



LANCASTER SELECT BOARD
Regular Meeting Agenda via ZOOM™
Wednesday, January 19, 2022
6:00 P.M. – 9:00 P.M.

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

I. CALL TO ORDER

Chairman Jason A. Allison will call the meeting to Order at 6:00 P.M. via ZOOM™
Join Zoom Meeting

<https://us02web.zoom.us/j/84843124092>

Meeting ID: 848 4312 4092

One tap mobile

+13017158592,,84843124092# US (Washington DC) 13126266799,,84843124092#

+US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 848 4312 4092

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

II. APPROVAL OF MEETING MINUTES

Review and take action on Regular Meeting Minutes: June 7, 2021, December 20, 2021, and January 3, 2022.

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

6:05 P.M. Public Hearing - Smart Growth Zoning District

Pursuant to Chapter 40R of the Massachusetts General Laws, and the associated regulations, specifically 760 CMR 59.05(1), the Select Board will hold a public hearing on January 19, 2022 at 6:05pm remotely via Zoom™ to consider a proposed Smart Growth Zoning District and to consider the Board's submission of an Application for Preliminary Determination of Eligibility for 40R Zoning to the Massachusetts Department of Housing and Community Development. The proponent of this District and Application is the Lancaster Affordable Housing Trust and is recommending the North Lancaster Smart Growth Zoning District comprised of properties at Assessor's Parcel ID #s 14-4.M, 14-4.L, 14-4.N, 14-4.G, 14-4.F, 14-4.C, 14-4.B, 14-4.K, 14-4.J, 14-4.I, 14-4.H, 14-4.A, 14-8.A, 14-8.0, 14-4.0, 14-9.0, totaling approximately 64 acres.

Zoom link to access the public hearing: <https://us02web.zoom.us/j/84843124092> Meeting ID: 848 4312



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A copy of the application and attachments may be reviewed at the Select Board Office, Prescott Building – 2nd Floor, 701 Main Street, Lancaster, MA (978) 365-3326 ext. 1201, and online at:

www.ci.lancaster.ma.us/affordable-housing-trust/pages/40r-smart-growth-overlay-district-route-70

IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE

V. PUBLIC COMMENT PERIOD

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

VI. TOWN ADMINISTRATOR REPORT -

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

- Sale of Atlantic Union College (AUC)
- Intersection construction of Route 117/70

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

1. Discussion and review Special Town Meeting Draft Warrant (Interim Town Administrator)
2. Discussion and review American Rescue Plan Act (ARPA) Funds request from Interim Town Administrator regarding Board of Health request.
3. Appearance by new Town Counsel – Miyares and Harrington LLP (Allison)
4. Review of Interim Town Administrator priorities (Allison)
5. Review Town Administrator Search Agency Position Statement for approval & Compensation rate (Allison)
6. Discuss Open Meeting Law Determination (Turner)

VIII. APPOINTMENTS AND RESIGNATIONS (Votes may be taken)

Appointments

Affordable House Trust

- Trustee Frank Streeter to replace Chair Victoria Petracca as the Trust's representative to the North Lancaster Memorandum of Understanding Ad Hoc Committee
- Trustee Carolyn Read replace Chair Victoria Petracca as the Trust's representative to the Memorial Re-use Committee

Recreation Committee

- Kimberly Shah, member term to expire June 30, 2023

Zoning Board of Appeals

- Dennis Hubbard, member term to expire



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Resignations

Recreation Committee

- Michelle Currier, member, effective immediately

IX. LICENSES AND PERMITS

- I. Review and take action on the following 2022 Renewal License Applications
- United Ag and Turf NE, LLC – Class I License
 - Sandee's Restaurant - Common Victualler

X. OTHER/UNFINISHED BUSINESS

- **Division of Capital Asset Management and Maintenance (DCAMM) (Turner)**
Finalize Warrant Article language
- **Set date of our legislative update (Turner)**

XI. NEW BUSINESS *

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

XII. COMMUNICATIONS

- Select Board's next regular meeting will be held via Zoom on February 7, 2022, at 6:00pm

XIII. ADJOURNMENT



Town of Lancaster

701 Main Street, Suite 1
Lancaster, MA 01523

PUBLIC MEETING REMOTE PARTICIPATION GUIDELINES

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in place, the various Boards and Committees representing the Town of Lancaster will conduct their public meetings and hearings via remote participation. No in-person attendance of members of the public will be permitted.

In Advance of Meetings:

- All non-emergency items are still required to be properly posted at least 48 hours in advance of the meeting. This is still done by contacting the Town Clerk's office.
- All members should receive the same documents for the meeting electronically.
- Supporting documents should be posted on the Town's website and be available for members of the public.

Essential Components for Remote Meetings:

- Access to participate for a quorum of committee members at the time of the meeting.
- Ability to take minutes which accurately reflect the meeting and the votes taken.
- Ability to record meeting for playback (this is not required under the order, but is preferred)
- Ability to allow for real-time public participation/comments (this is not required under the order, but is preferred)
- Meeting with public hearings must provide access for third party participation to all members of the committee.

Identifying the Proper Medium to Conduct Meetings:

While we are suspending use of the Nashaway Meeting Room and Conference Room in the Prescott Building, and the ability to live stream through Sterling-Lancaster Cable, there are alternatives for Boards and Committees to consider. Below are a few options available to Committee. There may be alternatives that members are more comfortable using which will be permitted so long as the essential components for all meetings are met through use of that medium.

- *Town of Lancaster ZOOM account with Webinar Functions* – this account was purchased by the Town Administrator's office for hosting meeting that requires public participation/third party access for participation. This method is currently the preferred method and should be used by Boards and Committees that have hearing and require third party participation through public comments of from applicants seeking permits. (includes but is not limited to: Board of Selectmen, Planning Board, Board of Appeals and Conservation Commission)
 - At this time, the town only has one executive ZOOM account. If you wish to use the ZOOM account, you may need to schedule meetings at different times/days than your board typically meets to ensure no conflict with other meetings.
- *Standard/Free Zoom Accounts* – Anyone can access a free Zoom account with up to 100 participants for a maximum 40-minute meeting. This function will allow Board and Committees to record their meetings for future playback and the ability to share screens. Please note there are

T: 978-365-3326 F: 978-368-8486

E-Mail: apacheco@lancasterma.net or krocco@lancasterma.net

several systems available that offer similar abilities and any of them can be used for this purpose. (ex. Google Meet, Skype for Business, Microsoft Teams, etc.)

- *Local Cable Access* – Currently, the Town does not allow for local cable access broadcast through the Nashaway Meeting Room. However, to the extent possible, local cable will be used if it is accessible and safe for staff, committee members, and members of the public.

Use of ZOOM for Remote Access to Public Meetings

Zoom Video Communications, Inc. (ZOOM) can be used for remote conferencing services to allow for remote access for public meetings. Access numbers and web addresses will be provided as part of each meeting's agenda posted to the town calendar on the homepage of Lancaster's website, www.ci.lancaster.ma.us.

Meetings can be accessed from your personal computer, cellphone and/or telephone. It is anticipated that most Board and Committee meetings will continue to be broadcast by Sterling-Lancaster Cable through ZOOM's "Record" feature.

Protocols for Remote Public Meetings Using the Webinar Feature

- All participants entering the meeting via a personal computer ("computer participants") are to mute themselves to limit background noise and interference with the meeting.
- Computer participants are encouraged to click on the "Participants" feature in ZOOM to view all participants and to view/use the "Q&A" function to pose questions on the bottom on the screen.
- Computer participants may "Pin" to a particular video screen.
 - It is recommended to "Pin" to the staff member associated with the committee or in the case there is no staff member, to the Chairperson. This can be done by right clicking over the three (3) dots symbol in the top right corner of the staff/chair's video screen.
- The Chair or present support staff should adhere to the script provided as an attachment to this document for the purpose of properly recognizing members and providing information to the public. (This script is a draft/guide and should be tailored to your needs)
- The Chairperson will identify himself or herself.
- The Chairperson will conduct the roll call of the Board
- The Chairperson will call the meeting to order
- All participants (excluding the Board members) will be muted throughout the meeting and should use the raise hand feature (or chat room) to ask a question or point of information.
- All participants are required to include their name and address when asking a question or participating regardless of screen name to insure meeting minutes and public records are accurately recorded.
- All documents displayed throughout the meeting will be controlled by the present staff member or Chairperson.
 - Only computer participants will be able to view documents.
- If and when the Chairperson allows for public comments/questions, it will be conducted the following sequence:
 1. The Chairperson will read public comments/questions received in advance of the meeting followed by real-time Board and/or applicant response.
 2. The Chairperson will ask if any other participants accessing the meeting comments/questions; additional questions will be asked using the "Raise Hand" feature
- Board members needing to be recused at any point of during the course of a meeting will be placed in a virtual "Waiting Room" by the staff person or Chairperson.

Directions to access meeting will be posted on agendas for the public when available.

III. APPROVAL OF MEETING MINUTES



LANCASTER BOARD OF SELECTMEN
Meeting Minutes
Of Monday, June 7, 2021

I. CALL TO ORDER

Chairman Jason Allison called the meeting to Order at 6:00 P.M. via Zoom. He noted that the meeting was being recorded.

Join Zoom Meeting

<https://us02web.zoom.us/j/88451602040>

Meeting ID: 884 5160 2040

Roll call taken, Jay M. Moody, present; Alexandra W. Turner, present; Jason A. Allison, present.

II. PUBLIC COMMENT PERIOD

6:00 P.M. - Opportunity for the public to address their concerns, make comment and offer
6:10 P.M. suggestions on operations or programs, except personnel matters.
Complaints or criticism directed at staff, volunteers, or other officials
shall not be permitted.

Mr. Allison recognized Greg Jackson. Mr. Jackson expressed concern and has written to the Select Board because the formatting of the Select Board's Policies and Procedures as posted on the website does not follow the format of other town bylaws, rules, regulations, and policies.

III. APPROVAL OF MEETING MINUTES

Mr. Allison moved to table approval of the regular meeting minutes of April 21, 2021, because the Board has not had a chance to read them. Mr. Moody seconded. Ms. Turner noted she will abstain because she was not present at the April 21 meeting. *Vote taken, Jay M. Moody, Aye; Alexandra W. Turner, Abstain; Jason A. Allison, Aye. [2-0-1].*

IV. SCHEDULED APPEARANCES & PUBLIC HEARINGS - NONE

V. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE

VI. TOWN ADMINISTRATOR REPORT - NONE

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Discussion on town COVID money (Moody)

Board members discussed their desire to know more about the COVID monies being granted to the Town, and how these funds can be used. Ms. Turner would like to establish a team, or a long-term planning committee. She would like this to be an agenda topic for the first meeting in July. Mr. Moody suggested that prior to this the Town Administrator and the Finance Director could meet so that the Board could be given an overview. Ms. Turner would like reports on money spent already.

2. Discussion the status of the Assessor job posting (Allison / Turner)

The Board had a lengthy discussion on the pro's and con's of search committees and/or the Personnel Board or some other formed board or committee, working in conjunction with Sandi Charton, HR Director. Mr. Allison asked Ms. Turner to meet with Ms. Charton to formulate a plan to fill the Assessor position. Mr. Allison asked that Ms. Rocco add a discussion on Personnel Board and how it applies to Lancaster to the next agenda, and asked that the Assessor job posting topic be moved to Old Business on the next agenda.

3. Discussion on Zoom meeting setup and hosting (Moody)

The Board concurred that Zoom meetings during the pandemic have been effective. They would like to explore a method to have hybrid meetings going forward, but until the State Senate acts on changes to meeting laws next week it cannot be determined what they will have to do. After discussion, Mr. Moody moved to have the Town Administrator work with resources to determine an approach for a hybrid model for Open Meetings going forward. Ms. Turner seconded. *Vote taken, Jay M. Moody, Aye; Alexandra W. Turner, Aye; Jason A. Allison, Aye. [3-0-0].*

4. Discussion on the status of the Annual Town Report (Moody)

Mr. Allison reported that he has checked with Kathi Rocco and Lisa Johnson. They are reviewing the reports that have been submitted for the Town Report but still do not have all of them. The Town Report will not be ready for Town meeting. The Board agreed that this needs to be a priority and that they need to understand the date by which the report is required, and need to know a date when it will be ready.

5. Approval from the Board to send Williston OML complaint response (Allison)

As discussed by the Board at the last meeting, Labor Counsel has assisted Mr. Allison in preparing a response to Russ Williston's Open Meeting Law complaint. Mr. Allison has asked the Board to review and approve the response. It was noted that the Board will be organizing Open Meeting Law training as a result of this complaint. Ms. Turner moved to approve the letter as drafted June 1, 2021 in response to the Open Meeting Law complaints

filed on May 3, 2021. Mr. Moody seconded. *Vote taken, Jay M. Moody, Aye; Alexandra W. Turner, Aye; Jason A. Allison, Aye. [3-0-0].*

6. Discussion on May 24, 2021 Planning Board letter Re: Annual Town Meeting delay and errors (Allison / Turner)

After lengthy discussion, all Board members agreed that a series of errors around the timing of the Annual Town meeting were unfortunate and that mistakes were made. All parties are unhappy with the situation and the Board has several ideas for improvement going forward. No action was taken; the re-scheduled ATM date of June 21 will hopefully work well for all parties.

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| VIII. APPOINTMENTS AND RESIGNATIONS |
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Re-appointments*

Board of Registrar of Voters

– Lisa Johnson, Town Clerk term to expire June 30, 2024

Mr. Moody moved to appoint Lisa Johnson, Town Clerk, to the Board of Registrar of Voters, term to expire June 30, 2024. Ms. Turner seconded. *Vote taken, Jay M. Moody, Aye; Alexandra W. Turner, Aye; Jason A. Allison, Aye. [3-0-0].*

– Heather LeBlanc, unenrolled, term to expire June 30, 2024

Mr. Moody moved to appoint Heather LeBlanc, Unenrolled, to the Board of Registrar of Voters, term to expire June 30, 2024. Ms. Turner seconded. *Vote taken, Jay M. Moody, Aye; Alexandra W. Turner, Aye; Jason A. Allison, Aye. [3-0-0].*

Commission on Disability

– Lesley Allison, citizen at large, term to expire June 30, 2024

Mr. Moody moved to appoint Lesley Allison as Citizen at Large to the Lancaster Commission on Disability, term to expire June 30, 2024. Ms. Turner seconded. *Vote taken, Jay M. Moody, Aye; Alexandra W. Turner, Aye; Jason A. Allison, Abstain. [2-0-1].*

Conservation Commission

– Thomas Christopher, term to expire June 30, 2024

Mr. Moody moved to appoint Thomas Christopher to the Conservation Commission, term to expire June 30, 2024. Ms. Turner seconded. *Vote taken, Jay M. Moody, Aye; Alexandra W. Turner, Aye; Jason A. Allison, Aye. [3-0-0].*

Historical Commission

Heather Lennon of the Historical Commission advised the Select Board that there were errors in the list of appointees (below). The Select Board tabled the Historical Commission appointments and will reconsider them at their next regular meeting. Ms. Lennon will provide the Select Board's office with the correct slate of appointees.

- Elizabeth Culley, full member, term to expire June 30, 2024
- Karen Silverthorn, full member, term to expire June 30, 2024
- Jean Watson, associate member, term to expire
- Marcia Jakubowicz, associate member, term to expire

Minuteman School Committee

- Jennifer Leone, term to expire June 30, 2024

Mr. Moody moved to appoint Jennifer Leone to the Minuteman School Committee, term to expire June 30, 2024. Ms. Turner seconded. *Vote taken, Jay M. Moody, Aye; Alexandra W. Turner, Aye; Jason A. Allison, Aye. [3-0-0].*

Recreation Committee

- Win Clark, term to expire June 30, 2024
- Joseph Kennedy, term to expire June 30, 2024

Mr. Moody moved to appoint Win Clark and Joseph Kennedy to the Recreation Committee, term to expire June 30, 2024. Ms. Turner seconded. *Vote taken, Jay M. Moody, Aye; Alexandra W. Turner, Aye; Jason A. Allison, Aye. [3-0-0].*

Annual Appointments – Term to expire June 30, 2022: review and vote may be taken

ADA Coordinator – Orlando Pacheco
Animal Control Officer – Phyllis Tower
Animal Inspector (Barn Brook) – Phyllis Tower
Fence Viewer – Tony Zahariadis
MART Advisory Board Designee – Alix Turner
Measurer of Wood & Bark – Ronald W. Valinski
Sealer of Weights & Measures – Ronald W. Valinski

There was confusion because Ms. Turner stated that she, rather than Mr. Pacheco, was the ADA Coordinator. She will reach out to Mr. Pacheco and Mr. McHugh of the Commission on Disability for clarification.

Mr. Moody moved to appoint Orlando Pacheco as ADA Coordinator; Phyllis Tower as both Animal Control Officer and Animal Inspector (Barn Brook); Tony Zahariadis as Fence Viewer, Alexandra

W. Turner as MART Advisory Board Designee, and, Ronald W. Valinski as both Measurer of Wood & Bark, and, Sealer of Weights & Measures, all with term to expire June 30, 2022. *Vote taken, Jay M. Moody, Aye; Alexandra W. Turner, Abstain; Jason A. Allison, Aye. [2-0-1].*

Resignations

Council on Aging – Michele Macdonald, effective June 30, 2021.

Mr. Moody moved to appoint Lisa Johnson, Town Clerk, to the Board of Registrar of Voters, term to expire June 30, 2024. Ms. Turner seconded, stating the Michele is a treasure, that her advocacy and the volunteer work she has done is amazing, and it is with great regret that Ms. Turner sees her go. *Vote taken, Jay M. Moody, Aye; Alexandra W. Turner, Aye; Jason A. Allison, Aye. [3-0-0].*

IX. LICENSES AND PERMITS - NONE

X. NEW BUSINESS

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

Ms. Turner would like more opportunities for citizen input during meetings. She would also like to schedule some additional meetings beyond the established first and third Monday of the month. Mr. Allison suggested prioritizing some of the many items that the Board wishes to consider.

Mr. Moody wanted to clarify that during appointments that Tom Christopher had been appointed; in case he was not appointed, Mr. Allison suggested re-making the motion. Mr. Moody moved to appoint Thomas Christopher to the Conservation Commission, term to expire June 30, 2024. Ms. Turner seconded. *Vote taken, Jay M. Moody, Aye; Alexandra W. Turner, Aye; Jason A. Allison, Aye. [3-0-0].*

Ms. Turner would like updates on any lawsuits that the Town is involved with, including actions with Atlantic Union College. Mr. Allison encouraged her to meet with the Town Administrator to get this information.

Mr. Allison recognized Clayton Arvidson. Mr. Arvidson explained that he was not sure how best to contact the Select Board, but that he had sent correspondence to the office and had not received a response. He is concerned about an ongoing issue with his waterfront property and the need for sandbags in front of his house due to water levels. He is concerned that parties determining the water levels are in conflict of interest as waterfront property owners and would like to know what route he should take to deal with this issue. Mr. Allison suggested that Mr. Arvidson present the issue in the Public Comments section of a Select Board meeting, or, if he would like the Select Board to deliberate on the issue, he could send an email requesting that the issue is included as an agenda item. Mr. Allison cautioned that he is not certain what remedy the Select Board might offer. Ms. Turner suggested that if there is an ethics violation he might consider calling the State Ethics Commission.

XI. COMMUNICATIONS

- *Board of Selectmen's Pre Town Meeting will be held on Monday, June 21, 2021 at 6:30pm to be held at the Bolton Fair Grounds.*
- *Special Town Meeting to be held at 7:00pm at the Bolton Fair Grounds*
- *Annual Town Meeting to be held at 7:15pm at the Bolton Fair Grounds*

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| XII. ADJOURNMENT |
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Select Board member Jay A. Moody offered a motion to adjourn the meeting; seconded by Ms. Turner. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

Respectfully submitted,

Kathleen Rocco
Executive Assistant

Jay M. Moody Clerk
Approved and accepted:



LANCASTER BOARD OF SELECTMEN
Meeting Minutes
Of Monday, December 20, 2021

I. CALL TO ORDER

Chairman Jason Allison called the meeting to Order at 6:00 P.M. via Zoom. He noted that the meeting was being recorded.

Join Zoom Meeting

<https://us02web.zoom.us/j/88477413292>

Meeting ID: 884 7741 3292

Roll call taken, Jay M. Moody, present; Alexandra W. Turner, present; Jason A. Allison, present.

II. APPROVAL OF MEETING MINUTES

Review and take action on Regular Meeting Minutes:

August 16, 2021, November 15, 2021, December 6, 2021

Review and take action on Special Meeting Minutes:

March 24, 2021, November 2, 2021, November 10, 2021 & November 24, 2021

Mr. Moody moved to approve the Regular Meeting Minutes of August 16, 2021. Ms. Turner seconded.

Mr. Moody noted that he had made a statement at the beginning of the meeting that was not recorded; he asks that it be included. It reads: "I would like to make a statement as a member of the Select Board. There have been statements made lately that have not been proper, I believe that all committees and boards have the best intentions for Lancaster. There are always going to be differences between what we all believe is the best path to take. We can and will have different views, but we all have to have the love of the town, as our goal. We can disagree on items, but must work together to get agreements in our future and the peoples' vote is the final word."

Ms. Turner noted that on page four of seven, under that status of Atlantic Union College, last item, the sentence reads now, "Ms. Turner stated that there are a lot of number out there in terms of liability to the Town and there needs to be a clear idea of impact." She believes that she actually said "there is a lot of concern about the financial impact." Ms. Turner also noted that according to her notes, Mr. Pacheco said that the financial impact of the overlay was not funded by taxes, that she had asked for legal costs and Mr. Pacheco had said that he would find them, and that he would inform the Board and set up a meeting with the Assessors. On page 6 of 7, North Lancaster

Settlement, the sentence is unfinished, but should say it was finished and that KP sent update to Capital's trust, and Ms. Turner asked for deadlines. She also corrected a transposed word two items down from that under the Gazebo Ramp topic.

Mr. Allison moved to amend the minutes of August 16, 2021, as discussed by Mr. Moody and Ms. Turner; seconded by Ms. Turner. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

Mr. Moody offered a motion to approve the Select Board meeting minutes of August 16, 2021, as amended; seconded by Ms. Turner. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

Mr. Moody offered a motion to approve the Select Board meeting minutes of November 15, 2021; seconded by Ms. Turner. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

Mr. Moody offered a motion to approve the Select Board meeting minutes of December 6, 2021; seconded by Ms. Turner. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

Mr. Moody offered a motion to approve the Select Board Special Meeting minutes of March 24, 2021; seconded by Mr. Allison. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, abstain. [2-0-1]. Ms. Turner noted that she was not on the Select Board on this date and therefore needed to abstain.

Mr. Moody offered a motion to approve the Select Board Special Meeting minutes of November 2, 2021; seconded by Ms. Turner. Ms. Turner noted that in one instance her name needed to be changed from Alex to Alexandra.

Mr. Allison moved to amend the Select Board Special Meeting minutes of November 2, 2021, to incorporate this change. Ms. Turner seconded. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0].

Mr. Moody offered a motion to approve the Select Board Special Meeting minutes of November 2, 2021, as amended; seconded by Ms. Turner. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

Mr. Moody offered a motion to approve the Select Board Special Meeting minutes of November 10, 2021; seconded by Ms. Turner.

Ms. Turner noted that there is a dash instead of a time that the meeting adjourned. Mr. Pacheco said that possibly the correct time could be pulled from the tape.

Mr. Allison moved to amend the motion to include the time if possible to find the correct time from the tape, or if not to leave the dash. Mr. Moody seconded. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

Mr. Moody offered a motion to approve the Select Board Special Meeting minutes of November 10, 2021, as amended; seconded by Ms. Turner. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

Mr. Moody offered a motion to approve the Select Board Special Meeting minutes of November 24, 2021, as amended; seconded by Ms. Turner

Ms. Turner said that resumes for the Interim Town Administrator position were to go to her, and resumes for the permanent Town Administrator position were to go to Mr. Moody. Mr. Allison noted that he would abstain because he was not present at this meeting.

Mr. Allison moved to approve the Select Board Special Meeting minutes of November 24, 2021, as amended by Ms. Turner. Seconded by Ms. Turner. Alexandra W. Turner, Aye, Jay A. Moody, Aye, Jason Al Allison, Abstain. [2-0-1].

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS - NONE

IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE

V. PUBLIC COMMENT PERIOD

6:00 P.M. - Opportunity for the public to address their concerns, make comment and offer suggestions on operations or programs, except personnel matters.
6:10 P.M. Complaints or criticism directed at staff, volunteers, or other officials shall not be permitted.

Ms. Turner moved to take agenda items out of order, requesting that licenses and permits be discussed after Public Comment. Mr. Moody seconded. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

Mr. Trussell commented on volume; he finds it difficult to hear Mr. Allison. The Fire Chief agreed.

Mr. Allison recognized Frank Streeter of Bull Hill Road. Mr. Street expressed concern about the expiration dates for the Trustees of the Affordable Housing Trust, and for all Town boards. He would like all appointments to have standard rather than variable reappointment dates.

No other public comment was heard.

VI. TOWN ADMINISTRATOR REPORT

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

- Minuteman Regional District Assessment

Mr. Pacheco reported that the assessment from Minuteman Regional District will decrease \$60,000, a welcome change.

- Municipal Aggregation Status Report

Mr. Pacheco noted that in the report that he has given the Select Board, the rate period that improvement should be is May 2022, not May 2023.

- Green Communities Grant

The EMS System for the Prescott Building was installed Friday, concluding the Green Communities work. This grant should be closed this week; Mr. Pacheco plans to get the report done and into the DOR (Department of Revenue) before year end.

- Prison Mitigation

The town has received \$68,386.26 in prison mitigation funds from the Department of Corrections. This is partially based on inmate population, and you can see the numbers trending downward as inmate population has trended downward.

- Prescott ADA Upgrade (Handrails)

As part of the ADA (American Disabilities Act) grant that was awarded to Lancaster, handrails are currently being installed in the Prescott Building. This work should be completed by the end of this week.

- Local Acquisitions for Natural Diversity (LAND) Grant Closeout

We received all the funds from the State, \$61,050. We need approximately \$35,000 to balance out the account. Mr. Pacheco explained that the Select Board has added discretion. He noted that there is just under \$14,000 in a land purchase gift account that has been dormant for about 20 years, and that the auditors are recommending be closed out. This would be a good offset to the \$35,000 needed, without adding to future years budgets.

Mr. Pacheco explained that the Town has another account dedicated to 61A that's a gift account and has to be spent. He recommends using the \$14,000 because it's not enough to do anything significant. Ms. Turner thought that this account was a trust fund established by the Thayers meant to match donations to help buy land. She would like more detail about the account. Mr. Pacheco stated that there aren't any records. Ms. Turner will look. She would also like a copy of the LAND Grant.

Relative to the previously discussed DOC mitigation funding, Ms. Turner wanted to know how much that was per inmate and also wanted to know if that was included in the budget. Mr. Pacheco did not know the per inmate dollars and explained it is not included in Lancaster's revenue projections since it varies from year to year. Ms. Turner also wants copies of the Green Communities Grant and wants to make sure it was sent to the Energy

Commission. Ms. Turner also wanted to know if there is more availability under the ADA grant. Mr. Pacheco advised that this grant is on the website.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Finalize Town Administrator transition schedule (Allison)

Mr. Allison moved to authorize Sandi Charton to negotiate with Orlando Pacheco to work 50% of the time, starting 12/20/21, days in the Prescott Building being Monday, Wednesday, and Friday, and the last day of employment being 12/31/21. Ms. Turner seconded.

Mr. Allison explained that there is some legal verbiage needed to release Mr. Pacheco from his contract as discussed in Executive Session. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

2. Open Meeting Law Complaint filed by Ryan Aldrich regarding Select Board Members Alexandra Turner and Jay Moody had a meeting regarding the selection and deliberation on the interim Town Administrator that was not posted.

