>Members</b>	Not less than 5 members; 3 alternate members, staggered terms of 3 years; Statutory Reference Annual Town Meeting Article 12, May 5, 2008									
Susan V. Miner, Clerk		peterjak@msn.com	yes		6/30/2023	500 Hill Top Road					
Maria Moreira, Member					6/30/2025	35 Pine Hill Road					
Stephen Mudgett, Member					6/30/2024	237 Brockelman Road					
Eric Jacobowicz, member					6/30/2024	241 Chace Hill Road					
					6/30/2025	500 Hilltop Road					
<b><u>ANIMAL CONTROL COMMISSION</u></b>											
Maribeth Eugene, Chair	<b>Members</b>	Not less than 5 nor more than 7 Members; staggered terms of 3 years - Statutory Reference; Chapter 170 of Acts of 2004									
Robert Foney, Member		mb_eugene@comcast.net			6/30/2024	565 Langen Road					
Adrienne Gadoua, Member					6/30/2025	865 Brockelman Road					
Christine Burke, Member					6/30/2023	98 Packard Street					
Jon Roper, Member					6/30/2023	4 Heritage Lane					
Open Vacancy, Member					6/30/2023	5 Turner Lane					
Open Vacancy, Member					6/30/2023						
<b><u>BOARD OF APPEALS</u></b>											
Jeanne Rich, Chair	<b>Members</b>	3 or 5 Members and 3 Alternates; staggered terms of 5 years, Alternates for 1, 2, or 3 years - Statutory Reference MGL c.40A Section 12									
Frank Sullivan, Clerk		jeannegrch@gmail.com			6/30/2024	281 Mill Street Ext					
Matthew Mayo, Member					6/30/2027	394 Parker Road					
David Stadtherr, Member					6/30/2023	13 Lee Street					
Robert Alix, Member					6/30/2023	245 Langen Road					
Dennis Hubbard, Associate Member					6/30/2024	61 Woodland Meadow Drive					
Eric Jakubowicz, Associate Member					6/30/2025	285 Grant Way					
Open Seat, Associate Member					6/30/2024	852 George Hill Road					
<b><u>BOARD OF ASSESSORS</u></b>											
Michael Burke Sr., Chair	<b>Members</b>	3 Members; staggered terms of 3 years - Statutory Reference Chapter 315 of the Acts of 2002									
Debra A. Sanders, Member		mikeburkes@aol.com	yes		6/30/2024	97 Harvard Road					
Kristen Fox, Member					6/30/2023	14 Acorn Ave					
					6/30/2024	12 Magnolia Ave					
<b><u>BOARD OF REGISTRARS</u></b>											
Elizabeth Cahill, Chair	<b>Members</b>	3 Members; staggered terms of 3 years and Town Clerk (ex-officio) - Statutory Reference MGL c.51 Section 15									
Mary Perreira, Registrar	confirmed				6/30/2023	395 Neck Road					
Heather LeBlank, Registrar	confirmed				6/30/2025	93 Old Hickory Road					
	confirmed				6/30/2024	40 Farm Land Road					
<b><u>COMMISSION ON DISABILITY</u></b>											
Michael McCue, Chair	<b>Members</b>	Not less than 5 nor more than 9; staggered terms of 3 years - Statutory Reference MGL c.40 Section 8J									
Rose-Marie Bissonette, Vice-Chair		mmccue@mccueassociates.com	yes		6/30/2023	65 Hemlock Lane					
Lesley Allison, Member					6/30/2024	185 Sterling Road					
Daryl Blaney, Member					6/30/2024	343 Brockelman Road					
Eugene Brazao, Member					6/30/2023	125 Narrow Lane					
Brian Gingras, Bldg Inspector		Bldg Inspector (Advisor)			6/30/2023	93 Poulin Drive					
					NA						
<b><u>COMMUNITY PRESERVATION ACT COMMITTEE</u></b>											
Kendra Dickson					6/30/2024	Planning Board Designee					
Win Clark					6/30/2024	Recreation Committee Designee					
Barbara Foster					6/30/2024	Housing Authority Designee					
Margo Hammer Streeter					6/30/2024	Public Member - Select Board Appointee					
Greg Jackson					6/30/2024	Conservation Commission Designee					
Linnea Iakin Servey					6/30/2024	Public Member - Select Board Appointee					
Karen Silverthorn					6/20/2024	Historical Commission Designee					