Mr. Allison explained that the Board received an Open Meeting Law complaint from Ryan Aldrich, dated 12/14/21. In short, Mr Aldrich alleges there was a meeting of the Board, with regard to the hiring of an Interim Town Administrator, that was not posted. Mr. Allison has conferred with Labor Counsel. Labor Counsel recommends that the Board not discuss the merits of the complaint but rather that the Board designate one member to confer with him. Mr. Allison further explained that the designated member should be Ms. Turner or Mr. Moody, since Mr. Allison was not present at the meeting in question. Ms. Turner agreed to be the designated member. Mr. Allison moved to delegate the responsibility to respond to Mr. Aldrich's 12/14/21 complaint to Labor Counsel in cooperation with Select Board member Ms. Turner. Ms. Turner seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

3. Finalize Town Administrator search agency selection (Allison)

Mr. Allison move to authorize Sandi Charton to negotiate with Municipal Resources, Inc., to perform the search for Town Administrator. No second was heard.

Ms. Turner would like to either review all companies from which information has been received, or to have a meeting with this as a single agenda item, perhaps on December 27. Mr. Allison said that he will not entertain a motion to schedule a meeting; Ms. Turner disagreed with his authority to refuse to entertain a motion; discussion ensued.

Mr. Moody moved to appoint Community Paradigm Associates, LLC (CPA) to, lead the search for Town Administrator. Mr. Allison would like Sandi Charton to negotiate the contract; Mr. Moody reported that their cost is \$9,800. Ms. Turner seconded this and suggested that CPA attend the next meeting. Mr. Allison moved to amend the motion to Jay

Moody and Sandi Charton will negotiate a contract with Community Paradigm Associates, LLC (CPA) to lead the search for Town Administrator. Ms. Turner seconded. Mr. Allison called for a vote on the amendment; *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye.* [3-0-0]

Vote held on the amended motion; *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye.* [3-0-0]

4. Vote to accept Town of Lancaster – 2020 Re-Precincting (Town Clerk)

Mr. Pacheco explained that the Town Clerk was advised by the Secretary of State that due to population change increases that it is time to create a third precinct. Working through Town Counsel, the Secretary of State's office has agreed to remove the prison inmate population from the Lancaster census data, so that we can remain at two precincts. The Board does not need to take any action. There may be a couple of streets that will change precincts, but the Town Clerk will notify any affected residents.

5. Discuss allocation of American Rescue Plan Act (ARPA) funds to support Board of Health initiatives (Allison)

Mr. Allison made a motion to fund the Board of Health COVID Coordinator position for a 12-month period, January 1, 2022, to December 31, 2022. Ms. Turner seconded.

It was noted that the incumbent, Tracy Gagnon, has resigned effective 12/31/21, so the Board of Health will need to advertise for the position.

Ms. Turner said that we have spend a lot of CARES money but have a very low vaccination rate. She would like to talk to the new Town Administrator about the best way to spend money, whether it's ARPA or general fund money. Mr. Moody asked for clarification as to how many hours this position has. Mr. Allison thinks if any Board in town needs help it's the Board of Health, comprised of all volunteers and contending with a pandemic.

Ms. Turner would like to know how much CARES money we have spent to date on Board of Health assistance. She would like a dedicated meeting to hear from the BOH about their strategy and plan.

Mr. Allison offered Sandi Charton the opportunity to speak; she stated that she would prefer to hear from the BOH. She noted that about 2% of the ARPA money that the Town will receive would be spent on the COVID Coordinator. Mr. Allison recognized Jeff Paster, BOH. Mr. Paster recently sent the Board a letter discussing the need for resources and went on to explain the frustration and amount of work faced by the BOH.

Ms. Turner thinks that a public forum would be a good idea to allow people to voice their concerns with vaccination. She does not strongly object to funding the COVID Coordinator position but thinks that a better overall approach is needed, and she does not support funding the position with ARPA money.

Mr. Allison called for a vote on the motion; *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Mr. Pacheco asked what the funding source was. Mr. Allison moved that the COVID Coordinator position, now funded for a 12-month period, January 1 through December 31, 2022, is funded through ARPA money. Mr. Moody seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, No. [2-1-0]*

6. Discussion when to resume in-person meetings (Allison)

Mr. Allison would like to resume meeting in person. He feels that if the Board asks fire, police, teachers, etc. to be in public in the safest way possible, then the Board should do so as well. He suggested resuming in-person meetings in mid-January. Ms. Turner would like hybrid meetings where the public has Zoom access. Mr. Moody thinks that in light of worsening COVID numbers that the Board should continue meeting remotely for awhile.

Mr. Allison asked Mr. Pacheco to work with the Board of Health and to get their recommendation in writing.

7. Discuss the town meeting date, and place and who is to be in charge of arrangements (Moody)

Mr. Moody wants to know if the timeframe for Special Town Meeting will still work, and who is in charge. Mr. Pacheco explained that it's a team effort, with the Select Board office working with the Town Clerk working with the Moderator. In this case it will also involve the Board of Health and the Fire Department to deal with logistical issues.

Mr. Pacheco will talk about this further with Mr. Nutting as part of the transition. Ms. Turner would like to discuss this further at the January 3 Select Board meeting. The meeting is currently scheduled for the Rollinson/Burbank schools.

8. Discuss the advertisement of Ad Hoc Audit committee members (Moody)

Mr. Moody would like to advertise for members for this committee. Mr. Pacheco asked if the Board had determined the makeup of the committee and what it's charge would be. Ms. Turner emailed the Board a Charter; Mr. Pacheco noted that Finance Committee members cannot be on other committees. Ms. Turner said that they can be on ad hoc or advisory committees.

Ms. Turner thinks it's pretty clear that the Board wants to establish a committee to review and establish the scope and direction of the Town audits, so people with financial knowledge or auditing should apply. It was agreed that the advertisement on the Town website should ask applications to be submitted by January 21 in preparation for the February 1 Select Board meeting.

9. Discuss the status of Annual Town Report (Moody)

Town Clerk Lisa Johnson reports that the report is 98% done and when complete will be available online. Mr. Moody would like some hard copies available. Ms. Turner suggests that they could be printed in-house; Ms. Johnson does not yet know what the final page count will be.

10. Cultural Council to have meetings to give ideas on future use of town hall (Moody) tabled 12/6/21

Mr. Moody moved to ask the Cultural Council to provide the Select Board with ideas for the future use of Town Hall. Ms. Turner seconded, noting that the Cultural Council will have to agree to take this on. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*. Mr. Pacheco will reach out to the Cultural Council to ask them to take this on.

11. Historical society to work with Select Board to put up some paintings on Prescott Building walls (Moody) – tabled from 12/6/21

Mr. Moody suggested that the Historical Society has many nice things that might be displayed on the Prescott building walls. Mr. Allison suggested a motion to authorize the Historical Society to submit proposals to the Select Board on where to put up some paintings in the Prescott Building. Mr. Moody offered the motion; Ms. Turner seconded. Mr. Pacheco noted that this topic has come up before, and the architect who did the building had issues because some of the paintings that were requested to be hung were too heavy for the walls.

Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

Mr. Pacheco will contact the Historical Society to request a proposal.

12. Time and duration of Select Board Meetings (Turner) tabled from 12/6/21

Ms. Turner objects to having a 9:00pm end time posted for Select Board meetings. She thinks there is too much to do and that the Select Board needs to meet either later or more frequently. Mr. Allison thinks the Board is involved in too much micromanagement and that they should be able to conduct their business by 9:00 at scheduled regular meetings. Mr. Moody thinks tonight's meeting, where the agenda is dealt with efficiently is a good example of a meeting that could end at 9:00pm, and he would like to see how the next few meetings go before deciding. Lengthy debate continued with no conclusion reached.

13. Discuss appointments and employees onboarding. (Turner) tabled from 12/6/21

Ms. Turner would like a welcome packet given to new members of boards and committees with information on the State Ethics link, how to get sworn in, and things like that. This would also apply to new employees. She would be glad to work with Ms. Charton to develop this packet. She states that she has heard from people appointed to boards or committees that they did not know that they had to be sworn in. Mr. Allison recognized Ms. Charton,

who reported that all new employees get information from the Select Board's office in terms of policies and requirements, from the Treasurer-Collector's office regarding benefits, and from the Town Clerk's office regarding appropriate information. She suggests that there may be work to be done with onboarding board or committee members, but that it has been covered for employees.

Discussion continued; no action was taken.

14. Discuss Freedom of Information Act (FOIA) requests, and policy for website and staff involved (Turner) tabled from 12/6/21

Ms. Turner, noting an increase in FOIA requests, thinks it might be a good idea to have all requested materials available on the town's website, so that people requesting the same information could be directed there. This would cut down on repetitive requests and would increase transparency. Mr. Pacheco noted that the first person requesting the information would be subsidizing later requests for the same material.

Ms. Turner moved to have a tab on the Town Clerk's website to include Freedom of Information Act requests, and once approved, the work product of that request for public access. Mr. Allison and Mr. Moody would like to make sure this is legal before voting. Ms. Turner will check with Town Counsel.

15. Present proposed charter and details about approved Audit Committee (Turner) tabled form 12/6/21

Previously discussed.

16. Recap of Coronavirus Aid, Relief and Economic Security (CARES) Act money as from Town Administrator report submitted (Turner) tabled from 12/6/21

Ms. Turner wanted to talk to Mr. Pacheco about items on the list of CARES money spent per his previously submitted report. Mr. Pacheco asked her to email her questions to him and then he would be happy to meet with her.

17. Citizen engagement re development: Forums, scope etc. (Turner) tabled from 12/6/21

Ms. Turner would like a variety of public forums, not only about the Capital Group development, but things that people are interested in such as how Town Meeting works. She thinks that the Select Board needs to show leadership by sponsoring forums such as this. No actions were taken.

18. Liaison report from Human Resource (HR) Director on Proposed by-law updates to personnel by-law as suggested by HR. Need for Special Town Meeting (STM) and for review. (Turner) tabled 12/6/21

Ms. Turner had requested this agenda item, asking Ms. Charton for an update to see if bylaw changes might be ready for Special Town Meeting.

Ms. Charton reported that she has been working on revisions to the current bylaw, and it presents some difficulty, both in terms of questionable legality and because the Collins Center study recommended that much of this material be converted from bylaw to policy. She questioned the Board as to deadlines for submission of items for the warrant; Mr. Pacheco will confirm dates for her. Ms. Turner noted that the Board will need input prior to the warrant closing so that they can consider the article.

19. Complaint about alleged Code violation to Select Board/Human Resource Director (Turner) tabled 12/6/21

Mr. Allison recused himself from all matters related to this complaint, including the decision of how or whether to proceed, asking Ms. Turner to act as Chair with regard to this item, and encouraging her to reach out to Town Counsel as needed.

Ms. Turner reported that the Board is in receipt of a Code of Conduct violation. It has been sent to Ms. Charton for review. Ms. Turner asked Ms. Charton to explain next steps. Ms. Charton has sent the Select Board an email explaining the options. The options include an investigation by an impartial outside investigator, and Ms. Charton has recommended an individual.

Mr. Moody offered a motion to have Ms. Turner work with Ms. Charton to engage a third party investigator. Ms. Turner seconded. *Jason A. Allison, Not present/recused, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [2-0-1]*

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| VIII. APPOINTMENTS AND RESIGNATIONS |
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Re-appointments*

Affordable Housing Trust- Victoria Petracca & Carolyn Reed for two-year term, terms to expire 12/20/23

Some discussion was held as to whether dates were correct; Mr. Pacheco advised that going forward the Board should work to have all expiration dates happen at the same time. There have been exceptions in recent years and it has caused some issues. For example, the reappointments on this agenda for reappointment to the Affordable Housing Trust might best work if the appointments were made through June 30, 2022, at which time they could be re-appointed to their correct term. Mr. Streeter suggested that the appointment be made through June 30, 2023.

Ms. Turner moved to re-appoint Victoria Petracca and Carolyn Reed to the Affordable Housing Trust with a term to expire June 30, 2023. Mr. Moody seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Appointments

Part-Time Recreation Director – Michelle Currier

Mr. Moody moved to appoint Michelle Currier as Part-Time Recreation Director. Mr. Allison seconded. It was verified that this has no expiration date since this is a hiring. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Recreation Committee – Thomas Wood, term to expire 6/30/2023

Mr. Moody moved to appoint Thomas Wood as a member of the Recreation Committee, term to expire 6/30/23. Mr. Allison seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Ms. Turner asked if there were any vacancies on the Recreation Committee. Mr. Allison recognized David Carr, Chair of the Recreation Committee, who explained that there are two vacancies after tonight.

Cultural Commission – Peter Christoph, term to expire 6/30/2024.

Mr. Moody moved to appoint Peter Christoph as a member of the Cultural Council, term to expire 6/30/24. Mr. Allison seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Resignations

Recreation Committee – Katie O’Riorden, effective immediately

Mr. Moody moved to accept with regret the resignation of Katie O’Riorden from the Recreation Committee, effective immediately. Mr. Allison seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

IX. LICENSES AND PERMITS

***** Taken out of order, after V. PUBLIC COMMENTS*****

I. Review and take action on the following ABCC licenses

Michael’s Bridge Diner – Retail License to Sell Wine & Malt and Common Victualler License

Mr. Allison moved to issue a retail license to sell Wine & Malt, and a Common Victualler License to Michael’s Bridge Diner. Ms. Turner seconded. Ms. Turner noted that several applications did not have the insurance paperwork attached to the

application. Mr. Pacheco explained that if an application is in the Select Board packet, it is complete, and the Select Board office has received all paperwork. Ms. Turner stated that she thought that a bond would be required; some of the applications say “on file” and some say “faxed.”

Mr. Allison moved to amend the motion to say that approval is subject to a successfully completed application. Mr. Moody seconded. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0].

Mr. Allison moved to issue a retail license to sell Wine & Malt, and a Common Victualler License to Michael's Bridge Diner, subject to a successfully completed application. Mr. Moody seconded. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0].

II. Review and take action on the following 2022 Renewal License Applications

1. Cumberland Farms – Common Victualler

Mr. Moody moved to approve the 2022 Common Victualler License for Cumberland Farms. Ms. Turner seconded. Mr. Moody seconded. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0].

2. Dunkin Donuts – Common Victualler

Mr. Moody moved to approve the 2022 Common Victualler License for Dunkin Donuts. Ms. Turner seconded. Ms. Turner seconded.

Ms. Turner noted that according to the Treasurer's feedback there are outstanding taxes. Mr. Pacheco explained that they had been contacted and that it was expected that this will be received prior to January 1.

Ms. Turner moved to amend this motion to read “subject to successful sign-off from the Treasurer that full payment has been received as per our bylaws.” Mr. Moody seconded. Jason A. Allison, No, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [2-1-0].

Mr. Moody moved to approve, as amended, the 2022 Common Victualler License for Dunkin Donuts. Ms. Turner seconded. Ms. Turner seconded. Jason A. Allison, No, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [2-1-0].

3. Kimball Farm – Common Victualler

Mr. Moody moved to approve the 2022 Common Victualler License for Kimball Farm. Ms. Turner seconded. Mr. Moody seconded. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0].

Ms. Turner moved to approve licenses for Sandy's Restaurant and Kalon Farms with an amendment that monies owed to the Town must be received prior to December 30, 2021. Mr. Pacheco explained they were not on the agenda because of past due taxes. Mary Frost, Treasurer, was in the meeting and confirmed that taxes have been paid. Mr. Pacheco suggested adding these two licenses to the January 3 agenda, assuming that the Board does not have a problem with one or two days of operation without 2022 license.

Mr. Allison moved to approve 2022 licenses to Mobile/Exxon – Common Victualler; Trolley Stop – Common Victualler; Murphy's Hot Dog Truck – Lunch Cart License; Crawford Truck Sales, Inc. – Class II; F.J.S. Auto, Inc. – Class II; Koch Route 2 Toyota – Class I and Common Victualler; Nationwide Auto Recycling, Inc. – Class III and Collector & Dealer of Junk; JC Madigan – Class I; Modena Motors – Class II; RBI Motors – Class II; Ron Bouchard Auto Sales, Inc. – Honda – Class I and Class II; Ron Bouchard Dodge, LLC – KIA – Class I and Class II; Ron Bouchard Auto Sales, Inc. – Nissan – Class I and Class II; Route 117 Used Auto Parts, Inc. – Class II, Class III, and Collector and Dealer of Junk. Mr. Moody seconded.

Ms. Turner noted that some of the application forms appear to be incomplete, missing insurance forms or bond information. *She moved to amend the motion to approve licenses subject to completed packets. Mr. Allison seconded. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0].*

Mr. Allison called for a vote on the amended motion. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0].

X. OTHER/UNFINISHED BUSINESS

- **Event and Entertainment fees and frequency (Moody)**

At the Board's request, Mr. Pacheco has looked into how other towns with large entertainment events handle fees. He explained the fee structure in both Topsfield and Brimfield. Ms. Turner had additional questions; Mr. Pacheco encouraged her to contact the Town Administrator in Topsfield.

- **Division of Capital Asset Management and Maintenance (DCAMM) (Turner)**

Ms. Turner reported that she is still waiting for language and that our legislators are waiting for it as well. She will follow up because it will be needed for the Town Meeting warrant.

- **American Rescue Plan Act (ARPA)**

Ms. Turner would like to make this a full agenda item with Mr. Nutting once he is on board and comfortable.

- **Set date of our legislative update (Turner)**

Ms. Turner confirmed that both Representative Kilcoyne and Senator Cronin would like to come to a Select Board meeting in January. She will contact their offices and suggest January 19th, not the 17th which is Martin Luther King Day.

XI. NEW BUSINESS

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

Victoria Petracca, Lancaster Affordable Housing Trust (LAHT), appeared before the Board to request an amendment to meeting minutes of December 21st, 2020. The appointment of Carolyn Reed to the LAHT was not recorded in the minutes although it can be seen in the video recording of the meeting. Ms. Petracca also notes that Mr. Moody serves as the Select Board representative to LAHT, so that his appointment expiration needs to reflect the last day of his term on the Select Board, not June 30, and not a one-year term. Finally, Ms. Petracca offered to help the Town Clerk straighten out the LAHT appointment/expiration dates on the town's website.

Ms. Turner moved to amend the meeting minutes of the Lancaster Select Board, December 21, 2020, to reflect the appointment of Carolyn Reed to the Lancaster Affordable Housing Trust for a one-year term. Mr. Moody seconded. Ms. Turner noted that she will abstain because she was not on the Board. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Abstain. [2-0-1]*

Ms. Turner moved to make sure that Mr. Moody's appointment dates to the LAHT are correct and in compliance with state law and the bylaw. Mr. Allison seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

XII. COMMUNICATIONS

➤ The Select Board's next regular meeting will be held via Zoom on January 3, 2022, at 6:00pm

XIII. ADJOURNMENT

The Board concluded the meeting, wishing everyone a happy holiday.

Select Board member Jay A. Moody offered a motion to adjourn the meeting; seconded by Ms. Turner. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

Respectfully submitted,

Kathleen Rocco
Executive Assistant

Jay M. Moody Clerk
Approved and accepted:



LANCASTER BOARD OF SELECTMEN
Meeting Minutes
Of Monday, January 3, 2022

I. CALL TO ORDER

Chairman Jason Allison called the meeting to Order at 6:00 P.M. via Zoom. He noted that the meeting was being recorded.

Join Zoom Meeting

<https://us02web.zoom.us/j/84773659536>

Meeting ID: 847 7365 9536

Roll call taken, Jay M. Moody, present; Alexandra W. Turner, present; Jason A. Allison, present.

II. APPROVAL OF MEETING MINUTES - NONE

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS - NONE

*** Because it was early for the public hearing, the Select Board covered a later agenda item, verifying that they would like to schedule legislative updates with Representative Kilcoyne and Senator Cronin at the meeting of Wednesday, January 19, for a total of one-half hour. DCAMM warrant article language will be discussed at that time.***

6:05 P.M. Public Hearing for Renewal of Earth Products Removal Application – PJ Keating

- Notice is hereby given that a Public Hearing will be held on Monday, January 3, 2022 at 6:05 P.M. via ZOOM, to consider the application of P. J. Keating Company, 998 Reservoir Road, Lunenburg, MA, for renewal of a Special Permit To Remove Earth Products (overburden, rock, gravel, loam) from a parcel of land located south of the Lunenburg town line, west of Lunenburg Road, north of a N. E. Power Co. right-of-way and east of the Leominster city line, containing by survey 73.3 acres in Lancaster, further identified on the Lancaster Assessors' Maps as Map 1, Parcels 1 through 4 and Map 4, Parcels 1 through 6, and further delineated on Plan No. 18-D-3, sheets 1 to 4, dated January 19, 2005 and Plan No. 18- D-4, sheets 1 to 3, revised September 19, 2005, by S. J. Mullaney Engineering, Inc., 305 Whitney Street, Leominster, MA. 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.

Mr. Moody read the legal notice as above and moved to open the Public Hearing at 6:07PM. Ms. Turner seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0].*

No one was present to represent the applicant. Interim Town Administrator (TA) Jeff Nutting recommended hearing a quick overview from Kayla Larsen of Tight & Bond, the 3rd party engineering firm representing Lancaster, and if no representative of the applicant is present, continuing the Public Hearing to the next regularly scheduled Select Board meeting.

Ms. Larsen has been doing quarterly inspections of Keating in Lancaster. As of last January, there were many resident concerns about dust control. This year visible actions were taken to remediate dust, including frequent sweeping and the use of water trucks. Ms. Larsen reported that they have followed all stipulations of the permit, and that the only change this year would be extending the date to 2022-24. The only thing missing is updated drawings, and the Town should request proof of the bond.

Ms. Turner said that other monitoring reports were to have been provided before renewal, and asked the TA if the Board could hear resident comments while waiting for a continuance. Mr. Nutting stated that questions should be forwarded to the Select Board office so that the staff could forward them to the applicant, so that at the next meeting everyone will be prepared and we could save time. Mr. Allison asked Ms. Turner to work with Mr. Nutting and Ms. Rocco to put requests to the applicant in writing. Ms. Turner stated that she would like updated maps with every permit.

Mr. Allison recognized Anne Ogilvie, 4 Turner Lane. Ms. Ogilvie understands that the "Updated Conditions & Phase/Rock Quarry Plans" and the "Anticipated Volume Projections from the Site for the Next 2 years and the Updated Anticipated Volume Projections through the final completion of the earth removal activities" were missing from the last application. Ms. Larsen confirmed that these documents should be included. Ms. Ogilvie also noticed on the application that there should be two flow meters for every well, but in some cases there was only one. Ms. Larsen stated that this issue had been discussed with PJ Keating at quarterly inspection. Ms. Ogilvie continued, expressing worry about insufficient monitoring putting the water supply at risk. She requests that the Select Board consider more monitoring and perhaps a new company to oversee the monitoring. She noted that there are also issues with air quality; the area smells bad in warm months. Furthermore, she would like noise pollution monitoring as part of the renewal of this permit, and she requests non-renewal of the permit until all this is accomplished. Ms. Ogilvie stated that this company has been fined for issues related to environmental damage in at least three other Massachusetts communities.

Mr. Allison recognized Kathy Hughes of 80 Fire Road 11, who offered her support of Ms. Ogilvie's statements.

Mr. Allison recognized Abby Armstrong, 35 Brian Road, who endorsed Ms. Ogilvie's statements and thinks that "fresh eyes are warranted," and that the Select Board should consider a different engineering firm.

Mr. Allison asked Ms. Larsen if she had any ideas about making residents more comfortable. She noted that additional information about groundwater is provided annually by NAR, the 3rd party engineering firm used by the applicant, but is not typically available until March. Tighe & Bond

then reviews these numbers, with the goal of making sure that the applicant is not pumping more water than is received by rainfall, with evaporation factored in. She said that the numbers have been good/close, and the only recommendation that comes to mind is that the monitoring well numbers might be reviewed more frequently.

Ms. Turner thinks that there were more monitoring wells in the past and expressed concern about the Fire Department not having sufficient water supply. Ms. Ogilvie would like a Comprehensive Monitoring plan such as the ones found in Acushnet or in Cranston, RI.

Mr. Nutting suggested that since there are multiple gaps in information that this hearing should be continued until early February so that appropriate parties have time to collect relevant data.

Ms. Turner moved to continue the Public Hearing to February 7, 2022, at 6:05PM. Mr. Moody seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

6:25 P.M. Community Paradigm Associates, LLC (CPA)

- To provide recruitment services to the Town. To discuss and lay out process, introduce themselves, set timelines, expenses and the works. (Turner)

John Petrin of CPA introduced himself and gave a brief overview of the company and explained the process they will use to search for a new Town Administrator. He advised the Select Board that the Board needed to choose to either have CPA function as a search committee or to appoint a local committee which would work with CPA. He explained that allowing CPA to do the work will shorten the timeframe by several weeks and will help with issues around confidentiality. Allowing CPA to function as the search committee presents no difference in price of CPA's contract. He anticipates seeing 30-35 applicants with 7-8 serious semi-finalists, and typically presenting three final candidates to the Select Board. He emphasized that the process needs to be kept confidential until the three finalists are announced, and that even after the conclusion of the process this confidentiality must be maintained.

Mr. Moody moved to not appoint a screening committee, but to allow CPA to function as the Town Administrator Search Committee. Mr. Allison seconded the motion. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

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| IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE |
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|------------------------------------|
| V. PUBLIC COMMENT PERIOD |
|------------------------------------|

6:00 P.M. - Opportunity for the public to address their concerns, make comment and offer
6:10 P.M. suggestions on operations or programs, except personnel matters.
 Complaints or criticism directed at staff, volunteers, or other officials
 shall not be permitted.

Mr. Allison read a letter from Roy Mirabito, requesting that the Board give a status update on the proposed sale of Atlantic Union College (attached). Mr. Allison asked Mr. Nutting to follow up.

Mr. Allison recognized Rob Zidek, 103 Kaleva Road. Mr. Zidek expressed concern that his letter of December 17, 2021, has not been answered. He objects strenuously to having a February Special Town Meeting and would like to remove Articles 8 and 9 from the warrant. He states that delaying these articles to the Annual Town Meeting in May would allow for an outdoor Town Meeting which would be safer.

VI. TOWN ADMINISTRATOR REPORT - NONE

Interim Town Administrator Jeff Nutting will update the Board on the status of current projects pending.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Town Council Selection (Allison)

Mr. Allison moved to authorize Mr. Nutting to negotiate with Miyares and Harrington, LLP, for use as Lancaster Town Counsel, with the earliest possible start date. Mr. Moody seconded the motion. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0].*

2. Discuss plowing and road management of Hawthorne Lane (Allison)

Mr. Allison read a letter from Erin Smith of 62 Hawthorne Lane that expressed frustration and concerns about safety because Hawthorne Lane is not an accepted street. She stated that the residents of this street are being used as “pawns” in a dispute between the Planning Board and the developer. Since the Town is holding a bond, she is appealing to the Select Board for help.

Mr. Allison recognized Karl Merwyn, 60 Hawthorne Lane, who echoed concerns raised by Ms. Smith.

Mr. Allison recognized Casie Short, 45 Hawthorne Lane, who stated that in addition to statements made by other residents, they had bought their home with the understanding that the road would be accepted.

Mr. Nutting suggested that the primary focus should be on the health and welfare of the residents. He suggested reaching out to the DPW, asking them to plow and sand and to keep track of costs while working through the issues. He noted that the goal should be to get this road accepted at the Annual Town Meeting.

Ms. Turner explained the process for accepting a roadway and noted that many roads in town, such as Eagle Ridge and many of the Fire Roads, are not accepted roads, and that the residents are responsible for maintenance. Mr. Moody noted that he isn't sure if the bond covers the roadway or the entire development. Mr. Allison said unfortunately that there isn't much the Select Board can do; the Planning Board is elected, as is the DPW Board. He would authorize Mr. Nutting to meet with the Planning Board to try to find a solution. Mr. Nutting wants to dig into the issues, talk to the new Town Counsel and to other boards. He will get back to the Chair

in 3-4 days and will update the rest of the Board. Ms. Turner noted that it was nice that the DPW helped these residents over the Christmas holiday, but that the DPW does not have the resources to take care of unaccepted roads.

3. Set goals (Turner)

Ms. Turner stated that according to Policies & Procedures, the Board should set goals at the beginning of the year. She stated that the Board has been managing by crisis but needs more long range planning to develop objectives. She would like to dedicate an hour to this at an upcoming meeting. Mr. Moody agrees. Mr. Nutting will do some pre-work and send some materials to the Board Members for them to complete to save some time. Mr. Allison would like Mr. Nutting to have 30-60 days before tackling this; Ms. Turner would like to schedule for the next meeting. Mr. Nutting would like a little more time. It was decided to put this on the agenda for February 7.

4. Re-affirm schedules going forward. Set Calendar for 2022 for Request for Proposals (RFP) choices, etc. (Turner)

Ms. Turner would like to review what other services the Board might seek bids on, such as possibly Engineering. She would like to develop a meeting calendar. Mr. Nutting suggested that this could be prepared by the Chair; Mr. Allison suggested that the TA could work on this after he finished working on goals. Ms. Turner would like the calendar on the town website to be better populated and noted that the Board might consider additional meetings.

5. Accept donation to the Board of Health from Orchard Hill Athletic Club in the amount of \$2,500.00 (TA)

Mr. Allison disclosed that he is a member of Orchard Hills Athletic Club. Mr. Nutting explained the at this gift is to help the Board of Health with specific pandemic-related activities.

Mr. Moody moved to accept this generous gift; Ms. Turner seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

6. Request from Ad hoc memorandum of understanding committee to have a resource from Town Council assigned to assist with creating a Master Agreement (Allison)

Mr. Allison moved to request that a resource from Town Counsel be appointed to assist the ad hoc Memorandum of Understanding Committee with creating a Master agreement. Mr. Moody seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

7. Make sure Ad hoc Audit committee volunteers is posted (Moody)

Ms. Turner will send Mr. Nutting the “charter” for this committee. He will make sure that the call for members is posted on the town website.

8. Create a Town Administrator search committee to work with the search agency (Moody)

Previously addressed.

9. What is Zoom policy and access and minutes (Moody)

Mr. Moody would like one person to be in charge of Zoom meetings, creating the meetings, posting the contact numbers, whether it's the Town Administrator, the Town Clerk, or whoever. He notes that Zoom creates a transcript so the person doing the minutes can just make some edits and doesn't have to watch the whole thing. He states that FinCom, LAHT, and a number of committees have had problems with Zoom meetings. Mr. Nutting asked how many fails there have been of the hundreds of meetings since Zoom began.

Ms. Turner said it should be easy, and that each department has administrative staff who help. She said there have been cases where people couldn't get into meetings, where tapes were lost so that we couldn't do accurate minutes, and that running a transcript should be easy because it's the same function as Closed Caption.

No resolution was reached or action taken.

10. Select board communications with Interim Human Resource (HR) Director Sandi Charton and HR future (Moody)

Mr. Moody said that Ms. Charton sent a memo some time ago regarding the status of her position; he would like Mr. Nutting to work with her to figure this out. Mr. Nutting replied that Ms. Charton would currently like to work two days a week and this is no time to make changes. He urged that the Board take no action and the new TA, when hired, can decide what he/she wants for a team.

11. Approve several water lines for American Rescue Plan Act, (ARPA) money, not whole list yet (Moody)

Mr. Moody said that the COA Building is a disaster, the town has no emergency shelter or any generators. He wants to get going on some of the water line work requested by the DPW. He doesn't want to spend all the ARPA money but expects that with all towns taking advantage of this money that engineers are going to become very busy.

Ms. Turner said that she has been asking for more comprehensive ARPA information and wants to have policy discussions. She stated that goals will be important, but \$2.5 million will go fast with DCAMM, buildings in disrepair. She would like a group established, perhaps made up of department heads.

Mr. Nutting said this was confusing, that one member wants more planning, and one wants to move ahead. He had received the priority list from Mr. Pacheco and understood that the only money spent to date was to fund the COVID coordinator position.

The Board started discussing whether discussion should be held without a motion; Mr. Allison stated that the MMA's Select Board Handbook says, "discussion without a motion is just conversation."

Mr. Moody wants to get pricing on the piping needed by the DPW. Ms. Turner would like to develop an ARPA questionnaire and bring it forward to a meeting, proposing a motion whereby she and Mr. Moody would have a "working meeting" with the TA to develop the questionnaire. Mr. Nutting suggested that he prefers to meet individually with Board members rather than having another Open Meeting.

VIII. APPOINTMENTS AND RESIGNATIONS - NONE

IX. LICENSES AND PERMITS - NONE

X. OTHER/UNFINISHED BUSINESS

- **Division of Capital Asset Management and Maintenance (DCAMM) (Turner)**
Still waiting for language; will be part of legislative update.
- **Set date of our legislative update (Turner)**
Scheduling for January 19, 2022.

XI. NEW BUSINESS

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

XII. COMMUNICATIONS

- Town Offices closed Monday, January 17, 2022, in observance of Martin Luther King Jr. Day
- The Select Board's next regular meeting will be held via Zoom on Wednesday, January 19, 2022, at 6:00pm

XIII. ADJOURNMENT

Select Board member Jay A. Moody offered a motion to adjourn the meeting; seconded by Ms. Turner. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

Respectfully submitted,

Kathleen Rocco
Executive Assistant

Jay M. Moody Clerk
Approved and accepted:

SCHEDULED APPEARANCES & PUBLIC HEARINGS

Kathi Rocco

From: vpetraccapublic@gmail.com
Sent: Friday, November 19, 2021 1:51 PM
To: Jason A. Allison; Jay Moody; Alexandra Turner; Orlando Pacheco
Cc: Kathi Rocco; 'Karen Chapman'
Subject: 40R Bylaw - Public Hearing Request
Attachments: Version 9 40R Clean Draft Bylaw 11.18.21.pdf; Lancaster Draft 40R District Application 9.1.21.pdf; Attachment 1-1A - District Locator Map (Town Wide).pdf; Attachment 1-1B - District Locator Map (Surrounding Area).pdf; Attachment 1-1C - District Locator Map (District Only).pdf; Attachment 3-1 - Smart Growth Residential Density Map.pdf; Attachment 4-2 - Smart Growth Zoning Overlay District.pdf; Draft 9.1.21 40R Parcel Density Data + District (NO Sub-Districts) Summary Info (2).pdf

Dear Select Board & Orlando,

MRPC and the Affordable Housing Trust respectfully submit the attached application package for a Select Board public hearing relative to MGL Chapter 40R.

"760 CMR 59.05: Procedure for Approval, Review, Amendment, and Repeal (1) Preliminary Municipal Review Procedure. The chief executive of the Municipality or duly authorized designee shall hold a preliminary public hearing on whether the provisions of the proposed 40R Zoning should be adopted by the Municipality. Notice shall be given in accordance with M.G.L. c. 40A, § 11 and by posting on the Municipality's website, if any, on the date of the first newspaper publication through the date of the hearing. Following the hearing, comments shall be considered by the Municipality in preparation of the proposed 40R Zoning Application."

From DHCD:

"No requirement for a vote during the hearing which, as you probably know, can be held during a portion of a regular SB meeting. We do need, however, to have evidence (e.g. letter / signature on the application form) that the application has been submitted by "the chief executive or duly authorized designee."

8 attachments:

- Draft 40R Smart Growth Overlay District bylaw for North Lancaster
- Draft 40R District Application
- 5 required maps
- Draft Density Spreadsheet

Please confirm the Select Board public hearing date and time at your earliest convenience.

Thank you,
Victoria

Victoria Petracca, Chair
Lancaster Affordable Housing Trust

Town of Lancaster Smart Growth Overlay District Article

Article ____ To see if the Town will vote to add “North Lancaster Smart Growth Overlay District” to the Lancaster Zoning Bylaws as Section 220-8.9 of Article III, by inserting the following sections: A. Purpose, B. Definitions, C. Applicability of North Lancaster Smart Growth Overlay District – Scope & Authority, D. Permitted Uses, E. Housing and Housing Affordability, F. Dimensional and Density Requirements, G. Parking Requirements, H. Plan Approval of Projects, I. Plan Approval Procedures, J. Plan Approval Decisions, K. Change in Plans after Approval by PAA, L. Design Standards, M. Severability

§ 220-8.9: NORTH LANCASTER SMART GROWTH OVERLAY DISTRICT

A. PURPOSE.

The purpose of this Section 220-8.9 is to establish a North Lancaster Smart Growth Overlay District in order to encourage smart growth in accordance with M.G.L. Chapter 40R. The North Lancaster Smart Growth Overlay District provides housing opportunities in one or more mixed-use developments that promote compact design and pedestrian-friendly access to retail, employment, and other amenities. Additional objectives of this Section are to:

- (1) Promote public health, safety, and welfare by encouraging and increasing a diversity of housing opportunities;
- (2) Provide for a full range of housing choices for households of all incomes, ages, and sizes in order to meet diverse population needs;
- (3) Help to ensure the Town of Lancaster meets the Commonwealth's affordable housing requirement of greater than 10% deed-restricted inventory, and to sustain this level to maintain local control over the Town's affordable housing program;
- (4) Establish requirements, standards, and guidelines to ensure predictable, fair, and cost-effective review and permitting of development;
- (5) Enable the Town to receive Zoning Incentive Payments and Density Bonus Payments in accordance with M.G.L. Chapter 40R and 760 CMR 59.06 arising from the development of housing in the Smart Growth Overlay District;
- (6) Enable the Town to receive Smart Growth Educational Aid payments for school children living in residential developments within the Smart Growth Overlay District pursuant to M.G.L. Chapter 40S, which are available only for new developments in 40R Smart Growth Overlay Districts; and
- (7) To the extent not in conflict with the permissible criteria for disapproval under Section J and provisions for As-of-Right development under the Governing Laws, to generate positive tax revenue from mixed-use development where possible.

B. DEFINITIONS.

For purposes of this Section 220-8.9, the following definitions shall apply. All bolded terms shall be defined in accordance with the definitions established under the Governing Laws or Section 220-8.9, or as set forth in the Plan Approval Authority (PAA) Regulations. To the extent that there is any conflict between the definitions or terms set forth in, or otherwise regulated by, the Governing Laws and those defined or used in this Section 220-8.9, inclusive of any applicable Design Standards, PAA Regulations, or any other applicable associated local zoning requirement

Prepared by the Montachusett Regional Planning Commission & Lancaster Affordable Housing Trust

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(e.g., zoning requirement contained in another section of the Zoning Bylaw that is nonetheless incorporated by reference), the terms of the Governing Laws shall govern.

AFFIRMATIVE FAIR HOUSING MARKETING PLAN – A written plan of required actions that provide information, maximum opportunity, and otherwise attract eligible persons protected under state and federal civil rights laws that are less likely to apply for affordable housing.

AFFORDABLE HOMEOWNERSHIP UNIT – An Affordable Housing unit required to be sold to an Eligible Household.

AFFORDABLE HOUSING – Housing that is affordable to and occupied by Eligible Households.

AFFORDABLE HOUSING RESTRICTION – A deed restriction of Affordable Housing meeting the statutory requirements in M.G.L. Chapter 184, Section 31, and the requirements of Section E.(5) of this Bylaw.

AFFORDABLE RENTAL UNIT – An Affordable Housing unit required to be rented to an Eligible Household.

APPLICANT – The individual or entity that submits a Project application for Plan Approval.

AS-OF-RIGHT – A use allowed under Section D. without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires Plan Approval pursuant to Sections I through M shall be considered an As-of-Right Project, subject to review and approval by DHCD of any Municipal 40R regulations, guidelines, application forms, or other requirements applicable to review of Projects by the PAA under the 40R Zoning and 760 CMR 59.00.

DEPARTMENT OR DHCD – The Massachusetts Department of Housing and Community Development, or any successor agency.

DESIGN STANDARDS – Provisions of Section M made applicable to Projects within the NL-SGOD that are subject to the Plan Approval process of the PAA.

ELIGIBLE HOUSEHOLD – An individual or household whose annual income is less than or equal to 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

FARMERS MARKET – A public market for the primary purpose of connecting and mutually benefiting mainly Massachusetts farmers, artisans, communities, and shoppers while promoting and selling locally grown, raised and/or crafted goods.

GOVERNING LAWS – M.G.L. Chapter 40R and 760 CMR 59.00.

MIXED-USE DEVELOPMENT PROJECT – A Project containing a mix of residential uses and non-residential uses, as allowed in Section D.(2), and subject to all applicable provisions of this Section 220-8.9.

MOBILE MARKET – Outfitted buses, trucks, vans, carts, or any other vehicle with space to display and sell produce and/or prepared food.

MONITORING AGENT OR ADMINISTERING AGENT – The local housing authority or other qualified housing entity designated by the Select Board, pursuant to Section E.(2), to review and implement the Affordability requirements affecting Projects under Section E.

NL-SGOD – The North Lancaster Smart Growth Overlay District established according to this Section 220-8.9.

PLAN APPROVAL – Standards and procedures which all Projects in the NL-SGOD must meet pursuant to Sections H through K and the Governing Laws.

PLAN APPROVAL AUTHORITY (PAA) – The local approval authority authorized under Section H.(2) to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the NL-SGOD.

PAA REGULATIONS – The rules and regulations of the PAA adopted pursuant to Section H.(3).

PROJECT – A Residential Project or Mixed-use Development Project undertaken within the NL-SGOD in accordance with the requirements of this Section 220-8.9.

RESIDENTIAL PROJECT – A Project that consists solely of residential, parking, and accessory uses, as further defined in Section D.(1).

SHALL – For the purposes of this bylaw, the term “shall” has the same meaning as “must” and denotes a requirement.

WATER SUPPLY AND DEVELOPMENT AGREEMENT – An agreement reached by and between the City of Leominster and 702, LLC and executed on December 4, 2020 wherein the City of Leominster provides water to the 702, LLC development project under the terms and conditions contained therein, including certain use restrictions. See also “Intermunicipal Agreement between the City of Leominster and the Town of Lancaster for the Provision of Water Service” executed on March 21, 2021.

ZONING BYLAW – The Zoning Bylaws of the Town of Lancaster.

C. APPLICABILITY OF NORTH LANCASTER SMART GROWTH OVERLAY DISTRICT – SCOPE AND AUTHORITY.

- (1) **Establishment.** The North Lancaster Smart Growth Overlay District, hereinafter referred to as the “NL-SGOD”, is established pursuant to the authority of M.G.L.

Chapter 40R and 760 CMR 59.00 as an overlay district having a land area of approximately 80 acres in size shown on the Zoning Map of the Town of Lancaster, as amended, in the location depicted on the map entitled "North Lancaster Smart Growth Overlay District", prepared by the Montachusett Regional Planning Commission (attached as Exhibit 1). This map is hereby made a part of the Zoning Bylaw and Zoning Map and is on file in the Offices of the Town Clerk and Community Development and Planning Department. The NL-SGOD contains no subdistricts.

- (2) **Applicability.** An applicant may seek development of a Project located within the NL-SGOD in accordance with the provisions of the Governing Laws and this Section 220-8.9, including a request for Plan Approval by the PAA. In such case, notwithstanding anything to the contrary in the Zoning Bylaw, such application shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations. To the extent that there is any conflict between the Governing Laws and this Section 220-8.9, inclusive of the Design Standards, the PAA Regulations, and any applicable associated local zoning requirement (e.g., zoning requirement contained in another section of the Zoning Bylaw that is nonetheless incorporated by reference), the Governing Laws shall govern.
- (3) **Underlying Zoning.** The NL-SGOD is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section 220-8.9. Within the boundaries of the NL-SGOD, a developer may elect either to develop a Project in accordance with the requirements of the Smart Growth Zoning, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s).
- (4) **Administration, Enforcement, and Appeals.** The provisions of this Section 220-8.9 shall be administered by the Building Inspector, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sections I through M shall be governed by the applicable provisions of M.G.L. Chapter 40R. Any other request for enforcement or appeal arising under this Section 220-8.9 shall be governed by the applicable provisions of M.G.L. Chapter 40A.

D. PERMITTED USES. THE FOLLOWING USES ARE PERMITTED AS-OF-RIGHT FOR PROJECTS WITHIN THE NL-SGOD.

- (1) **Residential Projects.** A Residential Project within the NL-SGOD may include:
 - (a) Single-family, 2- and 3-family, and/or multi-family Residential Use(s) through homeownership and/or rental;
 - (b) Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages);
 - (c) Accessory uses customarily incidental to any of the above permitted as follows:

- i. Rental of one or two rooms within a single family detached dwelling, without housekeeping facilities;
 - ii. Accessory apartment in a single-family dwelling with no change in the principal use of the premises;
 - iii. Central dining, recreation and administrative facilities exclusively for the tenants of group facilities;
- (d) Home occupation or professional office, provided as follows:
 - i. The principal operator resides on the premises, employs not more than one other person, and sells no products prepared by others;
 - ii. There is no indication of such occupation visible on the exterior of the building or on the lot, except for required parking and permitted signs; and
 - iii. The activity does not produce noise, odor, traffic or other nuisances perceptible at the lot line at a higher level than is usual in a residential neighborhood.
- (e) Accessory buildings for noncommercial use by residents of the premises only, such as garages, boathouses, storage sheds, greenhouses.
- (2) **Mixed-use Development Projects.** A Mixed-use Development Project within the NL-SGOD may include:
 - (a) Single-family, 2- and 3- family, and/or multi-family Residential Use(s), provided that the minimum allowable as-of-right density requirements for residential use specified in Section F.(1) shall apply to the residential portion of any Mixed-use Development Project;
 - (b) Any of the following non-residential uses (subject to the Water Supply and Development Agreement and any other existing restrictions):
 - i. Underground or overhead communications, gas, electrical, sewerage, drainage, water, traffic, fire, and police system services, appurtenant equipment, and installations
 - ii. Religious and educational uses
 - iii. Nonprofit community centers, places of public assembly, lodges, service or fraternal or civic corporations
 - iv. Long-term care facility
 - v. Registered marijuana dispensary
 - vi. Marijuana establishment (excluding marijuana retailers)
 - vii. Customary accessory uses if adjacent to the principal use or if permitted as a principal use
 - viii. Other customary accessory uses
 - ix. Retail stores; craft, consumer, professional or commercial establishments dealing directly with the general public, unless more specifically listed below
 - x. Shopping center
 - xi. Gasoline service stations, including minor repairs only
 - xii. Sales, rental, and repairs of motor vehicles, mobile homes, farm
 - xiii. Car washing establishments
 - xiv. Dry-cleaning and laundry establishments

- xv. Funeral parlor, undertaking establishments
 - xvi. Hotels, motels, inns
 - xvii. Restaurants
 - xviii. Medical clinics
 - xix. Administrative offices of non-profit organizations
 - xx. Other offices, banks
 - xxi. Art galleries
 - xxii. Outdoor storage or display of goods
 - xxiii. Manufacture, assembly, packaging or treatment of goods sold or handled on the premises in connection with the principal use
 - xxiv. Retail sales or restaurant
 - xxv. Health and fitness center
 - xxvi. Commercial indoor amusement or recreation place or place of assembly
 - (c) Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages); and
 - (d) The total gross floor area devoted to non-residential uses within a Mixed-use Development Project shall not exceed 49% of the total gross floor area of the Project.
- (3) **Other Uses.** Any of the following non-residential uses may be permitted as-of-right, by Plan Approval:
- (a) Farmers Market or Mobile Markets

E. HOUSING AND HOUSING AFFORDABILITY.

- (1) **Number of Affordable Housing Units.**
- (a) For all Projects containing at least 13 residential units, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing.
 - (b) For all projects under 13 units, the following affordable units shall be required:

| Total Units | Minimum Affordable Units |
|--------------------|---------------------------------|
| 6 to 9 | 1 |
| 10 to 12 | 2 |

For the calculation of AHU's, fractions of a dwelling unit shall be rounded up to the nearest whole number.

- (c) Unless the PAA provides a waiver on the basis that the Project is not otherwise financially feasible, not less than twenty-five percent (25%) of rental dwelling units constructed in a Project containing rental units must be Affordable Rental Units pursuant to M.G.L. Chapter 40R. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit shall be deemed to constitute a whole unit. A Project shall not be segmented to evade the Affordability threshold set forth above.
- (d) Across all project sizes, whether ownership or rental, not less than eight percent (8%) of all units shall be made affordable to eligible applicants at sixty percent

(60)% AMI and the balance of the affordable units shall be restricted to eligible applicants at eighty percent (80%) AMI.

- (2) **Monitoring Agent.** The Lancaster Affordable Housing Trust, or its designee, shall be the Monitoring Agent designated by the Lancaster Select Board (“designating official”). In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by DHCD such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a Building Permit for a Project within the NL-SGOD, and on a continuing basis thereafter, as the case may be:
- (a) Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
 - (b) Income eligibility of households applying for Affordable Housing is properly and reliably determined;
 - (c) The housing marketing and resident selection plan conform to all requirements, have been approved by DHCD specifically with regard to conformance with M.G.L. Chapter 40R and 760 CMR 59.00, and are properly administered;
 - (d) Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
 - (e) Affordable Housing Restrictions meeting the requirements of this section are approved by DHCD specifically with regard to conformance with M.G.L. Chapter 40R and 760 CMR 59.00, recorded with the Worcester Registry of Deeds.
- (3) **Submission Requirements.** As part of any application for Plan Approval for a Project within the NL-SGOD submitted under Sections H through K (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), the Applicant must submit the following documents to the PAA and the Monitoring Agent:
- (a) Evidence that the Project complies with the cost and eligibility requirements of Section E.(4);
 - (b) Project plans that demonstrate compliance with the requirements of Section E.(5); and
 - (c) A form of Affordable Housing Restriction that satisfies the requirements of Section E.(6).

These documents in combination, to be submitted with an application for Plan Approval, shall include details about construction related to the provision, within the development, of units that are accessible to the disabled and appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly.

- (4) **Cost and Eligibility Requirements.** Affordable Housing shall comply with the following requirements:

- (a) Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- (b) For an Affordable Rental Unit, the monthly rent payment, including applicable utility allowances, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless another affordable housing program methodology for calculating rent limits as approved by DHCD applies.
- (c) For an Affordable Homeownership Unit, the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, parking, and insurance, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless another affordable housing program methodology for calculating rent limits as approved by DHCD applies.

Prior to the granting of any Building Permit or Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Lancaster.

- (5) **Design and Construction.** Units of Affordable Housing shall be finished housing units. With respect to the minimum required number for a given Project, units of Affordable Housing shall be equitably integrated and proportionately dispersed throughout the residential portion of the Project of which they are part, across all residential buildings, floors and distinct unit types in accordance with the affordable housing restriction and marketing and tenant selection plan approved by DHCD and be comparable in initial construction quality, size and exterior design to the other housing units in the Project. The Affordable Housing shall be indistinguishable from the unrestricted/market-rate units. Unless expressly required otherwise under one or more applicable state or federal housing subsidy programs, the bedroom-per-unit average for the Affordable Housing must be equal to or greater than the bedroom-per-unit average for the unrestricted/market-rate units.
- (6) **Affordable Housing Restriction.** Each Project shall be subject to an Affordable Housing Restriction which is subject to approval by DHCD and recorded with the Worcester Registry of Deeds or district registry of the Land Court, and which contains the following:
 - (a) Specification of the term of the Affordable Housing Restriction, which shall be in perpetuity or the longest time that is legally allowed;
 - (b) Name and address of the Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction;
 - (c) Description of each Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity, initial unit designations and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project that are rental. Such restriction shall

apply individually to the specifically identified Affordable Homeownership Units and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project with the initially designated Affordable Rental Units identified in, and able to float subject to specific approval by DHCD in accordance with, the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and DHCD's AFHMP guidelines;

- (d) Reference to an affirmative fair housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. Such plan shall be consistent with DHCD guidance and approved by DHCD. Consistent with DHCD guidance, such plan shall include a preference based on need for the number of bedrooms in a unit and a preference based on need for the accessibility features of a unit where applicable and may only provide for additional preferences in resident selection to the extent such preferences are also consistent with applicable law and approved by DHCD;
 - (e) Requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales or rentals from a list of Eligible Households compiled in accordance with the AFHMP;
 - (f) Reference to the formula pursuant to which rent of an Affordable Rental Unit, or the maximum resale price of an Affordable Homeownership Unit, will be set;
 - (g) Requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Monitoring Agent;
 - (h) Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction (AHR) by the Monitoring Agent;
 - (i) Provision that the AHR on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and/or the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
 - (j) Provision that the AHR on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
 - (k) Provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Monitoring Agent, in a form specified by that agent, certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability; and
 - (l) A requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.
- (7) **Costs of Housing Marketing and Selection Plan.** The housing marketing and selection plan may make provision for payment by the Project applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.

- (8) **Age Restrictions.** Nothing in this Section 220-8.9 shall permit the imposition of restrictions on age upon Projects unless proposed or agreed to voluntarily by the Applicant. However, the PAA may, in its review of a submission under Section E.(3) allow a specific Project within the NL-SGOD designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units.
- (9) **Phasing.** For any Project that is approved and developed in phases in accordance with Section H.(4), the percentage of Affordable units in each phase shall be at least equal to the minimum percentage of Affordable Housing required under Section E.(1). Where the percentage of Affordable Housing is not uniform across all phases, the unit dispersal and bedroom proportionality requirements under Section E.(5) shall be applied proportionately to the Affordable Housing provided for in each respective phase.
- (10) **No Waiver.** Notwithstanding anything to the contrary herein, the Affordability provisions in this Section E shall not be waived unless expressly approved in writing by DHCD at the request of the Plan Approval Authority.

F. DIMENSIONAL AND DENSITY REQUIREMENTS.

- (1) **Table of Requirements.** Notwithstanding anything to the contrary in this Zoning Bylaw, the dimensional requirements applicable in the NL-SGOD are as follows:

| | |
|---------------------|---|
| Lot Area | Minimum lot area = 44,000 square feet. At least 90% of the lot area requirement must be met without including any "wetland" as defined in M.G.L. Chapter 131, §40. |
| Lot Frontage | Minimum lot frontage = 100 feet. |
| Front Yard Setback | Not less than 30 feet. |
| Side & Rear Setback | Not less than 20 feet unless abutting a residential use, then the setback shall be not less than 40 feet. |
| Building Height | No building or portion thereof or other structure of any kind shall exceed 40 feet excluding chimneys, towers, spires, cupolas, antennas, or other projections of or attachments to a building that do not enclose potentially habitable floor space, provided that they do not exceed the height of the building by more than ten (10) feet or 20% of building height, whichever is greater. |

| | |
|---|--|
| Minimum As-of-Right Residential Density | <p>(1) A density of at least eight (8) units per acre for Developable Land zoned for single-family residential use;</p> <p>(2) A density of at least twelve (12) units per acre for Developable Land zoned for 2- and/or 3-family residential use; or</p> <p>(3) A density of at least twenty (20) units per acre for Developable Land zoned for multi-family residential use.</p> |
| Maximum As-of-Right Residential Density | Twenty-five (25) residential units per acre for Developable Land zoned for residential use. |

G. PARKING REQUIREMENTS.

The parking requirements applicable for Projects within the NL-SGOD are as follows.

- (1) **Number of Parking Spaces.** Unless otherwise found to be unduly restrictive with respect to Project feasibility and approved by the PAA, the parking requirements set forth in Section G. shall be applicable to all projects in the NL-SGOD by use, either in surface parking, within garages, or other structures.

The PAA may allow for additional visitor parking spaces beyond the maximum spaces per unit if deemed appropriate given the design, layout, and density of the proposed residential or other development. The PAA may allow for a decrease in any required parking as provided in Sections (2) and (3) below.