<b>CONSERVATION COMMISSION</b>									
Tom Christopher, Chair	Members	Not less than 3 nor more than 7 ; staggered terms of 3 years - Statutory Reference MGL c40 Section 8C							
Thomas Seidenberg, Vice Chair		JFarinacci@lancasterma.gov	yes		6/30/2024		252 Fort Pond Inn Road		
James Lavallee, Member					6/30/2023		748 George Hill Road		
Bruce McGregor, Member					6/30/2025		222 Bolton Road	appointed 9/20/2022	
Greg Jackson, Member					6/30/2024		195 Bolton Road		
Don Chaisson, Member					6/30/2023		40 Farnsworth Way		
Open					6/30/2024		710 George Hill Road		
					6/30/2025				
<b>COUNCIL ON AGING BOARD</b>									
Nicole Jimino Kanis, Chair	Members	Shall consist of 5 Regular Members - staggered terms of 3 years; 4 Associate Members - staggered terms of 1 year. - Statutory Reference Town Bylaw - Amended Atm 2022							
Frank MacGrory, Member			yes		6/30/2023		97 Harvard Road		
Roberta G. Winsor, member					6/30/2024		66 South Meadow Road		
Jay Moody, Member					6/30/2024		32 Bigelow Gardens	appointed 11/21/2022	
Linda Cutler, Member					6/30/2023		144 Seven Bridge Rd	appointed 9/29/2022	
Open Associate					6/30/2025		2 Turner Lane	appointed 8/11/2022	
Open Associate									
Open Associate									
Open Associate									
<b>CULTURAL COUNCIL</b>									
Lisa Beaudry, Secretary	Members	Not less than 5 nor not more than 22 - Staggered terms of 3 years for not more than 2 consecutive terms; Statutory Reference MGL c.10 Section 35 C							
Joyce Corbosiero			yes		6/30/2025 1st term		76 Old Hickory Rd	appointed 11/21/2022	
Deborah Adams -					6/30/2025 1st term		52 Poulin Drive	appointed 11/21/2022	
Suzanne M. Turcotte					6/30/2025 1st term		48 Old Hickory Rd	appointed 10/27/2022	
Christine Cassidy					6/30/2025 1st term		357 Nicholas Drive	appointed 11/21/2022	
Denise Hurley, Chair					6/30/2025 1st term		17 Ivy Court	appointed 11/21/2022	
Maureen Hardy, Treasurer					6/30/2025 1st term		102 Bolton Rd		
					6/30/2023 2nd term		30 Woodruff Rd		
<b>HISTORICAL COMMISSION</b>									
Heather Lennon, Chair	Members	Not less than 3Regular Member nor more than 7 - Staggered terms of 3 years; Associate Members no more than three ; Statutory Reference MGL c40 Section 8D							
Imogene (Jean) Watson, Associate		hlennon@earthlink.net	yes		6/30/2023		294 Nicholas Drive		
Sandy Foster, member					6/30/2025		190 Mill Street Extension	appointed 6/6/2023	
Mark A. Schryver, Member					6/30/2025		9 Burbank Lane		
Karen S. Silverthorn, Member					6/30/2025		370 Goss Lane		
Marcia Jakubowicz, Member					6/30/2024		395 Goss Lane		
Amy Brown, Member					6/30/2024		500 Hill Top Road		
Judy Elwell, Member					6/30/2023		218 Sterling Road	appointed 11/29/2022	
					6/30/2025		140 Nicholas Drive		
<b>MEMORIAL SCHOOL RE-USE COMMITTEE (Ad Hoc)</b>									
Cynthia Robinson-Lefebvre		Seven Members - Staggered 3 year terms; Charge - To determine the highest and best use on the disposition of the Memorial School Property							
Win Clark					6/30/2025		134 Packard Street		
Van Cromwick					6/30/2024		Recreation Commission/First Chrch		
Sherry Cutler					6/30/2024		28 Harvard Road		
Carolyn Read					6/30/2023		67 Harvard Road		
Ann Frantz					6/30/2023		Affordable Housing Trust		
Daniel Lapen					6/30/2024		Thayer Memorial Library		
Mark Schyver					6/30/2025		95 Packard Street		
Heather Lennon					6/30/2023		Historical Commission		
					6/30/2023		Historical Commission/Alternate		
<b>RECREATION COMMITTEE</b>									
David Carr, Member		Seven members - Staggered terms of 3 years; Statutory Reference Town Bylaw - revised from 5 to 7 members Article 21, Annual Town Meeting of 5/3/2010							
Win Clark, Member			yes		6/30/2023	**resigned**	71 White Tail Lane		
Kimberly Shah, Member					6/30/2024		928 Main Street		
Mark Renczkowski, Member					6/30/2023		424 Langen Road		
Victoria Fasel, Member					6/30/2025		642 Mill Street Ext		
Monica Tarbell, Member					6/30/2024		89 Rigby Road		
Thomas Wood, Member					6/30/2025		310 Hill Top Road		
Kevin Mitrano, Recreation Director		kmitrano@lancasterma.gov			6/30/2023		698 Main St		

TOWN FOREST COMMITTEE		Three members- Staggered terms of 3 years; Statutory Reference MGL c. 45 Section 21									
Christopher G. Fish					6/30/2023		184 Devonshire Way				
Steve Sikakis					6/20/2024		453 Brockelman Road				
Stephanie Stanton					6/30/2022		942 Main Street				

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

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#1

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#2

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#3

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

KATE HODGES, Town Administrator

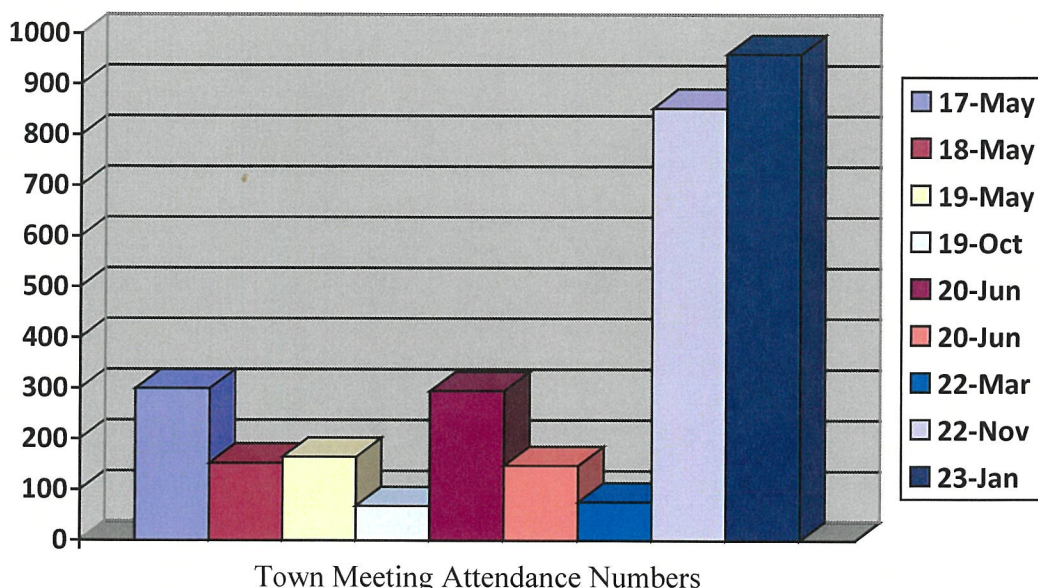
[khodges@lanasterma.gov](mailto:khodges@lanasterma.gov)