- (2) **Shared Parking.** Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the PAA through the Plan Approval process (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit) if the Applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).
- (3) **Reduction in Parking Requirements.** Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the PAA through the Plan Approval process (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), if the Applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, or endanger public safety, and that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:
- (a) The availability of surplus off street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station;

- (b) The availability of public or commercial parking facilities in the vicinity of the use being served;
 - (c) Shared use of off-street parking spaces serving other uses having peak user demands at different times;
 - (d) To the extent consistent with 760 CMR 59.04(1)(g) and 760 CMR 59.04(1)(i)1., age or other occupancy restrictions which are likely to result in a lower level of auto usage;
 - (e) Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
 - (f) Any applicable transportation demand management strategies that will be integrated into the Project or such other factors as may be considered by the PAA.
- (4) **Parking Location and Design Standards.** The PAA will review the parking design documentation and evaluate for the following:
- (a) Hazards. The parking area and access roads shall not create a hazard to abutters, vehicles or pedestrians.
 - (b) Placement of parking facilities. Parking facilities shall be at the rear or side(s) of the principal structure and shall not abut a public way for more than 20 feet. If site encumbrances make this requirement impossible to achieve, parking may be allowed to abut a public way only if the parking lot is buffered and screened from the public way using dense, native vegetation to the greatest extent possible. The design of the parking facility shall take into consideration natural, cultural and historical features and setting.
 - (c) Pedestrian and bicycle access. Provisions for pedestrian and bicycle access shall be safe and convenient, so that the development as a whole enhances rather than degrades access by foot or bicycle. Parking areas shall accommodate pedestrian access through the use of raised crosswalks, usable landscaped islands, benches, and abundant shade trees, among other design attributes. Parking shall further ensure an inviting pedestrian environment by providing safe, landscaped connections between vehicles stationed in parking areas and building entrances and exits. Such landscaping connections may include sidewalks, terraces, decorative fencing, stone walls, site furnishings, grading and reshaping of earth contours, planting, and lawn areas. Dedicated bicycle lanes shall be included where possible.
 - (d) Plantings. Landscaping meeting the requirements for plantings in parking area(s) under Section L.(6)(b) and (e) of Design Standards shall be provided.
 - (e) Emergency access. Appropriate access for emergency vehicles shall be provided to the principal structure. Such access need not be paved, yet shall be stable and constructed to withstand a fire vehicle.
 - (f) Size of facility. Parking lots shall be configured so that no section of lot shall contain more than 50 spaces, and each section of the lot shall be visually separated from any other section of the lot on- or off-premises through the use of major landscaping, earthen berms or grade changes. No more parking than is required by this bylaw shall be provided unless the applicant demonstrates to the satisfaction of

the PAA that unusual circumstances justify the amount of parking proposed as being necessary despite reasonable efforts at parking demand reduction.

H. PLAN APPROVAL OF PROJECTS.

- (1) **Plan Approval.** An application for Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of this Section 220-8.9. Such Plan Approval process shall be construed as an As-of-Right review and approval process as required by and in accordance with the Governing Laws. The following categories of Projects shall be subject to the Plan Approval process:
 - (a) Any Residential Project containing at least thirteen [13] residential units;
 - (b) Any Mixed-use Development Project; and
 - (c) Any Project seeking a waiver.
- (2) **Plan Approval Authority (PAA).** The 40R Plan Approval Committee, consistent with M.G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the "PAA"), and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the NL-SGOD. The 40R Plan Approval Committee shall include one (1) representative member chosen by each of the following Town of Lancaster Boards from their membership: Planning Board, Zoning Board of Appeals, Conservation Commission, Affordable Housing Trust, and Economic Development Committee. The 40R Plan Approval Committee shall be appointed by the Lancaster Select Board for three (3) years.
- (3) **PAA Regulations.** The Plan Approval Authority may adopt and from time to time amend reasonable administrative rules and regulations relative to Plan Approval. Such rules and regulations and any amendments thereof must be approved by DHCD.
- (4) **Project Phasing.** An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased Project shall comply with the provisions of Section E.(9).

I. PLAN APPROVAL PROCEDURES.

- (1) **Preapplication.** Prior to the submittal of a Plan Approval submission, a "Concept Plan" may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. Such Concept Plan should reflect the following:
 - (a) Overall building envelope areas;
 - (b) Open space and natural resource areas;
 - (c) General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the Applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the NL-SGOD.

- (2) **Required Submittals.** An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA and approved by DHCD, along with application fee(s) which shall be as set forth in the PAA Regulations. The application shall be accompanied by such plans and documents as may be required and set forth in the PAA Regulations. For any Project that is subject to the Affordability requirements of Section E, the application shall be accompanied by all materials required under Section E.(3). All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the PAA.
- (3) **Filing.** An Applicant for Plan Approval shall file the required number of copies of the application form and the other required submittals as set forth in the PAA Regulations with the Town Clerk and a copy of the application including the date of filing certified by the Town Clerk shall be filed forthwith with the PAA.
- (4) **Circulation to Other Boards.** Upon receipt of the application, the PAA shall immediately provide a copy of the application materials to the Affordable Housing Trust (and Monitoring Agent, if already identified, for any Project subject to the Affordability requirements of Section E), Select Board, Board of Appeals, Board of Health, Conservation Commission, Economic Development Committee (if mixed-use), Fire Department, Planning Board, Police Department, Building Inspector, Department of Public Works, and other applicable municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.
- (5) **Hearing.** The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of M.G.L. Chapter 40A. The decision of the PAA shall be made by simple majority vote, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the Applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.
- (5) **Peer Review.** The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to M.G.L. Chapter 40R,

Section 11(a). Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus funds remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith.

J. PLAN APPROVAL DECISIONS.

(1) **Plan Approval.** Plan Approval shall be granted where the PAA finds that:

- (a) The Applicant has submitted the required fees and information as set forth in the PAA Regulations;
- (b) The Project as described in the application meets all of the requirements and standards set forth in this Section 220-8.9 and the PAA Regulations, or a waiver has been granted therefrom; and
- (c) Any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the Affordability requirements of Section E., compliance with condition (b) above shall include written confirmation by the Monitoring Agent that all requirements of that Section have been satisfied or that approval is made subject to such satisfaction prior to any marketing, leasing, occupancy of the Project. Any Plan Approval decision for a Project subject to the affordability restrictions of Section E. shall specify the term of such affordability, which shall be in perpetuity or the longest time that is legally allowed.

The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section 220-8.9, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

(2) **Plan Disapproval.** A Plan Approval application may be disapproved only where the PAA finds that:

- (a) The Applicant has not submitted the required fees and information as set forth in the Regulations; or
- (b) The Project as described in the application does not meet all of the requirements and standards set forth in this Section 220-8.9 and the PAA Regulations, or that a requested waiver therefrom has not been granted; or
- (c) It is not possible to adequately mitigate extraordinary adverse Project impacts on nearby properties by means of suitable conditions.

(3) **Waivers.** Upon the written request of the Applicant and subject to compliance with M.G.L. Chapter 40R, 760 CMR 59.00 and Section E.(10), the Plan Approval Authority may waive dimensional and other requirements of Section F., and/or the Design Standards of Section M., in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and

objectives of the NL-SGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section 220-8.9.

- (4) **Project Phasing.** The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased for the purpose of coordinating its development with the construction of Planned Infrastructure Improvements (as that term is defined under 760 CMR 59.00), or to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, unless otherwise explicitly approved in writing by DHCD in relation to the specific Project, the proportion of Affordable units in each phase shall be at least equal to the minimum percentage of Affordable Housing required under Section E.(1).
- (5) **Form of Decision.** The PAA shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.
- (6) **Validity of Decision.** A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

K. CHANGE IN PLANS AFTER APPROVAL BY PAA.

- (1) **Minor Change.** After Plan Approval, an Applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any

regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision and provide a copy to the Applicant for filing with the Town Clerk.

- (2) **Major Change.** Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to Sections H through K.

L. DESIGN STANDARDS.

- (1) **Adoption of Design Standards.** Any Project undergoing the Plan Approval process shall be subject to design standards as set forth below in this Section L. ("Design Standards").
- (2) **Purpose.** The Design Standards are adopted to ensure that the physical character of Projects within the NL-SGOD:
 - (a) Will be complementary to nearby buildings, structures, and landscape;
 - (b) Will be consistent with the Housing Production Plan, an applicable master plan, an area specific plan, or any other plan document adopted by the Town; and
 - (c) Will provide for high-density quality development consistent with the character of building types, streetscapes, and other community features traditionally found in densely settled areas of the Town or in the region of the Town.
 - (d) These standards are intended to be applied flexibly by the PAA as appropriate to the Project as part of the site plan review process to enable the purpose of this District to be realized, and in recognition of the As-of-Right nature of Projects proceeding under this article. Relief from design standard(s) shall be submitted in writing by the Applicant to the PAA and comply with the requirements of Section J.(3) "Waivers".
 - (e) These standards apply to all site improvements, buildings and structures to enhance the appearance of the built environment within the NL-SGOD.
- (3) **Building Placement.** Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of Chapter 301, Subdivision of Land, of the Code of the Town of Lancaster, currently in effect; and shall be so designed that for the given location and type and extent of land use, the design of building form, building location, egress points, grading, and other elements of the development shall be so as to:
 - (a) Minimize the volume of cut and fill, the number of removed trees six-inch-trunk diameter and larger, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air or water pollution;

- (b) Maximize pedestrian or vehicular safety and convenience within the site and egressing from it;
- (c) Minimize obstruction of water views; minimize the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned; and minimize glare from headlights or area lighting; and
- (d) Assure that the design and location of structures on the site avoid damage to or incompatibility with historical and archeological resources, such as antique buildings and structures, barns, stonewalls, earthworks and graves.

(4) Building Design.

- (a) Primary wall and roof surfaces appear similar to the materials commonly found on existing buildings within the Town;
- (b) Major dimensions of the building are approximately parallel or perpendicular to one or more nearby streets, if within 100 feet of such street;
- (c) The building is not made in effect a sign through painting with bold colors or other graphics devices, or through otherwise unnecessary use of unconventional building form;
- (d) There is some element of consistency with any buildings on abutting premises if facing the same street, such as eave height, wall materials, or window proportions; and
- (e) If the building exceeds 35,000 cubic feet and contains at least twice the cubage of a principal building on any abutting lot, the building design uses breaks in massing, roof planes, wall planes, and other means to reduce the apparent difference in scale.

(5) Disturbance Controls. No activity shall be permitted unless the following are met:

- (a) Standard. No sound, noise, vibration, odor, or flashing (except for warning devices, temporary construction or maintenance work, parades, special events, or other special circumstances) shall be observable without instruments more than 40 feet from the boundaries at locations within the District. However, the PAA may authorize on special permit an activity not meeting these standards, in cases where the Authority determines that, because of peculiarities of location or circumstance, no objectionable conditions will thereby be created for the use of other properties.
- (b) Performance compliance. For a proposed facility whose future compliance with this requirement is questionable, the Building Inspector may require that the applicant furnish evidence of probable compliance, whether by example of similar facilities or by engineering analysis. Issuance of a permit on the basis of that evidence shall certify the Town's acceptance of the conformity of the basic structure and equipment, but future equipment changes and operating procedures must be such as to also comply with this standard.

(6) Landscaping Requirements.

- (a) Applicability. Street, sideline, parking area, and district boundary plantings shall be provided as specified below when any new building, addition, or change of use requires a parking increase of 10 or more spaces. In performing site plan review, the PAA may authorize alternatives to the following specifications, taking into

- consideration existing vegetation, topography, soils, and other site conditions, provided that equivalent screening, shading, and articulation are achieved.
- (b) Plantings. Required plantings shall include both trees and shrubs, and may include ones existing on the site. To be credited towards meeting these requirements, trees must be at least 2 1/2 inches in caliper four feet above grade, be of a species common in the area, and be ones which reach an ultimate height of at least 30 feet. To be credited towards meeting these requirements, shrubs must be at least 24 inches in height at the time of building occupancy, reach an ultimate height of at least 36 inches, and be of a species common in the area. Plantings shall consist of at least one tree per 30 linear feet of planting area length and at least one shrub per three feet. Plantings preferably will be grouped, not evenly spaced, and shall be located or trimmed to avoid blocking egress visibility. The planting area shall be unpaved except for access drives and walks essentially perpendicular to the area.
 - (c) Street planting area. Street planting is required for nonresidential premises abutting an arterial street. Required street planting shall be provided within 15 feet of the street property line along the entire street frontage except at drives.
 - (d) Sideline planting area. Sideline planting is required for premises abutting an arterial street. Required sideline planting shall be provided within five feet of the side lot line between the front lot line and the building setback (as built, not as required).
 - (e) Parking area plantings. A minimum of 2% of the interior area of parking lots containing 30 or more spaces must be planted. A minimum of one tree and four shrubs exclusive of perimeter plantings must be planted for every 1,500 square feet of parking lot. Planting areas must each contain not less than 30 square feet of unpaved soil area. Trees and soil plots shall be so located as to provide visual relief and wind interruption within the parking area, and to assure safe patterns of internal circulation.
 - (f) District boundary planting area. District boundary planting is required on any premises along the full length of any boundary abutting or extending into a residential area and being developed for a use not allowed in that residential area, unless abutting property is determined by the Building Inspector to be unbuildable or visually separated by topographic features. Required planting shall be located within 10 feet of the boundary.
 - (g) Existing vegetation. Wherever possible, the above requirements shall be met by retention of existing plants. If located within 25 feet of a street, no existing tree of six-inch-trunk diameter or greater (measured four feet above grade), dense hedgerow of four or more feet in both depth and height, or existing earth berm providing similar visual screening shall be removed or have grade changed more than one foot unless dictated by plant health, access safety, or identification of the premises.
 - (h) Exceptions. Where plant materials as required would harmfully obstruct a scenic view, substitution of additional low level plantings which will visually define the street edge or property line may be authorized, provided that proposed buildings are also designed and located to preserve that scenic view.

- (i) Maintenance. All plant materials required by this bylaw shall be maintained in a healthful condition. Dead limbs shall be promptly removed, and dead plants shall be replaced at the earliest appropriate season.
 - (j) The Town Planner may provide a list of recommended plantings to achieve this purpose.
- (7) **Lighting.** The regulation of outdoor lighting is intended to enhance public safety and welfare by providing for adequate and appropriate outdoor lighting, provide for lighting that will complement the character of the Town, reduce glare, minimize light trespass, and reduce the cost and waste of unnecessary energy consumption.
- (a) Applicability. The requirements of this section shall apply to outdoor lighting on lots and parcels in the District, but shall not apply to one- and two-family dwellings on lots on which they are the principal use, streetlighting, lights that control traffic, or other lighting for public safety on streets and ways.
 - (b) When an existing outdoor lighting installation is being modified, extended, expanded or added to, the entire outdoor lighting installation on the lot shall be subject to the requirements of this section if twenty percent (20%) or more of the fixtures will be new or altered.
 - (c) Nonconforming temporary outdoor lighting necessitated by construction, special nonrecurrent events, or emergency contingencies may be used upon issuance of a temporary lighting permit by the Building Inspector.
 - (d) The following light sources are prohibited:
 - i. Neon signs;
 - ii. Mercury vapor and quartz lamps; and
 - iii. Searchlights.
 - (e) Definitions. For the purpose of this section, the following words and phrases shall have the following meanings:
 - i. **COLOR RENDERING INDEX (CRI)** - A measurement of the amount of color shift that objects undergo when lighted by a light source as compared with the color of those same objects when seen under a reference light source of comparable color temperature. CRI values generally range from zero to 100, where 100 represents incandescent light.
 - ii. **CUTOFF ANGLE** - The angle formed by a line drawn from the direction of the direct light rays at the light source with respect to the vertical, beyond which no direct light is emitted.
 - iii. **DIRECT LIGHT** - Light emitted from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.
 - iv. **FIXTURE** - The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens or diffuser lens.
 - v. **FOOTCANDLE** - A unit of illumination. One footcandle is equal to one lumen per square foot.
 - vi. **FULLY SHIELDED LUMINAIRE** - A lamp and fixture assembly designed with a cutoff angle of 90°, so that no direct light is emitted above a horizontal plane.

- vii. **GLARE** - Light emitted from a luminaire with an intensity great enough to produce annoyance, discomfort, or a reduction in a viewer's ability to see.
 - viii. **HEIGHT OF LUMINAIRE** - The vertical distance from the finished grade of the ground directly below to the lowest direct light-emitting part of the luminaire.
 - ix. **INDIRECT LIGHT** - Direct light that has been reflected off other surfaces not part of the luminaire.
 - x. **LAMP** - The component of a luminaire that produces the actual light.
 - xi. **LIGHT TRESPASS** - The shining of direct light produced by a luminaire beyond the boundaries of the lot or parcel on which it is located, or on-site lighting producing more than 0.3 footcandles horizontal brightness at ground level at any point off premises, except within a street.
 - xii. **LUMEN** - A measure of light energy generated by a light source. One footcandle is one lumen per square foot. For purposes of this bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.
 - xiii. **LUMINAIRE** - A complete lighting system, including a lamp or lamps and a fixture.
- (f) **Plan Contents.** Wherever outside lighting is proposed, every application for a building permit, electrical permit, special permit, variance, or site plan shall be accompanied by a lighting plan which shall show:
- i. The location and type of any outdoor luminaires, including the height of the luminaire;
 - ii. The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
 - iii. The type of lamp, such as metal halide, compact fluorescent, LED or high-pressure sodium;
 - iv. That light trespass onto any street or abutting lot will not occur. This may be demonstrated by manufacturer's data, cross-section drawings, or other means.
- (g) **Control of Glare and Light Trespass.**
- i. Any luminaire with a lamp or lamps rated at a total of more than 2,000 lumens shall be of fully shielded design.
 - ii. All luminaires, regardless of lumen rating, shall be equipped with whatever additional shielding, lenses, or cutoff devices are required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptible to persons on any street or abutting lot or parcel.
 - iii. Section L.(7)(g)(i) above shall not apply to any luminaire intended solely to illuminate any freestanding sign or the walls of a building, but such luminaire shall be shielded so that its direct light is confined to the surface of such sign or building.
 - iv. All lamps subject to this bylaw shall have a minimum color temperature of 2,000° K. and a maximum color temperature of 4,500° K.
 - v. Control of illumination levels. All parking areas and pedestrian facilities serving nonresidential uses and open to the general public shall be provided

with illumination during all hours from dusk to dawn while those facilities are open to the general public. Such illumination shall provide not less than 0.2 average maintained horizontal footcandles. However, in performing site plan review, the PAA may approve alternative arrangements if it determines that, because of special circumstances or alternative provisions, the specified illumination is not necessary or appropriate for the protection of the public safety.

(h) Lamp Types.

- i. Lamp types shall be selected for optimum color rendering as measured by their color rendering index (CRI), as listed by the lamp manufacturer. Lamps with a color rendering index lower than 50 are not permitted. This subsection shall not apply to temporary decorative lighting which may include colored lamps, such as holiday lighting.
- ii. No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.
- iii. A luminaire attached to the exterior of a building or structure for area lighting shall be mounted no higher than 20 feet above grade and shall be shielded to control glare.
- iv. A luminaire attached to a pole shall be mounted no higher than 20 feet above grade and shall be shielded to control glare.

(i) Hours of Operations. Outdoor lighting shall not be illuminated between 11:00 p.m. and 6:00 a.m., with the following exceptions:

- i. If the use is being operated, such as a business open to customers, or where employees are working, or where an institution or place of public assembly is conducting an activity, normal illumination shall be allowed during the activity and for not more than 1/2 hour after activity ceases;
- ii. Low-level lighting sufficient for the security of persons or property on the lot may be in operation between 11:00 p.m. and 6:00 a.m., provided the average illumination on the ground or on any vertical surface is not greater than 0.5 footcandles.

(8) Signs and Illumination.

(a) General Regulations.

- i. Interference with traffic. No sign shall be so placed or so worded, designed, colored or illuminated as to obscure or distract from signs regulating traffic.
- ii. Motion. Flashing or moving signs are prohibited in all districts.
- iii. Setbacks and corner clearance. No sign, including temporary signs, shall be closer than 20 feet to any street or lot line unless affixed to a building.
- iv. Signs on Town property. All signs on Town property, except for temporary or directional signs, shall require a special permit from the Board of Appeals.
- v. Sign content. Except for permitted directional signs, sign content shall pertain exclusively to products, services, or activities on the premises. Sign shall not display brand names, symbols, or slogans of nationally advertised

- products or services except in cases where the majority of the floor or lot area on the premises is devoted to that brand, product or service.
- vi. Permitted Forms of Illumination. Illumination of signs and outdoor areas shall be indirect.

(b) Limitations on sign location and size.

- i. General Location of Signs. All signs shall be placed on the premises to which their message pertains, with the following exceptions:
- a Municipal, state or federal signs;
 - b Permitted temporary posters or political signs;
 - c Directional signs pertaining to an institutional, educational or recreational use, provided a special permit is granted by the PAA for their location and indirect illumination, if any.
- ii. Freestanding signs. Freestanding signs shall be limited to one per premises, in the principal front yard only, and shall not be placed on a tree, rock, or utility pole. In residential areas, no such sign shall exceed three square feet in area on residential premises, nor 12 square feet on nonresidential premises or on premises for sale. In all other districts, such signs are limited to an area not greater than 30 square feet or one square foot for each four linear feet of the principal lot frontage, whichever is smaller.
- iii. Attached signs.
- a Attached signs may be placed only on the side of a building facing a street and shall not project more than three inches from the face of the building, nor above the line of the eaves, and shall not obscure any window, door, or other architectural feature. In residential areas, the maximum area of signs shall not exceed three square feet for each permitted family or home occupation on residential premises, or 12 square feet for each permitted nonresidential premises. In any other district, the aggregate area of all signs on any face of a building fronting a street shall not exceed 10% of the area of that face or 30 square feet, whichever is smaller.
 - b In the case of a shopping center, the maximum area of such signs on any face of the shopping center building shall not exceed one square foot to each linear foot of such building face measured horizontally along such building face. Such signs shall be permitted on all faces of the building but shall be limited to major department stores, entrances and theaters.

(c) Exemptions for temporary and directional signs.

- i. Temporary posters for noncommercial events, political signs. Such signs are limited to a period of 45 days preceding and seven days after the relevant event and to not more than one, not to exceed 12 square feet, per residential premises in residential areas nor more than two, not exceeding 20 square feet each, on all other premises.
- ii. Directional signs. Accessory signs directing traffic to entrances or exits from the building or parking area are permitted in any district and all yards, provided:
- a No freestanding directional sign exceeds two square feet in area, or is placed higher than three feet above the ground;

40R District Application – Preliminary Determination of Eligibility

MASSACHUSETTS DEPARTMENT OF
HOUSING AND COMMUNITY DEVELOPMENT

40R DISTRICT / ZONING APPLICATION FORM
PRELIMINARY DETERMINATION OF ELIGIBILITY

Municipality:

Name of District:

☒ Smart Growth Zoning District (SGZD) ☐ Starter Home Zoning District (SHZD)
☐ Expedited Review (qualified SHZDs only; [see corresponding checklist](#))

Municipal contact person:

Title & Department:

Address:

Phone:

Email:

The undersigned, chief executive of a Municipality or duly authorized designee of the Town of Lancaster hereby certifies that all information in this application is accurate and complete as of the date hereof.

Signed: _____

Name, title:

Date:

Key Data from corresponding District Summary Information Spreadsheet
Complete the Smart Growth / Starter Home Residential Density Plan/Map and Density Data Spreadsheet prior to completing this application form and before completing the accompanying District Summary Information Spreadsheet, certain cells of which will automatically populate based on information from the Density Data Spreadsheet. It is highly recommended that the municipality submit a draft Smart Growth / Starter Home Residential Density Plan/Map to DHCD for informal review and feedback prior to submission of a formal application, particularly if the Developable Land within the proposed District includes land identified as Underutilized Land. Capitalized terms used but not defined in this document have the meaning set forth in the Density Data Spreadsheet and/or 760 CMR 59.02. Where other capitalized terms first appear, there is generally a corresponding hyperlink to the definitions section in the last portion of this document. Pressing the "Ctrl" key and clicking on the back arrow symbol [↶] that appears after the linked definition will bring you back to the corresponding reference in the application form.

Type of Eligible Location (1.B, 1C, 1E or 1F): _____ 1C _____

Estimated # of Incentive Units: 674

Estimated Zoning Incentive Payment: \$600,000

40R District Application – Preliminary Determination of Eligibility

1. ELIGIBLE LOCATION

1.A Locator Map(s). Attach the Locator Map(s) of the proposed District, identifying the corresponding Eligible Location, proposed District, and any other portions or features of the surrounding area or Municipality that may be relevant to the category of Eligible Location and type of 40R District. For applications seeking qualification as an Eligible Location under the Area of Concentrated Development (ACD) category, the Locator Map(s) should illustrate that at least 51% of the proposed ACD is Substantially Developed Land or Underutilized Land. See corresponding definitions at the end of this document or in the Density Data Spreadsheet and/or consult DHCD).

The purpose of the Locator Map(s) is to support the Department's finding that the District is located in an Eligible Location. As such, collectively, the Locator Map(s) should include all information necessary to illustrate that the proposed District qualifies as an Eligible Location.

For example, the Locator Map(s) for Districts intended to qualify as all or part of a Substantial Transit Access Area (STAA), must, at a minimum, clearly show that, with the exception of any qualifying Adjacent Area, at least a portion of all parcels within the proposed Smart Growth or Starter Home District are within a ½ mile or 1 mile distance, respectively, from the applicable transit facility (where further seeking qualification of an Adjacent Area(s), these distances may be extended up to an additional ½ mile, subject to applicable Infrastructure and Pedestrian Access requirements).

For Districts to qualify as within an Area of Concentrated Development (ACD), including an Existing Rural Village District (ERVD), the Locator Map(s) must clearly show the boundaries of both the proposed District and the boundaries of the applicable ACD/ERVD (i.e., area that includes the corresponding city or town center, other existing commercial district).

In addition, for Districts in certain areas to qualify under the Other Highly Suitable category, the Locator Map(s) may need to further demonstrate that such proposed Districts cannot otherwise qualify under the STAA or ACD Eligible Location categories. Consult DHCD's program staff for any questions on how to prepare the Locator Map(s)).

1.B Substantial Transit Access Area. If the District is near to a transit station, identify the station: _____.

1.C(i) City / Town Center or Existing Commercial District. If the municipality is seeking eligibility of the District as located within an Area of Concentrated Development that does not qualify as an existing rural village district (see below), is the ACD currently served (yes ___ no X) or scheduled to be served within five

40R District Application – Preliminary Determination of Eligibility

years of the application (yes ☒ no ☐) by public sewer(s) and/or private sewage treatment plant(s)?

If the ACD is scheduled to be served by public sewer(s) and/or private sewage treatment plant(s), provide documentation in Attachment 7-1. Note that for Starter Home Zoning Districts, the District itself need not be served or scheduled to be served by public sewer(s) and/or private sewage treatment plant(s), so long as the associated ACD is so served or scheduled to be served (unless otherwise qualified as an existing rural village district).

Briefly describe/summarize the primary current use and zoning (consistent with the Underlying Zoning, see Attachments 2-1 & 2-2) of land and buildings in both the ACD and the proposed District: The Underlying Zoning in the proposed North Lancaster SGOD is categorized as Enterprise District, EZ-A Retail Sub-District, and Integrated Planning Overlay District (IPOD). The Enterprise District only allows residential development of a senior living facility and commercial retail, service, and office uses, as well as some industrial uses with a special permit. The IPOD allows residential dwellings at a maximum of 15 units per acre and commercial uses, but also requires 10 acres minimum per project. There are currently no residential uses in the proposed SGOD. Current uses in the proposed District are commercial in nature, with a coffee shop, gas station, soccer fields, and storage of trucking containers and storage pods. All of the parcels have been cleared and are previously disturbed.

(note: see corresponding regulatory definition of ACD which must include a city or town center or other contiguous, previously developed portions of an existing commercial district where such portions are substantial in the context of the Municipality.)

Is the District within land designated as a commercial center under M.G.L. c.40, § 60 (yes ☐ no ☒)?

If yes, attach a copy of the designation document from DHCD as Attachment 1-2.