## MEMO

To: Jason Allison, Select Board  
From: Kate Hodges, Town Administrator  
Date: January 31, 2023  
CC: Select Board

You asked that I provide you with Lancaster's attendance data relative to Town Meetings held throughout the last several years. Below you will find the total meeting attendees for each session, Annual and Special, that has taken place since May of 2017. I hope this is helpful.

Month & Year	Meeting Type	Attendees	Notes
May 2017	Annual	300	
May 2018	Annual	153	
May 2016	Annual	165	
October 2019	Special	68	
June 2020 (Day 1)	Annual	295	Outdoor, COVID Year
June 2020 (Day 2)	Annual	148	Outdoor, COVID Year
March 2022	Special	76	
November 2022	Special	853	
January 2023	Special	960	



**RANKED BALLOT  
LANCASTER, MASSACHUSETTS  
MAY 8, 2023**

- A. To vote, fill in the OVAL ☐ to the right of the option of your choice like this. ☒
- B. To vote for a time or day that is not printed on the ballot, write-in the details in the space provided and fill in the corresponding oval.
- C. Follow the special instructions for the special questions on the right-hand side of the ballot.
- D. If you wrongly mark, tear the ballot, return it, and get another.

**TOWN MEETING - PREFERRED DAYS & TIMES**

*Rank your choices for meeting dates and times in order*

- To select a 1st choice, fill in the #1 oval ☐ to the right of the day/time.
- You may rank as many or as few days & times as you wish.
- To select a 2nd choice, fill in the #2 oval ☐ to the right of that day/time.
- To select a 3rd choice, fill in the #3 oval ☐ to the right, and so on.
- Fill in no more than one oval per column.

Town Meeting Day & Time	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice	6th Choice
Weekday Evening, 7 PM Start	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Weekday Evening, 5 PM Start	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Saturday Morning, 10 AM Start	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Saturday Afternoon, 1 PM Start	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sunday Morning, 10 AM Start	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sunday Afternoon, 1 PM Start	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Write-in

No more than one oval per column. No more than one oval per line.

If Town Meetings were to be held over multiple days with a 3- hour maximum each day, would you be **more likely no attend?**

YES ☐

NO ☐

Does not impact me either way ☐

If you answered YES to the Question above, what multi-date option is most preferable?

*(Please chose only one option)*

Sun. PM & Mon PM ☐

Sat AM & Sun. PM ☐

Sat PM & Sun AM ☐

Do you regularly attend Annual Town Meeting held the first week of May each year?

YES ☐

NO ☐

Would you, or have you, used the Town's childcare options available at Town Meeting?

YES ☐

NO ☐





# Town of Lancaster Annual Town Meeting Calendar 2023 (FY24)

## FEBRUARY

M	T	W	T	F	S	S
		1	2	3	4	5
<b>6</b>	7	8	9	10	11	12
<b>13</b>	14	15	16	17	18	19
20	21	22	23	<b>24</b>	25	26
<b>27</b>	28					

DATE	EVENT
<b>Feb. 6</b>	Select Board Meeting <i>Set ATM Date &amp; Time</i>
<b>Feb. 13</b>	Select Board Special Meeting <i>Open ATM Warrant</i>
<b>Feb. 24?</b>	Select Board & FINCOMM Joint Mtg. <i>Review/Edit Draft Budget</i>
<b>Feb. 27</b>	Select Board Meeting <i>Finalize Budget Figures for Warrant</i>

## MARCH

M	T	W	T	F	S	S
		1	2	3	4	5
<b>6</b>	7	8	9	10	11	12
13	14	15	<b>16</b>	17	18	19
<b>20</b>	21	22	23	24	25	26
<b>27</b>	28	29	30	31		

March 6	Select Board Meeting
March 20	Select Board Meeting <i>Close ATM Warrant</i>
March 16	Select Board Public Forum <i>Review Select Board ATM Articles</i>
March 27	Planning Board Meeting <i>Public Hearing – ATM Zoning Articles</i>
April 3	Select Board Meeting <i>Approve Final Warrant &amp; Recommendations</i>
April 7	Finance Committee Meeting <i>Recommendations for Finance Articles</i>

## APRIL

M	T	W	T	F	S	S
					1	2
<b>3</b>	<b>4</b>	5	6	<b>7</b>	8	9
10	11	12	<b>13</b>	14	<b>15</b>	16
17	<b>18</b>	19	20	<b>21</b>	22	23
<b>24</b>	25	<b>26</b>	<b>27</b>	<b>28</b>	29	30

April 4-14	Final Warrant to Printer
April 13-20	Post & Publicize Warrant Warrant Mailed/Received in Homes
April 15	Accommodation Requests Due
April 18	Select Board Meeting ( <i>Due to 4/17 holiday</i> ) Review Motions & Logistics
April 21	Town Meeting Prep. Staff-Level Article Sponsor Materials & Presentations due to TA & Moderator by 12 noon.

## MAY

M	T	W	T	F	S	S
<b>1</b>	2	<b>3</b>	4	5	6	7
8	9	10	11	12	13	14
<b>15</b>	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April 24	Planning Board Meeting <i>Recommendations on Zoning Articles</i>
April 26	Town Meeting Prep. Staff-Level
April 27	Moderator's Meeting w/Proponents & Staff
April 28	Finalize Details for Audio/Visual
May 1	Select Board Meeting
May 3	Town Meeting Commences
May 15	Select Board Meeting

#4

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**Commonwealth of Massachusetts**  
*Worcester Regional Retirement System*

Kevin P. Blanchette • Chairman

Board Members: Rebecca L. Tuttle • Pauline M. Lajoie • Michael J. Donoghue • Eugene J. Durgin, Jr.  
Michael Sacco, Esquire • Chief Executive Officer

**MEMORANDUM**

**RECEIVED**

JAN 13 2023

TO: Member Unit Boards of Selectmen

**Board of Selectmen**

FROM: Kevin P. Blanchette, Chairman  
Rebecca Tuttle, Member  
Michael Donoghue, Elected Member  
Pauline Lajoie, Elected Member  
Eugene Durgin, Member

DATE: January 6, 2023

RE: Chapter 269 of the Acts of 2022 - Cost-of-Living Adjustment

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At its meeting on December 20, 2022, the Worcester Regional Retirement Board voted to approve the additional 2% cost-of-living adjustment as authorized by Chapter 269 of the Acts of 2022, which Governor Baker signed into law on November 16, 2022.

Chapter 269 further requires the approval of 2/3 of the Chief Executive authorities of our member towns. It is our hope that your Board will consider approval of the COLA as soon as possible, however the votes must be held before June 30, 2023. Should 34 of our towns approve, the additional 2% COLA will be applied retroactive to July 1, 2022. The Board stands ready to assist you in any way as you consider this matter. Our Chief Executive Officer, Michael Sacco will be available to attend any meetings should you deem it appropriate.

As a reminder, any COLA granted is based only on the first \$16,000 paid to our retirees, and the WRRB previously voted to grant a 3% COLA to the WRRS' retirees and survivor beneficiaries effective July 1, 2022.

The WRRB will be conducting its annual meeting with the WRRS member unit Treasurers and Collectors on January 19, 2023 at the Auburn Elks, 754 Southbridge Street, Auburn at 8:30 a.m. The WRRB's Actuary, Linda Bournival from KMS Actuaries, will be present to not only discuss the annual member unit assessments, but also to discuss the cost the member units will incur if the additional 2% COLA is approved and how it will be allocated in future assessments. Please note, as Linda will discuss in more detail, approval of the COLA will **not** impact your FY 24 or FY 25 assessment.

Should you have any questions please contact the WRRS's Chief Executive Officer, Michael Sacco, who will be able to assist you.

## M E M O R A N D U M

TO: All Retirement Boards

FROM: John W. Parsons, Esq., Executive Director

RE: 5% Local COLA option

DATE: November 18, 2022

On November 16, 2022, the Governor signed Chapter 269 of the Acts of 2022 into law. This act provides the local retirement systems with a local option to increase the Cost of Living Adjustment ("COLA") for Fiscal Year 2023 to up to 5 percent on the base amount specified pursuant to G.L. c. 32, § 103. The approval of the increase can occur at any time during the fiscal year and will take effect as of July 1, 2022.

The local approval mechanism is different than traditional COLA increases and COLA base increases. In order for a system to adopt a COLA increase pursuant to this act, **the retirement board must vote for the increased amount and then it must also receive local approval.**

For purposes of this act, local approval means:

- In a city, the mayor must recommend the increase to the city council and the council must vote in favor.
- In a city having a Plan D or Plan E charter, the city manager must recommend the increase to the city council and the council must vote in favor.
- In a town, the chief executive officer<sup>1</sup> - the select board in nearly all cases - must vote in favor to accept the increase rather than the town meeting as is the case for COLA base increases.
- In a district, or other political subdivision, the governing board, commission or committee must vote in favor to accept the COLA increase.

<sup>1</sup> As defined in G.L. c. 4, § 7, "chief executive officer", when used in connection with the operation of municipal governments shall include the mayor in a city and the select board in a town unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.



MEMORANDUM - Page Two

TO: All Retirement Boards  
FROM: John W. Parsons, Esq., Executive Director  
RE: 5% Local COLA option  
DATE: November 18, 2022

- In a regional system, two-thirds of the cities and towns within the system must approve the increase. This is done in the same fashion as stated above for municipalities: in a city, by the city council upon recommendation by the mayor or, in a city with a Plan D or Plan E charter, the city manager; or, in a town, by approval of the chief executive officer (likely the select board) as defined by G.L. c. 4, § 7.
- In a county, the county commissioners, who normally do not have a role in COLAs nor COLA base increases, must vote to accept **and** two-thirds of the cities and towns within the system must approve the increase in the same manner as stated above for regional systems.

Though many local systems are comprised of multiple units such as housing authorities and districts, the two-thirds language only applies to regional and county systems as the approval specified in the statute only refers to cities and towns as voting political subdivisions.

Section 2 of the act provides that a COLA increase pursuant to this act is retroactive to July 1, 2022. Any COLA increase, in addition to any COLA previously adopted for FY 23, will become part of the fixed amount of a retirees' retirement allowance in the same manner as all COLAs granted pursuant to section 103.

PERAC has already received questions about estimating the cost of the enhanced COLA. PERAC Actuary John Boorack has provided the following formula for a conservative full-cost estimate, not a one-year estimate, to assist boards in their planning:

$$(0.2) \times (\text{COLA base}) \times (\# \text{ of retirees/beneficiaries})$$

If you have any questions about this memo, please contact PERAC's General Counsel, Judith Corrigan, at (617) 591-8904 or at [judith.a.corrigan@mass.gov](mailto:judith.a.corrigan@mass.gov).