1.C(ii) Existing Rural Village District. If the District comprises part or all of what would otherwise qualify an ACD, but the area is not served or scheduled to be served within five years of the application by public sewer(s) and/or private sewage treatment plant(s), does the area include the Municipality's principal road intersection or other civic center point of the Municipality, preliminarily approved by DHCD (yes ☐ no ☐)?

Does it contain two or more of a town hall, post office, public library, public school, or public safety facility (yes ☐ no ☐)?

If yes, identify the facilities that it contains: .

Does it contain an existing village retail district (yes ☐ no ☐)?

If yes, briefly describe its characteristics: .

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1.D Adjacent Areas. For Districts proposed as comprising part of all of the land within a STAA or ACD, does the District contain an Adjacent Area (yes ___ no X)? (note: Adjacent Areas are not applicable to Districts qualifying as Eligible Locations under 1.E or 1.F)

If yes, identify in detail, as part of the Locator Map(s) requirement, and briefly describe the Pedestrian Access:

Is the Adjacent Area currently served (yes ___ no ___) or planned to be served within five years of the application (yes ___ no ___) by the Infrastructure necessary to support the units that will be allowed under the SGZ or SHZ (note: for SHZDs this need not include public sewer(s) and/or private sewage treatment plant(s))?
If the Adjacent Area is scheduled to be served by any applicable Infrastructure that does not currently exist, provide documentation in Attachment 7-1.

1.E Starter Homes (additional Eligible Location). For a proposed SHZD, if the location of the proposed SHZD is not otherwise eligible as a Highly Suitable Location:

- Is the associated land nonetheless zoned for residential use (yes ___ no ___);
- Is there Pedestrian Access for a distance of no more than $\frac{3}{4}$ mile from proposed SHZD to a Pedestrian Destination (yes ___ no ___);
- Does the Starter Home Zoning incorporate Cluster Zoning (yes ___ no ___) so as to permit Cluster Development; and
- Does the SHZ require all development to utilize Low Impact Development Techniques and include features that encourage walking within Starter Home Projects and the SHZD as a whole (yes ___ no ___).

1.F Other Highly Suitable Location (OHSL). Has the District been identified as an appropriate locus for high-density housing or mixed-use development in a state or regional plan document (yes ___ no X)?
If yes, attach a copy of the plan as Attachment 1-3 and identify and describe briefly the section(s): _____.

Further describe how the proposed District qualifies as an OHSL in relation to the various criteria and factors specified in sub-sections (a)4., b. through e. and (b) 1. through 4. under 760 CMR 59.02 Highly Suitable Location and, as applicable, any other factors that the municipality believes support the case that residential or Mixed-use Development in the area of the proposed District would nonetheless promote Smart Growth consistent with the statutory goals for Smart Growth set forth in M.G.L. c.40R §1. Provide as a statement to be attached as Attachment 1-5): _____

2. UNDERLYING ZONING

40R District Application – Preliminary Determination of Eligibility

2.A Underlying Zoning. Attach a copy of the text and map(s) as Attachments 2-1 and 2-2, respectively. The Underlying Zoning must be certified by the municipal clerk and the municipal clerk must also certify that such zoning was in effect one year prior to the application date. The Underlying Zoning provides the basis for determining the existing As-of-right residential densities and units that must be provided in the Density Data Spreadsheet.

3. SMART GROWTH RESIDENTIAL DENSITY PLAN/MAP(S) & DENSITY DATA SPREADSHEET

3.A Smart Growth Residential Density Plan/Map(s). Attach the Smart Growth Residential Density Plan/Map(s) of the District as Attachment 3-1. The purpose of the Plan is to provide a summary illustration of the number of Existing Zoned, Future Zoned and Incentive/estimated Bonus Units on a parcel-by-parcel basis on the Developable Land / Underutilized Land and, as applicable, Substantially Developed Land, throughout the proposed District. The land plan/map should distinguish between parcels (or portions thereof) qualifying as Developable/ Underutilized Land and land that is considered Substantially Developed Land as defined in the regulations. If impractical, it is not necessary to include the corresponding unit numbers on the land plan/map, so long as individual parcels are uniquely identified and correspond to the parcel information provided in the Density Data Spreadsheet. Depending upon the scale and complexity of the proposed District, conveying this information clearly may involve more than one land plan/map. Attach the Smart Growth Residential Density Plan/Map(s) as Attachment 3-1. For Smart Growth Zoning District applications seeking qualification as an Eligible Location under the Area of Concentrated Development category, the Smart Growth Residential Density Plan/Map should illustrate that at least 51% of the proposed District is Substantially Developed Land or Underutilized Land.

3.B Density Data Spreadsheet. Attach the Density Data and District Summary Information Spreadsheets as Attachments 3-2 and 3-3.
The purpose of these spreadsheets is to calculate and document the number of Future Zoned and Incentive Units. These spreadsheets will also be used to estimate the number of potential Bonus Units as well as the amount of the Zoning Incentive Payment.

4. SMART GROWTH/STARTER HOME ZONING, DESIGN STANDARDS & ADDITIONAL MUNICIPAL STANDARDS

4.A Smart Growth / Starter Home Zoning. Attach a copy of the text and map(s) for the Smart Growth Zoning applicable to the District as Attachments 4-1 and 4-2. *The copy of the proposed SGZ text should be provided as an MS Word file with all changes to the most recent SGZ/SHZ template red-lined / made visible with track changes.*

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4.B Mixed-use Development. Does the Smart Growth / Starter Home Zoning allow Mixed-Use Development Projects As-of-right (yes X no)? If yes, what is the minimum portion of such Mixed-use Development Projects that must be devoted to residential uses: 51% ? (this percentage must be used to calculate the minimum number of residential units that would be developed on parcels that will allow Mixed-use Development. If the proposed SGZ/SHZ will allow non-residential use outside of such Mixed-use Developments, the SGZ/SHZ must establish an overall minimum of the estimated developable square footage that will be devoted to residential use and overall maximum cap on developable square footage that can be devoted to non-residential use in order to calculate the number of Incentive Units which will be based on the minimum share of the developable square footage that must be devoted to residential use.)

4.C Substantially Developed Sub-districts. Does the Smart Growth / Starter Home Zoning contain any Substantially Developed sub-district(s) within the District where maximum As-of-right residential densities differ from those applicable to the Developable Land sub-district(s) (yes no X)? If yes, state the maximum As-of-right residential densities within such sub-district(s): units/acre.

Identify the provisions of the Smart Growth / Starter Home Zoning that ensure the construction of infill housing on existing residential vacant lots: NA .

For SGZDs, identify the provisions of the SGZ that permit additional housing units in existing residential buildings and permit additional housing units for additions or replacement of such buildings: NA .

4.D Affordability - Project requirements For SGZDs only, does the SGZ establish a project-size threshold (e.g., 13 units) for Projects that are subject to the SGZ Affordability requirement (yes X no)? If yes, what is that unit # threshold (cannot exceed 13) and identify the section of the SGZ containing that requirement: **13 units; §220-8.9E.(1).** (the SGZ can only exempt Projects of 12 or fewer units from the Affordability requirements)

For SGZD only, does the SGZ contain provisions to ensure that Projects are not segmented to evade the size threshold for Affordability (yes no)? If yes, identify the section of the SGZ containing such provision: **§220-8.9E.(1).**

4.E Affordability - District-wide Affordability target. For SGZDs only, identify the provisions of the SGZ that ensure the total number of Affordable units constructed in the District equals not less than twenty percent (20%) of the total number of all units constructed within Projects in the District: **§220-8.9E.(1).**

The following questions refer to the SGZ/SHZ attached as Attachment 4-1, or the Design Standards attached as Attachment 4-3.

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4.G Categories of Project; Plan Approval Authority. Does the SGZ/SHZ provide for [Plan Review](#) of Projects within the District (yes ☒ no ☐)?
If yes, who is the [Plan Approval Authority](#): **Newly formed committee/board with one (1) member from each of the Planning Board, Zoning Board of Appeals, Conservation Commission, Affordable Housing Trust, and Economic Development Committee.**

4.H Design Standards. Does the SGZ/SHZ contain Design Standards (yes ☒ no ☐)?

If no, have separate Design Standards been promulgated or drafted (yes ☐ no ☐)?

If yes, attach a copy as Attachment 4-3.

Have these Design Standards been previously applied to Affordable or mixed-income residential development in the community (for example, through the Underlying Zoning) (yes ☐ no ☒)?

If yes, briefly identify the project(s) that have been approved using these standards:
_____.

Describe how the Municipality will ensure that its Design Standards will not [Unreasonably Impair](#) the development of Projects in the District: **The design standards in the SGZ are broad in nature and nothing specific enough to unreasonably impair the development is within the proposed SGZ.**

4.I Waivers. Does the SGZ/SHZ allow the Plan Approval Authority, through the Plan Review process, to waive specific dimensional and other standards (other than Affordability requirements) otherwise applicable to a Project (yes ☒ no ☐)?

4.J Phased Project Reviews. Does the SGZ/SHZ permit the Plan Review approvals of proposed Projects to be phased for the purpose of coordinating development with the construction of [Planned Infrastructure](#) upgrades that are identified in the application (yes ☒ no ☐ or that are required to mitigate any extraordinary adverse Project impacts on neighboring properties (yes ☒ no ☐)?

For Projects that are approved and developed in phases, identify the provisions of the SGZ/SHZ requiring that the percentage of Affordable units in each such phase is no less than the minimum percentage required for the Project as a whole: **§220-8.9J(4).**

4.K Additional Municipal Standards. (For Starter Home Zoning Districts only) Will any [Additional Municipal Standards](#) apply to development that proceeds under the Starter Home Zoning (yes ☐ no ☐)? If yes, include copies of the Additional Municipal Standards as Attachment 4-4, together with one of the following, as applicable, as Attachment 4-5:

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1. A Developer Certificate of Feasibility with respect to Additional Municipal Standards; or
2. Documentation demonstrating that such Additional Municipal Standards do not [Render Development Infeasible](#), certified by a Municipal official, civil engineer or other individual with appropriate expertise to evaluate and opine as to the feasibility of such development; or
3. Documentation substantiating the circumstances the Municipality asserts warrant the imposition of Additional Municipal Standards on development under the Starter Home Zoning in the proposed District, which shall be certified by a Municipal engineer or by a public works, board of health or conservation commission official with relevant expertise, unless otherwise substantiated in accordance with guidance issued by DHCD.

5. HOUSING PLAN REQUIREMENT

Subject to the requirements below, the housing plan requirement can generally be satisfied with a current [Comprehensive Housing Plan](#) (or acceptable equivalent) or current (i.e., approved by DHCD within the past 5 years) [Housing Production Plan](#). DHCD has active Housing Production Plans on file, so there is no need to resubmit such plans. Comprehensive Housing Plans (or equivalent plans) should be attached as Attachment 5-1. Municipalities that do not have such plans can fulfill the housing plan application requirement by completing a [Housing Production Summary](#). While any municipality can submit a Housing Production Summary, submission is only necessary and considered for the purposes of satisfying the housing plan requirement if the municipality does not have valid Comprehensive Housing Plan (or acceptable equivalent plan) or Housing Production Plan.

For Comprehensive Housing Plans or equivalent municipal plans, please confirm the following plan components:

☐ Housing needs within the Municipality (including the needs of households in protected classes). If covered, where in the plan can this be found: **Housing Production Plan Executive Summary Item H, page 4; and Section III Housing Goals and Objectives, page 37.**

☐ Housing Strategies (including strategies for the development of housing that serves and provides housing choice for those in protected classes): If covered, where in the plan can this be found: _____

For Housing Production Plans, Comprehensive Housing Plans or equivalent municipal plans, please confirm the following plan components:

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☐ An explanation of how the proposed SGZ/SHZ will allow for the development of housing which is appropriate for a diverse population. If covered, where in the plan can this be found: **Not covered in Plan**

If any these components are not covered in the submitted plan, please provide an addendum to the plan that addresses the missing component(s) and attach as Attachment 5-2.

M.G.L. c. 40R additionally requires that the plan that summarize the Existing Zoned Units, Future Zoned Units, and Incentive Units of the proposed Smart Growth Zoning District. Because many otherwise valid housing plans will not contain this level of specificity and because certain figures/information provided in the application may be revised in the course of DHCD preliminary determination of eligibility, as part of any Final or Conditional Approval of an adopted District, the municipality will need to submit evidence that its housing plan has been amended to incorporate the preliminarily-approved SGZ/SHZ and the corresponding application for preliminary determination of eligibility, as ultimately accepted and approved by DHCD.

6. LOCAL PUBLIC NOTICE AND HEARING

6.A **Public Hearing.** Did the chief executive of the Municipality or designee hold a public hearing on the application as submitted to DHCD (including the draft SGZ/SHZ) for a preliminary determination of eligibility for the proposed Smart Growth District (yes X no)?

If yes, attach copies of the notice of the hearing as Attachment 6-1. (note: this hearing should not be confused with or seen as a substitute for hearings that are otherwise required as part of the local zoning adoption process which should commence after DHCD has issued a Letter of Eligibility)

6.B **Public Comments.** Attach copies of any written comments received by the Municipality on the proposed SGZ/SHZ and the District, including any letters of support/concern issued by the planning board, board of health, conservation commission, or other interested parties, as Attachment 6-2.

Attach any transcript or a summary of any oral comments received by the Municipality at the public hearing as Attachment 6-3.

Summarize briefly any modifications that were made in the proposed SGZ/SHZ or other documents in response to the comments received:

7. INFRASTRUCTURE IMPACTS AND UPGRADES

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In order for a proposed District to ultimately receive Final (vs. Conditional) Approval and qualify for all or a portion, as applicable, of any corresponding Zoning Incentive Payment, the Municipality must document and certify that the impacts of Future Zoned Units within the District will not over burden transportation, water, public and/or private wastewater systems, and other relevant Infrastructure, as it exists or may be practicably upgraded. The purpose of this requirement is both to ensure consistency with Smart Growth principles by supporting growth in areas with sufficient existing or Planned Infrastructure and to ensure that any required Infrastructure that does exist or is insufficient and cannot be practicably upgraded is identified and addressed before the Department issues any associated Zoning Incentive Payment(s).

The attachment must be certified by a municipal engineer or public works official.

Check List of Attachments

Identify documents submitted with the Smart Growth / Starter Home application in the following manner:

| Submitted? | Attachment # | Description |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | 1-1 | Locator Map(s) of the Municipality, including, as applicable, a map showing the relationship of the proposed District to the applicable Area of Concentrated Development (required) |
| <input type="checkbox"/> | 1-2 | Copy of designation letter under M.G.L. c.40, § 60 (if applicable under I.D) |
| <input type="checkbox"/> | 1-3 | Copy of relevant portions of plan document (if applicable under 1.G) |
| <input type="checkbox"/> | 1-4 | Copy of designation letter under M.G.L. c.40Q (if applicable under 1.G) |
| <input type="checkbox"/> | 1-5 | Evidence of District's consistency with statutory goals for smart growth (if applicable under 1.G) |
| <input checked="" type="checkbox"/> | 2-1 | Underlying Zoning Text (required) |
| <input checked="" type="checkbox"/> | 2-2 | Underlying Zoning Map(s) (required) |
| <input checked="" type="checkbox"/> | 3-1 | SG / SH Residential Density Plan/Map(s) of District (required) |
| <input checked="" type="checkbox"/> | 3-2 | Density Data Spreadsheet (required) |
| <input checked="" type="checkbox"/> | 3-3 | District Summary Information Spreadsheet (required) |
| <input checked="" type="checkbox"/> | 4-1 | Smart Growth Zoning / Starter Home Zoning |

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| | | |
|-------------------------------------|-----------|---|
| <input checked="" type="checkbox"/> | 4-2 | Smart Growth/Starter Home Zoning Map(s) (required) |
| <input type="checkbox"/> | 4-3 | Design Standards (if not contained within Smart Growth Zoning) |
| <input type="checkbox"/> | 4-4 & 4-5 | Additional Municipal Standards and associated documentation (SHZDs only) |
| <input checked="" type="checkbox"/> | 5-1 | Comprehensive Housing Plan, Housing Production Plan or Housing Production Summary (required) |
| <input type="checkbox"/> | 5-2 | Plan enhancements/ updates (if applicable) |
| <input checked="" type="checkbox"/> | 6-1 | Notice of public hearing (required) |
| <input checked="" type="checkbox"/> | 6-2 | Written comments on Smart Growth Zoning and District (required) |
| <input checked="" type="checkbox"/> | 6-3 | Summary or transcript of oral comments on Smart Growth Zoning and District (required) |
| <input checked="" type="checkbox"/> | 7-1 | Information on Infrastructure impacts and Planned Infrastructure upgrades, certified by municipal official (required) |

EXPEDITED APPLICATION PROCESS FOR QUALIFIED STARTER HOME ZONING DISTRICTS ONLY PURSUANT TO 760 CMR 59.03(2)

Qualification. In order to qualify for the expedited eligibility determination process pursuant to 760 CMR 59.03(2), a proposed Starter Home Zoning District must either meet the requirements in Qualifications A through F below, or must meet the requirements in Qualifications A through E plus the additional requirements in Qualifications G and H below. [↗](#)

A. Does the Starter Home Zoning conform substantially to the DHCD Starter Home Zoning template, to be submitted, with all changes indicated, with this application (yes___ no___)?

B. Does the Starter Home Zoning District allow for no more than thirty (30) Starter Homes in the District (yes___ no___)?

C. Does the Starter Home Zoning District require that each Starter Home in the District contain at least three (3) bedroom (yes___ no___)?

D. Does the Starter Home Zoning District utilize [Low Impact Development Techniques](#) / Best Practices (yes___ no___)?

E. Does the Starter Home Zoning District utilize best practices for roadway and subdivision design (yes___ no___)?

F. Is this Application accompanied by a [Developer Certificate of Feasibility](#) (yes___ no___)?

40R District Application – Preliminary Determination of Eligibility

G. If this Application is not accompanied by a Developer Certificate of Feasibility, do the Starter Home Zoning District Design Standards address no more than size and location of garages/carports, decks, or other non-living area structures associated with a Starter Home or Accessory Dwelling Unit (yes___ no___)?

Key Definitions from 760 CMR 59.02

Additional Municipal Standards. A Municipal environmental or health ordinance, bylaw or regulation that exceeds applicable requirements of state law or regulation. [↗](#)

Adjacent Area. An area that (1) is physically contiguous to an Eligible Location qualifying as a Highly Suitable Location under 760 CMR 59.04(1)(a)1. through 3.; (2) extends to a distance no more than ½ mile from an Eligible Location, except that if only a portion of a parcel of land lies within such a distance, the entire parcel may be included in the Adjacent Area; and (3) provides Pedestrian Access to a qualifying Eligible Location. To qualify as an Adjacent Area, the area must be currently served by Infrastructure or planned to be served within five years of the 40R Zoning Application by Planned Infrastructure. With respect to Starter Home Zoning Districts only, the Infrastructure or Planned Infrastructure required in an Adjacent Area need not include public sewer(s) or private wastewater treatment plant(s). [↗](#)

Area of Concentrated Development.

(a) An area:

(1) That includes a city or town center; contiguous, previously developed portions of an existing commercial district that are substantial in the context of the Municipality; or a rural village district; the boundaries of which are clearly identified and submitted on a corresponding map;

40R District Application – Preliminary Determination of Eligibility

- (2) That, except in the case of an existing rural village district as set forth in 760 CMR 59.02: Area of Concentrated Development (b), is currently served or scheduled to be served (as shown by sufficient documentation) within five years of the 40R Zoning Application by public sewer(s) and/or private sewage treatment plant(s) (applicable to Smart Growth Zoning Districts only);
- (3) Of which at least 50 percent of the total land area is either Substantially Developed Land or Underutilized Land; and
- (4) Of which the primary current use (or, in the case of Underutilized Land, the primary current zoning) of land and/or buildings is commercial (including retail, office, or industrial businesses) or mixed-use. Land designated as a commercial center under M.G.L. c. 40, § 60 qualifies as an Area of Concentrated Development.
- (b) Notwithstanding anything to the contrary in this definition, in areas that are not sewerred or scheduled to be sewerred, an existing rural village district will still qualify as an Area of Concentrated Development if:
1. it includes the Municipality's principal road intersection or other civic center point of the Municipality approved by DHCD and is characterized by the most Substantially Developed portions of the surrounding village area plus any land that would otherwise qualify as Substantially Developed Land or Underutilized Land within up to ½ mile distance of such principal road intersection or other approved civic center point;
 2. it contains two or more of a town hall, post office, public library, public school, or public safety facility, or it contains an existing village retail district; and
 3. at least 50 percent of the total land area within the existing rural village district is either Substantially Developed Land or Underutilized Land. See 760 CMR 59.04(1)(a)2. ↵

Cluster Development. Development in which the buildings and associated roadways or parking are clustered together into one or more groups separated from adjacent property and/or other groups within the development by intervening Dedicated Open Space usable for passive or active recreational activities. ↵

Cluster Zoning. Zoning in which (a) development density is determined for an entire specified area, rather than on a per-lot basis and (b) dimensional requirements such as lot area, frontage, setbacks of structures from lot lines and/or other structures and minimum lot area per dwelling unit are reduced for individual lots to allow concentration of construction on part of the land through Cluster Development, and which requires permanent conservation of Dedicated Open Space usable for passive or active recreational activities, including without limitation, Future Open Space, as provided in DHCD guidance. ↵

40R District Application – Preliminary Determination of Eligibility

Comprehensive Housing Plan. A document, prepared by a Municipality for review by DHCD, providing an assessment of the housing needs within the Municipality, and describing specific strategies, including but not limited to those contained in the 40R Zoning, to address these needs and ensure that the applicable approval standards of 760 CMR 59.04(1)(g), (i), (j) and (k) are satisfied. The Comprehensive Housing Plan shall identify the numbers of Existing Zoned Units, estimated Future Zoned Units, and estimated Incentive Units within the proposed District. A Comprehensive Housing Plan may be a community development plan, master plan, area specific plan, or equivalent Municipally prepared document that is supplemented as necessary to satisfy these requirements, as well as the requirements of 760 CMR 59.03(1)(h)1., regarding the proposed 40R Zoning. [↩](#)

Design Standards. Provisions of, or regulations adopted pursuant to, 40R Zoning, which are made applicable to Projects within the District that are subject to Plan Review by the Plan Approval Authority. See 760 CMR 59.04(1)(f). [↩](#)

Developer Certificate of Feasibility. Certification by a developer with [Site Control](#), or by an architect, engineer or other professional with appropriate expertise certifying on behalf of such developer, that (a) any Additional Municipal Standards applicable to development under the Starter Home Zoning do not Render Development Infeasible and/or (b) any Design Standards do not Unreasonably Impair development within the District. [↩](#)

Eligible Location. An area within a Highly Suitable Location that qualifies under the criteria set forth in 760 CMR 59.04(1)(a). If a portion of a parcel of land falls within an Eligible Location, then all of such parcel, to the extent of its legal boundaries, may also be deemed an Eligible Location in the discretion of DHCD. [↩](#)

Highly Suitable Location. A location that, as determined by DHCD based on satisfactory documentation provided by the Municipality, is consistent with the statutory goals for [Smart Growth](#), including the production of Starter Homes, set forth in M.G.L. c. 40R, § 1 and 760 CMR 59.00.

(a) To qualify as a Highly Suitable Location, an area must, at a minimum, be one of the following:

1. within a Substantial Transit Access Area;
2. within an Area of Concentrated Development;
3. for Starter Homes, an area zoned for residential use that is not otherwise eligible to be a Highly Suitable Location, only if all or a portion of the Starter Home Zoning District has Pedestrian Access within a distance of no more than $\frac{3}{4}$ mile to a Pedestrian Destination and the Starter Home Zoning incorporates Cluster Zoning so as to permit Cluster Development, and requires all development under the Starter

40R District Application – Preliminary Determination of Eligibility

Home Zoning to utilize Low Impact Development Techniques and to include features that encourage walking within Starter Home Projects; or

4. a location, not otherwise eligible to be a Highly Suitable Location, where residential or Mixed-use Development would nonetheless promote Smart Growth, as demonstrated by the Municipality through documentation satisfactory to DHCD, demonstrating the degree to which:

a. the location is near a rapid transit or commuter rail station or bus or ferry station terminal, though not within a Substantial Transit Access Area;

b. the location has Pedestrian Access within a distance of $\frac{3}{4}$ mile to a Pedestrian Destination;

c. proposed zoning in the location and existing zoning near the location will encourage compact, land-use-efficient design, and Mixed-use Development;

d. infill and redevelopment of previously-developed areas with Infrastructure are likely to occur that will help to preserve open space, farmland, natural beauty, and critical environmental areas elsewhere in the Municipality; and

e. prior identification as an appropriate locus for higher-density housing or higher-density Mixed-use Development in an adopted regional or state plan.

(b) Factors DHCD may consider in determining whether a location that does not qualify under 760 CMR 59.04(1)(a) as being either within a Substantial Transit Access Area or an Area of Concentrated Development is nonetheless a Highly Suitable Location for a District include, without limitation, the extent to which the area is characterized by:

1. Infrastructure, including access to public facilities for storm water and wastewater transport, treatment and disposal and public water supply;

2. Multi-modal Access;

3. Existing Underutilized Facilities; or

4. a location within or immediately adjacent to a Priority Development Area.

(c) An area will not qualify as a Highly Suitable Location if more than 50% of the proposed District contains Prime Farmland Soils on state-owned land. If more than 50% of a proposed District has Prime Farmland Soils that are not state-owned, DHCD may take into account the availability of other potential Highly Suitable Locations in the Municipality, and may request additional information from the Municipality, to determine whether the proposed District qualifies as a Highly Suitable Location.