# AN ACT RELATIVE TO COST-OF-LIVING ADJUSTMENTS FOR RETIREES

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide for increased cost-of-living adjustments for retirees, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. (a) (1) Notwithstanding section 103 of chapter 32 of the General Laws or any other general or special law to the contrary, the retirement board of any system that has accepted said section 103 may elect to establish a cost-of-living adjustment increase of not less than 3 per cent and not greater than 5 per cent on the base amount provided for in said section 103 for fiscal year 2023.


(2) The sum of the dollar amount of the cost-of-living increase on the base amount, together with the amount of retirement allowance, pension or annuity to which the cost-of-living increase is applied, shall become the fixed retirement allowance, pension or annuity for all future purposes, including the application of subsequent cost-of-living adjustments in future years.

(b) A retirement board may grant a cost-of-living increase of not less than 3 per cent and not greater than 5 per cent on the base amount for fiscal year 2023 at any time during the fiscal year.

(c) This section shall take effect for the members of a retirement system by a majority vote of the board of such system and upon local acceptance: (i) of the city council upon recommendation of the mayor in a city, (ii) of the city council upon recommendation of the city manager in a city having a Plan D or Plan E charter, (iii) of the chief executive officer, as defined in section 7 of chapter 4 of the General Laws, in a town, (iv) of the county commissioners in a county and (v) by vote of the governing board, commission or committee in a district or other political subdivision of the commonwealth. For any retirement system comprising more than 1 political subdivision of the commonwealth, this section shall be effective by a majority vote of the board of such system and upon the acceptance of two-thirds of cities and towns within the system by approval of: (i) the city council upon recommendation of the mayor in a city, (ii) the city council upon recommendation of the city manager in a city having a Plan D or Plan E charter, and (iii) the chief executive officer, as defined in section 7 of chapter 4 of the General Laws, in a town.

SECTION 2. This act shall take effect on July 1, 2022.

*Approved, November 16, 2022.*

<h2 style="text-align: center;">Presentation to the Member Units of the Worcester Regional Retirement System</h2>	
<p>January 19, 2023</p> <p>Presented by</p>  <p><b>Linda L. Bournival, FSA</b> Consulting Actuary</p>	

1

<p><b>Linda L. Bournival, FSA, EA, MAAA</b></p> <ul style="list-style-type: none"> <li>▪ <b>Actuarial Credentials</b> <ul style="list-style-type: none"> <li>• Fellow of the Society of Actuaries</li> <li>• Enrolled Actuary under ERISA</li> <li>• Member of the American Academy of Actuaries</li> <li>• Fellow of the Conference of Consulting Actuaries</li> <li>• Member of the Society of Actuaries "Social Insurance and Public Finance" Council</li> </ul> </li> <li>▪ <b>Over 30 years of Actuarial &amp; Benefits Consulting Experience</b> <ul style="list-style-type: none"> <li>• Public Pension valuation and consulting experience</li> <li>• Conducted actuarial audits of large state pension and healthcare systems</li> <li>• Pension Obligation Bond consulting and actuarial analysis</li> <li>• Retiree healthcare (OPEB) valuations                             <ul style="list-style-type: none"> <li>◦ Cities, Towns, Counties, School Districts, Enterprise Units, Housing Authorities and a state university system</li> </ul> </li> </ul> </li> </ul>	
<p style="text-align: center;"><i>Worcester Regional Retirement System – Valuation Results as of January 1, 2022 – FY24 Appropriations</i></p>	

3

<ul style="list-style-type: none"> <li>▪ Introduction</li> <li>▪ Most Recent Valuation - January 1, 2022</li> <li>▪ Member Unit Statements</li> <li>▪ Summary of Member Unit Data</li> <li>▪ FY24 Appropriations</li> <li>▪ Why the increase?</li> <li>▪ GASB Statements 67 and 68</li> <li>▪ Funding and GASB 68</li> <li>▪ 5% COLA impact</li> <li>▪ Pensionomics 2023</li> <li>▪ Questions</li> </ul>	
<p style="text-align: center;"><i>Worcester Regional Retirement System – Valuation Results as of January 1, 2022 – FY24 Appropriations</i></p>	

2

<ul style="list-style-type: none"> <li>▪ Liabilities developed as of January 1, 2022                             <ul style="list-style-type: none"> <li>➤ Membership data as of December 31, 2021</li> <li>➤ Market value of assets as of December 31, 2021</li> </ul> </li> <li>▪ Results used to develop                             <ul style="list-style-type: none"> <li>➤ FY24 and FY25 appropriations                                     <ul style="list-style-type: none"> <li>• Used <u>actuarial method</u> to allocate amongst member units</li> </ul> </li> <li>➤ GASB 67 disclosures – 2022 and 2023</li> <li>➤ GASB 68 disclosures – FY23 and FY24</li> </ul> </li> </ul>	
<p style="text-align: center;"><i>Worcester Regional Retirement System – Valuation Results as of January 1, 2022 – FY24 Appropriations</i></p>	

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<ul style="list-style-type: none"> <li>Statement prepared for each contributing Member Unit</li> <li>2022 valuation results are the basis for appropriations <ul style="list-style-type: none"> <li>FY24 and FY25</li> </ul> </li> <li>Contents <ul style="list-style-type: none"> <li>➤ Summary of Member Data</li> <li>➤ Valuation Results as of January 1, 2022 <ul style="list-style-type: none"> <li>Employer Normal Cost</li> <li>Unfunded Actuarial Accrued Liability</li> </ul> </li> <li>➤ FY24 appropriations</li> </ul> </li> </ul>	
Worcester Regional Retirement System – Valuation Results as of January 1, 2022 – FY24 Appropriations	