40R District Application – Preliminary Determination of Eligibility

(d) DHCD may from time to time issue guidance as to other factors that are relevant to the determination of whether a location is Highly Suitable. [↗](#)

Housing Production Plan. An affordable housing plan adopted by a Municipality and approved by DHCD in accordance with 760 CMR 56.03(4). [↗](#)

Housing Production Summary. A detailed summary, consistent with guidance and/or templates issued by DHCD regarding format and content, of the Municipality's: (1) affordable housing production history; (2) housing needs and housing demand assessment; (3) analysis of development constraints and capacity; (4) current housing goals and strategy for achieving those goals; and (5) proposed locations for affordable housing production. [↗](#)

Infrastructure. The basic facilities, services, and installations needed for the functioning of the area of the Municipality within which the District is to be located, including: Pedestrian Access and vehicular access; public and private facilities for storm water and wastewater transport, treatment and disposal; and water and power supply lines. For purposes of a Starter Home Zoning District only, Infrastructure shall not be required to include public sewer and/or public water supply. [↗](#)

Low Impact Development Techniques. Development techniques suitable to a particular site that protect the natural features of the site, including, without limitation, (a) natural resource oriented site design, (b) appropriately scaled and decentralized stormwater management techniques that limit the rate of off-site storm water runoff (both peak and non-peak flows) to levels substantially similar to natural hydrology (or, in the case of a redevelopment site, that reduce such flows from pre-existing conditions), through means including, bioretention/rain gardens, infiltration/permeable pavements, stormwater planters, vegetated swales, vegetated buffers, cisterns, rain barrels, and green roofs; and (c) appropriately scaled roads. [↗](#)

MassGIS. The Massachusetts Office of Geographic Information. [↗](#)

Mixed-use Development. A Project containing: (a) for Smart Growth Zoning Districts, a mix of Multi-family Residential, two- and three-family residential, or single-family residential uses, together with commercial, institutional, industrial, or other non-residential uses; or (b) for Starter Home Zoning Districts, a mix of any Starter Home units with commercial, institutional, industrial, or other non-residential uses; in which the applicable residential densities set forth in 760 CMR 59.04(1)(d)3. and 760 CMR 59.04(1)(d)4., respectively, apply proportionally to the residential portion of the Mixed-use Development Project in accordance with 760 CMR 59.04(1)(d)1. [↗](#)

Pedestrian Access. Safe, practical and continuous access for walking by means of a sidewalk, path, or a roadway with a design speed of 20 miles per hour or less. [↗](#)

40R District Application – Preliminary Determination of Eligibility

Pedestrian Destination. A location that pedestrians frequently use, such as an elementary or high school; a college or university; a hospital; a Municipal office building, public library, post office, public safety facility, or other civic facility; a general or neighborhood commercial or business area with substantial employment, retail or entertainment activity; an active recreational facility open to the public; public transit or a bus stop along a route serving an Eligible Location or Adjacent Area at a minimum of hourly frequency during peak periods. [↗](#)

Plan Approval Authority or Approving Authority. A unit of Municipal government designated by the Municipality to review projects and issue approvals under M.G.L. c. 40R, § 11. See 760 CMR 59.04(1)(f). [↗](#)

Plan Review. The standards and procedures by which a proposed Project within a District is made subject to review by the Plan Approval Authority under the provisions of the 40R Zoning, in accordance with M.G.L. c. 40R, § 11 and 760 CMR 59.00. See 760 CMR 59.04(1)(f). [↗](#)

Planned Infrastructure. Infrastructure for which certification by a Municipal engineer or public works, board of health or conservation commission official or other person with similar expertise pursuant to 760 CMR 59.03(1)(j) has been submitted to establish the timing for completion of the improvements (to be within five years of the 40R Zoning Application date, or other reasonable time period approved by DHCD), the identity of the entities responsible for completing the improvements, and that the District will not be overburdened by the build-out of the Future Zoned Units within the District as the Infrastructure exists or may be practicably upgraded. [↗](#)

Project. A residential development or Mixed-use Development undertaken within a District pursuant to the approval of a Plan Approval Authority in accordance with the requirements of the 40R Zoning. Within the boundaries of a District a developer may elect either to develop a Project in accordance with the requirements of the 40R Zoning, or to undertake development in accordance with the requirements of the Underlying Zoning. [↗](#)

Render Development Infeasible. To prevent or make physically or economically impracticable the development of residential or Mixed-use Development Projects at the As-of-right residential density set forth in the Starter Home Zoning. [↗](#)

Site Control. Fee ownership of, a long-term leasehold interest in, or a right to develop one or more sites that, in the aggregate, comprise at least 50% of the Developable Land Area of a proposed Starter Home Zoning District. Site Control shall be demonstrated, as to each such site, by means of one or more of the following: a recorded deed; a lease with a term of at least 30 years, as to which a notice of lease has been recorded; or an executed, legally enforceable purchase agreement or option to purchase. [↗](#)

40R District Application – Preliminary Determination of Eligibility

Smart Growth. A principle of land development that furthers, on balance, the following goals set forth in M.G.L. c. 40R, § 1 and 760 CMR 59.00:

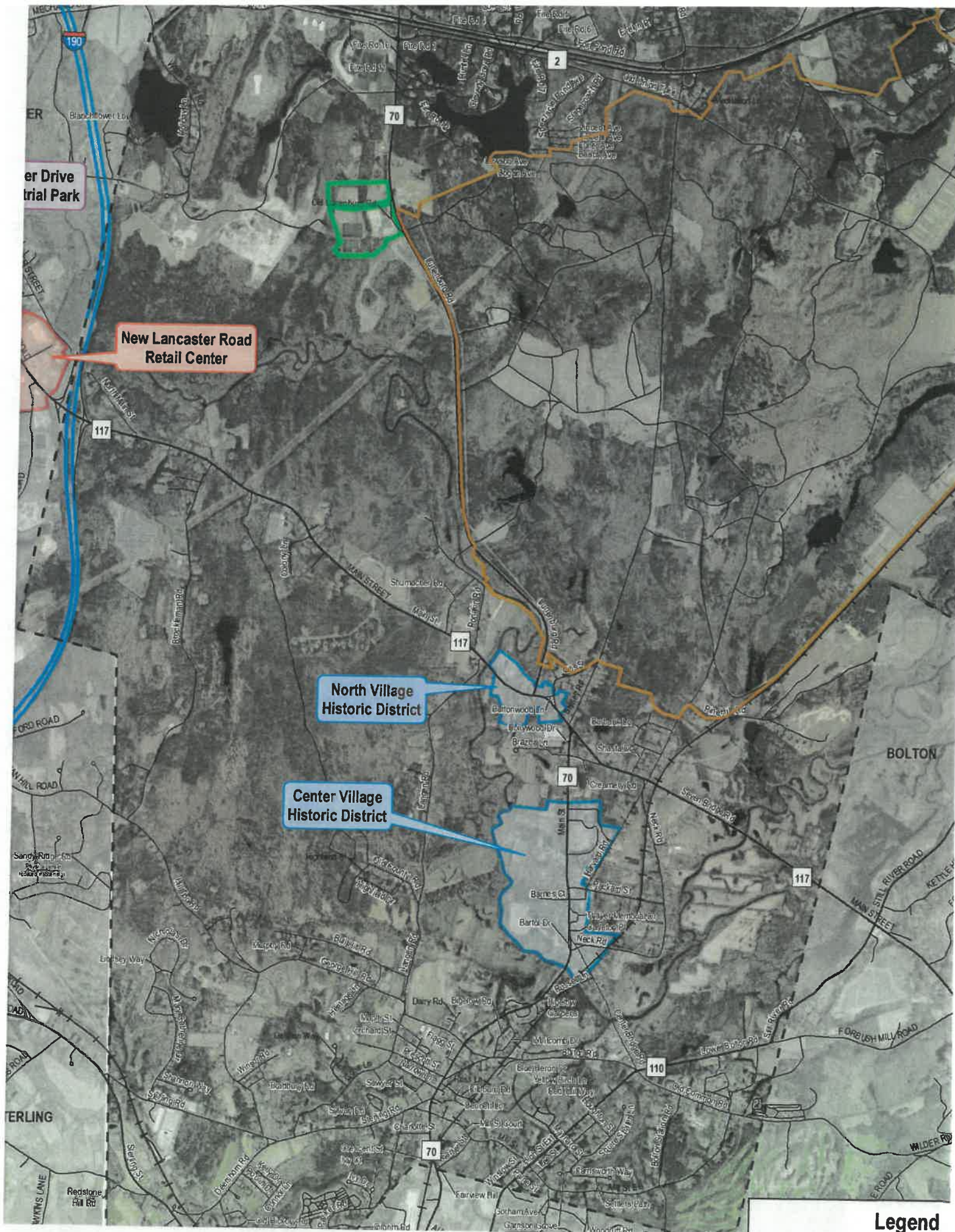
- (a) Increasing the availability of Affordable housing by creating a range of housing opportunities in neighborhoods;
- (b) Emphasizing mixing land uses;
- (c) Taking advantage of compact design;
- (d) Fostering distinctive and attractive communities;
- (e) Preserving open space, farmland, natural beauty and critical environmental areas;
- (f) Strengthening existing communities;
- (g) Providing a variety of transportation choices;
- (h) Making development decisions predictable, fair and cost effective; and
- (i) Encouraging community and stakeholder collaboration in development decisions. ↵

Substantial Transit Access Area. A location that comprises:

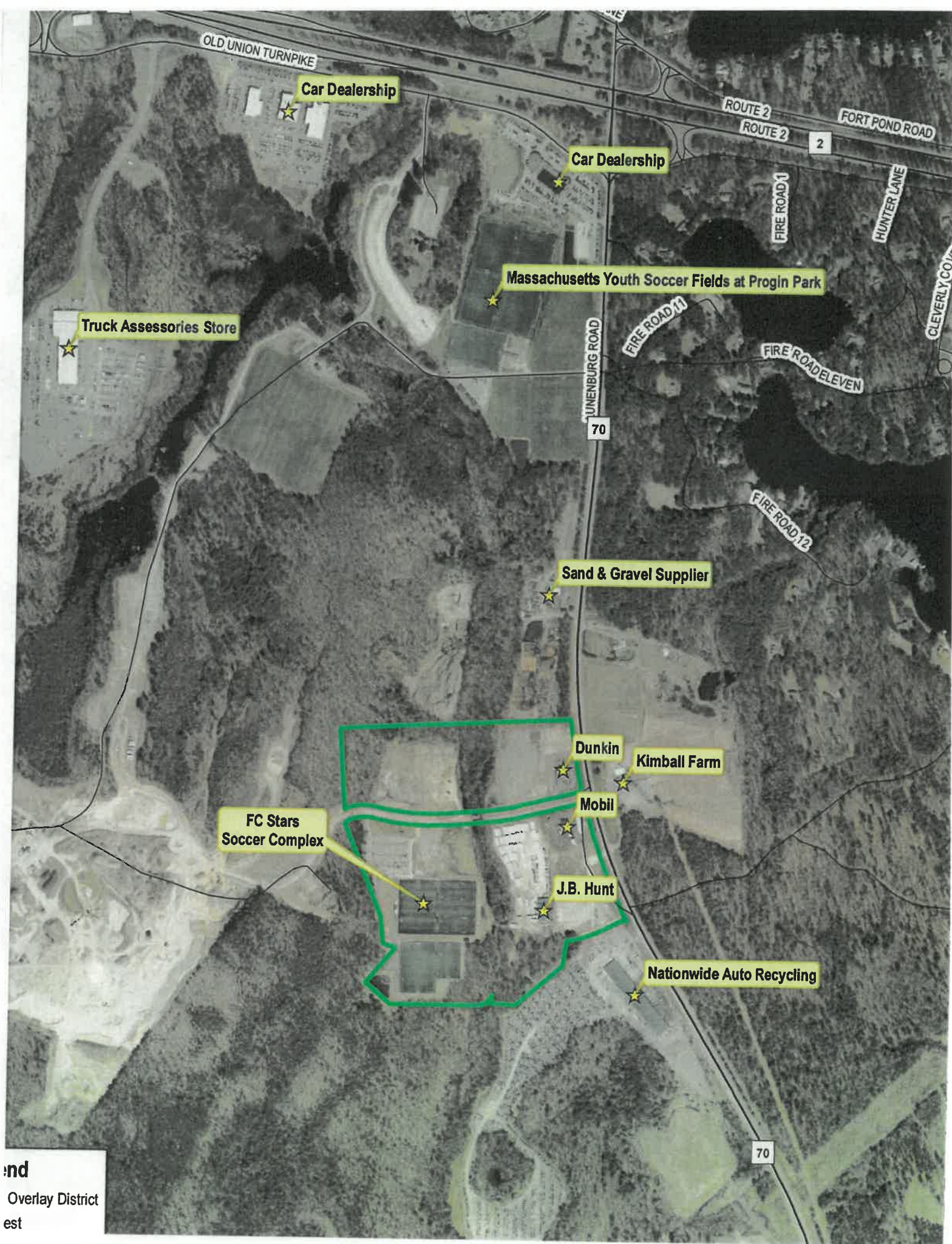
- (a) In the case of a Smart Growth Zoning District, part or all of the land located within ½ mile distance of any rapid transit or commuter rail station, bus or ferry terminal (measured from the entry point(s) to the passenger platforms); and
- (b) In the case of a Starter Home Zoning District, part or all of the land located within a 1 mile distance of any rapid transit or commuter rail station, bus or ferry terminal (measured from the entry point(s) to the passenger platforms). ↵

Unreasonably Impair. To add unreasonable costs or unreasonably diminish the economic feasibility of proposed Projects in a District by means of a provision of 40R Zoning or a Design Standard. ↵

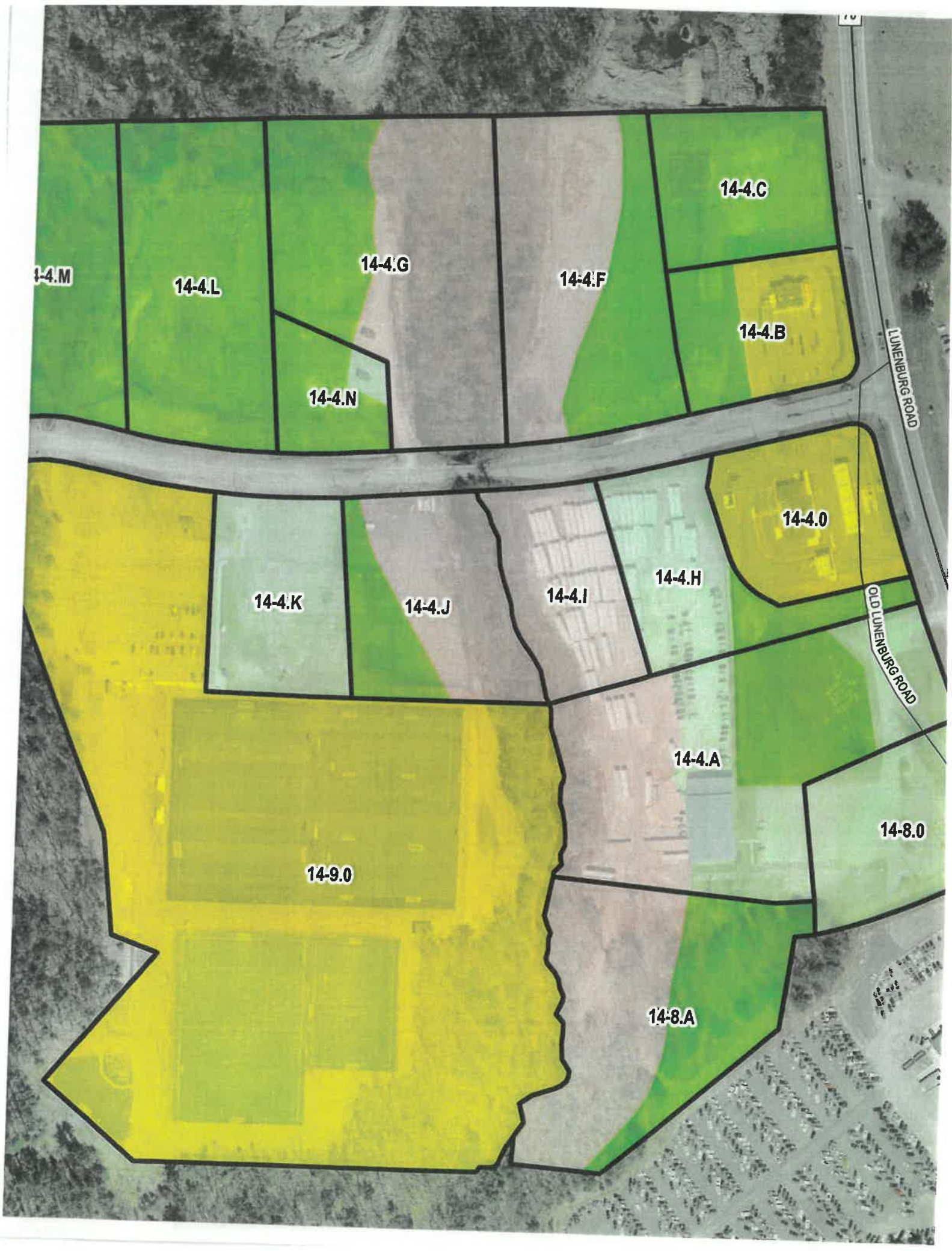
40R District Application – Preliminary Determination of Eligibility

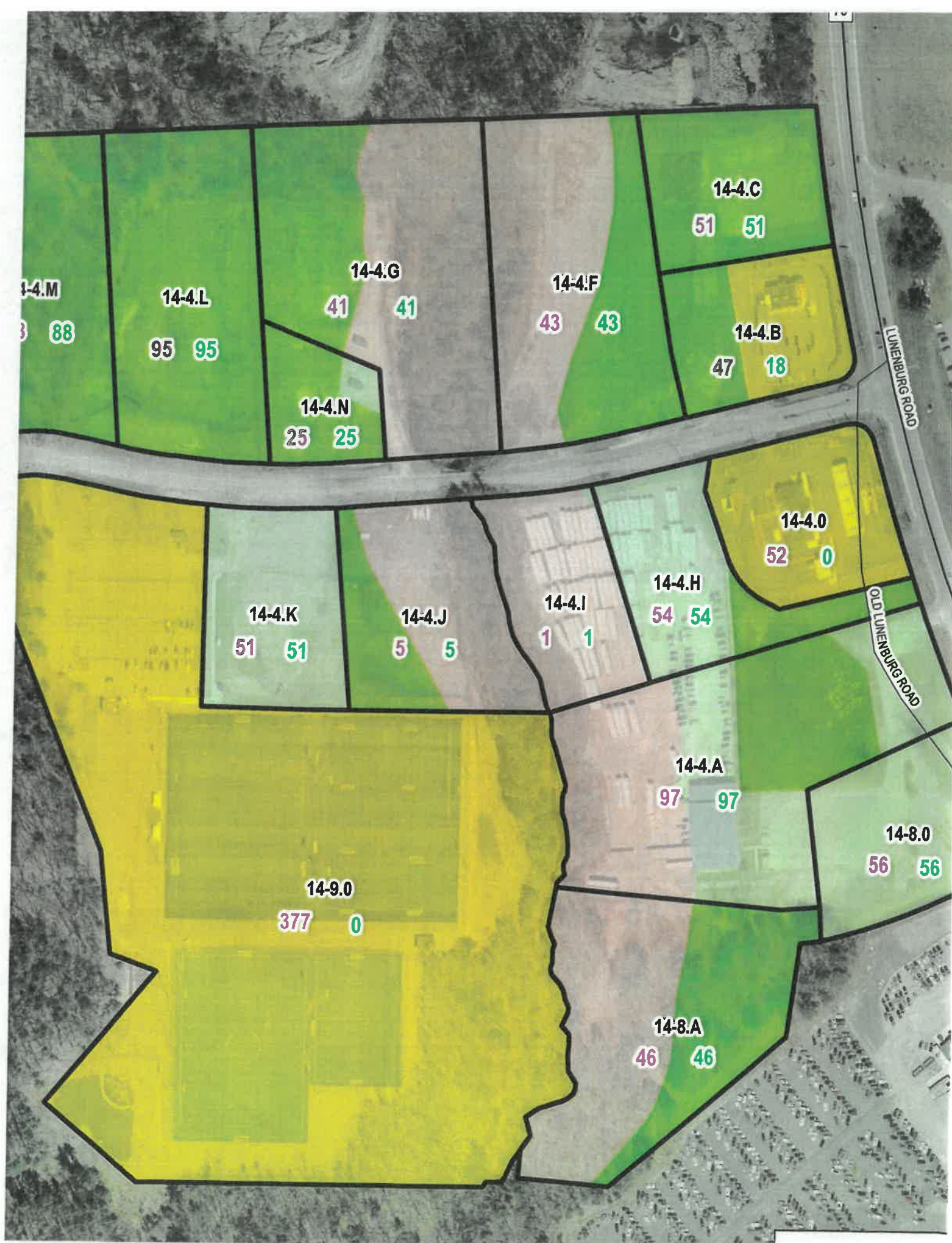


Legend



end
Overlay District
est







[illegible]

40R ZONING DISTRICTS APPLICATION ATTACHMENT - Density Data proposed Districts containing NO Sub-Districts

| | |
|--|---|
| Existing As-of-right Density | The maximum number of units per acre allowed As-of-right under the Underlying Zoning which includes any existing zoning applicable to the parcel. |
| 40R As-of-right Density | The applicable maximum number of units per acre allowed As-of-right on the parcel under the proposed Smart Growth (40R) Zoning. |
| Occupied Existing Units (OEU) | Any existing occupied housing units on the parcel regardless of whether they could be developed As-of-right under currently applicable Underlying Zoning (for example, lawfully nonconforming existing occupied housing units). |
| Total Units Developable As-of-right Under Zoning / Underlying Zoning (UDAUZ) | The maximum absolute number of units allowable As-of-right on the specific parcel under the Underlying Zoning which includes any other existing zoning that may exist in addition to the base zoning. |
| Existing Zoned Units (EZU) | The gross area of the Occupied Existing Units (OEU) and Total Units Developable As-of-right Under the Existing / Underlying Zoning (UDAUZ). See also 760 CMR 59.02: For a given parcel or area of Developable Land within a District, the maximum number of housing units that could feasibly be developed As-of-right under the Underlying Zoning through new development, the substantial rehabilitation of existing residential buildings, or the conversion to residential use of existing buildings. Units that are proposed to be developed within the geographic area of a District under a comprehensive permit pursuant to M.G.L. c. 40B for which the project is shown on the plan submitted under 760 CMR 59.02(1)(g), multiplied by the acreage of Developable Land area, and (2) Existing Zoned Units shall include any existing occupied housing units within a District regardless of whether they could be developed As-of-right under currently applicable Underlying Zoning (for example, lawfully nonconforming existing occupied housing units). |
| Future Zoned Units (FZU) | For a given parcel, the FZUs are the maximum absolute number of actual units allowed As-of-right under Smart Growth Zoning. See also 760 CMR 59.02: For a given parcel or area of Developable Land within a District, the maximum number of housing units that could be developed As-of-right under the 40R Zoning through new development, the substantial rehabilitation of existing residential buildings, or the conversion to residential use of existing buildings, except that an Accessory Dwelling Unit shall not qualify as a Future Zoned Unit. |
| Bonus Units | The net number of new, additional units allowed As-of-right under the Smart Growth Zoning on the parcel after deducting the corresponding number of Existing Zoned Units (i.e., FZU minus EZU on the parcel). See also 760 CMR 59.02: A housing unit developed as part of a project within a District, either through new construction, the substantial rehabilitation of an existing residential building, or the conversion to residential use of an existing building. In excess of the number of Existing Zoned Units for the same parcel, Units that are developed under a comprehensive permit pursuant to M.G.L. c. 40B for which the project eligibility letter was issued to the developer prior to the Municipality's 40R Zoning Application, or (b) the subject land makes up all or substantially all of the allowable As-of-right residential density per Comprehensive Permit issued pursuant to M.G.L. c. 40B after the submission of a 40R Zoning Application, in excess of the number of Existing Zoned Units for the same parcel, shall qualify as Bonus Units. |
| Incentive Units | On Developable Land only, the Future Zoned Units (generally the same as the subset of estimated Bonus Units associated Developable Land). See also 760 CMR 59.02: For a given parcel or area of Developable Land within a District, the number of Future Zoned Units, less the number of Existing Zoned Units for the same parcel or area of land, except that an Accessory Dwelling Unit shall not qualify as an Incentive Unit. |
| As-of-right | 760 CMR 59.02: Housing development allowed under the Underlying Zoning or 40R Zoning without recourse to a special permit, variances, zoning amendments, discretionary waiver, or other form of zoning relief. Units that require Plan Review shall be considered As-of-right, subject to review and approval by DHCD of any Municipal 40R regulations, guidelines, forms of application materials, or other requirements applicable to review of projects by the Plan Approval Authority under 760 CMR 59.00. |
| Future Open Space | 760 CMR 59.02: Areas within a District which a Municipality may designate or require to be designated to be set aside in the future as Dedicated Open Space through the use of a conservation restriction as defined in M.G.L. c. 18A, § 3A, or other qualifying means. Such Future Open Space may be subject to requirements under the local Future Open Space law not exceed 20 percent of what would otherwise be the Developable Land area if the Developable Land area would be less than 50 acres. It may not exceed 20 percent of what would otherwise be the Developable Land area if the Developable Land area would be 50 acres or more, and it shall be consistent with the current Municipal Dedicated Open Space plan. |
| Dedicated Open Space | 760 CMR 59.02: Land dedicated in perpetuity to protect one or more of the following: land for existing and future well fields, aquifers, and recharge areas; watershed land; agricultural land; grasslands; fields; forest land; fresh and salt water marshes and other wetlands; ocean, river, stream, lake and pond frontage; beaches; dunes, and other coastal lands; lands to be preserved for scientific, historic, or natural preservation; land for active or passive recreational uses; parks, playgrounds, and recreational and recreational uses; and other lands. Dedicated Open Space may be in public, private, or non-profit ownership. Any land subject to protection under Article 97 of the Massachusetts Constitution shall be deemed Dedicated Open Space for the purposes of 760 CMR 59.00. In any case where such Dedicated Open Space is not conveyed to the Municipality, a restriction enforceable by the Municipality shall be recorded providing that such land be preserved as Dedicated Open Space pursuant to any such Historic District, the provisions and requirements of the Municipal Historic District regulations may apply to existing and proposed buildings. A District may include all or part of one or more existing Historic Districts, and it may be coterminous with the Historic District. A Municipality may establish or comply with M.G.L. c. 40B and 760 CMR 59.00. See also 760 CMR 59.02: Substantially Developed Land. |
| Historic District | 760 CMR 59.02: A district in a Municipality characterized by the historic and or architectural significance of buildings, structures, and other, and in which neither change to and the conservation of buildings and structures are subject to regulations adopted by the Municipality pursuant to M.G.L. c. 40C or other state law. Within any such Historic District, the provisions and requirements of the Municipal Historic District regulations may apply to existing and proposed buildings. A District may include all or part of one or more existing Historic Districts, and it may be coterminous with the Historic District. A Municipality may establish or comply with M.G.L. c. 40B and 760 CMR 59.00. See also 760 CMR 59.02: Substantially Developed Land. |
| Underlying Zoning | 760 CMR 59.02: The Municipal zoning requirements adopted pursuant to M.G.L. c. 40A (or, in the case of the City of Boston, other applicable law) that are otherwise applicable to the geographic area where a District is located or proposed. The Underlying Zoning shall include all zoning and existing overlays applicable to such geographic area and shall not be limited to the base zoning map. solely for the purposes of calculating existing residential densities under 760 CMR 59.02(1), the Underlying Zoning shall be deemed to be the zoning which was in effect one year prior to the date upon which the 40R Zoning Application was submitted to DHCD. |

Phil Eugene
565 Langen Rd
Lancaster

Speaking as private Citizen, not as an Economic Development Committee member

I support the created of the North Lancaster "Smart Grow Overlay District" or 40 R. I support the creation of the 40R district because I feel it provides a wide range of benefits to both the N Lancaster area and the Town as a whole.

First, it creates a "community environment" (per the 40R specifications). Not just residential and not just commercial/retail. A "community environment" includes residential, commercial/retail, Mass transit (MART Bus stop), walking paths, sidewalks, parks and pedestrian friendly areas. Included are parking and connections for trail heads for the Cook Conservation Area. The creation of retail/commercial area will bring needed retail for Lancaster as pointed out in the 2015 MRPC Economic Development Plan.

Secondly, the 40R will provide future support for the educational system. The 40R project, with its affordable Rental Housing component will provide one-time monetary support (estimated at \$650k) and State aid (40S) if the student population requires the schools to expand.

Thirdly, the proposed 40R affordable rental units will help Lancaster achieve the State required 10.1% affordable housing goal. With affordable rental residential units, the Sate allows the total number of rental units, not just the affordable units, to be counted towards Lancaster Affordable Housing goal. Meeting the State affordable housing goals will prevent 40B developments. 40B development are undesirable, as they do not improve Lancaster's progress towards the State Affordable housing goals, but allows developers to skirt existing zoning and environmental restrictions. Additionally, 40B can create a significant impact to educational system.

Respectfully submitted, Phil Eugene

Town Administrator Report

TA updates

- Sale of College The parcel at 438 Main was to be sold this past week. The rest of the Property is under a P&S but there is no firm date
- Intersection construction of Route 117/70 is scheduled to be advertised this March, We are working on sending out notices of Eminent Domain (Friendly or otherwise) to the affected property owners for Temporary easements and/or Permanent easements of takings.

ADMINISTRATION, BUDGET AND POLICY

#1

January 12, 2022

To: Lancaster Select Board

From Jeff Nutting, Interim Town Administrator

Subject: Warrant for the Special Town Meeting, February 15th, 2022

Please find attached the draft warrant for the Special Town Meeting. I am concern that we are not prepared for a Town Meeting in February

Most of the articles are routine matters that most likely would not bring out a large crowd. However, Zoning articles tend to have a great deal of participation. Given the rise in Covid and no certainty when the current spike will decline to safer levels a large turnout could create health issues. Below are several options for the Board's consideration:

1. Hold the meeting on February 15th
2. Cancel the meeting and schedule on or about March 15th
3. Cancel the meeting and schedule the meeting for March 15th and but remove the Zoning articles and include in the Annual Town Meeting.
4. Cancel the meeting and have a Special Town Meeting prior to the ATM.

I recommend the third option to move the Special Town Meeting to March and only include the routine matters on the Warrant. Given the Boards Policies on what should be included on a Special Town Meeting warrant I think the Zoning articles should be included in the Annual Town Meeting Warrant.

Finally, as I reviewed the warrant there seems to be missing information on some of the articles related to easements, abandon a section of road etc. A 30 day delay would allow us have on the information needed.

I am happy to answer any questions

**WARRANT FOR
SPECIAL TOWN MEETING
February 15, 2022
THE COMMONWEALTH OF MASSACHUSETTS**

Worcester, ss.

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

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lancaster qualified to vote in the elections and Town affairs, to meet at **Mary Rowlandson Elementary School Auditorium, 103 Hollywood Drive, in said Lancaster on Tuesday, the Fifteenth of February, 2022, at 7:00 o'clock in the evening**, then and there to act on the following Articles:

**ARTICLE 1
Finance Committee
Select Board**

To see if the Town will raise and appropriate or transfer from available funds the following sums of money, to be expended by the respective Departments or Officers indicated, for the capital projects and purchases itemized and described herein:

a. Select Board

| | |
|--------------------------|-----------------------|
| Amount: | \$15,000.00 |
| Funds to be expended by: | Select Board |
| Purpose: | Tree Cutting |
| Funding Source: | Capital Stabilization |

b. School Committee

| | |
|--------------------------|---------------------------------|
| Amount: | \$150,000.00 |
| Funds to be expended by: | Select Board |
| Purpose: | Boiler Replacement/Temp. Boiler |
| Funding Source: | Free Cash |

c. Select Board

| | |
|--------------------------|--|
| Amount: | \$50,000 |
| Funds to be expended by: | Select Board |
| Purpose: | Engineering Services related to Route 117/70 Project |
| Funding Source: | Free Cash |

The Finance Committee recommends:

Select Board recommends:

Summary: This article proposes to fund the acquisition of a certain capital item for the Town in FY2022 by transfer from available funds. A majority vote is required for passage of this article.

| |
|--|
| <p style="text-align: center;">ARTICLE 2 Amend Fiscal Year 2022 Operating Budget Select Board</p> |
|--|

To see if the Town will vote to amend the vote taken under Article 1 of the June 22, 2020 Annual Town Meeting appropriating funds to defray the expenses of the Town for the Fiscal Year beginning July 1, 2020, and, as necessary therefore, to raise and appropriate, transfer from available funds from the Omnibus Operating Budget, by borrowing, by transfer from Overlay Surplus, by transfer from fund balance reserved for school debt or any combination thereof for the purpose of supplementing departmental expenses, and/or to reduce certain departmental expenses or otherwise amend said vote; or act in any manner relating thereto.

| |
|---------------------|
| Select Board |
|---------------------|

| | |
|--------------------------|---------------------------------|
| Amount: | \$75,000 |
| Funds to be expended by: | Select Board |
| Purpose: | Property and Casualty Insurance |
| Funding Source: | Free Cash |

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| Select Board |
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| | |
|--------------------------|--------------|
| Amount: | \$15,000 |
| Funds to be expended by: | Select Board |
| Purpose: | Legal Budget |
| Funding Source: | Free Cash |

| |
|-----------------------|
| Planning Board |
|-----------------------|

| | |
|--------------------------|----------------|
| Amount: | \$8,000 |
| Funds to be expended by: | Planning Board |
| Purpose: | Contract |
| Funding Source: | Free Cash |

The Select Board Recommend:

Finance Committee Recommend :

Summary: This article proposes to fund the existing FY22 Operating Budget and provide a balanced budget. A Majority Vote is required for passage

ARTICLE 3
Amend Water Enterprise Fund
Board of Public Works

To see if the Town will amend the Water Enterprise Fund to **\$1,137,367** (One Million One Hundred Thirty-Seven Thousand, Three Hundred Sixty-Seven Dollars) from the Water Enterprise Fund to finance the operation of the Water Department for the fiscal year beginning July 1, 2021 (*detail below*), or act in any manner relating thereto. The operating expenses for the Water Enterprise are entirely funded by water revenue.

| | |
|--|--------------------|
| I. Water Enterprise Revenues | |
| User Charges | \$1,072,367 |
| Connection Fees | \$15,000 |
| Water Enterprise Available Funds | 0 |
| Investment Income | 0 |
| Total Revenues | \$1,087,367 |
| II. Costs Appropriated in the Enterprise Fund | |
| Salaries and Wages | \$276,202 |
| Expenses | \$441,913 |
| Reserve Fund | \$0 |
| Debt Principal | \$290,000 |
| Debt Interest | \$129,252 |
| Indirect Costs to General Fund | 0 |
| Total Costs Appropriated in E. F. | \$1,137,367 |

Summary: This article presents the amended Water Operating Budget for the Town for FY2022. A majority vote is required for passage of this article.

ARTICLE 4
Select Board

To see if the Town will vote to accept Massachusetts General Law Chapter 59 Section 21A or act in any manner relating thereto

The Select Board Recommends:

Summary: This article proposes to compensate the position of Principal Assessor an additional \$1,000 annually for achieving and maintaining certification

ARTICLE 3
Select Board

To see if the Town will vote to authorize the Filing of Special Legislation for the purposes of entering into a Land Sale Partnership with the Commonwealth of Massachusetts, or act in any manner relating thereto

The Select Board Recommends:

Summary: *This article proposes to proceed with the Land Sale Partnership Agreement between the Town and the Commonwealth of Massachusetts for the acquisition of the 75 acre property Old Common and Still River Road (Route 110. A Majority vote is required for passage)*

ARTICLE 6
Select Board

To see if the Town will vote to authorize the Select Board to execute an easement for National grid for the purposes of installing electric vehicle charging stations, or to act in any manner relating thereto

The Select Board Recommends:

Summary:

ARTICLE 7
Select Board

To see if the Town will vote to authorize the Select Board to execute an easement for National grid for the purposes of installing conduit along Lunenburg Road, or to act in any manner relating thereto

The Select Board Recommends:

Summary: *This article proposes to proceed with the Land Sale Partnership Agreement between the Town and the Commonwealth of Massachusetts for the acquisition of the 75 acre property Old Common and Still River Road (Route 110)*

ARTICLE 8
Select Board

To see if the Town will vote to amend the Official Zoning Map of the Town of Lancaster referenced in § 220-5 of The Zoning Lancaster Bylaws of the Town of Lancaster and attached as 220 Attachment 2 to said Bylaws by changing the zoning district of the below-described land from the Residential District to the Enterprise District.

The land subject to this change is described as follows:

A portion of Assessors' Map 8, Lot 45 currently situated in the Residential District and bounded as follows:

| | |
|-----------|---|
| EASTERLY | by another portion of Assessors' Map 8, Lot 45 situated in the Enterprise District and by the westerly borders of Assessors' Map 9, Lot 4 and Assessors' Map 13, Lots 5 and 10; |
| SOUTHERLY | by the northerly border of Assessors' Map 13, Lot 10; |

WESTERLY by the northerly border of Assessors' Map 13, Lot 10 and the easterly border of Assessors' Map 13, Lot 1;

NORTHERLY by the southerly borders of Assessors' Map 8, Lots 39, 39A, 37H and 37F: the easterly borders of Assessors' Map 8, Lots 40E, 40D and 40C and the southerly borders of Assessors' Map 8, Lots 43 and 44.

Being the same land shown as "Proposed Enterprise Zone" and "100' No Build Buffer" on a sketch entitled "Proposed Re-Zoning Plan, Lancaster, MA" which also shows the land's northern boundary as "New Proposed Enterprise District Zoning Line".

The Select Board Recommends:

Summary: This article proposes to remove the residential zoning district and create a contiguous enterprise zoning in the area described. 2/3rd vote is required for passage

| |
|---|
| <p>ARTICLE 9 Select Board</p> |
|---|

To see if the Town will vote to adopt a 40R in accordance with MGL Chapter 40A Section 1, or act in any manner relating thereto

The Select Board Recommends:

Summary: This article proposes to allow the creation of a 40R in North Lancaster along Lunenburg Road and McGovern Blvd. A Majority vote is required for passage

| |
|--|
| <p>ARTICLE 10 Planning Board</p> |
|--|

To see if the Town will vote to amend the IPOD

adopt a 40 in accordance with MGL Chapter 40A Section 1, or act in any manner relating thereto

The Planning Board Recommends:

Summary: This article proposes to allow the creation of a 40R in North Lancaster along Lunenburg Road and McGovern Boulevard. A Majority vote is required for passage

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

SELECT BOARD OF LANCASTER

Jason A. Allison, *Chairman*

Jay M. Moody, *Clerk*

Alexandra W. Turner, *Member*

| CONSTABLE'S CERTIFICATION | |
|---|-------------|
| <i>I hereby certify under the pains and penalties of perjury that I posted an attested a copy of this Warrant at the South Lancaster Post Office, the Center Post Office, the Fifth Meeting House, and the Prescott Building on the date attested. I further certify that this Warrant was posted in accordance with the By-laws of the Town of Lancaster and the provisions of M.G.L. c.39, §10.</i> | |
| Attest: | |
| _____ | |
| Constable Signature | |
| _____ | |
| Print | Date: _____ |

The full text of the Warrant is available in the Prescott Building and Thayer Memorial Library. The Warrant will also be available at Town Meeting.

#2

January 12, 2022

To Lancaster Select Board

From: Jeff Nutting, Interim Town Administrator

Subject: Request for ARPA Funds

The Board of Health requests \$10,000 for Covid- 19 Rapid Antigen Test Kits from ARPA funds. While I know there was a desire to have one large ARPA list I think this issue needs to be acted on ASAP. We can have a complete list in the very near future.

Town of Lancaster

Board/Department/Agency (Entity) Request Form

Proposed Allocation of ARPA Funds

| Entity | Item | Estimated Cost | # | Priority (use dropdown) | Rationale |
|-------------------------|---|----------------|-----|-------------------------|--|
| Board of Health | COVID-19 Coordinator annual salary | \$ 35,000 | one | High | Position coordinates Town COVID-19 vaccination clinics, pandemic awareness and education |
| Fire Department | Ambulance | \$ 350,000 | one | High | Support Public Health response and redundancy in pandemic |
| SLCTV/BO5 | Support Hybrid Meeting Setup | \$ 10,000 | one | High | |
| DPW | design, engineer, permit 20,000 linear feet of water pipe replacement | \$ 900,000 | one | Critical | |
| NCM Chamber of Commerce | Tourism Matching Grant Support | \$ 10,000 | one | Medium | |
| BOS | Support economic development and resure of the DCAMM Property | TBD | one | High | |
| Recreation | Support development of outdoor spaces | TBD | one | High | |
| Police/Board of Health | multi year Regional Social Work postion for the NABH | TBD | one | High | jeff p note, will talk with Chief Moody re this request |
| Board of Health | COVID-19 rapid antigen test kits | \$ 10,000 | 500 | High | based on the acute peak COVID-19 pandemic need for testing, has escalated |
| Board of Health | additional items TBD by BOH meeting | \$5,000 | | | |
| | | | | | |
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| | | | | | |
| | | | | | |
| Total | | \$ 1,320,000 | | | |

TODAY'S DATE: _____

CDC FACILITIES COVID-19 SCREENING

Accessible version available at <https://www.cdc.gov/screening/>

**PLEASE READ EACH
QUESTION CAREFULLY**

**PLEASE CIRCLE THE ANSWER THAT APPLIES
TO YOU AND FOLLOW THE INSTRUCTIONS
BASED ON YOUR RESPONSE**

1. Regardless of your vaccination status, have you experienced any of the symptoms in the list below in the past 48 hours?

IMPORTANT: ANSWER "YES" EVEN IF YOU BELIEVE THE SYMPTOM(S) IS BECAUSE OF SOME OTHER MEDICAL CONDITION (FOR EXAMPLE, ANSWER "YES" IF YOU HAVE A RUNNY NOSE BECAUSE OF ALLERGIES).

- fever or chills
- cough
- shortness of breath or difficulty breathing
- fatigue
- muscle or body aches
- headache
- new loss of taste or smell
- sore throat
- congestion or runny nose
- nausea or vomiting
- diarrhea

If you have had any of these symptoms in the last 48 hours, DO NOT physically return to the workplace until symptoms have been improving for more than 48 hours. If you have a medical condition that causes any of these symptoms and you need access to a CDC facility within the next few days, you will need a waiver from CDC's Occupational Health Clinic (OHC). To begin the waiver process, please contact your CIO management officer and ask them to request a waiver on your behalf through OHC. When OHC contacts you, please be ready to email medical documentation supporting your waiver request to clinicinfo@cdc.gov. Waivers will only be granted in exigent circumstances and only if it is safe to do so. OHC will not respond to waiver requests made by individuals. Fully vaccinated individuals with symptoms will also require a waiver.

YES



**Access to CDC
Facilities
NOT APPROVED**

NO

**Proceed to
Question 2**

2. Are you isolating or quarantining because you tested positive for COVID-19 or are worried that you may be sick with COVID-19?

YES



**Access to CDC
Facilities
NOT APPROVED**

NO

**Proceed to
Question 3**



If you have concerns about being exposed to or sick with COVID-19, please stay home and self-quarantine or isolate. Read more about when you should be in isolation or quarantine (<https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html>). If you have questions about when it is safe to return to the workplace, please call CDC's Occupational Health Clinic (OHC) at 404-639-3385. If you have an urgent need to access a CDC facility while quarantining, please contact your CIO management officer and ask them to request a waiver through OHC. Waivers will only be granted in exigent circumstances and only if it is safe to do so. OHC will not respond to waiver requests made by individuals. Fully vaccinated individuals will also require a waiver and should also work through their CIO management officer.

| | | | |
|---|---|--|---|
| <p>3. Are you fully vaccinated AND/OR have you recovered from a documented COVID-19 infection in the last 3 months?</p> <p><i>To be considered fully vaccinated, you must be ≥2 weeks following receipt of the second dose in a 2-dose series or ≥2 weeks following receipt of one dose of a single-dose vaccine.</i></p> | <p>YES</p> <p>Proceed to Question 4</p> | <p>NO</p> <p>Proceed to Question 4</p> | <p>PREFER NOT TO ANSWER</p> <p>Proceed to Question 4</p> |
| <p>4. Have you been in close physical contact in the last 14 days with:</p> <ul style="list-style-type: none"> • Anyone who is known to have laboratory-confirmed COVID-19? OR • Anyone who has any symptoms consistent with COVID-19? <p><i>Close physical contact is defined as being within 6 feet of an infected/symptomatic person for a cumulative total of 15 minutes or more over a 24-hour period starting from 48 hours before illness onset (or, for asymptomatic individuals, 48 hours prior to test specimen collection).</i></p> | <p>YES</p> <p>If You are Fully Vaccinated, Proceed to Question 5</p> <p>If You are Not Fully Vaccinated or Prefer Not to Answer</p> <div data-bbox="846 764 1003 919" data-label="Image"> </div> <p>Access to CDC Facilities NOT APPROVED</p> | <p>NO</p> <p>If You are Fully Vaccinated, Proceed to the Certification Step Below</p> <p>Access to CDC Facilities APPROVED</p> <p>If You are Not Fully Vaccinated or Prefer Not to Answer, Proceed to Question 6</p> | |
| <div data-bbox="159 1087 233 1163" data-label="Image"> </div> <p>If you have been in close contact with someone with COVID-19 and you are not fully vaccinated, you should stay home and self-quarantine for 14 days before returning to work. Read more about when you should be in isolation or quarantine (https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html). If you have been in close contact with someone with COVID-19 and you are fully vaccinated, you should stay home and get tested 3-5 days after your exposure, even if you don't have symptoms. Read more about what to do if you've had a close contact and are fully vaccinated (https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html). If you have an urgent need to end your quarantine early to access a CDC facility, please contact your CIO management officer and ask them to email a request to OHC.</p> | | | |
| <p>5. Were you tested 3-5 days after your exposure with the close contact?</p> | <p>YES</p> <p>Proceed to the Certification Step Below</p> <p>Access to CDC Facilities APPROVED</p> | <p>NO</p> <div data-bbox="1224 1394 1382 1549" data-label="Image"> </div> <p>Access to CDC Facilities NOT APPROVED</p> | |

| | | |
|--|---|---|
| <p>6. Are you currently waiting on the results of a COVID-19 test?</p> <p>IMPORTANT: ANSWER "NO" IF YOU ARE WAITING ON THE RESULTS OF A PRE-TRAVEL OR POST-TRAVEL COVID-19 TEST</p> | <p>YES</p> <div data-bbox="829 170 984 327" data-label="Image"> </div> <p>Access to CDC Facilities NOT APPROVED</p> | <p>NO</p> <p>Proceed to Question 7</p> |
| <div data-bbox="164 436 237 516" data-label="Image"> </div> <p>If you have an urgent need to access a CDC facility while waiting for a test result, please contact your CIO management officer and ask them to request a waiver through CDC's Occupational Health Clinic (OHC). Waivers will only be granted in exigent circumstances and only if it is safe to do so. OHC will not respond to waiver requests made by individuals.</p> | | |
| <p>7. Have you traveled in the past 10 days?</p> <p><i>Travel is defined as any trip that is overnight AND on public transportation (plane, train, bus, Uber, Lyft, cab, etc.) OR any trip that is overnight AND with people who are not in your household.</i></p> | <p>YES</p> <div data-bbox="824 625 979 783" data-label="Image"> </div> <p>Access to CDC Facilities NOT APPROVED</p> | <p>NO</p> <p>Proceed to the Certification Step Below</p> <p>Access to CDC Facilities APPROVED</p> |
| <div data-bbox="164 892 237 972" data-label="Image"> </div> <p>If you have an urgent need to access a CDC facility during your 10-day, post-travel self-quarantine (https://www.cdc.gov/coronavirus/2019-ncov/travelers/after-travel-precautions.html), please contact your CIO management officer and ask them to request a waiver through CDC's Occupational Health Clinic (OHC). Waivers will only be granted in exigent circumstances and only if it is safe to do so. OHC will not respond to waiver requests made by individuals. It is possible to reduce your post-travel self-quarantine (https://www.cdc.gov/coronavirus/2019-ncov/travelers/after-travel-precautions.html), to 7 days if you have a negative viral test (https://www.cdc.gov/coronavirus/2019-ncov/testing/diagnostic-testing.html) 3-5 days after travel (https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-air-travel.html). OHC can help arrange testing, if needed. A waiver is needed from OHC to reduce your quarantine period.</p> | | |
| <p>I certify that my responses are true and correct</p> | | <div data-bbox="732 1178 792 1241" data-label="Form"> <input type="checkbox"/> </div> |

[cdc.gov/screening](https://www.cdc.gov/screening)



[cdc.gov/screening/further-instructions.html](https://www.cdc.gov/screening/further-instructions.html)



THE SCREENING YOU COMPLETED INDICATES THAT YOU MAY BE AT INCREASED RISK FOR COVID-19

IF YOU ARE NOT FEELING WELL, WE HOPE THAT YOU FEEL BETTER SOON!

Here are instructions for what to do next

1

If you are not already at home, please avoid contact with others and go straight home immediately.

2

Seek medical care as needed. Seek COVID-19 testing as recommended. Call CDC's Occupational Health Clinic (OHC) at 404-639-3385 to schedule testing at CDC in the Atlanta area.

3

Contact your supervisor or your contracting company to discuss options for telework and/or leave.

Before going to a healthcare facility, please call and let them know that you may have an increased risk for COVID-19.

In case of a life-threatening medical emergency, dial 911 immediately!

RETURNING TO THE WORKPLACE



If you have had symptoms consistent with COVID-19 or have tested positive for COVID-19, DO NOT physically return to work until you have completed your quarantine (<https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html>) or isolation (<https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/isolation.html>) per CDC guidance. Read more about when it is safe to be around others (<https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/end-home-isolation.html>).



If you have a chronic medical condition that causes COVID-19-like symptoms and you need to access a CDC facility within the next few days, please first get medical documentation from your primary care provider and then call OHC to determine whether you can safely be granted access to a CDC facility.



If you have been in close contact with someone with COVID-19 and you are not fully vaccinated, you should stay home and self-quarantine for 14 days before returning to work. Read more about when you should be in isolation or quarantine (<https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html>). If you have been in close contact with someone with COVID-19 and you are fully vaccinated, you should stay home and get tested 3-5 days after your exposure, even if you don't have symptoms. Read more about what to do if you've had a close contact and are fully vaccinated (<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>). If you have an urgent need to end your quarantine early to access a CDC facility, please contact your CIO management officer and ask them to email a request to OHC.



If you are currently isolating or quarantining because of concerns about COVID-19, please do not return to the workplace until you have completed your quarantine (<https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html>) or isolation (<https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/isolation.html>) per CDC guidance. If you have an urgent need to end your quarantine early, please contact your CIO management officer and ask them to email a request to OHC.

If you are waiting on the results of a COVID-19 test, please do not return to the workplace until you have received a negative test result and have completed any necessary quarantine or isolation per CDC guidance. If you have an urgent need to access a CDC facility while waiting for a test result, please contact your CIO management officer and ask them to email OHC.

If you have additional questions about when you can safely return to work, please call OHC at 404-639-3385. For information about COVID-19 and basic instructions to prevent the spread of disease, visit CDC's COVID-19 website (<https://www.cdc.gov/covid19>).

#3

#4

Lancaster, MA – Town Administrator



Position Statement

Lancaster, MA, (pop. 8,441), is a charming small town in Worcester County that has experienced steady growth for the past 20 years. The oldest Town in the County, and originally a farming community, today Lancaster is an attractive, primarily rural-residential Town, easily accessible to Interstates 190 and 495 as well as Route 2, with excellent schools, many recreational opportunities, strong community spirit, and engaged residents. Lancaster is in the Freedom's Way National Heritage Area; and is adjacent to the towns of Lunenburg, Shirley, Harvard, Bolton, Clinton, Sterling, and Leominster.

Led by a three-member Select Board, Lancaster has an Open Town Meeting form of governance and an FY22 budget of \$25.7 million. It has a Moody's rating of Aa3, which reflects a healthy financial position, an average debt burden, low pension liability, strong income profile, and a modestly sized tax base.



Lancaster is seeking a detail-oriented Town Administrator with a professional demeanor and excellent communication, customer service, and project management skills; and an understanding of small-town culture, to support the Select Board and provide collaborative leadership. Both traditional and non-traditional candidates who possess strong financial acumen, superior organizational skills, human resources, grant writing, and economic development experience are encouraged to apply. The successful candidate must have a bachelor's degree (master's preferred), preferably in public administration, business administration, management, or a related field.



Annual salary: \$XXX,000+/- DOQ. The successful candidate will receive an attractive compensation package that is competitive with other Massachusetts towns, including health and retirement plans, commensurate with qualifications and experience. Residency is not required.



COMMUNITY PARADIGM ASSOCIATES, LLC

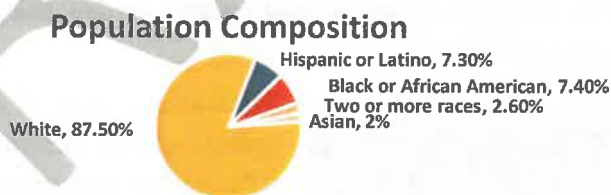
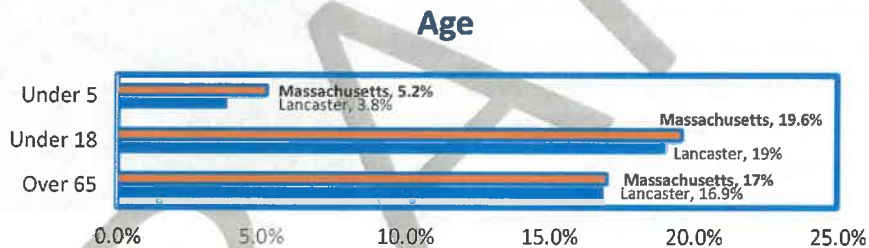
DEMOGRAPHICS & ECONOMY

Per the U.S. Census 2019, Lancaster has a labor force of 3,571 workers ages 16 and older. Management, business, science, and arts comprise 1,577 jobs; sales and office comprise 613 jobs; and the remainder are shared between



service, construction, maintenance, production, and transportation roles. Lancaster's total assessed value in FY22 was approximately \$1.1 billion, according to the [Massachusetts Dept. of Revenue Division of Local Services](#) (DLS), which represents an increase of 6.5% from FY21. Residential properties account for 85.7% of the Town's total assessed value, with commercial properties accounting for 7.9%, industrial for 3.5%, and personal property for 2.9%. The median FY22 residential property value was \$389,188.

The median household annual income is approximately \$93,646, which is 15.3% higher than the \$81,215 state median household annual income. While the Town's year-round population is primarily middle-income, 4.2% of residents are living in households with incomes below the poverty level. The median age of Lancaster residents is demographically like Massachusetts. The average age of Lancaster residents is 40.7 years, while the average age for Commonwealth residents is 39.5 years. Additional demographics depicted in the charts below is derived from the U.S. Census, 2015 – 2019.



COMMUNITY SERVICES

[UMASS Memorial Health \(UMM\)](#) the clinical partner of the University of Massachusetts Medical School and the largest healthcare system in Central and Western Massachusetts, serves the Lancaster community via UMass Memorial Medical Center and two community hospitals. Residents are also served by [Emerson Hospital](#), affiliated with Mass General Hospital and Brigham and Women's Hospital, located in Concord. For public transportation, Lancaster is served by the [MBTA Fitchburg line](#). The closest MBTA stations are in Shirley and North Leominster, both of which are approximately eight miles away and provide roundtrip service to Boston. Parts of Lancaster are also served by the [Montachusett Regional Transit Authority](#), which offers local bus routes as well as ADA service. Lancaster has numerous [small-to-medium sized businesses](#) across many industries; and many major retail chains, grocery stores, and restaurants are easily accessible in neighboring towns.



COMMUNITY PARADIGM ASSOCIATES, LLC

Finances

Lancaster has an FY22 operating budget of \$25,706,416 with approximately 65% of the budget dedicated to the regional public school system. The incoming Town Administrator has an opportunity to work collaboratively with

Important Links

- [Town of Lancaster](#)
- [Annual Town Reports](#)
- [Annual Town Meetings](#)
- [Town By-Laws](#)
- [Master Plan](#)
- [Town Budget Documents](#)
- [OPEB](#)
- [Five Year Capital Plan](#)
- [Organizational Chart](#)

the elected and appointed boards, Department Heads, and staff to plan a healthy economic and financial forecast for the Town. Challenges include increasing operating costs, aging infrastructure, and identifying economic development opportunities to offset the residential tax rate. Currently, property and real estate taxes account for the major source of revenue for the Town, generating approximately \$20M in revenue, which is 81% of the budget with 5% generated from state aid. The FY22 tax rate was set at a single rate of \$19.45 per \$1,000 valuation. The average single-family tax bill in FY22 is \$7,570. New growth in FY22 was 1.61% of the FY21 tax levy and most of the new growth was residential. Per DLS, Lancaster's certified free cash in FY21 was \$1.8 million.

Government

The [Lancaster Select Board](#) has three members who are elected to serve three-year terms; and generally the Board meets on the first and third Monday of each month. The [Town By-Laws](#) and General Laws of the Commonwealth of Massachusetts grant the Select Board broad powers to govern the Town. The Select Board appoints more than 20 boards and committees, and acts as Lancaster's primary policy-making body for a wide variety of issues, which affect the Town's development and provision of services. They recommend the budget to the Annual Town Meeting; approve the reorganization of Town departments; provide oversight for matters in litigation; act as the licensing authority for a wide variety of licenses and permits and more.

The Select Board appoints the [Town Administrator](#) who functions as the Town's Chief Administrative Officer. The primary duties of the Town Administrator include the day-to-day oversight and administration of general government and formulation of municipal policies under the direction of the Select Board. The Town Administrator is charged with maintaining a close working relationship with the Select Board, acting as a liaison between the Select Board, Town departments, elected and appointed officials, and residents; and regularly briefing the Board on important issues.