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Summary of Member Data	Member Unit	Worcester Regional
<i>Active Members</i>	58,083	7,121
Average Age	47.4	47.0
Average Service	11.3	9.6
Valuation Salary	3,686,789	\$352,756,822
Average Salary	\$62,488	\$49,538
<i>Retired Members and Beneficiaries</i>	34,000	3,838
Average Age	72.1	75.0
Total Annual Pension	\$1,193,611	\$91,096,821
Average Annual Pension	\$35,106	\$23,735
<i>Disabled Members - Accidental</i>		236
Average Age		64.6
Total Annual Pension	\$0	\$9,327,359
Average Annual Pension	\$0	\$9,523
<i>Disabled Members - Ordinary</i>	2,400	38
Average Age	74.6	61.4
Total Annual Pension	\$58,569	\$731,817
Average Annual Pension	\$29,280	\$39,258
<i>Inactive Members</i>	16,000	2,714
Annuity Savings Fund	\$570,225	\$26,264,607

- Fractional member = multi-unit member
- Salaries from different units (for same member) are totaled to develop benefits
- Salaries broken out by unit to develop appropriation

7

<ul style="list-style-type: none"> <li>Valuation Results are only as good as the data used <ul style="list-style-type: none"> <li>➤ Active member data <ul style="list-style-type: none"> <li>Pensionable compensation</li> <li>Birth date</li> <li>Membership date</li> <li>Gender</li> <li>Member contribution rate</li> </ul> </li> <li>➤ Retired member data <ul style="list-style-type: none"> <li>Pension benefit</li> <li>Birth date</li> <li>Gender</li> <li>Option C beneficiary birth date and gender</li> </ul> </li> </ul> </li> </ul>	
Worcester Regional Retirement System – Valuation Results as of January 1, 2022 – FY24 Appropriations	

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<b>Employee Normal Cost as of January 1, 2022</b>		
a. Total Normal Cost	\$779,155	\$54,862,658
b. Administrative Expenses	17,506	1,328,607
c. Expected Employee Contributions	404,333	34,217,858
d. Employer Normal Cost = a. + b. - c.	\$392,328	\$21,973,407
<b>Unfunded Actuarial Accrued Liability (UAAL) as of January 1, 2022</b>		
<b>Actuarial Accrued Liability (AAL):</b>		
a. Active Members	\$11,019,838	\$833,725,681
b. Retired Members and Beneficiaries	12,508,087	922,337,478
c. Disabled Members - Accidental	0	109,209,231
d. Disabled Members - Ordinary	557,670	9,014,225
e. Inactive Members	\$70,225	26,264,607
f. Total AAL = a. + b. + c. + d. + e.	\$24,655,820	\$1,980,571,222
<b>Unfunded Actuarial Accrued Liability (UAAL):</b>		
g. Actuarial Accrued Liability = f.	\$24,655,820	\$1,980,571,222
h. Actuarial Value of Assets	12,436,474	\$66,692,771
i. Unfunded Actuarial Accrued Liability = g. - h.	\$12,219,346	\$933,878,451

- Normal cost is the present value of the benefits earned by active members during the current year
- Actuarial Accrued Liability (AAL) is the present value of benefits earned as of the valuation date
- Assets are allocated to each member unit based on the AAL
- Unfunded Actuarial Accrued Liability = AAL less Actuarial Value of Assets

**Worcester Regional Retirement System – Valuation Results as of January 1, 2022 – FY24 Appropriations**

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<ul style="list-style-type: none"> <li>Update payments for 2002 and 2003 ERIs</li> <li>Actual Liabilities developed for each member               <ul style="list-style-type: none"> <li>Total liabilities by Member Unit</li> </ul> </li> <li>Actuarial Value of Assets allocated to each Member Unit</li> <li>Appropriation consists of               <ul style="list-style-type: none"> <li>Employer Normal Cost (cost of benefits earned during the year)</li> <li>Amortization Payment towards Unfunded Actuarial Accrued Liability</li> <li>ERI Payments</li> <li>Expected Net 3(8)(c) transfers</li> <li>Administrative Expenses</li> </ul> </li> </ul>	
Worcester Regional Retirement System – Valuation Results as of January 1, 2022 – FY24 Appropriations	

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11% Increase from FY23 to FY24		
Component	FY23	FY24
Normal cost	\$200,000	\$200,000 + 3.5% = \$207,000
Amortization	\$600,000	\$600,000 + 13.5% = \$681,000
Total	\$800,000	\$888,000 = 11% increase
6.83% Increase from FY23 to FY24		
Component	FY23	FY24
Normal cost	\$200,000	\$200,000 + 3.5% = \$207,000
Amortization	\$100,000	\$100,000 + 13.5% = \$113,500
Total	\$300,000	\$320,500 = 6.83% increase

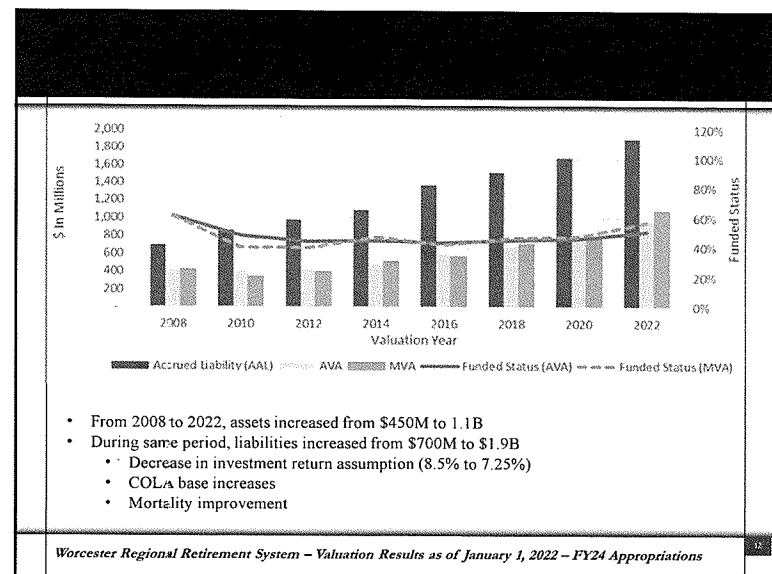
11

FY2024 Appropriation		
a. Employer Normal Cost	\$425,345	\$28,406,667
b. Payment on U-M	791,150	60,479,123
c. Payment on 2002 ERI	17,677	1,746,741
d. Payment on 2003 ERI	0	142,469
e. Payment on 2010 ERI	0	0
f. Total Appropriation = a + b + c + d + e.	\$1,254,381	\$90,974,996
<b>If Total Appropriation paid on July 1, 2023</b>	<b>\$1,252,811</b>	<b>\$89,410,634</b>

- Increased \$8.2 million over FY23 appropriation (9.95%)
  - Current Appropriation Schedule caps increases from year to year at 9.95%
  - Normal cost increased 3.5%
  - Amortization Payments
    - Unfunded Actuarial Accrued Liability increased by 13.5%
    - ERI 2002 and ERI 2003 increased by 4.5%
- Offer “early payment” discount of 1.72% if total appropriation paid on July 1, 2023
- Examples of hypothetical member units’ increases for FY24 (next slide)

*Worcester Regional Retirement System – Valuation Results as of January 1, 2022 – FY24 Appropriations*

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Valuation as of Jan 1	2010*	2012	2014	2016	2018	2020	2022
Passage of time	8.32	14.77	19.61	8.60	37.54	25.16	10.77
Benefit changes	9.36	0.00	12.10	24.23	0.55	0.00	0.00
Assumption changes	(27.53)	4.77	3.69	113.03	0.00	24.91	65.19
Actuarial (gains) and losses	49.80	23.77	(5.21)	33.35	19.33	3.16	17.32
Asset (gains) and losses	106.06	53.79	23.11	(4.03)	(2.90)	16.20	(57.97)
Total	146.01	97.10	53.30	175.18	54.52	69.43	35.31
* Based on 3 years							
Worcester Regional Retirement System – Valuation Results as of January 1, 2022 – FY24 Appropriations							

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- Normal cost is the cost of benefits earned during the current year
- The amounts in the table below represent the average normal costs for a new hire at the specified ages in the year of hire, based on member group classification:

Age	Group 1	Group 4
25	\$0	\$4,200
35	\$500	\$7,200
45	\$1,800	\$10,000

- The normal cost increases annually by approximately 3.5% until retirement

Worcester Regional Retirement System – Valuation Results as of January 1, 2022 – FY24 Appropriations

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<ul style="list-style-type: none"> <li>The liabilities and other information are not the same!</li> </ul>		
	Funding	GASB 68
Liabilities	Developed as of January 1, 2022	Rolled forward from January 1, 2020 to December 31, 2021
Appropriations	<ul style="list-style-type: none"> <li>Based on Chapter 32</li> <li>Allocated to member units based on actuarial method</li> </ul>	Not applicable
Pension Expense	Not applicable	<ul style="list-style-type: none"> <li>Based on GASB 68</li> <li>Allocated to member units based on FY22 appropriations actually paid</li> </ul>
Worcester Regional Retirement System – Valuation Results as of January 1, 2022 – FY24 Appropriations		

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<ul style="list-style-type: none"> <li>Recent legislation allows systems to grant an additional 2% COLA             <ul style="list-style-type: none"> <li>Retrospective to July 1, 2022</li> <li>State currently allows “0% to 3%” up to the COLA base of \$16,000</li> <li>Additional 2% must be approved by 2/3<sup>rd</sup> of municipal units</li> </ul> </li> <li>Liabilities are expected to increase by approximately \$8.9 million             <ul style="list-style-type: none"> <li>\$8.9 million is an increase of approximately .5% of liabilities</li> <li>Impact on FY2026 appropriations is an increase of \$1.219 million</li> <li>Future appropriations will increase by approximately 4% until 2033</li> </ul> </li> </ul>
Worcester Regional Retirement System – Valuation Results as of January 1, 2022 – FY24 Appropriations

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Cost of Additional 2% COLA - Example	
<ul style="list-style-type: none"> <li>Member Unit Scenario               <ul style="list-style-type: none"> <li>A member unit has liabilities that represent 5% of the System's total</li> <li>The payment toward reducing the unfunded actuarial accrued liability (UAAL) is approximately 5% of the System's total payment toward reducing the UAAL</li> </ul> </li> <li>Additional 2% COLA granted               <ul style="list-style-type: none"> <li>member unit has retiree liabilities (including beneficiaries and disabled retirees) of \$2,000,000 as shown in the FY2024 Member Unit Statement</li> <li>Multiply the retiree liabilities times .001188</li> <li>The estimated increase in the FY2026 payment to provide the additional 2% COLA is \$2,376, increasing 4% per year until 2036</li> </ul> </li> </ul>	
Worcester Regional Retirement System – Valuation Results as of January 1, 2022 – FY24 Appropriations	