Town By-Laws state that [Annual Town Meeting](#) is held the first Monday in May each year. Lancaster has numerous elected and appointed boards and committees, including the Finance Committee, Zoning Board of Appeals, Board of Health, Board of Assessors, Conservation Commission, Planning Board, Commission on Disability, Nashoba Regional School District School Committee, and more. A complete listing is available on the [Town of Lancaster Boards and Committees](#) web page.



Departments

EDUCATION

Lancaster, along with the towns of Bolton and Stow, is a member of the [Nashoba Regional School District](#). Students attend Mary Rowlandson Elementary School and Luther Burbank Middle School. Nashoba Regional High School, located in Bolton, serves students in grades 9 – 12. Lancaster is also a member town for the [Minuteman Regional Vocational Technical High School](#), which is in the neighboring town of Lexington. Approximately 84.2% of Lancaster residents ages 25 and older have a high school diploma. About 39.5% of residents ages 25 and older hold a bachelor's degree or higher advanced degree.



PUBLIC SAFETY & DEPARTMENT OF PUBLIC WORKS

The mission of the [Lancaster Police Department](#), which currently employs an interim Police Chief, approximately 15 officers and one administrative staff member, is to be a transformational police department that protects and serves the local community. The [Lancaster Fire, Rescue, & EMS Department](#), established in 1848, provides fire



suppression, rescue, and prevention services. The department is made up of a Fire Chief and one full-time firefighter, 30 On-Call Firefighters, and 10 On-Call EMTs. The department operates out of two stations: Center Station (HQ) located at 1055 Main Street and South Station located at 283 South Main Street. Lancaster is a member of the [Nashoba Valley Regional Dispatch District](#), which is headquartered in Devens. The [Department of Public Works](#) (DPW) operates under the direction of an elected DPW Board and daily DPW responsibilities are administered by the Superintendent of Public Works. DPW oversight includes

highways/roadways, water division, sewer district commission, cemeteries, trees, and recycling center. DPW projects include numerous roadway initiatives, including Complete Streets planning, Main Street Bridge at Bartlett Pond, Route 70/117 intersection, and Brockelman Road Culvert improvements.

COUNCIL ON AGING, COMMUNITY CENTER, AND THAYER MEMORIAL LIBRARY

The [Council on Aging](#), [Community Center](#) and [Thayer Memorial Library](#) serve Lancaster residents by providing a variety of programming, events, resources, and services suitable for every age group in Town. The Council on Aging and Community Center share a former school facility located near the Town Green behind Thayer Memorial Library.



ECONOMIC DEVELOPMENT & PLANNING INITIATIVES

Lancaster has numerous significant economic development and planning decisions before the Town. These include the potential to develop a commercial and industrial area in North Lancaster; to redevelop the South Lancaster commercial district, including the former Atlantic Union College and a vacant DCAM site. The Town completed an [Economic Development Plan](#) to help guide economic development efforts in 2015. An Economic Development Committee has also been established to guide the Town's economic development in keeping with the character of the Town. Lancaster also completed an [Open Space and Recreation](#) Plan update in 2017, which outlines goals to protect, preserve, and enrich Lancaster's open space, water, and recreational resources. Open space and recreation opportunities in Lancaster currently include the Town Beach and Lancaster State Forest as well as Bartlett Pond, Ballard Hill Chapman-Goodale, Turner Pond, Chickering Conservation areas, and more.



Challenges and Opportunities

Lancaster has dedicated elected and appointed officials, Town employees, and volunteer board members striving to ensure excellent service to the community. There are, however, opportunities for the incoming Town Administrator to embrace and facilitate positive change, including:

- *Build a team-oriented cohesive work environment, with an emphasis on pursuing municipal best practices, transparency, communication, and trust. There is opportunity to achieve this goal by working with both experienced and several newly hired department heads and staff, as well as elected and appointed officials.*
- *Identify and prioritize comprehensive list of town processes, projects, needs, and opportunities. Collaborate with Select Board, Town boards and departments, and residents to find consensus and begin acting upon identified projects and economic development opportunities.*
- *Locate resources to help fund Town-wide needs, technology upgrades, infrastructure improvements, planning initiatives, and more. There are specific economic development decisions currently facing the Town that will shape its future.*
- *Formalize and implement consistent human resources practices and undertake a study to assess personnel and wage policies.*
- *Revitalize website, online presence, and other communication tools to strengthen relationship of local government and the community. Develop strategy to reach out to residents to broaden volunteer base.*





Lancaster MASSACHUSETTS

The Ideal Candidate

- Bachelor's degree required (Master's preferred).
- Experience as a Town Administrator, Assistant Town Administrator, or head of a significant department in a complex municipal organization, or professional equivalent.
- Strong skills in economic development, municipal planning, human resources, financial management, and grant writing.
- Adept at liaising between the Select Board, Town departments, elected and appointed boards, and residents.
- Actively informs and supports the Select Board and values transparency.
- Servant leader who manages by example, builds, and sustains consensus.
- Excellent communicator not afraid to discuss hard things honestly and fairly.
- Experience working with regional school district.
- Ability to negotiate compromise and motivate others.
- Strategic and forward-thinker who manages resources effectively.
- Professional, appropriate, approachable.
- Embraces and leads for positive change.
- Detail oriented and highly organized.
- Knowledgeable of municipal best practices and familiarity with municipal law.
- Understanding of small-town governance and culture.

How To Apply

Interested applicants should send a résumé and cover letter, in confidence, by **February XX, 2022**, 3:00 p.m. EST, to:

Apply@communityparadigm.com

Subject: Lancaster Town Administrator

Submit materials via a single PDF

Cover letters and résumés will be reviewed according to the outlined qualifications. Finalists will be contacted for references and approval of background reviews before selections are publicly advanced to the Lancaster Select Board. The Board will interview finalists and select the Town Administrator.

Questions regarding the position should be directed to:

John Petrin, Senior Associate
Community Paradigm Associates
JPetrin@CommunityParadigm.com
781-552-1074

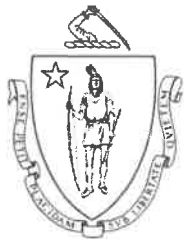
The Town of Lancaster is an Affirmative Action/Equal Opportunity Employer.



COMMUNITY PARADIGM ASSOCIATES, LLC

#5

#6



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

December 13, 2021

OML 2021 – 188

VIA EMAIL

Marc Terry, Esq.
Mirick, O'Connell, DeMallie & Lougee, LLP
1800 West Park Drive, Suite 400
Westborough, MA 01581-3926
mterry@mirickoconnell.com

RE: Open Meeting Law Complaint

Dear Attorney Terry:

This office received a complaint from Russell Williston on June 24, 2021, alleging that the Lancaster Select Board (the "Board") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Board on May 4, and the Board responded by letter dated June 1.^{1, 2} In his complaint, Mr. Williston alleges that the Board 1) should have released its January 4 and January 14 executive session meeting minutes to the public at a May 3 meeting, 2) did not timely respond to Mr. Williston's request for copies of the meeting minutes of January 4 and January 14 executive sessions, 3) posted an insufficiently specific notice for an April 30 meeting, and 4) failed to timely approve meeting minutes.

Following our review, we find that the Board violated the Open Meeting Law in some of the ways alleged. In reaching this determination, we reviewed the original complaint, the Board's response to the complaint, and the complainant's request for further review. We also reviewed *in camera* the minutes of the executive sessions that took place on January 4 and January 14. Finally, we communicated by email with the Attorney Marc Terry on several occasions in July, November and December of 2021.³

¹ Unless otherwise specified, all dates refer to 2021.

² We remind the Board of its obligation to meet to review and respond to an Open Meeting Law complaint within 14 business days of receipt, or within the time allotted pursuant to an extension granted by our office. See G.L. c. 30A, § 23(b); 940 CMR 29.05(5).

³ For purposes of clarity, we refer to you in the third person hereafter.

1. The Board must release its January 4 and January 14 executive session meeting minutes to the public, unless the attorney-client privilege or an exemption to the Public Records Law applies.

There are ten purposes for which a public body may enter executive, or closed, session. G.L. c. 30A, § 21(a). One permissible reason to hold an executive session is “[t]o discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual” (“Purpose 1”). G.L. c. 30A, § 21(a)(1); see also OML 2020-76.⁴ Under Purpose 1, the individual to be discussed has certain rights, including the right to individual notice, to be present at the executive session, to speak on his or her behalf, to have counsel present, and to record the executive session. Id. When a public body convenes an executive session under Purpose 1, the purpose for the session generally concludes when the public body resolves the matter with the person who is the subject of the executive session. See OML 2020-120; OML 2017-143.

Executive session minutes may be withheld from disclosure to the public “as long as publication may defeat the lawful purposes of the executive session, but no longer.” G.L. c. 30A, § 22(f). When the purpose for a valid executive session has been served, the minutes and any documents or exhibits used at the session must be disclosed unless the attorney-client privilege or an exemption to the Public Records Law applies to withhold them, in whole or in part, from disclosure. See id. The burden of justifying continued nondisclosure of executive session minutes lies with the public body. Foudy v. Amherst-Pelham Regional School Committee, 402 Mass. 179, 184 (1988); OML 2014-138.

Our jurisdiction in the course of the Open Meeting Law complaint process is to review for compliance with the Open Meeting Law. Therefore, we review whether a public body may lawfully withhold executive session meeting minutes based on a claim that the lawful purpose for the executive session is ongoing. If the public body acknowledges, or we find, that the purpose for the executive session has expired, the public body still may cite to a Public Records Law exemption or the attorney-client privilege as a reason for continuing to withhold executive session minutes or portions of those minutes. Any dispute regarding a public body’s claim that minutes are exempt from disclosure pursuant to an exemption in the Public Records Law should be directed to the Supervisor of Records in the Secretary of the Commonwealth’s Public Records Division. See OML 2020-120.

Here, the Board’s counsel informs us that the Board’s investigation into a complaint made against the Town Administrator has concluded and that the Board will not be taking any further action in response to the complaint. We therefore find that the original purpose for the executive sessions that took place on January 4 and January 14 have concluded and the minutes of both executive sessions can no longer be withheld from the public under the Open Meeting Law. See OML 2021-143 (finding that the purpose for an executive session had concluded when the public body issued a statement explaining that it had taken all the action it was authorized to take in response to a complaint). We therefore order the Board to release the January 4 and

⁴ All previous determinations issued by the Division can be found on the Attorney General’s website: <https://www.mass.gov/the-open-meeting-law>.

January 14 executive session minutes, and any documents or exhibits used during the executive sessions, unless the attorney-client privilege or an exemption to the Public Records Law permits the Board to withhold them from disclosure, in whole or in part.

2. The Board responded in a timely manner to both Mr. Williston's March 31 and May 3 requests for copies of the meeting minutes of the January 4 and January 14 executive sessions.

The Open Meeting Law requires that "[m]inutes of all open sessions shall be created and approved in a timely manner. The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days." G.L. c. 30A, § 22(c). Handwritten notes, depending on the condition they are in, may be considered a draft of the minutes that need to be produced, and "materials used in the preparation of minutes" are public records. See OML 2018-117; OML 2013-131; OML 2013-64; OML 2013-31. In the case of executive session minutes, if the public body has determined, prior to the request, that the requested executive session minutes may be released, it should respond to the requestor directly, notifying him or her whether those minutes are available. See OML 2013-105; OML 2013-99. If the body previously determined that executive session minutes should remain confidential because publication would defeat the lawful purposes of the executive session, it should respond by stating the reason why the minutes continue to be withheld. G.L. c. 30A, § 22(g)(2).

The complaint alleges that the Board failed to timely respond to Mr. Williston's March 31 and May 3 requests for the January 4 and January 14 executive session meeting minutes. A public body is only required to produce any meeting minutes which existed at the time of a request, whether in draft or approved form. However, a public body is not required to produce meeting minutes in response to a request that do not already exist. See OML 2020-151. If minutes do not yet exist at the time of a request, the public body is still required to respond to the request within 10 calendar days with an explanation of whether the minutes do or do not exist in either approved or draft form. See OML 2021-46.

In response to the March 31 request, the Board's Executive Assistant replied on the same day, stating "The Board of Selectmen executive session minutes for January 4 and January 14 have not been reviewed by the Selectmen or approved at this time." Counsel informs us that the minutes of the January 4 and 14 executive session already existed in draft form. However, the minutes had not been reviewed by the Board to determine whether release to the public was required. Because the Board responded on the same day and described the status of the executive session minutes, we find that the Board did not violate the Open Meeting Law. In response to Mr. Williston's May 3 request, we also find no violation of the Open Meeting Law, as the Board's Executive Assistant responded to Mr. Williston on the same day, explaining that the Board had reviewed the requested minutes on April 30 and concluded that continued non-disclosure was warranted under both the Open Meeting Law and Public Records Law.

3. The Board posted an insufficiently specific notice for an April 30 meeting.

The Open Meeting Law requires a public body to post notice of a meeting at least 48 hours in advance of a meeting that contains the date, time and place of such meeting and "a listing of topics that the chair reasonably anticipates will be discussed at the meeting." G.L. c. 30A, § 20(b). Executive session topics must be described, both in the meeting notice and in an

announcement during open session, in as much detail as possible without compromising the purpose for which the executive session was called. See G.L. c. 30A, § 21(b)(3); see also District Attorney for the N. Dist. v. Sch. Comm. of Wayland, 455 Mass. 561, 567 (2009) (“[a] precise statement of the reason for convening in executive session is necessary ... because that is the only notification given the public that a [public body] would conduct business in private, and the only way the public would know if the reason for doing so was proper or improper”).

One appropriate purpose for an executive session is “to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.” G.L. c. 30A, § 21(a)(7) (“Purpose 7”). A public body entering executive session under Purpose 7 must identify the specific law that requires the public body to keep its deliberations confidential unless doing so would compromise the purpose for the closed-door session. See OML 2015-55.

Mr. Williston alleges that the Board failed to properly identify the executive session topic on its April 30 meeting notice. We agree. The April 30 notice item stated, “Executive Session M.G.L. c. 30A, §21 (a)(7) – to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements and may or may not reconvene in open session.” We understand that the Board intended to review prior executive session meeting minutes during this executive session. Although this item on the meeting notice cited G.L. c. 30A, § 21(a)(7) (“Purpose 7”), it did not identify the specific law that required or authorized confidential deliberations or the nature of the anticipated discussion—i.e., review of executive session meeting minutes—nor did it identify the dates of the meeting minutes the Board planned to review. These additional details could have been included on the meeting notice without compromising the purpose of the executive session. See OML 2019-55. Therefore, we find that the Board violated the Open Meeting Law by posting an insufficiently specific notice for its April 30 meeting.

4. The Board failed to timely approve numerous sets of meeting minutes.

The Open Meeting Law requires that a public body “create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.” G.L. c. 30A, § 22(a). The meeting minutes must be reviewed and approved in a timely manner. G.L. c. 30A, § 22(c). “Timely manner” means “within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay.” See 940 CMR 29.11; OML 2018-48. Whenever possible, we recommend that minutes of a meeting be approved at the next meeting. See OML 2021-155.

Here, the Board concedes that the Board did not approve minutes for the Board’s special meetings of January 4 and 14, February 17, and March 15 or the Board’s executive sessions held on January 4 and 14, February 17, and March 15 within the later of the next three meetings or 30 days. In addition, as of December 2, the March 24 meeting minutes still had not been approved. We therefore find that the Board violated the Open Meeting Law by failing to timely approve numerous sets of executive session minutes.

CONCLUSION

For the reasons stated above, we find that the Board violated the Open Meeting Law by failing to release executive session minutes after the lawful purpose for the executive session had concluded, posting an insufficiently specific meeting notice, and failing to timely approve meeting minutes. We order the Board's immediate and future compliance with the Open Meeting Law and caution the Board that a determination by our office of a similar violation in the future may be considered evidence of intent to violate the Open Meeting Law.

We order the Board, within 30 days of receipt of this letter, to release the January 4 and January 14 executive session minutes, and any documents or exhibits used during the executive sessions, unless the attorney-client privilege or an exemption to the Public Records Law permits the Board to withhold the minutes, either in whole or in part. In addition, we order the Board to approve minutes of the March 24 meeting within 30 days of receipt of this letter, if it has not already done so.

Finally, in light of the variety of Open Meeting Law violations found here, we order all members of the Board to attend an Open Meeting Law webinar training provided by our office within ninety (90) days of the Board's receipt of this letter.⁵ We also order the Board to certify to our office that each Board member has completed the webinar training within ninety-five (95) days of the Board's receipt of this letter.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Board. Please feel free to contact the Division at (617) 963 - 2540 if you have any questions.

Sincerely,



Sarah Monahan
Assistant Attorney General
Division of Open Government

cc: Russell Williston (via e-mail: russwillistonpublic@gmail.com)
Lancaster Select Board c/o Chair Jason Allison (via e-mail: JAllison@lancasterma.net)

⁵ Information about our webinars can be found on the Attorney General's website:
<https://www.mass.gov/service-details/open-meeting-law-trainings>

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

APPOINTMENTS AND RESIGNATIONS

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Kathi Rocco

From: Alexandra Turner
Sent: Sunday, January 9, 2022 7:17 PM
To: vpetraccapublic@gmail.com
Cc: Jason A. Allison; Jay Moody; Jeff Nutting; Kathi Rocco
Subject: Re: Re-Organization of the Affordable Housing Trust

Thanks for your service. I trust Jeff has received your request and we will schedule this.

Alix Sent from my iPhone

On Jan 8, 2022, at 2:13 PM, vpetraccapublic@gmail.com wrote:

Dear Select Board,

Per Town of Lancaster bylaws, Article X "Affordable Housing Trust Fund", Section 17- 24 (B), the Affordable Housing Trust recently re-organized at its first meeting of the new year.

The Trust discussed 3 committee appointments currently held by the Chair at my request. We made the following changes to better balance this workload:

It was voted, pending Select Board approval & appointment:

- Trustee Frank Streeter to replace Chair Petracca as the Trust's representative to the North Lancaster Memorandum of Understanding Ad Hoc Committee
- Trustee Carolyn Read to replace Chair Petracca as the Trust's representative to the Memorial School Re-Use Committee

The Trust respectfully requests the Select Board formally appoint Frank Streeter and Carolyn Read to these respective roles at its next meeting on January 19, 2022.

It was also voted that I remain Chair of the Affordable Housing Trust for 2022 with Trustee Frank Streeter as Clerk.

Thank you,
Victoria Petracca, Chair
Lancaster Affordable Housing Trust

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.

Kimberly Shah
424 Langen Road
Lancaster, MA 01523

Lancaster Board of Selectmen
RE: Lancaster Recreation Committee Vacancy
695 Main St
Lancaster, MA 01523

To Whom it May Concern,

My name is Kimberly Shah, and I have lived in the town of Lancaster since December 2018. I have two children that attend Lancaster schools (Perkins Child Development Center and MRE), and as a family we have truly enjoyed our time in Lancaster and look forward many more years. Shortly after our move to Lancaster, I joined the Lancaster Youth Soccer Association board and have been a member ever since. It fills me with joy and excitement to be able to bring soccer to the youth in Lancaster. I have been looking for other ways to give back to the Lancaster community and it has come to my attention that there are vacancies on the Recreation Committee, and I would like to be considered to fill one of those spots.

The potential opportunity of being a part of the recreation committee would allow me to be a voice for the community and continue to contribute to the town of Lancaster.

Please consider me.

Sincerely,

Kimberly Shah
Resident, Town of Lancaster

From: Kimberly S <kimcelus@gmail.com>
Sent: Wednesday, January 12, 2022 2:13 PM
To: Kathi Rocco <KRocco@lancasterma.net>
Subject: Recreation Committee Vacancy

Good Afternoon,

David Carr had recommended I contact you in an effort to fill one of the Recreation Committee vacancies. Please see the attached request letter and let me know if there is anything else you may need from me.

Sincerely,

Kimberly Shah

[424 Langen Road](#)

[Lancaster, MA 01523](#)

kimcelus@gmail.com

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.

Kathi Rocco

From: michelle currier <mcurrier693@gmail.com>
Sent: Wednesday, January 12, 2022 2:42 PM
To: Kathi Rocco
Subject: Re: FW: Recreation Committee Vacancy

Hello Kathi,

Yes! She is approved by the Committee. She will be a great addition to the team.

Thank you!
Michelle

On Wed, Jan 12, 2022 at 2:20 PM Kathi Rocco <KRocco@lancasterma.net> wrote:

Hi Michelle

Please see the attached and let me know if Recreation Committee has approved this to go before the Select Board.

Thank you.

Kathi

Kathleen Rocco

Executive Assistant / Records Access Officer

Lancaster Select Board

701 Main Street, Suite 1

Lancaster, MA 01523

T: 978-365-3326 x 1201

www.ci.lancaster.ma.us



IX. LICENSES AND PERMITS



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

Annual License Fee - \$125.00

Selectmen's Office
Date Received

JAN 05 2022

Board of Selectmen

APPLICATION FOR LICENSE COMMON VICTUALLER

New Application ☐ Renewal ☒

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a Common Victualler's License, in accordance with the provisions of Chapter 140 of the General Laws.

Applicant's Full Legal Name: Eric Macellar
Applicant's Legal Home Address: 105 Rowley Hill Rd, Sterling, MA 01564
Applicant's Mailing Address (if different): _____
Applicant's Home Telephone Number: _____ Cell Phone: 508-733-7966 Fax No. _____
Applicant's E-Mail Addresses: Primary emacellar@gmail.com Secondary _____
Full Legal Name of the Business Concern: EJ Mac Inc 20-8700388
Full Street Address of the Business Concern: 162 Main Street, Lancaster, MA

Give a complete description of all the premises to be used for the purpose of carrying on the business (e.g. number of dining rooms, cooking facilities, etc.): full service restaurant
1 dining room 1 kitchen

Have you ever applied for or held a Common Victualler's license? Yes (Yes or No)

If so, in what Town? Lancaster, MA

Did you receive a license? Yes (Yes or No) For what year? 2020

Has any Common Victualler's license issued to you in Massachusetts or any other state ever been suspended or revoked? no
(If yes, please explain in detail)

Attach the following information to the completed application form:

- ☐ Building floor plan showing all seating, bar or lounge area (if applicable), entrances, exits, loading dock or receiving areas, and other relevant information. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ Site Plan (scaled 1" = 40 ft.) showing all available parking, driveways, lighting, and location of trash containers. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ Menu or description of food to be served and the manner in which such food shall be served.
- ☐ Zoning Opinion from the Building Commissioner.
- ☐ Planning Board and/or Board of Appeals Decisions (if applicable).

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



Signature of Applicant

1/1/22

Date

License Fee must be submitted with this form. Make check payable to *Town of Lancaster*. Mail Application Form, Workers' Compensation Affidavit and all required documents, along with check to: *Board of Selectmen, P.O. Box 293, 695 Main Street, Lancaster, MA 01523*.

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



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

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

Applicant Information

Please Print Legibly

Business/Organization Name: EJMacelINC

Address: 105 Rowley Hill Road

City/State/Zip: Sterling, MA 01564

Phone #: 508-733-7966

Are you an employer? Check the appropriate box:

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

Business Type (required):

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

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

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

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

Insurance Company Name: Berkshire-Hathaway Guard Insurance

Insurer's Address: P.O. Box AH

City/State/Zip: Wikes-Barre, PA 18701

Policy # or Self-ins. Lic. # EJWC249121

Expiration Date: 10/22/22

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

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

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

Signature: _____

Date: 10/11/21

Phone #: 508-733-7966

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

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

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

Contact Person: _____ Phone #: _____



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

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

Orlando Pacheco, Town Administrator
Kathleen A. Rocco, Executive Assistant

October 18, 2021

TO: EJ Mace, Inc. dba Sandee's Restaurant
FROM: Office of the Select Board and Town Administrator
SUBJECT: 2022 License Renewals

Enclosed, please find application(s) for renewal of your current license(s) due to expire on December 31, 2021, and applicable fees as follows:

| <u>LICENSE</u> | <u>FEE</u> |
|-------------------|------------------------|
| Common Victualler | \$100.00 |
| TOTAL DUE | <u>\$100.00</u> |

Please forward completed application(s), include your Tax ID# or your Social Security Number on the application (required by the Department of Revenue), and forward to the Office of the Select Board with payment, checks payable to the Town of Lancaster, **NO LATER THAN MONDAY, NOVEMBER 15, 2021. APPLICATIONS WITH INCOMPLETE INFORMATION WILL BE RETURNED.**

Should you have any questions please feel free to contact our office via email at krocco@lancasterma.net or phone 978-365-3326 (extension 1201).

Enclosures



TOWN OF LANCASTER
SELECT BOARD

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

Annual License Fee - \$200.00

SELECT BOARD'S OFFICE

Date Received

JAN 03 2022

Board of Selectmen

APPLICATION FOR LICENSE
SALE OF MOTOR VEHICLES
G.L. c.140, §58

New Application ___ Class 1 Class 2 Class 3 Renewal X

Circle all that apply

1. Name of Concern: United Ag and Turf NE, LLC
2. Business Address of Concern: 216 Center Rd. Fairfield, ME 04937
3. Is the business an individual, partnership, an association or corporation? Corporation LLC
4. If an individual, state full name and residential address: _____
5. If a partnership, state full names and residential addresses of partners: _____
6. If an association or corporation, state full names of the principal officers:
President Scott Miller
Secretary _____
Treasurer _____
7. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? yes
If so, is your principal business the sale of new motor vehicles? yes John Deere Tractors
Is your principal business the buying and selling or exchanging of second hand motor vehicles? no
Is your principal business that of a motor vehicle junk dealer? no
Is your principal business that of a "Repairs"? no
Is your principal business that of "Repossession"? no
8. Provide a complete description of all the premises to be used for the purpose of carrying on the business:
John Deere Tractor Dealership
9. Are you a recognized agent of a motor vehicle manufacturer? YES X NO _____
If yes, state the name of the manufacturer: John Deere Company

Class I, II, III License Application Form

10. Do you have a signed contract as required by Section 58, Class I? YES ☒ NO ☐
11. Have you ever applied for a license to deal in secondhand motor vehicles or parts thereof? YES ☒ NO ☐
 If yes, in what city or town? Lancaster, MA
 Did you receive a license? YES ☒ NO ☐ For what year? 2021
12. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES ☐ NO ☒ If yes, please explain: _____

Attach the following documentation the completed application form:

- ☐ Parking Plan (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ Site Plan (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ Zoning Opinion from the Building Commissioner.
- ☐ Surety Bond in the amount of \$25,000 executed by a surety company authorized to transact business in Massachusetts. A separate bond shall be required for each different name under which the dealer conducts his business.
- ☐ Planning Board and/or Board of Appeals Decisions (if applicable).

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE 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 LICENSING 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.

[Signature] DATE SIGNED 12/20/2021
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE
 OFFICER OR APPLICANT
84-4092767
 FEDERAL IDENTIFICATION NUMBER (REQUIRED)

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

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



The Commonwealth of Massachusetts
Department of Industrial Accidents
1 Congress Street, Suite 100
Boston, MA 02114-2017

www.mass.gov/dia

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

Applicant Information

Please Print Legibly

Business/Organization Name: United Ag and Turf NE, LLC
Address: 216 Center Rd.
City/State/Zip: Fairfield, ME 04937 Phone #: 207-453-7131

Are you an employer? Check the appropriate box:

1. ☒ I am an employer with 850 employees (full and/or part-time).*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity.
[No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

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

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

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

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

Insurance Company Name: Federated Insurance

Insurer's Address: 121 East Park Square

City/State/Zip: Owatonna, MN 55060

Policy # or Self-ins. Lic. # 1805444

Expiration Date: 5/3/2022

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

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

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

Signature: Chloe Pham

Date: 12/21/2021

Phone #: 207-396-9500

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

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

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

Contact Person: _____

Phone #: _____

www.mass.gov/dia