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<p><i>Questions?</i></p>	

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Pensionomics 2023	
<ul style="list-style-type: none"> <li>“Measuring the Economic Impact of DB Pension Expenditures”</li> <li>Annual report prepared by National Institute on Retirement Security</li> <li>Research on benefits paid by state and local pension plans</li> <li>Key takeaways               <ul style="list-style-type: none"> <li>Average Massachusetts public pension was \$37,315 in 2020</li> <li>Between 1993 and 2020                   <ul style="list-style-type: none"> <li>❖ 33% of pension fund receipts came from employer contributions</li> <li>❖ 20% from member deductions</li> <li>❖ 47% from investment earnings</li> </ul> </li> </ul> </li> <li><a href="https://www.nirsonline.org/reports/pensionomics2023/">https://www.nirsonline.org/reports/pensionomics2023/</a></li> </ul>	
Worcester Regional Retirement System – Valuation Results as of January 1, 2022 – FY24 Appropriations	

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## **VIII. APPOINTMENTS AND RESIGNATIONS**

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## Kathi Rocco

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**From:** Kate Hodges  
**Sent:** Friday, January 27, 2023 2:46 PM  
**To:** Heather  
**Cc:** Kathi Rocco  
**Subject:** FW: Lancaster Historical Commission - Transitions  
**Attachments:** LHC Ltr.of Resignation Joan Richards 1-25-23.docx

Thanks, Heather.

Kathi, for the SB

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

**From:** Heather <hlennon@earthlink.net>  
**Sent:** Thursday, January 26, 2023 11:32 AM  
**To:** Steve Kerrigan <stevekerrigan@gmail.com>; Jason A. Allison <JAllison@lanasterma.net>; Alix Turner <turnerselect@gmail.com>; Kate Hodges <KHodges@lanasterma.gov>  
**Cc:** Kathi Rocco <KRocco@lanasterma.gov>  
**Subject:** Lancaster Historical Commission - Transitions

Dear Select Board Members and Town Administrator,

At our monthly meeting of 1-25-23, members of the Lancaster Historical Commission voted unanimously:

1. To have me continue on as Chairperson for 2023.
2. To accept Joan Richards formal letter of resignation. (See attached.)
3. To recommend to you John "Sandy" Foster for appointment to full member in Joan's place.

I believe you have received previously his letter of interest.

Thank you very much.

Best regards,

Heather Lennon, LHC Chair

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



Joan Richards  
9 Burbank Lane  
Lancaster, MA 01523 (note mailing address below)

January 25, 2023

Sent via email (hard copy mailed to the LHC Chair)

TO: Heather Lennon, Chair, Lancaster Historical Commission, Lancaster, MA 01523

Dear Heather and Members of the Lancaster Historical Commission(LHC):

This letter is my letter of notification of my resignation effective January 27, 2023, from the Historical Commission.

When the Commission members vote to accept my resignation at their January 25, 2023 meeting, I will submit my letter to the Select Board noting the LHC has accepted my resignation.

It has been my pleasure to have been affiliated with the LHC since 1992. I have served with six chairpersons (Phyllis Farnsworth, Deborah Leonard, Jack Pirozzolo, Anne Androski, Michael Sczerzen, and Heather Maurer Lennon) and also assisted the committee appointed as the Historic District Study Committee. I have worked with many historical volunteers through the years and met some very dedicated and talented individuals; and I was thrilled to participate in the 2003 Celebration of the Town of Lancaster.

Best wishes to the LHC members and the work of "preserving the best to last." Lancaster has such a rich history, and the LHC works hard to "save the best to last". Thank you for the opportunity to serve with you, it was grand.

Yours very truly,

Joan Richards Mailing Address: Email: [joanphr@yahoo.com](mailto:joanphr@yahoo.com); 1 Regency Village Way #306, Merrimac, MA 01860

## Kathi Rocco

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**From:** eastwoodfoss@aol.com  
**Sent:** Wednesday, January 11, 2023 12:37 PM  
**To:** stevekerrigan@gmail.com; turnerselect@gmail.com; Jason A. Allison; Kate Hodges; Kathi Rocco  
**Cc:** heather@earthlink.net  
**Subject:** Re: Lancaster Historical Commission

Hello:

I would like to be considered for the position of full member of the Lancaster Historical Commission.

I have resided in Town all of my life, was educated in the Lancaster and Nashoba School systems and have been very interested in the Towns history.

I was employed by the Town as follows:

- 1968 -1983: Cemetery, Tree and Parks Department
- 1983 - 2007: Department of Public Works Foreman, Cemetery and Tree Division
- 2007 - 2012: Department of Public Works Superintendent

I have served the Town as follows:

- 1979 - 2010: Lancaster Ambulance Department, Emergency Medical Technician  
(1984 - 1990 as Captain)
- 1971 - 1980 Lancaster Planning Board and
- 1981 - 1984: Lancaster Planning Board (seven years as clerk)
- 1987 - 1990: Lancaster Recreation Committee and
- 1994 - 2000: Lancaster Recreation Committee, clerk
- 2003 - 2007: Lancaster Housing Authority (state appointee)

I have also served on:

- cable tv advisory committee
- North Village Historic District Study Committee
- Bi-Centennial Parade Committee
- Election Teller

Thank you for your consideration in this matter.

John A. (Sandy) Foster, II  
9 Otis Street  
Lancaster, Ma 01523

eastwoodfoss@aol.com

## IX. LICENSES AND PERMITS

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## **X. NEW BUSINESS**

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## **XI. COMMUNICATIONS**

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## **XII. ON GOING PROJECTS & OLD BUSINESS**

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### XIII. ADJOURNMENT

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